

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 5, 2004**

The Vanderburgh County Board of Commissioners met in session this 5th day of January, 2004 at 5:34 p.m. in Room 307 of the Civic Center Complex.

Call to Order

Commissioner Mosby: Are we on? Okay. I would like to call to order Board of Commissioners meeting of Vanderburgh County for January 5, 2004. Introductions are as follows, Tammy was here. Tammy McKinney, Superintendent of Buildings will be back in the room in a minute; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Commissioner Fanello: There he is.

Commissioner Mosby: Please let the record reflect that we now have Counselor, Kevin Winternheimer with us, and let the record reflect that the Superintendent of Buildings, Tammy McKinney, is in the room.

Approval of December 29, 2003 Commission Minutes

Commissioner Mosby: Motion to approve the minutes of the December 29, 2003 Commission minutes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

Commissioner Mosby: I have a motion and a second, so ordered.

Election of Officers

Commissioner Mosby: Next, we have election of officers for 2004.

Commissioner Fanello: You have to make a motion.

Commissioner Mosby: I guess, can I make a motion, as President? I would make a motion that Commissioner Fanello would serve as President for the year 2004.

Commissioner Crouch: Second.

Commissioner Mosby: So ordered.

President Fanello: I would make a motion that Commissioner Mosby would serve as Vice President for 2004.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: I was going to say (Inaudible). Oh, the name tags are different.

Resolution Concerning 2004 Meeting Dates

President Fanello: Okay, Commissioners resolution concerning 2004 meeting dates.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Board Appointments

President Fanello: Board appointments, we have a list of four boards, the electrical board of examiners, EMA advisory council, the HVAC board, and the home inspector licensing board. These are all the same individuals that were appointed last year.

Commissioner Mosby: I would make a motion that we would appoint Bill Ball, Tom Guth, and Gary Stute to the electrical board of examiners; John Buckman, Sheriff Ellsworth, and David Alexander to the EMA advisory council; Wayne Ravellette, John Dillingham, and Don Merle to the HVAC board of examiners; and Ron Dauby and Rob Cahill to house inspector licensing board.

Commissioner Crouch: Second.

President Fanello: So ordered.

County Job Application

President Fanello: The next item is the county job application. I believe the attorney has reviewed this. I believe, Kevin, correct me if I'm wrong, but this was a suggestion of, came along with the suggestion of our personnel policy recommendations from Baker and Daniels.

Kevin Winterheimer: That's correct, yes.

President Fanello: Okay. Does anybody have any questions?

Commissioner Crouch: Excuse me, just a couple, two points and they may not be anything. Is there, on the back when you have to attest to how, to everything regarding this application, it says that it will be kept active for 30 days. Is that just, is that too short of a period? I know that in the Auditor's office we often times would keep applications for a year. I didn't know if we agreed to 30 days, and after 30 days we need to have them reapply?

President Fanello: I think that's, is that at the boards discretion?

Kevin Winterheimer: That's at your discretion. You can keep them for longer than that, or you can encourage people to reapply. It's however you want to do the process.

President Fanello: Anybody have any suggestions?

Kevin Winternheimer: It's really at your discretion. Whatever you want.

Commissioner Crouch: Do we need, do you need a time period?

Kevin Winternheimer: Well—

Commissioner Crouch: It just seemed that 30 days was a little short.

President Fanello: How about 90 days?

Commissioner Mosby: I mean, that's fine.

President Fanello: Because sometimes their information changes. So, you know, it might be nice to have them come back in and reapply if they see another position that they are interested in.

Commissioner Crouch: Yeah, I think if they are applying for one particular position, 90 days is...to make it a little more reasonable.

President Fanello: There were a couple of questions I had, Kevin. One was on number four on that same page. It says;

“I understand that if I'm hired, I will be required to undergo a physical examination and drug screen.”

Should that not say, I may be required to undergo a physical examination and drug screen? Because not all applicants are drug screened, and not all applicants go through a physical examination.

Kevin Winternheimer: Then we should change that to may.

President Fanello: Okay. Then, number six, it asks for a title.

“I understand that no representative of the County, other than, whomever, has the authority to enter into any employment agreement.”

Kevin Winternheimer: It's been a while since I've looked at this. It was before the holidays. Let me take a second here. It should be the Commissioners.

President Fanello: Okay. Are there any other questions?

Commissioner Crouch: The only other issue is, I know that with our personnel policy it was an issue with military people. Do we need any kind of a statement regarding military service duties in this? Or would the fact that we have it in our personnel policy suffice? Preference being given to a military hiree.

Kevin Winternheimer: You could add it in, if you like, a box that would say military service and whatever information you want. What branch of service, duration, if you want to consider it on this. This is a general information sheet. It doesn't have to be in there, you could gather it, you know, if you interview them, or what have you, get the information at that point. It can be done either way.

President Fanello: More than likely they would probably put it on their prior history, but...did you have something?

Commissioner Mosby: No.

President Fanello: We can look at putting it in there.

Commissioner Mosby: I would just get that information through the interview.

Kevin Winterheimer: That's fine.

Commissioner Mosby: I mean, I don't see where it would be pertinent to this.

President Fanello: We would have to make sure it's appropriate...if it's okay to put it on there. I know when they went through and revised the application, they revised it because some of the things we had on our prior applications were outdated, as far as changes in employment law, and things like that.

Commissioner Crouch: Well, not to belabor this, I would make a motion we approve it with the changes noted, and then with the attorney checking to see if we need to have anything there on military, if so, to add it, otherwise to go with it as it is.

Commissioner Mosby: Second.

President Fanello: Okay. So ordered.

Jobe's Lane Grant Agreement

President Fanello: The next item is the Jobe's Lane grant agreement. It's just an agreement outlining the stipulations of the grant we received from the state of Indiana regarding the Jobe's Lane grant. Are there any questions?

Commissioner Mosby: Have you seen this?

Kevin Winterheimer: Yeah, I have no problem with it.

Commissioner Mosby: As long as Kevin's looked at it. I don't have a problem with it. I would make a motion to accept the grant agreement.

Commissioner Crouch: Just being consistent, I'll decline.

President Fanello: Okay. I'll make a motion to accept the \$141,750 grant from the state for this project. Second, and so ordered.

Commissioner Mosby: Okay, I was going to say, I made the motion.

President Fanello: I've got to get back into President mode here.

Public Comment

President Fanello: Is there any public comment?

Cecil Sills: My name is Cecil Sills. I work for the Vanderburgh County Highway Department. What I wanted to address is a situation, not particularly with...I'll go through this, it's one with direct deposit where I work. But, I don't want to belabor that. I want to ask about the situation, and I stand a little bit unprepared, but I have that, and I can have it in Dennis Hudnall's hand tomorrow, about a grievance I filed against that, in my situation, and a situation of where that the monies will not be taken out and put into a certain bank if we don't have direct deposit. When that came out we had a choice, and now it seems as though, in my contract, and that's where I stand unprepared, I'll have that, it does say that the bank, which is Sterling Credit Union, that I can deem how much I take out, and it can be done in a savings. Now, if we go strictly with direct deposit, that's okay, but we had a choice with that. Some people don't have it there. There's a few that don't have it. I don't choose to have it, because I need money in hand on Fridays or Thursdays whenever that comes out to take care of business like gas for my vehicles, my mother-in-law which is somewhere in 90 years old I have to take care of, and that's not, I'm just throwing that out for 'ya. But, all I would be doing here, with direct deposit, let's say it would be \$300, I would be going out and drawing \$275 out that evening, and leaving just enough to hold that account open if that's what, that is, you know, you all want in the situation. But, I don't want to choose to have that. What I'm asking to do, or for you to make a decision on...I went to Kirk Humphrey on this, he's went through, evidently, his union representative about this, and he hadn't gotten any feedback on it, so to speak. Now, I don't know any other way to resolve it, and, so, and I'm not sure if it will get resolved tonight, or this evening. But, what I am asking is, when it states in our contract that we agreed to, and, evidently, you have read and agreed to, that when it states a certain bank that you can take out...you deem or I deem how much that is to be, we come back and take direct deposit, which they are saying more or less that's going to be mandatory, but in our contract we can't do that. We can't put this monies, or I can't, in Sterling Credit Union without making a whole direct deposit of doing that. Do you understand what I'm saying here? It has to be a full direct deposit, and go into that bank before that withdrawal will be made. It can be just taking out, say \$20 this week, or whatever it is, you give me the rest of the check and hand it to me, as you would, you know, pass out at work. It has to all go in or it doesn't get taken out. I came up and talked to the people, I'm not sure of the names of the people, but two ladies that were taking, evidently taking this monies out, and I talked to them, a lady came up with me and talked with them, and I just...after we had talked a while I made the statement, I said, well, then who's idea, or who's responsible for not doing this, and they said ours. Now, we can't change a contract right in the middle of the stream. We have to make a decision one way or another. I'm just here to ask you to help me understand how this can happen. I'm not against direct deposit. That's good. If I have to go there, and do this a different way, I guess I'll have to, but what I'm trying to understand is on the contract how that can change. I'll have that in Dennis' hand tomorrow where that states and stipulates what I'm talking to you about tonight. So, I guess my full intent tonight was to find out actually if we have something that is said, we need to follow that. If we don't, or if it is in a grey area, then it can, you know, we can all have a choice of that if it's just a grey area. But, I don't know anything else that I have to say on it, but I wanted....I've went to every extreme I know...I went to Kirk, I've come up here, I've talked to a couple of these ladies about this, I've...he says that he's never been gotten back with on the union side of it he hadn't gotten back with. The grievance I filed wasn't anything mean or anything, it was just to understand why this is happening and nothing is getting done, and still isn't that I know about. That's the reason why I'm presenting it to you. I guess, I'll leave it at this, really the main thing that I wanted to say is if we can change one area, then we can more or less can

change anything, can't we? We've got a contract, but if we change that in any area, it isn't being upheld is it? That's my comment.

President Fanello: Kevin, do you know what he's talking about?

Kevin Winterheimer: Let me see if I understand this, what you want to do is you want to take your pay and have part of it issued in a check and part of it direct deposited? Is that what you're saying you want?

Cecil Sills: Yes, sir. Yes, sir. No, no, no, not direct deposit. I don't know if you're calling that, it's a savings, well, I guess you're talking about the same thing, that is direct deposit, I guess.

Commissioner Mosby: You're just wanting a deduction to the credit union.

Cecil Sills: Yeah, that's all.

Commissioner Mosby: That's exactly what we do.

President Fanello: And the union contract states something in regards to—

Kevin Winterheimer: I would have to look at it.

Cecil Sills: Well, I'll have it...if you need it, I've got it at work. I just stand unprepared, because I was going to bring it and I didn't. It is there, I've got it marked, and I can have it in Dennis' hand tomorrow, if you guys, I mean, if you want it.

President Fanello: I think all of us would have to review the contract again. It's been a while since we've looked at it.

Cecil Sills: If it does deem that, are you willing to agree to that?

President Fanello: Well, I think we have to look at the contract.

Cecil Sills: No, I'm not asking—

Commissioner Mosby: I think we ought to defer to the Auditor for a minute.

Commissioner Crouch: (Inaudible. Mic. not on.)

Cecil Sills: Well, and that's what I'm up here tonight for. If it's there, then we live by it. If it, I mean, because we've got another year to go and we can do something about it next year, if that's the case, but we've still got this year. So, if you have any questions of me, that's what I wanted to present to you.

Commissioner Mosby: Bill, do we not make deductions?

Bill Fluty: Maybe I can help a little bit—

Commissioner Mosby: Okay.

Bill Fluty: —because I do have a little bit of background on this, on direct deposit. I think I met with Rick Voyles and Kirk Humphrey on this subject, and I talked to you,

Kevin, back in, after the meeting I had with Kirk, then, I think we had five or six different issues back in November, and we haven't gotten, I think we've resolved a few of them, but I don't think we did this one. Do you remember that meeting?

Kevin Winternheimer: I remember we talked about several issues, but direct deposit I don't know.

Bill Fluty: I was actually at a legislative meeting when they were changing legislation and hurried back and we talked about it briefly then. We haven't resolved all of those issues. I think what I asked was that if you could look at that section in the contract—

Kevin Winternheimer: Okay.

Bill Fluty: —and just say if, interpret that in the way whether it works for Cecil or it's going to be the other way around. We actually do direct deposit for, we have 65% of the employees on direct deposit, that's a cost savings to the county. I think it was over, all union employees with the exception of ten to 11 at the highway are on direct deposit, and that's a cost savings. We actually do direct deposit, if Cecil would go on direct deposit his whole check would go into the bank, and then actually we would move that money to Sterling Credit Union in direct deposit, but we don't do payroll deductions, which means some money goes to Sterling Credit Union, and we also issue a check. Because you would kind of lose the benefit of direct deposit if you're doing that, because you're actually doing direct deposit for them and you're actually cutting a check. So, you have a mixed issue there. But, if you'll look at that and we'll get back with him. That's where it was left. We just haven't gotten back with him.

Commissioner Mosby: Okay.

Cecil Sills: All I was saying was is, without cutting in to what you're saying, all I am really interested in is how the contract states it. So, now when you read that, it changes the whole ball game. I mean, and I don't have it with me, that's why I stand a little unprepared, but I, you know, didn't bring it tonight. So, I apologize for that.

Bill Fluty: I think that's where we left it, that part of how it's interpreted, we felt that we're complying with it, and we can send your money to Sterling Credit Union without entering a payroll check. That's where we are.

Commissioner Crouch: Well, I'll make a motion that we instruct the County Attorney to research that, and that then to advise the Auditor, and Mr. Hudnall, and the Commission as to the outcome. Whether that complies with the contract.

Commissioner Mosby: Second.

President Fanello: So ordered. So, we'll get back to you, Cecil.

Cecil Sills: Thank you.

President Fanello: Thank you.

Cecil Sills: Appreciate you listening.

Commissioner Mosby: Thanks.

President Fanello: Is there any other public comment?

Don Burton: Good evening. My name is Don Burton. I represent Mill Terrace Subdivision where you approved the reconstruction of our two streets of Westchester and Whittman Drive. I personally want to thank you, Kevin Winternheimer, County Commissioners, John Stoll and the Engineer's department on the job that was done. For the neighborhood I want to again thank you for that. I had two reasons to be here, was that, and I had talked to Kevin Winternheimer, the streets are in excellent condition now, we had speeding problems when they were in bad condition, now we've got a drag strip, which I had a good idea that was going to happen. So, the reason why I'm here is to petition the County Commissioners on setting and posting the speed limit at 20 miles an hour. I do have a petition that I went around...do you want these?

President Fanello: Kevin, do we need to take those?

Kevin Winternheimer: Yeah, you can go ahead and receive those, and then discuss it.

Don Burton: There are six copies there.

John Stoll: I was going to say that one thing that we'll need to do would be request EUTS to do some speed studies—

President Fanello: Okay.

John Stoll: —because the way the ordinance is written right now, since that's a platted subdivision, the default speed limit for that sub would be 30 miles an hour. If we go lower than that, we just need to gather some speed data through EUTS to make sure that we're posting it for an appropriate speed.

President Fanello: Okay. So, that's what we need to do tomorrow morning then is send it down to Rose. Okay, we'll work on that.

Don Burton: Okay. Thank you.

President Fanello: Thank you. I'm glad you're happy.

Commissioner Mosby: Thank you.

Kevin Winternheimer: If I might, just for your information on it, this weekend I was working on the assessment roll and will be getting that out to sending it, as well as advertising it in the newspaper, and all the neighbors, then they'll see what it's going to cost each per lot, I believe there was 32. At that point, or now they should be thinking about, they will have the option to pay it off within 30 days after they get the assessment roll, or take a 10, 20, or 30 year pay back. So, they should kind of be thinking about that.

Don Burton: I went around, actually four weeks ago, and tried to take a poll on how everybody felt—

Madelyn Grayson: Mr. Burton, can you come to the microphone please?

Don Burton: I'm sorry. There was mixed emotions on that, so, I really can't give you a direct—

Kevin Winternheimer: Right.

Don Burton: —flat answer of what everyone is going to do.

Kevin Winternheimer: I just might say that you're doing good. You're having them think about it.

Don Burton: Yes.

Kevin Winternheimer: That's what we want them to do, because they will have to make an election. If they do nothing, and the time hasn't started running—

Don Burton: Right.

Kevin Winternheimer: —but if they do nothing, then it will be due, I believe it's within 30 days after we send them the final bill, but they can elect to take a 10, 20, or 30 year pay back.

Don Burton: Okay.

Kevin Winternheimer: We'll be sending a document for them, if they've made up their mind, to check off, because the county is going to have to finance this. So, when we go to the bank, they will want to know are you going...how many are going to be at 10 year, you know, the bonds may be issued at different pay back periods, 10, 20, and 30.

Don Burton: Right.

Kevin Winternheimer: So, we're going to kind of need to know how many want to go 30, how many 20, how many 10 and how many just want to pay it off. If they pay it off they won't accrue any interest. If they don't pay it off immediately—

Don Burton: Correct.

Kevin Winternheimer: —then they have to pay the interest that the county has to pay.

Don Burton: Is there a certain financial facility that you will go to?

Kevin Winternheimer: We're going to use one of the local, well, I assume we'll use one of the local banks.

Don Burton: Whoever has the cheapest percentage rate.

Kevin Winternheimer: Right. Right.

Don Burton: I really don't know who that is.

Kevin Winternheimer: It's such a small issue that it will probably be done through one of the local banks, whoever will give us the best rate.

Don Burton: Yeah.

Kevin Winternheimer: They are pretty, all pretty well competitive.

Don Burton: Will the whole neighborhood have to come to a meeting—

Kevin Winternheimer: No.

Kevin Winternheimer: —and...just do it through mail then?

Kevin Winternheimer: Right. We'll...once they, we mail them, or send them out notice that we're going to have a hearing on what the assessment is, they can come in and protest and say we think you spent too much money here or there. I mean, most of the cost is the construction cost and we have all the figures. We can show you what the bills are. But, they have the right to protest saying that you spent too much money doing this, or doing that. That it's too high, or doesn't meet legal guidelines. After that they will establish how much each lot is going to pay, I don't have the exact figure in my head, but they all are going to be paying the same amount—

Don Burton: Right.

Kevin Winternheimer: —and then they'll have, I believe it's 30 days to decide. We'll give them a form and say here, check off here what you want.

Don Burton: Okay.

Kevin Winternheimer: Pay it back immediately, 10, 20 or 30 years. So, we can take that, go to the bank and say we're going to have, you know, ten of them at 30 years, ten of them at 20, and ten at 10, or whatever the case may be.

Don Burton: Okay.

Kevin Winternheimer: The bond will probably be, like I said, three different pay back periods. Probably the longer the payback period, a little higher the interest, because everybody is gambling on what the interest rates will be over the next 30 years. So, the bank takes that into consideration.

Don Burton: There was a maximum on that of \$265,000, I believe.

Kevin Winternheimer: I believe it was \$285,000, wasn't it?

Don Burton: Well, it was \$205,000 on—

Kevin Winternheimer: It was \$285,000?

John Stoll: Right.

Don Burton: \$285,000?

Kevin Winternheimer: Yeah.

Don Burton: So, it actually can't go over that.

Kevin Winternheimer: Can't go over that. Yeah.

Don Burton: They know about that.

Kevin Winternheimer: Yeah.

Don Burton: So, okay. I guess that's it.

Kevin Winternheimer: So, I appreciate that, giving them time to think about that.

Don Burton: Yeah.

Kevin Winternheimer: Because they will have to decide on their own financial situation, what's in their own best interest, but they have those options.

Don Burton: Okay. So, they should be getting that within the next couple of weeks?

Kevin Winternheimer: I should be getting it done within the next couple of weeks—

Don Burton: Okay.

Kevin Winternheimer: —and then we'll set a hearing after that.

Don Burton: Okay.

Kevin Winternheimer: We'll publish notice in the newspaper, but it's not required, but I'm going to send it to everybody. There's 32 lots. We'll send it to every homeowner, showing, notifying when the hearing is, and tell them what the preliminary assessment is, so they can see the figure and know what it is.

Don Burton: Okay.

Kevin Winternheimer: They don't have to come down, but if they want to they can.

Don Burton: Okay. Alright, thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you, Don.

President Fanello: Is there any other public comment?

Old Business

President Fanello: Old business.

New Business

President Fanello: New business.

Commissioner Crouch: I have a little piece of new business. It could be old business, I guess. The Commissioners publicly don't agree on everything, but I think we all would agree that I-69 is a top priority not only with the state, but with our local government. In fact, recently Governor Kernan announced the need for proper planning along the I-69 corridor, and his commitment for financial assistance to

achieve that. I would like the Commission to consider, it's nothing we have to decide tonight, but consider perhaps starting the process to allow for that planning along I-164, and perhaps even pursue partnering with other counties to achieve that. So, I'm just putting that out on the table, and something to consider for the future.

Commissioner Mosby: Okay.

President Fanello: We can do that. I think we're going to need an Executive Session next week, is that correct?

Kevin Winternheimer: If we could do it in two weeks. I talked to Tim and he checked his schedule and next week is not possible. If you have—

President Fanello: I think we will not, yeah, that would be a holiday.

Kevin Winternheimer: Oh, okay.

President Fanello: So, January 26th, will that be okay?

Kevin Winternheimer: That's fine.

President Fanello: Okay. 5:00 or 5:15?

Kevin Winternheimer: 5:15. Fifteen minutes should be fine.

County Engineer

President Fanello: Department head reports. County Engineer.

John Stoll: I don't have any report this evening, unless you have questions on anything.

President Fanello: No.

John Stoll: I'll keep it short too.

President Fanello: Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway. Now you have to meet the challenge here, Dennis.

Dennis Hudnall: Okay. I've got one thing. Good evening, Dennis Hudnall, County Highway. Last week the County Attorney, Kevin Winternheimer, opened some bids for mowers and some tractors. I compared the bids and we're going to accept the most...let's see here, let me see where I'm at here. Okay, we're going to take the cheapest bids, instead of, because they both came in pretty well to whatever the specs said. I'll read those off for the record, Deed's bid on the flail mower, \$12,960. Stephen's Equipment bid \$17,155. Therefore, Deed's, I recommend Deed's get the bid on the flail mower. On the side mount rotary mower, Deed's bid \$11,920, and

Stephen's bid \$12,796. Therefore, I recommend Deed's get the bid on the side cut rotary mower. On the tractors, which was the bid for two tractors, there were only two bids submitted. One was from Southeastern Equipment, and one was from Stephen's. Southeastern's bid was a total of \$105,800. Stephen's bid was \$98,000, therefore, I recommend that we purchase the tractors from Stephen's. That's all I have on those.

Commissioner Mosby: I would make a motion that we go with Deed's on the mowers and Stephen's on the tractors.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dennis Hudnall: Thank you.

President Fanello: Thank you, Dennis.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: I have nothing further. That's all.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I don't have anything to report.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Burdette Park. Other than my work sheets, I don't have anything to report.

President Fanello: Any questions?

Commissioner Mosby: I don't have any.

President Fanello: Okay, thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

Commissioner Mosby: I make a motion that we accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: And a motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:03 p.m.)

CONSENT ITEMS:

Travel Requests:

Auditor SWCD

Employment Changes:

Auditor German Assessor Knight Assessor
Weights & Measures

Requests for Telephone Service: Treasurer.

Center Assessor: Surplus of Printer.

Commissioners: Quit Claim Deeds from Commissioners Sale.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Cecil Sills	Don Burton
John Stoll	Dennis Hudnall	Steve Craig
Others Unidentified	Members of Media	

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 12, 2004**

The Vanderburgh County Board of Commissioners met in session this 12th day of January, 2004 at 5:35 p.m. in Room 307 of the Civic Center Complex with President Fanello presiding.

Call to Order

President Fanello: Call to order Board of Commissioner meeting January 12th. Introductions are as follows, to my right, Patty White, Commissioners Office; County Attorney, Kevin Winternheimer. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of January 5, 2004 Commission Minutes

President Fanello: Do I have a motion to approve the minutes?

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

Award APA017-2004: Guardrails, Pipes and Bridge Culverts

President Fanello: Bid advertisements, Phil Lawrence.

Phil Lawrence: Good evening, Commissioners. I hope everyone's new year is going splendid.

President Fanello: Just peachy.

Phil Lawrence: Just peachy? Good. I would like permission to award APA017-2004. That's the guardrails, pipes, and bridge culverts. PVC Plastics was the low bidder on the plastic pipes. M & W was the low bidder on concrete pipes, and CPI was the low bidder on aluminum pipes, guardrail, and steel bridges.

Commissioner Crouch: Motion to approve.

President Fanello: Second, and so ordered.

Phil Lawrence: Thank you.

President Fanello: Thank you, Phil.

Finance Board Meeting

President Fanello: I skipped an item, the finance board meeting, and I see Z. Tuley is here.

Z. Tuley: Good evening. I'm Z. Tuley, the Vanderburgh County Treasurer. As instructed by law, we are to meet annually. I presume, and this could be a bad thing, that your year-to-date and interest earned was already distributed in your packages? Because I brought them up earlier.

President Fanello: I don't have one in mine.

Z. Tuley: You don't have one?

President Fanello: No.

Z. Tuley: It should have been....it was brought up last week.

Patty White: (Inaudible. Mic. not on.)

Z. Tuley: Oh, it went directly to their boxes. Okay.

President Fanello: Did you get it?

Commissioner Crouch: Yes, I did, thanks.

Z. Tuley: Okay, so you'll get them. Did anybody have any questions about it? I didn't come prepared with any kind of formal statement, or anything. Typically, at this time, we go ahead and appoint a president to the board and a secretary. In the past the Treasurer has always remained the president, and anytime that you guys want to change something or want me to entertain something, I'm willing to listen and really willing to work with you. Typically, in the past, we have elected the Auditor's office to go ahead and be secretary, since they're already here and kind of perform those duties anyway.

Commissioner Crouch: I'll make a motion that we appoint the Treasurer as president of the Finance Board, and the Auditor as secretary.

President Fanello: And I'll second and so order.

Z. Tuley: Thank you.

Madelyn Grayson: Z, I will need a copy of that for the record. The year-to-date information.

Z. Tuley: A copy of the law?

Madelyn Grayson: Whatever information you gave the Commissioners.

Z. Tuley: I'll give you mine, and I'll get another one.

Madelyn Grayson: I can copy it and give it back to you tomorrow if you need that.

President Fanello: The next item of business is board appointments, and I've got those typed out. These are annual, well, two of the boards are annual board terms; construction and roofing board; John Peninger and Brent St. Clair and George Hoffman. These were the same individuals who served last year. Parks board, Ed Ziemer has turned in a resignation, since he has taken a position with the city. So, I'm suggesting Don Walker. Airport Authority board, Paul Wallace is resigning as he has become the Airport Authority board attorney, and Southwest Indiana Regional Development Commission, our appointment last year was Jonathan Weinzapfel, and I propose the same appointment for this year.

Commissioner Crouch: Motion to approve.

President Fanello: Do I have a second.

Commissioner Mosby: Second.¹

President Fanello: So ordered.

Rob Kerney: Office of Disability Services

President Fanello: The next item is Rob Kerney, office of disability services.

Rob Kerney: Thank you for letting me come and speak to you tonight. I came and spoke to you a few months ago about the possibility of opening up an office of disability services. That would be a joint venture between the city and county governments. Since then I've also been to the County Council, and upon their recommendation have started working on putting a committee together in order to weigh the foundation and also the policy, the job description, and so forth for such a position. We currently have two service providers, one that works with SWIRCA, with the geriatrics, and one who works with people of disabilities of all types. A parent, Don Counts, who's with me tonight, of a person with a disability, and four people with different types of disabilities, looking for a fifth of a hearing impairment. We've come tonight to see if the County Commissioners would care to place a member on the committee, or if you would like for us just to run with your well beings, I guess, would be the question.

President Fanello: Does anybody have a suggestion?

Commissioner Crouch: Are we looking for an individual with a hearing impairment, is that what you're wanting a recommendation on?

Rob Kerney: No, we're actually still looking for, and have a couple of possibilities, we're just wanting to know if the Commissioners would like to appoint, and it doesn't necessarily have to be a Commissioner, a representative to the board just to keep things updated, or to invite you to appoint somebody to the board, if you would like. Or to the committee.

Commissioner Crouch: What about, I know Tammy is awfully busy, but she would be a good suggestion, if she's not too busy. Tammy.

President Fanello: Tammy McKinney.

¹Let the record reflect Commissioner Mosby joined the meeting at 5:40 p.m.

Commissioner Crouch: I don't know if she's too committed.

Patty White: (Inaudible. Mic. not on.)

President Fanello: Okay, well, why don't we check. Tammy or Patty could take up that responsibility. Why don't you give us a week to check it out, Rob—

Rob Kerney: Okay.

President Fanello: —and then we'll make a suggestion.

Rob Kerney: Also, we would like to come to you to ask to see if we could request free use of the Governor's Parlor in the Old Courthouse to conduct our meetings in.

Commissioner Crouch: What is our policy, typically?

President Fanello: I don't remember what the rental rate is without Tammy being here. But, we do have a rental rate for that office.

Rob Kerney: I'm thinking it's somewhere around \$35 to \$50.

President Fanello: That sounds about right.

Rob Kerney: With this being a volunteer committee—

President Fanello: How many meetings would you be having?

Rob Kerney: Probably once a month, for the next six months. If you would like to take it under advisement, I can get back with you next week on it also. That would be fine.

President Fanello: Why don't you let us do that, and let us see how often that room is used. I know Tammy does rent out that room quite often.

Rob Kerney: Okay.

President Fanello: Let's see how often the room is used, and let's get back with you on that.

Rob Kerney: Okay, I appreciate it. Thank you for your time this evening.

President Fanello: Thank you, Mr. Kerney.

Public Comment

President Fanello: Public comment. Is there anyone wishing to make any public comment at this time? Seeing none.

Old Business

President Fanello: Old business. First item of old business is that I have two contract amendments. Those came in today, and should have been faxed, and I think they were faxed to you, Commissioner Crouch. So, you had them, and Commissioner Mosby had them. One of the amendments is to reduce the jail contract with United Consulting. They have gone back and looked at how much reimbursable expenses they've incurred, and how much they expect to incur for the duration of the jail construction, and they are able to reduce that contract by \$100,000. So, I doubt that we'll have a problem reducing, so, if someone would like to make a motion for that, I would appreciate it.

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

Commissioner Mosby: Second.

President Fanello: So ordered. The next amendment is an amendment to the community corrections design contract with United Consulting Engineers and Architects. Due to the extra money that we're receiving from the state, the actual target construction cost has changed from 1.6 million to 2.7 million, as we're going to be building a bigger facility we've received more money from the state than originally anticipated. They are estimating that due to that increase in scope of service they will need to increase that contract by \$116,000. I believe every Commissioner had this in their box today. I'll need a motion to accept.

Commissioner Mosby: I'll make a motion.

President Fanello: Okay.

Commissioner Crouch: Just being consistent with my previous vote, I'll decline.

President Fanello: Okay. I'll second that and say so ordered on that. They will be proceeding with the design on the community corrections facility and we should, hopefully, see some type of bidding this spring, so we can get that project under way. That's all I had under old business. Did anyone else have any other old business?

Kevin Winternheimer: Yes. I had a couple matters, I guess, would be more old business than anything else. We had a representative of, the first item, we had a representative of the County Garage appear before you last meeting and question about deductions under the direct deposit system. I know you don't want me to read to you, but in essence the contract says that the county agrees to deduct each week from the pay of all employees requesting deduction for Sterling United Federal Credit Union an amount to be determined by the employee. It says the request must be made in writing. It says the county agrees to remit each week to said Sterling Federal Credit Union all such deductions. It would be my recommendation that we do as requested by the gentleman from the County Garage, and in the instance of payroll, automatic, direct deposit, that if they want to designate an amount to go to Sterling Federal Credit Union that we do so.

President Fanello: Anybody have any questions on that?

Commissioner Mosby: Do we need a motion?

President Fanello: Thank you, Kevin.

Kevin Winternheimer: I don't think it takes a motion. I think, unless anybody has any problem with it, I think that's fine. The second item was, I have received from Bill Jeffers, the Surveyor, the comments from the State of Indiana on our storm water ordinance. My apologies to the state, I didn't expect to get them back that fast. However, they did. What I would like to do is, I believe we're not meeting again for two weeks, for the next meeting, which will be in two weeks, to have you reconsider the ordinance, rather than starting all over, or starting with a new amendment, which would bring it back to second reading and have you consider those changes that the state has recommended. Mr. Pedtke, if you don't have those, I can get those to you. Okay. Then put it on the agenda for reconsideration and second reading again of the ordinance. We have not advertised it. When Bill told me that they were going to get those back to us, I said, well, let's not waste the money advertising, because we'll have to do it again if you change it. So, if it's okay with the Commissioners, I would bring it back at your next meeting on second reading for reconsideration.

President Fanello: Okay.

Kevin Winternheimer: I'll get everybody a copy in advance of those changes.

President Fanello: Is that it, Kevin.

Kevin Winternheimer: That's fine.

President Fanello: Okay, thank you.

Kevin Winternheimer: That's all I have.

New Business

President Fanello: New business. Does either Commissioner have any new business? I've got a couple of items. I received, this afternoon, notification from the state that we will be receiving \$536,256 on our first round of reimbursements for our voting equipment. We actually received about \$95,000 more than anticipated because they did base the reimbursement on the number of precincts we had in the year 2000. So, we actually got a little bit more than we expected. So, that was good news. So, just to let the board know about that. They're still saying the maximum we're going to receive at this point is up to \$8,000 per precinct. So, the total we received here reflected \$3,192 per precinct. Another item of new business, I met with the Mayor last week, and this actually literally just hit my desk at 4:30, Patty, I think, and he proposed a joint effort between the city and county on lobbying efforts in Indianapolis this legislative session. He has proposed the county kicking in \$833 per month, which equals out to about \$10,000 per year, or this year, to hire a lobbyist. He is planning on putting a lot more than that in, about \$4,166 per month, the city would be contributing towards this. I think it's a good idea because as elected officials we're all involved and we talk to our legislators everyday, and I've attended, in fact, attended a couple of sessions when they had the special session last month regarding the property taxes, and it can become very time consuming for local elected officials to be up there as much as possible. We are part time elected officials, and we have other jobs. So, obviously, we have some business to take care of here with local politics, but I think it's a good idea, and he gave me a copy of a contract, Kevin has reviewed the contract. I don't know how comfortable you feel with consideration tonight, but they are wanting to get started as soon as

possible as the session has started. I propose that we take this money out of our Economic Development money and Riverboat, so.

Commissioner Crouch: I don't have a problem with it in theory. I would like to, if it's alright with the Commission, to act upon it at the next meeting.

President Fanello: That's fine. We'll put it on our next agenda. If there's no other new business, we'll move on to department head reports.

County Engineer

John Stoll: The only item I have this evening is a final change order on the Harlan Avenue project. This was contract VC03-07-01. This is change order number two, and it's for a net decrease of \$17,348.14. When combined with the previous change order, this makes the total under run on the project \$9,668.14. It's requested that this change order be approved.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

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. The only thing that I have tonight is to ask if you have any questions on our weekly report. No snow so far.

President Fanello: I know. Thank goodness. We're lucky so far. A lot better shape this year than last year. Okay.

Commissioner Mosby: I don't have any questions.

Dennis Hudnall: Have a good night.

President Fanello: Thanks, Dennis.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: No report.

Superintendent of Buildings

President Fanello: Superintendent.

Patty White: I have several late additions to your consent items. A late travel request from Soil and Water, two late phone requests, and another late pink slip, and the Health Department called and asked that Karla Goodman's pink slip be pulled from the consent items.

President Fanello: Okay.

Commissioner Crouch: Question, Patty, this may, is probably a question for Tammy, but Judge Lloyd had called me last week about the phone problems in her office, and I checked today to see if it had been resolved and they said it has not. So, is, should I contact Tammy tomorrow about that? Or get a name of someone I can call myself?

Patty White: I can make sure to pass it on to her.

Commissioner Crouch: Okay.

President Fanello: Just to let you know, since we....I don't, you'll probably agree with this, I don't think we're getting the response that we should be getting on our telephone service. So, Tammy is checking into other service contracts, and she's hoping to have those to us at the next meeting, so. On the phone requests, I see one where they are wanting eight additional lines for election equipment. I would probably like to hold off onto that. I know Tammy has been going to the progress meetings, and I'm not exactly sure why we need eight additional phone lines.

Commissioner Crouch: Ms. Farrell called me today, and she said they were for computers, and that she checked with Tammy and asked if they needed to be here, and was informed that they did not.

President Fanello: Okay.

Commissioner Crouch: So, it's my understanding it's not personnel, but it's for computers, computer lines.

President Fanello: It's for computers for the new voting equipment maybe?

Commissioner Crouch: That's my understanding, uh-huh.

President Fanello: Okay, well, let's accept it with that explanation. We'll have Tammy make sure that, just to check on that tomorrow morning. Do I have a motion to accept the late items into the consent items.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered. Is that all you have, Patty? Okay.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. You have before you the letter that we're requesting permission to be distributed to corporate sponsors for our day camp program. If you've had time to review that, it has been signed by you, we're just asking permission to start this distribution.

President Fanello: Do either of the Commissioners have a question?

Gary Hohman: The only, another item that I have, we have prepared the request for proposal for the lazy river attraction at Burdette Park. They have not been ran off and presented to you, but they will be made available. Patty, help me here, in the very foreseeable future. If you will, review those, and any suggestions or recommendations, adjustments can be made to those. Kevin will have a copy of this proposal as well. Then at our next meeting, or at your next meeting, we hope to have permission to send out these RFP's.

President Fanello: Well, I'm going to make a little suggestion that we not send them out yet, because I think we need to prioritize. I know that Corradino made several suggestions on the master plan, and I would like to see us prioritize those before we commit to that project right there. That's going to be a significant project, and I think we've got about 1.3 million this year to spend on Burdette Park. So, I haven't had the opportunity to prioritize those yet. I was hoping that we would do that as a board this, over the next few weeks. I'm going to propose that we do that before we send out any RFP's.

Gary Hohman: Steve and I would be more than glad to sit down with the Commissioners and any discussion that would like to go over, not only this project, but any projects that may be forthcoming at Burdette.

President Fanello: I think we should do that, and prioritize, hopefully, by the first meeting in February, how we would like to spend our CCD money this year.

Gary Hohman: The only other item is our work report.

President Fanello: Okay, does anybody have any questions? Thanks, Gary.

Gary Hohman: Thank you.

Superintendent of Buildings: Permission to Advertise Surplus Vehicle Ad

President Fanello: Do I have a—

Kevin Winterheimer: We have an omitted item.

President Fanello: Oh, okay.

Patty White: I'm sorry, Tammy also had her permission to advertise the auction of surplus county vehicles.

President Fanello: Okay, do I have a motion to advertise the auction of surplus county vehicles.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's reports?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: A motion to accept consent items?

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second, but I just want to note for the record that I won't be signing off on the pink slip for Kraig Nance.

President Fanello: Oh, okay.

Commissioner Crouch: Just to be consistent with my vote, but I'll second.

President Fanello: Okay. Do we need a second motion on that, Kevin?

Kevin Winterheimer: No, I think that explains it.

President Fanello: Okay, that explains enough. Okay. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 5:56 p.m.)

CONSENT ITEMS:

Jail Expenses:

James L. Shireman: \$55,000

United Consulting Architects and Engineers: \$246,765.66

Travel Requests:

County Commissioners	Health Department (6)	Auditor
Weights & Measures (2)	County Engineer	SWCD

Employment Changes:

Coroner	Circuit Court	County Highway
Surveyor	Knight Assessor	Health Department
PTABOA	Sheriff Department	Prosecutor
VCCC	Superior Court	

Requests for Telephone Service:

Election Office	Superior Court
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Auditor: Submit A/P Voucher.

Burdette Park: Surplus of Computer Equipment.

Superior Court:

Agreement for Professional Services: John Goodridge (Drug Court)
Lease Agreement with Xerox for Copier.

Sheriff Department: OSSI Contract Amendment.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Patty White
Madelyn Grayson	Phil Lawrence	Z. Tuley
Rob Kerney	John Stoll	Dennis Hudnall
Gary Hohman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 21, 2004**

The Vanderburgh County Board of Commissioners met in session this 21st day of January, 2004 at 8:43 a.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, and since I cannot speak very well today, I am going to ask that our Vice President run the meeting.

Commissioner Mosby: Introductions are as follows, we have Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; myself, Commissioner Mosby; Commissioner Fanello; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of January 12, 2004 Commission Minutes

Commissioner Mosby: Thank you very much. We have approval of the January 12, 2004 Commission minutes. Do I have a motion? I guess, can I make a motion since—

Kevin Winternheimer: Sure.

Commissioner Mosby: Due to the absence of her voice, I'll make a motion.

Commissioner Crouch: Second.

Commissioner Mosby: I have a motion and a second to approve the minutes. So ordered.

**Permission to Advertise: APA-014-2004: Traffic Paint &
APA-015-2004: Traffic Signs**

Commissioner Mosby: Next, we have bid advertisements and openings, permission to advertise APA-014-2004, traffic paint, and APA-015-2004, traffic signs.

Phil Lawrence: Yes, Commissioners, I would like your permission to advertise the annual traffic paint and traffic sign bids.

Commissioner Mosby: Does anybody have any questions for Phil? It's permission to advertise, I'll make a motion that we give Phil permission to advertise.

Commissioner Crouch: Second.

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

Phil Lawrence: Thank you.

Commissioner Mosby: Thank you, Phil.

Board Appointments

Commissioner Mosby: Next, we have board appointments. I don't have any board appointments—

President Fanello: We don't have any.

Commissioner Mosby: We don't have any at this time.

Vision 2000/ Azteca

Commissioner Mosby: Next, we would like to have Ken Robinson from Vision 2000 come up.

Ken Robinson: Ken Robinson, Executive Director of Vision 2000. Here today to announce that Azteca Corn Milling has agreed to conduct their expansion at the Vanderburgh County facility. We were in competition with Mexicali, Mexico in this, and possibly another location within the United States that they were looking at for a brand new plant. But, due to the package that the county put together in terms of the tax abatement, correspondence and conversations that Commissioners have had with the company, and the work that we've all done together, we were successful in obtaining the \$24 million expansion of the plant, which would enhance the plant to three lines, and the possibility of a fourth line, if everything goes well. But, that would result in about 20 additional jobs, and the likelihood of some more jobs with the other expansion, and also result in doubling the corn production of the facility. So, I think it's a great opportunity for the county. We started this process back in '95, '94-'95, and it's turned out to be quite a feather in our cap. Antonio Carrillo is here today from Azteca as well. He might want to say a few words, if you have some questions for Antonio.

Commissioner Mosby: Antonio, you can come to the mic.

Antonio Carrillo: Good morning. I am also having a problem with my voice. My name is Antonio Carrillo. I am the plant superintendent for Azteca Milling. We're really pleased with the response from the county, and we have been pushing her, the management of this plant, for the last three years for getting this unit expansion here. I think it's going to be a very successful project. I just wish to thank you for the support. I don't know if anybody has a question.

Commissioner Crouch: It's just positive for the community when existing businesses continue to invest, and we thank you for that effort.

Antonio Carrillo: We have an advantage, this location, Ma'am. The people in the area makes a big difference. You can visit our plant any time, and you can see that very...standard places, like the restrooms, they don't even have graffiti. I think the success of Azteca is the people that we have.

Commissioner Mosby: Are there any questions of Antonio? I would just say it was a pleasure meeting with you and your staff.

Antonio Carrillo: Thank you very much, sir.

Commissioner Mosby: We appreciate your investment and interest in the community, and I look forward to working with you again, as I said, in any way possible.

Antonio Carrillo: Thank you.

Commissioner Mosby: Thank you very much, Antonio.

Sommer Barnard Ackerson Contract: City/County Lobbyist

Commissioner Mosby: Next, we have Commission contracts. Everybody should have a copy of a contract with Sommer Barnard Ackerson, which I left mine over in the office, but you should have a copy of it. It's a joint venture that the city and the county will go together on to have a lobbyist who will be present in Indianapolis. I think the agreement pretty well says it out for itself. Exhibit A on the back tells about all the services that the client will provide for us. I don't know if there's any questions. I would try to answer any questions possibly, or Kevin could try to answer any questions.

Commissioner Crouch: On the weekly summaries, would those be in e-mail form, or would they be written and submitted with our packets?

Commissioner Mosby: I'm not sure, and I'm sure we could ask to have that either way. If they wanted to e-mail it to us, we could, or if we want we could have Patty put it in our packets—

Commissioner Crouch: Okay.

Commissioner Mosby: —run it off and put it in. Whichever way I would say that we want to do it.

Commissioner Crouch: The only other item is on the legislative agenda, would it be possible, maybe, for the President to have a legislative agenda that we could approve next week?

President Fanello: I won't be here at the meeting next Monday, but how about two weeks.

Commissioner Crouch: That would be fine. Thank you.

Commissioner Mosby: And I would just say if you have anything that you need or that you're looking for, then let us know, and then we can always contact him so that they can track and monitor any progress being made.

Commissioner Crouch: On the seatbelt law.

Commissioner Mosby: That one I think was on t.v. last night again.

Commissioner Crouch: I will do that, thank you.

Commissioner Mosby: Thank you, very much. Are there any other questions? Anybody in the audience that would like to speak to this? If there's not, I would

make a motion that we would pass this. I think it's very positive for the county and the city to be working together, so.

Commissioner Crouch: Second.

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

Youth Services of SW Indiana Contract

Commissioner Mosby: Next in your packets you have an agreement with Youth Services Resources of Southwestern Indiana that Kevin has looked at. I believe everything is fine.

Kevin Winternheimer: Yeah, there was a typo on the second page as to where they contact, but that's the Commissioners office, at the top of the page.

Commissioner Mosby: Oh, okay. It says Controllers.

Kevin Winternheimer: Right, it's supposed to be the Commissioners office. With that change, everything else was fine.

Commissioner Mosby: Are there any contracts for the agreement with Youth Services? I think it's the same, \$20,000. If there's no questions, I would make a motion to approve the agreement with Youth Resources of Southwestern Indiana.

Commissioner Crouch: Second.

Commissioner Mosby: I have a motion and a second. Any discussion? No discussion, so ordered.

Public Comment

Commissioner Mosby: Public comment? Anybody in the public?

Old Business

Commissioner Mosby: Any old business? No old business.

New Business

Commissioner Mosby: Any new business? No new business. Department heads, John Stoll. I see John, you got anything?

County Engineer

John Stoll: First I have construction inspection agreements for the University Parkway project. This is for the amount of \$1,261,168. These are with Bernardin Lochmueller and Associates. I brought these to a meeting several months ago and got your approval to send these to INDOT. At that time, INDOT, now that INDOT has reviewed everything, they have sent them back, and Bernardin Lochmueller made some changes, which, basically, knocked about \$5,000 off the agreements.

They have been reviewed and approved by INDOT, so now they need the Commissioners signatures. Of that \$1.2 million, 20% will be Vanderburgh County's costs. Roughly 20%. We'll have slightly more because the bridge costs will be all locally funded, but I'm just requesting Commissioners approve these agreements so that we can forward them back to INDOT now.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

Commissioner Mosby: So ordered.

John Stoll: That project is on a March bid letting for INDOT. So, hopefully, we'll get some good bids on that project. The other item I have is a sidewalk waiver request from Morley and Associates for Lakeside Common Subdivision. That plat in front of you is for the sub. It's out at Spring Valley Road and Green River Road out in the vicinity of the new Schnuck's at Green River and Lynch. Morley and Associates requests a sidewalk waiver because they state that no neighboring developments have sidewalks, nor are there pedestrian walkways or signals at the intersection of Spring Valley Road and Green River Road. They say we feel that it would be unsafe to encourage pedestrians to attempt to cross Green River Road without signal protection. Additionally Lakeside Manor apartments are occupied by senior citizens who are unlikely to walk to the commercial shopping center. Based on that, I would request the Commissioners approve the sidewalk waiver.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

Commissioner Mosby: So ordered.

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

Commissioner Mosby: Are there any questions for John? Seeing none.

County Highway

Commissioner Mosby: Dennis, Highway. County Highway.

Dennis Hudnall: Good morning, Dennis Hudnall, County Highway. The only thing that I have is a few weeks ago I requested permission to add some excess equipment to a list, so we could send it to the auction. My understanding is that the auction is the 29th of this month. I have two more pieces of equipment that I would like to request to add to that list. It's two Mauldin rollers, they are 4,000 pounds, they are very small, it's for potholes. They haven't been in service for the last three years is my understanding. It's too expensive to repair them, so I'm requesting that they be added to the excess list.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

Commissioner Mosby: So ordered.

Dennis Hudnall: My weekly report, if you have any questions on it.

Commissioner Mosby: I don't. Any questions?

Commissioner Crouch: When is our road hearing?

President Fanello: In March.

Commissioner Mosby: Usually March, so—

Dennis Hudnall: The paving?

Commissioner Mosby: Yeah.

Dennis Hudnall: Yeah, it's in March sometime.

Commissioner Mosby: Well, we have a hearing for roads, and it's usually, I think, March, the first meeting in March or so. I think Dennis is putting together somewhat of a list. In fact, I was talking with him yesterday, so, if you've got anything, you might want to get it to him.

Dennis Hudnall: Yeah, I have a tentative list. We drive these roads, we just add to the list of potential candidates to be paved. Then once our budget comes, and we see exactly how much, which we don't have as of yet, I think it comes the middle of February, then we try to match dollars with the number of miles of roads that we can actually do. We try to set those in priority.

Commissioner Crouch: I had mentioned to John Stoll, but, Boonville-New Harmony Road from 41 to 57 is, there are some places that are really bad.

Dennis Hudnall: We went out.

Commissioner Crouch: If you get a chance to take a look, or drive that road.

Dennis Hudnall: He's already, we've coordinated that. You're talking about pulling the shoulders, and shoulder work? Yeah, they've already called. We've sent a crew out. So, as soon as we can get it on the schedule, we'll get that completed.

Commissioner Mosby: Are there any other questions for Dennis? Thank you, Dennis, appreciate it.

County Attorney

Commissioner Mosby: County Attorney, Kevin.

Kevin Winterheimer: No report.

Commissioner Mosby: No report.

Superintendent of Buildings

Commissioner Mosby: Superintendent of County Buildings, Tammy.

Tammy McKinney: I don't have a report.

Commissioner Mosby: No report.

Burdette Park

Commissioner Mosby: Steve, I see Steve back there, Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. This time I have nothing to report other than my weekly reports and if you had any questions on them.

Commissioner Mosby: Any questions of Steve on his weekly reports? Seeing none. Thank you, Steve.

Soil and Water Conservation District

Commissioner Mosby: I don't see anybody from Soil and Water. I would make a motion to accept Soil and Water and department head reports.

Commissioner Crouch: Second.

Commissioner Mosby: A motion and a second. So ordered.

Consent Items

Commissioner Mosby: Consent items. Any questions on consent items? I do have one, is, not that we could do anything about it, but I would like to talk to the County Assessor. She's got one in here for date of travel January 6th through January 8th, which is, I guess, about two weeks past. I don't know why she would have submitted it so late.

Tammy Elkins: Tammy Elkins, Chief Deputy for the County Assessor's office.

Commissioner Mosby: Sure. We submitted that on January 2nd, and I'm not sure why they have been delayed. I don't, but it's dated January 2nd and that's when we submitted it.

Commissioner Mosby: I noticed that.

Tammy Elkins: It was submitted prior to the date, but I don't know why it hasn't been heard until now.

Commissioner Mosby: Okay. Well, then we can check with our staff, but we're just now getting it, and I noticed it was past.

Tammy Elkins: Right.

Commissioner Mosby: And I thought, well, we had a meeting on the 12th, I know we didn't have one the 19th—

Tammy Elkins: Right. I handled preparing all of those, and I know that it was sent up on the 2nd. I contacted Patty earlier this week to find out where our travel requests had been, because we did have five pending at the Commissioners level, and she said they would be on today. I didn't get any other explanation why it hadn't been heard before this.

Commissioner Mosby: Okay, then I'll ask her about it. It just caught me as being past-

Tammy Elkins: I understand that.

Commissioner Mosby: -and that's why I was wondering.

Commissioner Crouch: Are we not including it?

Commissioner Mosby: Yeah, we have to include it, it's already past. I think it's done.

Commissioner Crouch: Okay. Well, I was going to say, that's kind of (Inaudible).

Commissioner Mosby: I don't see where we've got a lot of choice. No, but, no, it's included, but I was just curious as to why we were getting it on the 21st and not on the 12th. So, thank you very much though, Tammy, appreciate it.

Tammy Elkins: You're welcome.

Madelyn Grayson: David, Patty also added a pink slip for Voters Registration right before the meeting. I didn't know if you guys got that in your packet also.

Commissioner Mosby: Did you see it?

Commissioner Crouch: It was laying on my desk.

Commissioner Mosby: I didn't see it on my desk. Do you want to go back to your report and amend consent items? I'll just make a motion that we accept the late employment change for Voters Registration.

Commissioner Crouch: Second.

Commissioner Mosby: So ordered. Is there any other questions on the consent items? If there is no further questions on consent items, I will make a motion that we accept the consent items as amended to include the one late employment change for Voters Registration.

Commissioner Crouch: Second.

Commissioner Mosby: So ordered. Is there any other business to come before the Commissioners? Seeing none. I make a motion to adjourn.

Commissioner Crouch: Second.

Commissioner Mosby: So ordered.

(The meeting was adjourned at 9:00 a.m.)

CONSENT ITEMS:

Travel Requests:

Health Department (9) County Assessor (5) County Highway

Employment Changes:

Voters Registration Health Department (2) VCCC (3)
County Clerk

Township Trustees: Submit Township Standards

Perry Trustee Knight Trustee Pigeon Trustee

Treasurer: Submit monthly report for December 2003.

EMA: FEMA Performance Grant (Amendment #1)

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Ken Robinson
Antonio Carrillo	John Stoll	Dennis Hudnall
Steve Craig	Tammy Elkins	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 26, 2004**

The Vanderburgh County Board of Commissioners met in session this 26th day of January, 2004 at 5:37 p.m. in Room 307 of the Civic Center Complex with Vice President David Mosby presiding.

Call to Order

Commissioner Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for January 26, 2004. Introductions are as follows; Superintendent of Buildings, Tammy...I'm sorry. Superintendent of Buildings, Tammy McKinney; Counselor, Kevin Winterheimer; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Being absent tonight is Commissioner Fanello. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of January 21, 2004 Commission Minutes

Commissioner Mosby: Two meetings in one night, I'm already sitting here going what am I doing? Do I have a motion to approve the minutes of the January 21, 2004 Commission minutes?

Commissioner Crouch: So moved.

Commissioner Mosby: Second, and so ordered.

Approval of the January 26, 2004 Executive Session Summary Minutes

Commissioner Crouch: I would like to make a motion to approve the Executive Session summary minutes. The Executive Session started at 5:20, ended at 5:30, and it dealt with litigation.

Commissioner Mosby: Second, and so ordered.

Domestic & Sexual Violence Commission Annual Report

Commissioner Mosby: Next, we'll go to discussion items, we have an annual report on the domestic and sexual violence commission. Please state your name for the record.

Bob Stephens: My name is Bob Stephens. I'm the president of the Evansville-Vanderburgh commission on domestic and sexual violence. You've been provided a copy of our annual report earlier with your packet, I believe. I simply am here to see if you had any questions about anything in the report. The only comment I think I had to make was that I think that our community has been very fortunate to have such a good working relationship between the number of agencies and organizations that are represented on the commission. Often times when people on our commission go out to different places around the state or out of state for training and conferences, they are amazed to find that other communities don't have nearly the working relationship that our community has with the various organizations. I think that's a real asset to our community. So, I wanted to point that out. The only other

thing I thought I might mention is that at our meeting last week we voted to include a code of ethics, which is not in the annual report, this will be in next year's annual report, since we just did this in January. But, we've been working on this for a couple of months to have each of the commission members sign a code of ethics statement saying that they will abide by a code of ethics in their personal and professional conduct as they serve on the board. So, we'll ask all of the members now, as they come on, old members who are on and new members that come on to sign the code of ethics statement. But, that's not in your packets.

Commissioner Mosby: Yes, it's in our packets.

Bob Stephens: Oh, it is in your packets?

Commissioner Mosby: Yes.

Bob Stephens: Oh, thank you. Patty probably did that. Okay, so it is in there.

Commissioner Mosby: Yes.

Bob Stephens: Otherwise, if you had any questions, I would be happy to try to answer them.

Commissioner Mosby: Are there any questions? I don't see any. Thank you for the report.

Bob Stephens: Okay. You're welcome.

Commissioner Mosby: Thank you very much.

**Dennis Feldhaus: ONB Insurance
Property and Casualty Insurance Renewals 2/1/04-2/1/05**

Commissioner Mosby: Next, we have Dennis Feldhaus, property and casualty insurance renewals.

Dennis Feldhaus: My name is Dennis Feldhaus. I'm with ONB Insurance group, and currently the agent of record for the property and casualty insurance program for Vanderburgh County. I have good news to share with you in your packets this evening. Hopefully you've been able to review the renewal offer that's on the table for February 1, 2004 to February 1, 2005. In your packet is basically a comparison of the expiring program, along with two options for the renewal. The good news is, in our business we refer to "apples to apples" renewal comparisons. The "apples to apples" renewal comparison compared to the past two years when I came before this Commission wanting very large increases. The good news for Vanderburgh County this evening is the fact that the renewal, "apples to apples", is actually a decrease in premium. That's basically for a number of reasons, but primarily, finally, the market did soften in 2003, the last half in property. We have a very large property driven program with respect to the dollar amounts of limits of coverage. So, that being said, as you look down option number one, basically it is as renewing except for two items, the property limit was increased by ten million to account for cost of inflation index on all the county property, building and contents. Also the automobile physical damage limit was increased to accommodate for the additional fleet vehicles and the values of those. Down that column you will see at the bottom

half of three sections a comparison of annual premiums for each product line, with the totals and the variance being basically down, just shy of 2% of the expiring premium. The third column, option number two for the Commissioners consideration this evening, is the same program with respect to the limits of coverage, but different in the SIR summary. SIR is an acronym in the insurance industry for self insurance retention. It's basically the equivalent of a deductible, which we would understand on our personal home and personal auto insurance. So, what the recommendation here for your approval this evening would be to take strong consideration to option number two, which increases the county's deductible considerably in the property from \$25,000 to \$100,000, and the general liability from \$50,000 to \$100,000, as well as the auto liability, public officials E&O, and the work comp. So, we would have a standard \$100,000 deductible for all lines of coverage under option two. Now, for that, obviously, as we become more self insured on the front end, we would expect a premium advantage on the tail end, which is reflected in the bottom of the premium comparison in which we would then result into a 6.3% decrease of annual premium over the expiring. So, that's what's on the table this evening. Between option two and option three, my personal recommendation as your agent would be option three. It's the prudent thing to do for the taxpayer and for Vanderburgh County. In that I've did a five year comparison, we've had two losses in five years that would have exceeded our current self insurance retentions, and those two losses would have been far less, even though we would have paid a higher deductible, the amounts settled for would have been less than the premium saved over that five year period. So, it's basically a five year analysis. That if the same five years repeats itself, the county would be in much better financial shape for insurance premiums. That gets a little complicated, I hope I didn't confuse you. I would be glad to entertain any questions at this time.

Commissioner Crouch: Dennis, you meant option two. You mentioned option three, but you're recommendation is option two, correct?

Dennis Feldhaus: That's correct. I'm sorry for that error.

Commissioner Mosby: One question, you just said that we had two claims that I guess exceeded our current, now, when you say current, are you talking—

Dennis Feldhaus: Current is on the—

Commissioner Mosby: —option one?

Dennis Feldhaus: Yes.

Commissioner Mosby: What would they, I guess, have done if we was in option two already? Would they, well, I guess, it wouldn't matter, because we're going to go to the \$100,000.

Dennis Feldhaus: Right.

Commissioner Mosby: So, truthfully, I guess, we've only had two claims that have ever exceeded \$100,000 in five years.

Dennis Feldhaus: Two claims that exceeded \$25,000 in property, and \$50,000 in liability.

Commissioner Mosby: Okay, would they have exceeded—

Dennis Feldhaus: Where the new option would come into play.

Commissioner Mosby: Okay.

Dennis Feldhaus: Follow me? So, the maximum out-of-pocket for any one claim–

Commissioner Mosby: Okay, I see.

Dennis Feldhaus: –for the county would be \$100,000.

Commissioner Mosby: Yeah, I was confusing myself.

Dennis Feldhaus: Now, with that comparison there is a line item on the middle section that's the last item under the SIR summary, and that's our Loss Fund. That's how we pay for these claims that do not reach the carrier, but we are paying ourselves. We refer to that as 428.1 and point two, which are the Loss Fund accounts. That is our Loss Fund and those are the accounts that are paying those claims. It's not like we're not providing coverage, it's just our money and not the insurance companies money. So, as we increase that self insurance retention, we need to fund the Loss Fund adequately to make sure that we have statistically, based on our five year data, and that's why you'll see that Loss Fund bump up to \$780,000. We currently, as of January the 22nd, our Loss Fund balance was \$719,244. As I mentioned in my cover letter to the Commissioners, that balance has been decreasing, but primarily it's not because of the number of claims and the dollars paid, it's because of the loss of interest income that that account had been getting in the good years of interest income. We've not been able to grow that account in that manner in the past two to three years.

Commissioner Mosby: Are there any questions?

Commissioner Crouch: I would like to make a motion that based upon the county insurance agent's recommendation that we accept option two for the county.

Commissioner Mosby: I will second and so order.

Dennis Feldhaus: Thank you.

Commissioner Crouch: Commissioner Mosby, would this be information that perhaps we should move on to Council, just so that, kind of for their information.

Commissioner Mosby: Have you–

Dennis Feldhaus: I would be more than happy to approach the Council.

Commissioner Mosby: Okay, I didn't know if you had approached them or given them this information.

Dennis Feldhaus: No, I have not given it to them, but I would be more than happy–

Commissioner Mosby: You might want to pass it on to Sandie.

Dennis Feldhaus: –to get on their agenda.

Commissioner Mosby: Okay.

Dennis Feldhaus: Okay.

Commissioner Mosby: Thank you, Dennis. Appreciate it.

Dennis Feldhaus: Thank you.

Permission to Advertise Statement of Receipts, Disbursements and Wages and Compensation for 2003

Commissioner Mosby: Next we have the Auditor, permission to advertise statement of receipts, disbursements and wages and compensation for 2003. That should be in everybody's packet.

Commissioner Crouch: I would like to make a motion that we give permission to advertise.

Commissioner Mosby: I have a motion to advertise. I will second and so order. Bill, did you want to say anything?

Commissioner Crouch: Thank you.

Bill Fluty: Yes.

Contract for Voices of I-69

Commissioner Mosby: Next, Commission contracts, you should have a contract for Voices for I-69 in your packet. It's a contract for \$20,000, which is the same as last year. There's no changes that I can see.

Commissioner Crouch: Motion to approve.

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

Public Comment

Commissioner Mosby: Public comment. Is there anybody in the public that would like to speak?

Old Business

Commissioner Mosby: Any old business?

New Business

Commissioner Mosby: Any new business? Department heads, County Engineer, John Stoll.

County Engineer

John Stoll: First I have a street acceptance request for Carrington Meadows Subdivision. This is section one of that subdivision, it's located on Petersburg Road, it's probably about a half mile to a mile north of Boonville-New Harmony. The streets in the subdivision are Thornhill Drive, which is 1,514 linear feet; Ellerston Drive, which is 1,299 linear feet; Deland Drive, which is 624'; Benson Drive, which is 510'; and Cricket Trace, which is 493'. It's requested these streets be accepted for maintenance by the county.

Commissioner Crouch: So moved.

Commissioner Mosby: Second and so ordered.

John Stoll: The other acceptance request is for the off right-of-way storm drainage pipes in Woodgate Subdivision, section two. This is 185' of 12" concrete pipe; 99' of 15" concrete pipe; 388' of 18" concrete pipe; and 107' of 8" ductile iron pipe. The grand total is 779' of pipe, and the developer has submitted the two dollar a foot maintenance fee for a total of \$1,558. It's requested that these pipes be accepted for maintenance.

Commissioner Crouch: So moved.

Commissioner Mosby: Second and so ordered.

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

Commissioner Mosby: Any questions of John?

John Stoll: Thanks.

Commissioner Mosby: Seeing none. Thank you, John.

County Highway

Commissioner Mosby: Next we have County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing that I want to say tonight is keep you all posted on our salt barn. Our salt bar capacity is about 13,000 tons. This morning I ordered 600 tons of salt to replenish what we've used in the last two snows. So, we're in pretty good shape right now as far as salt and sand. They haven't given me a date when it's to be delivered, but they usually do it in two or three days. So, and tonight if it snows, we still have enough for probably another snow after tonight. So, we're ahead of the game a little bit. The only other thing that I have is my report, if you had any questions on it.

Commissioner Mosby: Any questions? Thank you, Dennis.

Commissioner Crouch: You did a nice job on the roads.

Dennis Hudnall: Thank you.

County Attorney

Commissioner Mosby: Next we have County Attorney, Kevin.

Kevin Winternheimer: Yeah, I have a couple of matters. First I received just the other day a letter from Les Shively on behalf of the Election Board. I've got an original and some copies that I'll pass down in a minute. Essentially, it's notifying the Commissioners that the Election Board does not feel as though they will be able to have the new election equipment delivered in the same manner as the old election equipment, and asking you, I guess, to plan ahead for the new high tech equipment. I will pass that down for the record for each of you to review. It doesn't require any action, but...no, it doesn't require any action tonight, but something to think about for the upcoming primary in May. The other item I have is I need to have an Executive Session to discuss two lawsuits. One of them is quite involved and lengthy to explain. If possible, I was going to suggest February 23rd at 4:45. That would give us 45 minutes, a half hour on one and about 15 minutes on the other if your schedules permit. February 23rd at 4:45. Patty can send out the notice, if that's okay. That's all I have for tonight.

Commissioner Crouch: Kevin, we did receive a letter from a gentleman over on Willow Creek Drive, and he had requested...I don't know, did you get a copy of that?

Kevin Winternheimer: I don't recall it.

Commissioner Crouch: Okay, I'll go ahead and share my copy, and then you can look at it, and he wants to know if we have any power to stop a developer, or force a developer to address some issues, so.

Kevin Winternheimer: Yeah, I'll get a copy from Patty. I'll take a look at it and let you know.

Commissioner Mosby: I think Patty said she's got it. Do you got it? Okay. Are there any other questions of Kevin? Seeing none. You said you want February 23rd?

Kevin Winternheimer: Yes, if that meets with your schedule.

Commissioner Mosby: It's okay with me.

Kevin Winternheimer: At 4:45, that would give us 45 minutes.

Commissioner Mosby: Okay.

Superintendent of Buildings

Commissioner Mosby: Superintendent of County Buildings, Tammy.

Tammy McKinney: I need to add a late travel request to the consent items. The County Clerk received notification of a meeting in Indianapolis late this afternoon.

Commissioner Mosby: I seen that.

Commissioner Crouch: Motion to add that to the consent items.

Commissioner Mosby: Second and so ordered.

Tammy McKinney: Besides that, that's all I have.

Commissioner Mosby: Okay.

Burdette Park

Commissioner Mosby: Burdette Park, Gary.

Gary Hohman: Yes, Gary Hohman, Burdette Park. Within your packet you have the minutes that were submitted to you regarding the county-wide discount program for all county employees, that the advisory board has made their recommendation on. We are needing, or getting some inquiries on those, and are needing your final approval on this package deal or any changes or suggestions that you might have regarding this county-wide discount program.

Commissioner Mosby: Okay.

Commissioner Crouch: Refresh my memory, Gary, has this changed from what we talked about some time ago?

Gary Hohman: No, ma'am.

Commissioner Crouch: Okay.

Gary Hohman: I'll go down and refresh your memory. What the advisory board is recommending, a family of four at \$125, that's regularly a \$175 package. For each additional child they're recommending \$35 versus the \$50, and each extra adult is normally \$65, and they are proposing \$50. Single adult, normally \$65, recommendation of \$50. We added a new item in there, in previous years a married couple, we had just been letting them buy two individual passes, where they are asking for rather than \$65 and \$65, a married couple with no children would be \$100 ticket for that type of family dwelling.

Commissioner Mosby: I think, did, was we going to do this in lieu of the passes, is that what we were talking about? We used to give the passes.

Gary Hohman: What, you mean as far as identification?

Commissioner Mosby: No, I mean in past years we always give county employees passes to—

Gary Hohman: Right.

Commissioner Mosby: —these places.

Gary Hohman: They did not make any—

Commissioner Mosby: I mean, are we still going to do that?

Commissioner Crouch: As memory serves me, it seems like the passes were in lieu of a county picnic. So, that would be a separate...I don't know if we ever decided to do one—

Gary Hohman: That was discussed at one of our earlier meetings last year. That it was, the six passes were granted in lieu of a county picnic. I'm not sure—

Commissioner Mosby: Okay, but this is not going to take the place of that? We're still going to....okay.

Gary Hohman: That's at your discretion, sir.

Commissioner Mosby: Well, I mean, I just want to make sure I understand this though.

Gary Hohman: For point of interest, there was also some discussion from the Commissioners as far as what type of package deal, if any, they wanted to offer for city employees. If that is still the Commission's views that the advisory board will review that at their next meeting, and bring back a recommendation for city employees, if you want to offer such a package.

Commissioner Mosby: Okay.

Commissioner Crouch: Do they offer us deals on their city parks?

Commissioner Mosby: Fifty cents or a dollar. One of the two. I don't think they do. Golf passes maybe, if you want to go to the Parks Department, but I don't know of anything else that they offer.

Commissioner Crouch: I'll make a motion that we do accept the recommendation of the advisory board.

Commissioner Mosby: I will second that and so order.

Gary Hohman: Our work report is the only other information that I have, sir.

Commissioner Mosby: Okay. Are there any questions for Gary? Thank you, Gary.

SWCD & Ozone Officer Reports

Commissioner Crouch: I'll make a motion that we accept the Soil and Water and Ozone Officer reports.

Commissioner Mosby: Second and so ordered.

Consent Items

Commissioner Crouch: I'll make a motion that we accept the consent items with the addition.

Commissioner Mosby: Second and so ordered.

Commissioner Crouch: I'll make a motion that we adjourn.

Commissioner Mosby: Second and so ordered.

(The meeting was adjourned at 5:59 p.m.)

CONSENT ITEMS:

Jail Expenses: Mel-Kay Electric \$4,500

Travel Requests:

Health Department (6)	Treasurer (2)	County Assessor (3)
Auditor (1)	County Clerk (1)	

Employment Changes:

Superior Court	Knight Assessor	Auditor
County Clerk	Sheriff Department	VCCC
Prosecutor		

Prosecutor: Submit Grant Applications for: Adult Protective Services, Victim/Witness Assistance, Stop Domestic Violence Against Women, Multi-Agency Narcotics Task Force

Superior Court:

Grant Application: Byrne Grant
Non-Appropriation of Funds for Xerox Machine

Those in Attendance:

David W. Mosby	Suzanne Crouch	Bill Fluty
Kevin Winterheimer	Tammy McKinney	Madelyn Grayson
Bob Stephens	Dennis Feldhaus	John Stoll
Dennis Hudnall	Gary Hohman	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, Vice President

Suzanne M. Crouch, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 2, 2004**

The Vanderburgh County Board of Commissioners met in session this 2nd day of February, 2004 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 February 2nd. Introductions are as follows, to my right, Tammy McKinney, Superintendent; Kevin Winternheimer, County Attorney; Commissioner Mosby; myself. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of January 26, 2004 Commission Minutes

President Fanello: Do I have approval of the January 26th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award VC-27-2003: Health Department Move

President Fanello: Phil Lawrence.

Phil Lawrence: Commissioner Fanello, members of the Board, I would like permission to award VC-27-2004, that's the Health Department move. The low bidder was Shetler Moving and Storage for \$18,500.

President Fanello: Are there any questions?

Commissioner Mosby: How many bidders did we get?

Phil Lawrence: One.

Commissioner Mosby: Just one?

Phil Lawrence: Yep.

President Fanello: That makes them the low bidder then.

Phil Lawrence: That makes it easy.

Commissioner Mosby: Then they're the low bidder.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

President Fanello: Thank you, Phil.

Commissioner Mosby: Thank you, Phil.

Marilee Fowler: Convention & Visitors Bureau Update

President Fanello: Marilee Fowler.

Marilee Fowler: Good evening, I welcome the opportunity to be here before you and just bring you up to date on a project the Convention and Visitors Bureau's been working on. For about the past, I would say at least year and a half, we've been looking at what we could do to develop a new attraction for Evansville that would be very unique and different to this area, to this region. It would also be something that as Vanderburgh County citizens we could all enjoy, but also as an enticement, to again encourage visitors from outside our area. So, in this process there is a few meetings that we are going to be holding. You'll be getting an invitation, but I just wanted you to have a little information before you get that. The first one will be Tuesday, February 17th at 7:30 in the morning. I'm bringing my counterpart from Dubuque, Iowa, it's another old river town, but they turned a river vision into reality. It's an incredible story about a \$25 million project ten years ago that was completed last fall. The total price tag was \$188 million when it was done, and the exciting part is that it is all paid for. So, it's a wonderful story, and we're just trying to use their story as an idea, as an encouragement for people in Vanderburgh County to get involved. The following week, on Tuesday, February 24th at 7:00 p.m. in the evening at the Centre, and Thursday, the 26th of February at 4:00 p.m., we're inviting residents of Vanderburgh County to come and share their vision. What would they like to see for our county that would be all of the things that we've talked about. No idea will be too small, no idea will be too big, everything will be considered. After we get input from citizens and residents, then we'll take it back to the consultant we've been looking at, really see what is feasible for us to do, with probably public and private partnerships. Then we're going to announce a project, hopefully, in the near future. I ask for your involvement, your participation in sharing your ideas as well as everybody else. So, those are the dates, as I said, you'll get more, there is going to be quite a bit of coverage in the media in the next few days, but we think it's an opportunity for the community to come together and share an idea, a thought, a vision and bring it to reality. Thank you.

President Fanello: Are there any questions for Marilee? Thank you.

Board Appointments

President Fanello: Next item is board appointments. I do have some board appointments available. Redevelopment Commission, these are the same appointments as last year; Steve Folz, Mark Owen, Richard Redmon, Jerry Richey, and James Schenk.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. I also have some recommendations available, and we can act on them tonight, or hold them for a week, but I have some recommendations available for our polling place committee that we set up with the new ordinance and everything. Julia Schreiber from SWIRCA, Rob Kerney would like to serve, the Evansville Association for the Blind had a recommendation and she was Christy Hughes, she has a masters degree in orientation and mobility. Don Counts from Count Us In, Tammy McKinney, and then Tony Bushrod and Connie Carrier. So, if you want to take those....I don't know if you want to act on them tonight or take them under advisement.

Commissioner Mosby: I don't have a problem—

President Fanello: That gives us all the members we need for our HAVA polling place—

Commissioner Mosby: I'll make a motion to appoint them.

Commissioner Crouch: Second.

President Fanello: So ordered. We also received a resignation on the Burdette Park board, and I do have a recommendation for a replacement and that would be Jack Davis.

Commissioner Mosby: I would make a motion to appoint Jack. I know Jack very well, and he comes with a construction background, which would be very handy. So, I'll make a motion to appoint Jack.

Commissioner Crouch: Second.

President Fanello: So ordered. That's all I have tonight for board appointments.

Amendment to Cinergy Lease Agreement: Old Courthouse

President Fanello: Next item is the amendment to Cinergy lease agreement. You all have those in your packets. Are there any questions?

Commissioner Mosby: I don't have any. Motion to approve.

Commissioner Crouch: 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: Moving on to old business. Does anybody have any old business?

Commissioner Crouch: I don't know if it's old or new, but the ozone information that we've gotten from JoAnne on the updates and the deadlines that are approaching and her recommendation, or her suggestion that perhaps we have some type of a meeting, have either of the Commissioners given any thought to that idea?

President Fanello: I just actually read it today, but I was out a few days. I have not had time to give it thought, but could do so tomorrow, if that's appropriate.

Commissioner Mosby: I just got it on my desk this afternoon—

President Fanello: Okay.

Commissioner Mosby: —so, I'll have to look at it.

President Fanello: So, yeah, I think we need to move on that. Is that something we also want to involve our lobbyist.

Commissioner Crouch: I would think so.

President Fanello: Right. That was one of the old business things I was....did everybody have a chance to review the legislative agenda? And did they have any questions or comments or suggestions?

Commissioner Crouch: All I had e-mailed Patty about having the lobbyist also look at the ozone issue—

President Fanello: Okay.

Commissioner Crouch: — and what our options may be if we are in non-attainment.

President Fanello: I know he was also working on the Cash Creek, had also e-mailed...in fact, I just got the e-mail a little while ago, was maybe working on some of those issues also, maybe writing a letter to the Governor, and things like that. So, I'll give you an update on that as soon as I get more information. He's also, I also sent him an e-mail back maybe, possibly assisting us at DNR with a road project.

New Business

President Fanello: New business. Any of the other...I've got one item of new business. I've been working on, or had some discussion with WNIN, and the Building Authority, and have had some discussions with ACS. I would like for this board to move forward with videotaping the Commissioner meetings, and offering those Commissioner meetings on WNIN, public television. They are currently in the process of getting us cost estimates. So, wanted to bring that to the attention of both

of the other Commissioners and see if you had any thoughts or suggestions on that, but I think it's probably time we move into the era of publicizing our meetings. I know a lot of the other counties do, and they've had a lot of success with it, and it's well received in the community, so. Nobody has any questions or comments?

Commissioner Mosby: Do we need a motion to move forward? I mean, is that—

President Fanello: I don't—

Kevin Winterheimer: I think you said he's putting together a proposal now?

President Fanello: Yeah, he's putting together proposals and cost estimates—

Commissioner Mosby: Okay.

President Fanello: —of what it might cost us to publicize the meetings.

Commissioner Mosby: I don't have any problems with it, I would be all in favor of it, so.

Commissioner Crouch: That just follows, in terms of making our meetings more accessible to the public.

President Fanello: Right. Maybe the audience, I don't know, do you have any comments on that? Our regular attendees will be on tv now.

County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: First I have two letters that have to go to INDOT for phase three of the Lynch Road project. One letter is the right-of-way certification letter that certifies that we have acquired all of the right-of-way on the project. The other is a title insurance waiver letter, stating that we don't want title insurance written for the entire project. We will probably end up getting title insurance on the three parcels where we had relocations, but for the time being, we'll just submit the letter to INDOT stating that we won't get title insurance. It's requested that both of these letters be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a request for a street acceptance in Castle Creek Subdivision. This is located at Highway 41 and Schroeder Road, and the request is for 1,057' of Castle Creek Drive; 919' of Rusher Lane; and 472' of Castle Creek Court. It's requested these streets be accepted for maintenance.

Commissioner Mosby: Motion to approve street acceptance.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a request for proposals for engineering services for the Oak Hill Road-Bergdolt Road intersection. This intersection was studied by EUTS, and they found that a traffic signal is warranted. In doing so they did some studies and found out that also we need to have left turn lanes constructed at that intersection as well. This project is eligible for federal funding through the congestion mitigation funds. So, this RFP will be for design services, right-of-way services, and construction inspection services for that intersection project.

Commissioner Mosby: Motion to approve RFP.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is a request regarding Heartland Crossing Subdivision. This subdivision is located off of Hogue Road just east of Eickhoff Road. The issue is involving this pipe. The culvert that was installed out there is actually used pipe from the Burkhardt Road project, the old Burkhardt Road prior to the widening that was completed a few years ago. The property owner had taken that pipe and installed that as a ditch crossing several years ago. Now they've in turn put a subdivision in, and they are asking the county to accept that pipe as part of the road system once we accept the roads. Since we don't accept used pipe, but there is no provision in the ordinance that actually prohibits it, we haven't dealt with this issue in the past. I had some concerns about it, so, I went out and went through the pipe with representatives of MW Concrete Pipe and the contractor, which was BMB, Inc., and the developer who was Tom Haas. I could see no problems with the pipe. However, because we don't really want to have the practice of dealing with used pipes, I'd also talked to Kevin about the possibility of having the homeowners association responsible for that pipe. Kevin's concern was that if the homeowners association was responsible for that pipe, and then in the future the homeowners had never really set aside funds for that, the county would end up suing each individual lot owner to recoup those funds. So, an alternate suggestion was that the developer pay for the lost value of that pipe, and I calculated that out assuming 20 years of the 100 year life span of the pipe was gone, that was at \$325 a foot, the developers fee for us to accept that pipe in conjunction with the street was \$5,200. I know Commissioner Mosby has talked to the developer, Mr. Haas, and Haas was agreeable to paying that fee. So, that's what I'm here to request this evening is whether or not the Commissioners would approve accepting that fee in conjunction with the acceptance of the road. We would just take that money then and deposit it in the Cumulative Bridge Fund, and then at such time in the future when the pipe needed maintenance or replacement then those funds we're paying the present value of that, loss value I should say. So, I just wanted to give a run down on how we got there, and that's what I also want to request, whether or not the Commissioners would approve that.

President Fanello: Are there any questions?

Commissioner Crouch: John, you said that we've never done this before, accepted used pipe. Are we establishing a precedence by doing this?

John Stoll: I would say that we need to make the ordinances state that that's not allowed. Right now they don't, but we know we have to make changes to the

ordinances in conjunction with all the new storm water programs. So, that was one of the things that Bill Jeffers and I talked about was making sure that that doesn't happen again. If this pipe was in poor condition, I wouldn't recommend this payment, but given the fact that it is in good condition, I wouldn't see a problem with it. As long as, like you said, I don't want to get in a precedent of this either.

President Fanello: But we really don't have a basis to deny it, since it's not in the ordinance?

John Stoll: We searched the ordinances and there is nothing that prohibits it. I think in the future it does need to state that though—

President Fanello: Right.

John Stoll: —because there's always the possibility that something might be installed, a lesser quality might be done, and then we might be asked to accept that, and I wouldn't want that to be a practice by any means.

Commissioner Crouch: And while there's nothing that prohibits it, there's nothing that says we have to either, correct?

John Stoll: No. No.

Commissioner Mosby: I mean, I can tell you that I went out and looked at it. I mean, it is a decent pipe. It's in very good shape. I believe what me and John talked about is that we would actually just be ripping out a very good section of pipe to put a new pipe in, and probably cost the developer several thousand dollars over and above what he's willing to pay us. But, I mean, I've been out and looked at the pipe with BMB and it's not a piece of pipe that's in bad shape at all. I mean, it's relatively new.

John Stoll: And that's another plus in this situation. Since it was just in the roadside ditch out along Burkhardt Road, it didn't really see any vehicle traffic. All it saw was the occasional farm traffic crossing where the large ditch used to be. So, it didn't have traffic driving across it on a daily basis. So, it was not carrying heavy loads routinely.

Commissioner Mosby: What is that, John, like a 96? It's either a 96 or a 108. You can walk through it.

John Stoll: It's 68 by 108. It's a large elliptical pipe.

Commissioner Mosby: I mean, I physically went down and looked through it, and it's in good shape. M & W looked at it too. I mean, I would make a motion to not set a precedent, but accept this, and then I've talked to John and Bill about putting it in the new ordinance that we don't accept used pipe. But, I would make a motion to accept this.

Commissioner Crouch: I'm not going to second it, although I think it's a bad argument being made. I think it could go one way or the other, it's not that... I just would prefer to stay consistent.

President Fanello: I'm going to go ahead and second based on the County Engineer's recommendations, and then look for us to make some changes in the

future ordinance so that it's a little more concrete on what our actions will be. So, second and—

Commissioner Mosby: And I think I made it clear to the developer that this was not a practice that I would get into, and that we don't normally do this.

John Stoll: I will have him submit the fee then, in conjunction with the street acceptance when he gets to that point. That's all I had, unless you have any questions on anything else.

President Fanello: Thank you, John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I would like permission to advertise a bid for Dilimilene. Dilimilene is something that we clean our paving trucks and tools and that with to get the asphalt off of them. It's a pretty substantial amount. I think we used something like \$27,000 of it a year. One of the bidders kind of questioned the way we handled it last year. So, what I would like to do is have them sent up here to the Commissioners office and then Kevin open them in an open session just to address this person's concern, if that's okay.

President Fanello: So, you're going to have the Purchasing Department prepare the—

Dennis Hudnall: Yes.

President Fanello: Okay.

Dennis Hudnall: I'll get them the specs, they will advertise the bid, and then send it out. Which, I don't think we have to, because of the dollar amount, but, you know, to address those concerns I think it would probably be best, at this time, to do that.

President Fanello: Do I have a motion?

Commissioner Mosby: I'll make a motion to get with Purchasing.

Dennis Hudnall: Okay, thank you.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dennis Hudnall: The only other thing I have is do you have any questions on my report, weekly report? Lots of snow this week.

President Fanello: Good job.

Commissioner Mosby: Tell the guys they did a great job.

President Fanello: Yeah.

Dennis Hudnall: Thanks.

President Fanello: Thanks, Dennis.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: No report tonight.

Commissioner Crouch: Kevin, did you have an opportunity to look at that Willow Creek? That gentleman, that letter, is it Kenny Cleek? Or what's his name?

Kevin Winterheimer: I don't remember.

Commissioner Crouch: Is that ringing a bell?

Kevin Winterheimer: I was—

President Fanello: Was that the problem with the developer?

Commissioner Crouch: Correct.

President Fanello: Okay.

Commissioner Crouch: And he had sent a letter, and I asked last week, and I thought we had made copies and distributed them.

Kevin Winterheimer: I will look at it. I haven't.

President Fanello: If not, I've got a copy. I was going to send you my copy. I didn't know—

Kevin Winterheimer: Okay.

Commissioner Crouch: Yes, he was asking if we had any right. I think I know the answer, but I thought I would have you check.

Kevin Winterheimer: I'll take a look at it.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late pink slip to the consent items from the Sheriff's Department.

President Fanello: Okay.

Commissioner Mosby: Motion to approve the late pink slip.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. I would like to get permission to send out an RFI for a lazy river water attraction at our aquatic center.

President Fanello: I spoke with Steve about this, actually we talked a couple of weeks ago, and what he's wanting to do, get some cost estimates on the lazy river ride that was suggested in our master plan. I thought it, we talked about it, thought it might be a better idea to send out a request for information rather than a full blown RFP at this time, so that we could get more information on cost estimates and examples of what has been done at other water parks, I guess.

Commissioner Mosby: I'll make a motion to send out an RFI.

Commissioner Crouch: Second.

President Fanello: So ordered.

Steve Craig: Other than that, all I have is my work report.

President Fanello: Any questions? Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept the Soil and Water and Ozone?

Commissioner Mosby: Second. So ordered, or motion.

President Fanello: Motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Consent items. Are there any questions?

Commissioner Mosby: I'll make a motion that we accept the consent items with the one amendment for the Sheriff's office.

Commissioner Crouch: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: I'll make a motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 5:59 p.m.)

CONSENT ITEMS

Travel Requests: County Engineer Health Department

Employment Changes:

County Clerk Sheriff Department Circuit Court
Superior Court

Requests for Telephone Service: Center Township Assessor.

County Clerk: Submit monthly report for November 2003.

Sheriff:

Submit weekly jail and community corrections reports.
Verification CRP form for training center.
Stop Violence Against Women Act Grant.

Commissioners:

21 Quit Claim Deeds: Commissioner Sale.
Surplus computer equipment letter.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Marilee Fowler
John Stoll	Dennis Hudnall	Steve Craig
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 9, 2004**

The Vanderburgh County Board of Commissioners met in session this 9th day of February, 2004 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, February 9th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winterheimer; Commissioner Mosby, myself. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the February 2, 2004 Commission Minutes

President Fanello: Do I have approval of the February 2nd minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Area Plan: Resolution of Commitment to Prepare a
Multi-Hazard Mitigation Plan**

President Fanello: Discussion items, we have a resolution of commitment to prepare a multi-hazard mitigation plan submitted by Area Plan. I believe Kevin has reviewed this. Are there any questions?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Advertise Notice of Public Hearing:
Vacation of Public Utility Easement: Havenwood Meadows Subdivision**

President Fanello: Next is permission to advertise notice of public hearing, vacation of public utility easement, Havenwood Meadows Subdivision. Are there any questions?

Commissioner Mosby: Motion to advertise.

Commissioner Crouch: Second.

President Fanello: So ordered.

Contract for Spring Craft Show: Old Courthouse

President Fanello: Next item is the spring craft show contract for the Old Courthouse. I believe this is the same wording as last year, only the dates are changed.

Commissioner Mosby: Kevin, you've looked at it?

Kevin Winternheimer: Yeah, I've reviewed it, it's fine. It's the same as last year, same percentages.

Commissioner Mosby: Okay. Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?

Old Business

President Fanello: If not, next item is old business. Does the board have any old business items?

New Business

President Fanello: New business?

Commissioner Mosby: Commissioner, I have some new business. Friday I had met with, I guess, the Mayor and representatives from DMD in our office, and the Evansville Plating Works property, which was cleaned up here recently through the efforts of the EPA and Solid Waste and the county and the city would be on a take an expedited sale, property tax sale. In the meeting we had decided that it might be in the best interest of the county to take this property, instead of letting it go on an expedited tax sale. I think, at this point there is around \$77,000 back taxes owed on the property, but there's also some income on the property to be received from what is called....there's a billboard contract on that piece of property that has not been paid on. So, there's also benefits, or revenues to be received that would probably offset that. I think the thing that's more important is that in looking at the property, it's a very marketable piece of property. The property does have a verbally clean bill of health from the EPA. The property, I think, is divided into, if you'll look at the maps, ten or 12, 14 parcels. What could happen at an expedited sale is that that would get broken up, possibly into four, five, six different landowners, and then, once again, we would end up with more of a piece meal project than we would a maybe full blown commitment by one developer. In talking with the city, they, I think, are willing to vacate the alley that you'll see separates the back and front of this property. They are also willing for us to go in and vacate this little section of street down here where the island sits and square this whole piece of property off and make one out of it. So, and Carolyn Rusk is here. She can tell you more about this piece of

property. She's followed this piece of property for years. If you have any questions, she could possibly answer that, or I could possibly answer any other questions that you might have that we discussed in our discussion in the Mayor's office. But, it would be my thought, and I would be willing to make a motion, all said and done, that we would take this piece of property so that it doesn't...the county would own it and we would claim ownership to it so that it does not go to expedited tax sale.

President Fanello: Are there any questions by anyone?

Commissioner Mosby: Bill's got one.

Bill Fluty: I have just a question. Usually on tax sale we offer--

Carolyn Rusk: Hold on, tax sale question, Z.

Bill Fluty: Okay.

Commissioner Mosby: And Z. Tuley's here. Z. was in the meeting with us.

Bill Fluty: Okay, just as we've gone through some of the background. We offered it in September and it didn't sell. Then the process is to go forward and do the expedited sale. Once it doesn't sell at the expedited sale, trying to gather those taxes in, rather than the county writing those off. Then it moves on to the county. Are you proposing to pull this off the expedited sale and write those taxes off before we go through this procedure? I just want to make sure that that's clear.

Z. Tuley: Bill...this is Z. Tuley the Vanderburgh County Treasurer. I did make it clear to them that I do have to offer this up parcel at a time. They do have, the DMD and the Commissioners had deep concerns that it might have multiple owners if it went ahead and went through the expedited sale. Since a property is offered and doesn't sell, they thought that the option of going ahead and accepting it rather than take that chance and let it be offered at the expedited sale might be something that would be more useful if it was the whole block, or most of the whole block.

Bill Fluty: I don't disagree with that idea, but I think the timing....we've advertised it to sell--

Z. Tuley: Yes.

Bill Fluty: --collect those \$70,000 in taxes--

Z. Tuley: Yes.

Bill Fluty: It is scheduled to sell next week, I believe at that sale. Have we researched this that we know we can pull this off and not collect those taxes?

Commissioner Mosby: According to one of our attorneys, we can.

Rob Faulkner: Rob Faulkner, Assistant County Attorney. The statute, the wording of the statute is if it's offered for two consecutive tax sales and does not sell, then the county can elect to take a tax sale certificate, which basically puts them in the position of a buyer at tax sale. So, I did look at the statute, and it can be pulled off the sale, and the county can elect to take a tax sale certificate.

Bill Fluty: But when we take that tax sale certificate, don't we have to go through the same process as doing a title search and an abstract as we've taken other properties in the past, Rob?

Rob Faulkner: Yes, it will have to go through the normal process. We don't automatically get title to it by virtue of the tax sale certificate. It will be like any other property that didn't sell at tax sale.

Bill Fluty: So, you're comfortable with this process in taking it off the sale?

Rob Faulkner: Yes. We determined that the actual earliest we could take title would be next September.

Bill Fluty: That's correct. I know the county has not taken title for many years because they didn't want to get into the chain of title.

Rob Faulkner: Uh-huh.

Bill Fluty: That's where it moves from Evansville Plating Works into...there was a risk, they believed, that that risk would be in the title and may be subject to some liens. Is that not something you're concerned with now?

Rob Faulkner: Well, exactly, that was a valid concern. We're showing a letter from the EPA received by the Department of-

Carolyn Rusk: The letter that was passed out to you from EPA was the cover letter from the final report with the test results that they distributed, or that they gave to me at the USEPA. I don't know, did you get a copy of it, Bill?

Bill Fluty: No.

Carolyn Rusk: Okay, there are copies-

Bill Fluty: Okay, I just did. Just right now.

Carolyn Rusk: Okay, so based on that, with EPA saying it is ready for redevelopment, as far as they're concerned was the actual point of discussion last Friday that we had. It was all based on that.

Rob Faulkner: So, they have given it a clean bill of health, so to speak.

Carolyn Rusk: I will say-

Bill Fluty: I've got one other question. If we are foregoing the taxes that we would receive, the \$70,000 plus, when this property is sold down the road, I guess, would be take, we are trying to sell it for that money or more? Is that correct?

Rob Faulkner: I think a minute ago when Commissioner Mosby said the county may well do somewhat better, later down the road, if it's properly developed.

President Fanello: I think what we want to avoid is what's happened here in the past. That's the whole goal. Right?

Carolyn Rusk: Well, two things. One, yes, we do want to avoid having it continue to show up on tax sale costing Z's office and everybody that time and money, but also we definitely want to stop piece meal development there where we don't get a quality development.

President Fanello: Exactly.

Carolyn Rusk: That's what the neighborhood wants, and that's where DMD comes in, speaking on behalf of the Redevelopment Commission regarding that. But, I want—

Bill Fluty: I want to remind you—

Carolyn Rusk: I was going to say—

Bill Fluty: Go ahead.

Carolyn Rusk: I was going to say, and part of that concern is because of the parcel with the star on it, if you look at the map, that's where the billboard is. That billboard lease expires on April 1st of this year.

Bill Fluty: As you mentioned we avoided in the past, but we avoided that because of the liability, and that the structure was still there, and that we didn't have a clean bill of health. So, that was what we were trying to do for those years. Different situation.

Carolyn Rusk: I would state that there has been some conflicting views as to whether or not the building or the property or what was contaminated and what was not contaminated. So, there was a conflict there in terms of what the status really was, but I think the letter should clarify it. At least from the EPA's standpoint. If you want to go higher up than that.

Bill Fluty: Has the fill dirt been put into it now?

Carolyn Rusk: I was going to go by today, and I didn't have a chance to finish. Last week, and I did show some pictures and I have some today if you wanted to look at those. Most of the fill dirt was in, they still had to do a little bit in the northeast corner. Then there was some big bales that are sitting there where we are ready to seed that property as well.

Bill Fluty: That will still continue even if the county takes—

Carolyn Rusk: Yes. Yes, it will.

President Fanello: Are there any other additional questions for Carolyn, or Rob, or Z.?

Bill Fluty: Thank you.

President Fanello: I believe we—

Commissioner Mosby: Yeah, if there's no further questions or comments, I would make a motion that the county proceed to claim ownership.

Commissioner Crouch: Based upon the attorney's recommendation, I will second.

President Fanello: And I will say so ordered. Thank you all for participating in that meeting last Friday.

Commissioner Mosby: Thank you.

President Fanello: As far as new business, I've got a couple of items. First, I would suggest that we go ahead and schedule a Commissioner meeting next Tuesday morning at 8:30. We do have a holiday next Monday, and we may have some items on the agenda. If we do not have a full agenda by Friday, we can always cancel it, but I would suggest that we schedule one for Tuesday at 8:30, if that is okay with the board. Okay. A couple, or actually I have three items to add to the consent items that were brought to my attention this afternoon. One is a letter to Pamela Hendrickson at USI, and this is just to show our commitment for the Southwestern Indiana Regional Development Commission. For the past few years we've given \$30,300, and this just states that we're giving that commitment again. The \$30,300 does come from the Riverboat/Economic Development Account. So, if everyone is in agreement with that letter, I would take a motion that we add that letter to the consent items.

Commissioner Mosby: Motion to add letter to consents.

Commissioner Crouch: Second.

President Fanello: So ordered. The second item I have is an item brought by Pete Swaim. It is a contract with Eastland Mall regarding...are you renting space out there, Pete?

Pete Swaim: No, this is, they are just allowing us the opportunity to put the voting machine out there next week.

President Fanello: Okay, I mean, is there a specific location in the mall?

Pete Swaim: Yeah, they've given me a specific location.

President Fanello: Okay.

Pete Swaim: I do have two copies of the original certificate for you all to sign, if you would. One for your records, and one for me to take back to them at Simon Properties.

President Fanello: So, exactly what's going to be the chain of events that happens, so that we all kind of know what—

Pete Swaim: I'm just going to have one of the voting machines out there at some different hours next week to show the public, let them do some hands on, and try to separate the out of town shoppers from the Vanderburgh County residents, if we can.

President Fanello: The attorney has reviewed it, and our insurance agent has reviewed it, so it's requested that this be added to the consent items as well.

Commissioner Mosby: Motion to add to consent items.

Commissioner Crouch: Second.

President Fanello: So ordered. The other item I have is, basically, something from Dennis Feldhaus confirming the action that you all took in the meeting I was absent regarding our insurance for this year. It's just a document that we need to sign. So, I would ask that that be added to the consent items as well.

Commissioner Mosby: Motion to add insurance document to the consent items.

Commissioner Crouch: Second.

President Fanello: So ordered. That's all I have for new business. If there is no further new business, we will move on to department head reports, County Engineer.

County Engineer

John Stoll: I have two items, first is a street acceptance request for Carrington Estates Subdivision. This is for 174' of Ellerston Drive. This was actually constructed as part of Carrington Meadows Subdivision, but it lies within Carrington Estates Subdivision. It's been constructed according to plan, so it's requested this be accepted for maintenance.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The other item I have was a travel request that I didn't have a notification on the meeting until today. This is for a seminar in Lafayette for restoration of utility cuts. I'm requesting that Pat Seib be allowed to go to this. This will be on February 19th, and he should be able to go up and back all in the same day. So, all I've requested is for meals and gas for a total cost estimate of no more than \$50.

Commissioner Mosby: Motion to travel.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: No, thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, County Highway, Dennis Hudnall. We've assembled the annual operational report for County Highway for the year ending 2003. I have the copies for everyone. I need the signatures of the three Commissioners here, and then what I will do is send that into the state (Inaudible. Away from Mic.)

President Fanello: Did you want to say anything about the report?

Dennis Hudnall: No, this is an annual report that we assemble every year. Last year, it's just all the numbers that fall into place that the state requires. We send it up there, and that's basically it. It's just reporting, annual reporting. That's all I have besides my weekly report, if you have any questions. Had a lot of snow in the last two weeks, so we've had a few, spent a lot of time out at the garage. So, but I think everything is going well. The salt is holding up real well too.

President Fanello: Do we need a motion to accept the report? Because we're going to have to sign this sheet. Kevin says yes. So, I'll take a motion to accept.

Commissioner Mosby: Motion to accept annual operations report from the County Highway.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Dennis.

Dennis Hudnall: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: Nothing to report tonight.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late travel request for Soil and Water. We just got this late this afternoon. They are just going to Jasper. So, I ask that this be approved.

Commissioner Mosby: Motion to add late travel request.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. The RFI's for the lazy river water project have been mailed to eight vendors, plus being placed on the Dodge report with the anticipated return of information the 15th of next month. The only other information I have is our work report. Any questions regarding it?

President Fanello: Any questions for Gary?

Commissioner Mosby: I don't have any.

President Fanello: Thank you.

SWCD & Ozone Officer Reports

President Fanello: I don't believe that we have anybody from Soil and Water or Ozone. So, I would entertain a motion to accept those reports.

Commissioner Mosby: Motion to accept Soil and Water and Ozone reports.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. I'll take a motion to adjourn.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 5:52 p.m.)

CONSENT ITEMS:

Jail Expenses: James L. Shireman, Inc.: \$55,000

Travel Requests:

Health Department (2)
County Assessor (2)

County Engineer
Surveyor

Auditor (2)
SWCD

Employment Changes:

Knight Assessor
Sheriff Department

County Highway
County Clerk

Treasurer
VCCC

Requests for Service: Sheriff Department: Jail.

Commissioners:

Quit Claim Deeds from Commissioners Sale (7).
Letter of Commitment for SW Indiana Regional Development Commission
Claims Service Contract with Alternative Service Concepts
Commercial Use Lease Agreement: Eastland Mall: Voting Equipment Demo
Escrow Agreements for Jail Project with: Williams Brothers, Peyronnin
Construction, Mel-Kay Electric, Great Lakes Hotel Supply, Integrator.com
Form of Requisition Certificate: Crowe Chizek: Insurance Costs for
Special Tax Refunding Bonds, Series 2003

Sheriff:

Weekly Jail and Community Corrections reports.
Surplus Letter for County Vehicles.

Auditor: Submit A/P Vouchers.

Health Department: Contract with R & R Hauling.

Public Defender: Agreement for Professional Services: John Goodridge.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Carolyn Rusk	Rob Faulkner
Z. Tuley	Pete Swaim	John Stoll
Dennis Hudnall	Gary Hohman	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 17, 2004**

The Vanderburgh County Board of Commissioners met in session this 17th day of February, 2004 at 8:40 a.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, February 17th. Introductions are as follows, to my right, County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of February 9, 2004 Commission Minutes

President Fanello: Do I have approval of the February 9th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

Substance Abuse Council Grants

President Fanello: First discussion item is the Substance Abuse Council grants.

Linda Schindler: I'm Linda Schindler, Executive Director of the Substance Abuse Council of Vanderburgh County. What I have given you is the December minutes of the Substance Abuse Council where they okayed the funding from the screening committee for 2004. Then I also gave you another sheet that shows the name of the projects for each one.

President Fanello: I know Patty brought this to my attention last week, but could you remind the Board, we have never done this in the past where we have approved your grants, can you remind the Board why we are—

Linda Schindler: We are mandated by the Governor's Commission for a Drug Free Indiana. We have to divide our funding, our money from the counter measure fees, and between law enforcement, prevention education, and treatment intervention. The County Commissioners are the ones that approve the comprehensive plan that we do for the state every year. All of our grants have to be within that comprehensive plan.

President Fanello: Okay. Are there any questions? Do I have approval for the requested grants?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Linda Schindler: Thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

Board Appointments

President Fanello: Next item is board appointment.

Commissioner Mosby: Yes, I have one board appointment. I would like to appoint Bill Alexander to, or from the Commissioners representative on the Wages and Scales Committee.

Commissioner Crouch: Second.

President Fanello: So ordered.

World Changers Request

President Fanello: Next item is the World Changers request. Does anybody have any questions about that?

Commissioner Crouch: I did speak with Steve Craig prior to the meeting, and he had indicated that this is going to be taken up by their advisory board Wednesday, so, I would make a motion that we defer it until next Monday's meeting.

President Fanello: That is fine. That was going to be one of my questions.

Commissioner Mosby: Second.

President Fanello: Okay. So ordered.

Public Comment

President Fanello: Next item is public comment. Is there anyone wishing to address the Board? Seeing none.

Old Business

President Fanello: We'll move on to old business. Is there any old business?

Commissioner Crouch: Kevin, did you ever get an opportunity to check on that gentleman from Willow Creek? We brought it up a couple of weeks ago.

Kevin Winterheimer: Yeah, I looked at it and I'm still in the process of gathering the information of what is wrong out there, and what we can do from the Building Commissioners office and so forth. So, I will let you know.

President Fanello: Thank you.

New Business

President Fanello: New business. If there's no new business, we'll move on to department head reports, County Engineer.

County Engineer

John Stoll: First I have a supplemental agreement for the Green River Road project. This is with DLZ, LLC, and the reason for the supplemental is because DNR has revised some modeling requirements for this project. Basically, when we met with DNR last August, DNR had okayed the method chosen by the consultant on how they were going to model the flow out there for the Pigeon Creek bridge. They prepared some reports, did all the analysis and resubmitted to DNR on the basis of what was originally told to them back in the meeting in August. We had a meeting in January, I believe it was January 8th, where DNR decided that the modeling methods they had previously instructed the consultant to follow were not exactly what they were wanting. Basically, by raising Green River to get it out of the 100 year flood plain, the road will be raised probably in the neighborhood of six feet. In doing so, in order not to create a dam that would back water up on the properties upstream of Green River Road, they would have to put in some overflow structures. Without going into a long, drawn out discussion on the modeling, basically, the flood way areas within the project were considered to be in effective flow, which basically means the velocity of the flow was so low that it was, that the consultant was instructed to disregard it back in August. Now, when we met in January, then DNR came back and said, no, that had to be evaluated, which, in turn, contradicted what had been previously stated. As a result of that, the consultant prepared a supplemental agreement, and this agreement has no net change in costs. Basically, the agreement will remain at \$476,000. What the supplemental agreement does do, is eliminates one of the overflow structures that was proposed south of Hirsch Road because the modeling has shown that's not necessary. In turn, the money that was supposed to be used for that design of that overflow structure will be reallocated to additional hydraulic modeling to appease what DNR's asking for. So, on the basis of all that, I request that this supplemental for no net change in cost be approved.

Commissioner Mosby: I make a motion—

Commissioner Crouch: John, is this typical behavior for DNR?

John Stoll: We've had problems with DNR and IDEM both. I haven't really dealt with it in a situation like this, because we haven't had a project like this where a road, a major road has had such a major increase in elevation. So, I don't really have any background to draw off on that, drawn from on that. In regard to problems with DNR and IDEM, for the storm water requirements, yes, I would say that's typical behavior.

President Fanello: Commissioner Crouch, I was going to mention that I did ask our lobbyist to step in and possibly help us with this, if it does turn into an issue with DNR.

Commissioner Crouch: On this particular project?

President Fanello: Yes.

Commissioner Crouch: So, this is not out of the ordinary? This isn't something that you consider to be out of the ordinary for DNR to say we require one model and then come back and say that model's not sufficient, we require another model?

John Stoll: From the way I understand it talking with the consultants and being at that meeting in January, it pretty much fell in one person's hands. Most of DNR's people were agreeable to the previous modeling method, but one of the supervisors was not. It was all on the basis of the previous model showed upstream water surface elevation increases of about a half a foot. He said, because of that, this additional modeling would have to be required, or we would have to go out and buy easements to cover all the areas where this extra half a foot in flood water elevation would occur. From discussions with everybody who reviewed the models was okay with all that without the additional modeling, but this one supervisor was not. So, like I said, I don't have any background to draw off on, draw from on how often they might do such a thing, but having been at the meeting back in August and the one in January, it's not something where I believe it's a consultant error. I believe it is a change from what DNR had originally requested, otherwise, if it was a consultant error, then I wouldn't have brought a supplemental here this evening, this afternoon--

President Fanello: This morning.

John Stoll: --this morning, whatever it is. I'm all messed up on the time here.

Commissioner Crouch: So, the one supervisor that has a problem, or had a problem with the original modeling that was approved in August, was not present at that meeting?

John Stoll: No, he was not. I think his name was Ken Smith, if I remember correctly. The staff with DNR who reviewed the models were present back in August, but the supervisors were not. In talking with the consultants, it was my understanding that the staff members at DNR had forwarded their thoughts to the supervisors and no red flags were raised prior to this meeting in early January.

President Fanello: Are there any other questions?

Commissioner Mosby: I make a motion to approve change order.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The next item I have is in regard to the Oak Hill and St. George project. This is with RQAW, and they are requesting an increase of \$7,907.50 for additional appraisal work on that project. Back when they did the original agreements, they estimated a number of market estimates and amount of parcels that would have temporary right-of-way and things like that. Now that they've got the project designed and they are in the appraisal stage, they found that they need an additional five market estimate appraisals. There is one additional temporary right-of-way parcel, and additional review appraisals. Like I said, the total increase ends up being \$7,907.50. I would request that the agreement be modified to allow us to do a change order on the purchase order that would allow this increase to take place.

President Fanello: And we're going to take that out of Riverboat/Infrastructure.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is a letter to the Water and Sewer Department for the county's reimbursement on the Harlan Avenue project. This is for 50% of the design cost, and 50% of the construction costs. The total reimbursement that will be requested from the Water and Sewer Department for the project will be \$732,958.93.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Thank you, John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good morning, Dennis Hudnall, County Highway. First thing I have is like the salt, North American Salt Company ran out of salt about two weeks ago. They informed me that it would be two weeks before we would get any more supply. This morning they started to deliver that salt. So, we've got about 1,000 tons ordered. That will put our barn at capacity, so we'll be back up safe again. Another item is River Road, outer Weinbach, Waterworks Road, we have flood gates when the river comes up that we close these gates for safety reasons. What I do, I have a problem with people, once the water goes down and it's only about four or five inches deep, and they can drive across the road, they cut the chains to these gates. It creates a problem for us, especially...I got a call from Black Beauty Coal Company the other day. I don't know what the impact of it is if these folks continue to cut these chains and open these gates of residents using these roads if there's an accident. Where does that liability lie? So, I would like to take a Sheriff Deputy and go out and talk to these folks, with your permission. Black Beauty Coal Company is one of them, and get some kind of memorandum of agreement or something, if they open these gates that the liability be transferred to them in some way. Because it's a big problem. Every...we run these flood gates all last week, and we left them closed because there was about four inches of water across the road over this holiday weekend. This morning when we run the gates, the chains were cut again. So, I don't know what the impact of that would be if someone went down there and ran into the water.

Kevin Winternheimer: Do we also post it with signage?

Dennis Hudnall: I have signs on everyone of them, that if this gate is removed, will be prosecuted.

Kevin Winternheimer: No, I meant just a warning sign of high water or something.

Dennis Hudnall: Yes.

Kevin Winternheimer: Well, I mean, you know, I guess it's one of those situations that you do the best you can. Since you have a sign posted that warns of high water, if somebody proceeds, even though the gate is open, they are doing so at their own risk. So, I think you're covered there. Otherwise, the other is just added safety, and I guess my recommendation would be to just do what you can. You know, obviously, I don't think anybody is going to admit to cutting them, necessarily, so they are not going to agree to be responsible. But, the main thing is that there's a high water warning sign there, a road closed, or something to that effect so they're not just relying on the gates. I think that's very helpful.

Dennis Hudnall: Well, I have the signs attached to the gates. So, when the gate is open, the sign is not really visible. So, I—

Kevin Winternheimer: We might want to put something on the post or something, whatever, I'm not really familiar with the setup there, but put a sign somewhere so that if they open the gate somebody can still see a high water warning sign, or do not enter, or whatever the appropriate message would be to stay out. Then something that you could take down when you would normally unlock the gate or something. I don't know, but I think that would be helpful.

Dennis Hudnall: Okay. The only other thing that I have is to ask you if you have any questions on my weekly report.

President Fanello: Questions?

Commissioner Mosby: I don't have any questions.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: No report today.

Superintendent of Buildings

President Fanello: And Superintendent if out of town, no report.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. We've had two inquiries for information on the lazy river ride. The gutters on the Olympic pool will be finished installing this week with some fabrication, which will still be done afterwards, so that they can connect it to the new water lines, which we're installing at the present time. We've got several other projects that we've been working on as weather permits,

and the progress of these projects are listed in our weekly reports. Other than that, that's my weekly reports, that's all I have to report for the week.

President Fanello: Any questions for Steve? Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Fanello: We have, what do we have here? Soil and Water report to add, does everyone have that on their desk, okay? So, do I have a motion to accept the Soil and Water and Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Consent items, are there any questions on consent items?

Commissioner Mosby: Motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 8:55 a.m.)

CONSENT ITEMS:

Jail Expenses: United Consulting Architects and Engineers: \$45,081.73

Travel Requests:

Health Department	DADS	Commissioners (3)
Area Plan	SWCD	County Highway

Employment Changes:

German Assessor County Highway	Superior Court
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Center Assessor Sheriff Department

Treasurer: Submit Monthly Report for January, 2004.

County Clerk: Submit Monthly Report for December, 2003.

Commissioners:

Surplus of Computer Equipment.

(8) Quit Claim Deeds from Commissioner Sale, December 2003.

Sheriff:

Weekly Jail and Community Corrections Reports.

Jail Fire Alarm Maintenance Agreement: SW Communications.

Those in Attendance:

Catherine Fanello

David W. Mosby

Suzanne M. Crouch

Bill Fluty

Kevin Winterheimer

Madelyn Grayson

Linda Schindler

John Stoll

Dennis Hudnall

Steve Craig

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 23, 2004**

The Vanderburgh County Board of Commissioners met in session this 23rd day of February, 2004 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 for February 23rd. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; Kevin Winterheimer, County Attorney; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of February 17, 2004 Commission Minutes

President Fanello: I need approval of the February 17th Commission minutes.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of February 23, 2004 Executive Session Summary Minutes

President Fanello: Need approval of the February 23rd Executive Session summary minutes.

Commissioner Mosby: I make a motion to approve Executive Session summary minutes, moments, we discussed litigation on two cases.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Advertise: VC9903-2004: Burdette Park Food Bid &
VC9904-2004: Burdette Park Beverage Bid**

President Fanello: Bid advertisements, permission to advertise VC9903-2004 and VC9904-2004.

Commissioner Mosby: Motion to, for permission to advertise.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Public Hearing of Vacation of Public Utility Easement:
Havenwood Meadows Subdivision**

President Fanello: Discussion items, Brad Salmon public hearing of vacation of public utility easement, Havenwood Meadows Subdivision. Phil, we already gave you permission.

Phil Lawrence: I'm outta here.

Brad Salmon: Good evening. I'm here on behalf of Elpers Development, Inc., and also on behalf of Mr. and Mrs. Newman. We have filed a petition to vacate a sewer easement, it runs across lots three, four and five in the Havenwood Meadows Subdivision, which is in northern Vanderburgh County. I think if you look at the drawing attached to the back of the petition it is self-evident. We're, the existing easement has already been relocated, we're simply trying to clean up the existing plat that's recorded. If you have any questions Mr. Paul Elpers is here, he is president of Elpers Development and can answer them.

President Fanello: Does anyone have any questions? Seeing none, do I have a motion to approve?

Commissioner Mosby: (Inaudible. Mike not on.)

Commissioner Crouch: Second.

President Fanello: So ordered. We don't need a roll call, do we?

Madelyn Grayson: We'll have second reading next week.

President Fanello: On second reading we do, okay.

Kevin Winterheimer: Yeah, we'll do it at that time.

Brad Salmon: Thank you.

Ozone Officer: Air Quality Update

President Fanello: Next item is our Ozone Officer, air quality update.

Joanne Alexandrovich: Thanks. I think every week you get a little report from me, but they tend to be kind of redundant. So, perhaps, in person, you would get a better feeling for what's going on, and also to ask questions. I have three topics I want to talk with you about tonight, and one is the ozone air quality standard, the fine particulate standard, and also construction of power plants in the area. Just to kind of give you a time line and where we stand with regard to ozone, on February 5th I submitted information to the USEPA in response to the preliminary non-attainment area recommendation, which included both Vanderburgh and Warrick counties. That was included in your packet. IDEM also submitted information to the USEPA, however that packet didn't include anything new with regarding Vanderburgh and Warrick counties. Today I received confirmation that that new information will be going into the official docket. How much they look at it, the USEPA looks at it, is another question. Friday Janet McCabe informed me that they had not heard from the USEPA with regards to our differences of opinion on which counties should be non-attainment or not. She promised that they will keep us informed on any discussions that they have. Just a few minutes ago I noticed a new document that they posted on their website that gives me a little more insight into what they are

thinking about with regards to Vanderburgh County, and I'm planning on responding to that as well. The implementation rule, what would a non-attainment designation mean to us has not yet been issued. According to the USEPA the first phase of this rule, they are going to issue it in two direct final rules, is supposed to be next month. However, given the numerous delays and push backs regarding this date I am not holding my breath, and I'm breathing our relatively clean air. The second phase is not expected to be final until May or June after the designations are expected to be finalized, which is April 15th. Administrator Levitt needs to sign off on that April 15th, according to a consent decree that they signed. That second phase of the implementation rule probably will have all the information that pertains to Vanderburgh County, specifically new source review which is kind of the scariest thing of the whole non-attainment issue. So, unfortunately, the bottom line is we still have no idea what non-attainment will mean to Vanderburgh County. I'll stop there if you have any questions regarding ozone, before I move on. Okay. On the same day that the eight hour standard was promulgated in July of '97, the new fine particulate standard was promulgated as well. So, that was quite awhile ago. Although this standard was also contested in courts, which has delayed the implementation of the ozone standard, implementation of the fine particulate, or PM2.5 standard, is more or less on track because we had to undertake monitoring across the country. We started monitoring in Vanderburgh County in 1999. In our region there are monitors also in Spencer County, Dubois County in Indiana, and Henderson and Daviess County in Kentucky. Out of those five counties, only monitors in Vanderburgh and Dubois violate the standard. So, last week on February 15th the governor and IDEM gave a preliminary recommendation for those two counties, ourselves, Vanderburgh County and Dubois to be in non-attainment. IDEM included an analysis of the fine particulate pollution problem with that recommendation, but I believe it contains some weak assumptions and unsubstantiated conclusions, which I am going to try and work on. The PM fine issues are very similar to ozone in that where no monitors exist in a county, where no monitors measure non-compliance with the standard, the county can be contained in the non-attainment area. For instance, Vanderburgh County measures attainment, yet USEPA decided to include it in the non-attainment area because they say it causes or contributes to the violation of the standard. So, the PM situation is the same thing. Due to the nature, complex nature of pollution formation it's very difficult to disprove or dispute any county's role in causing or contributing to a violation of this standard. In addition, like ozone source emissions throughout the region have been decreasing. Our monitor trends have been improving. In other words, our levels are going down, statistically significantly, and the reduction measures that are going to be implemented over the next few years, including some on power plants, cleaning up some vehicles and fuels over the next few years should also solve any non-compliance issue that's left over. I think the state of Indiana have generally tried to keep the non-attainment areas small, because the problem of causing, determining cause or contribution. That's very difficult. Also the lack of information, we don't know what implementation of this standard will mean, and also simply the economic implications of a non-attainment designation. Most economic development people will say if you're non-attainment, forget it, nobody will look at you, no matter what. USEPA is expected to respond to the state's recommendation for Vanderburgh and Dubois county sometime this spring or summer, and at the same time, or around the same time, they should come out with a preliminary implementation rule. Between now and then I plan to continue the analysis of data, and also Dona Bergman has gotten together a group of stakeholders to start working on some possible PM reduction measures. Probably pertaining a lot to traffic issues around the city. The chance of getting out of non-attainment for PM fine is highly

unlikely. I think ozone we stand a better chance. The only way we may get out of it is through litigation or an act of Congress. Any questions on that?

President Fanello: Is there any questions?

Joanne Alexandrovich: Finally, on power plants, the coal fired power plants in this region are responsible for a large portion of the region's emission inventories for both ozone and fine particulate, and those emissions have been decreasing, it's documented. In addition, it will be decreasing even more, the NoxSIP call is supposed to be fully implemented in May of this year, and that's going to reduce oxides of nitrogen. But, there are some other issues, there are several new power plants proposed for the region; Thoroughbred Power Plant in Muhlenberg County was issued a permit, but no construction has begun. Recently, Cash Creek, proposed for Henderson County has submitted an application, but no permit has yet to be issued. KDAQ is still working on that. As I've done in the past, I'll continue to monitor the developments on this, and comment where appropriate. For example, all my comments will push for the lowest emissions rate, the best pollution controls, and also the possibility of off setting any additional emissions, find some place else where you can reduce them. So, I have actually one other thing, the General Assembly has put together a commission to evaluate the state efficiency, which includes looking at IDEM. So, they have these surveys if anybody wanted to....I will be filling it in. So, should I leave these with anybody?

President Fanello: Why don't you go ahead and leave them up here.

Joanne Alexandrovich: Okay.

President Fanello: Leave them with Tammy.

Joanne Alexandrovich: I guess, that's that for now. I'll keep you updated as things progress.

President Fanello: Are there any questions?

Madelyn Grayson: Joanne, it would be extremely helpful if I could have a copy of your report when I'm transcribing.

Joanne Alexandrovich: Okay.

Holiday Schedule for 2005

President Fanello: We can move on to the next thing while she's doing that. Holiday schedule for 2005. Do I have approval for that?

Commissioner Mosby: Motion to approve holiday schedule.

Commissioner Crouch: Second.

President Fanello: So ordered.

American Medical Response Contract

President Fanello: We have two contracts tonight, the first one being American Medical Response. This has been reviewed by the County Attorney. Are there any questions? Seeing none, the Board will entertain a motion.

Commissioner Mosby: Motion to approve contract with AMR.

Commissioner Crouch: Second.

President Fanello: So ordered.

<p style="text-align: center;">Contract with Waggoner, Irwin, Scheele and Associates: Commissioner Departments Review</p>
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President Fanello: Next we have a contract with Waggoner, Irwin, Scheele and Associates. Are there any questions on that one? This one has also been reviewed by the County Attorney.

Commissioner Crouch: I have a question, what is the purpose of this particular contract?

President Fanello: The purpose of this is to do a job efficiency study on the departments under the control of the County Commission.

Commissioner Crouch: And that would include evaluating the positions and reviewing the job descriptions—

President Fanello: Exactly.

Commissioner Crouch: —and making changes in the job descriptions.

President Fanello: Suggestions of changes in the job descriptions, operations review, FLSA analysis, there have been several changes in laws over the past few years. So, the city is also undergoing this same type of efficiency study, and it was suggested that, a person from Waggoner, Irwin and Scheele stopped by my office and talked about it, and like I said, the city is also doing this type of study, and I think it would be prudent if the county undertook this, especially the Board of Commissioners.

Commissioner Crouch: I certainly don't disagree that this is probably something that we ought to do. With County Council having jurisdiction over the job classifications and salaries, there is already a process in place and a consultant who is on contract with County Council to do this. In the past, at least as Auditor, we would review positions and make changes upon occasion, and then we would submit it for evaluation by the consultant and then recommendation. So, it seems to me that this is money that perhaps we don't need to spend. I would be more than happy to work with the departments and with those particular employees to at least start the process, so it can be evaluated.

President Fanello: Well, and I understand what you're saying, and it's definitely something to consider, but, unfortunately, I don't think there's been a lot of movement from the current Job Study committee to update job descriptions. These are positions under control of the Board of Commissioners. So, what we would be doing is submitting this information to the County Council for their review, but there

hasn't been a whole lot of movement. And the consultant that does work for them is not experienced in personnel, and is not experienced in FLSA laws. So, I really think would probably be a better direction for the Board of Commissioners to move in.

Commissioner Crouch: I think one of the reasons there probably hasn't been movement, most of the time that is generated by specific offices.

President Fanello: And we have had discussions, but, and we have submitted some job description updates, and there has not been movements on those updates. Like I said, there are not people on the Job Study committee, and the consultant is not also an expert in personnel law, nor is he an expert in personnel matters. So, I think we really need to get someone who is experienced in this type of work. Like I said, the city is also undergoing this type of work also. So, I think it would be a good idea.

Commissioner Mosby: Any other questions? I'll make a motion to approve contract with Waggoner, Irwin and Scheele.

Commissioner Crouch: And I'm not going to second. I think the taxpayers money could be better spent.

President Fanello: I'm hoping that by the suggestions by Waggoner, Irwin and Scheele we will be saving the taxpayer's money. So, I will second that and approve, and say so ordered.

Public Comment

President Fanello: Is there any public comment?

Old Business

President Fanello: Old business?

New Business

President Fanello: New business?

Commissioner Crouch: Commissioners, I just have...I think, really, this probably goes to John Stoll, but it was addressed to the Board of Commissioners. It was shared with me, or given to me to share, and it's from the principal of Oak Hill Middle School, who's requesting that we look at flashing lights around the school, because of the increased traffic. So, I would presume that we would forward that to John Stoll.

President Fanello: Yes.

Commissioner Mosby: We can give it to Pat. Pat can take it to John.

President Fanello: Pat can carry it back to John, and probably should make a copy for Rose down in EUTS also. Have her take a look at that as well. Do you need a copy of that for the record also, Madelyn? Okay.

County Engineer

President Fanello: Okay, next item is department head reports, County Engineer.

Pat Seib: Good evening. Patrick Seib, here for John Stoll tonight. I have three items, the first of which is a storm sewer acceptance for section one of Woodgate Subdivision. This particular section has 770' of pipe for a total fee of \$1,540. That was paid on January 22nd of this year.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve for acceptance.

Commissioner Crouch: Second.

President Fanello: So ordered. You can go on to the next thing, Pat.

Pat Seib: The second one is for Woodgate Subdivision, Section 1A. This section has 1,575' of pipe for a total fee of \$3,150. That was paid also on January 22nd of this year.

Commissioner Mosby: You recommend approval, right? Okay.

Commissioner Crouch: Second.

Pat Seib: And my last item is for the Stockwell Road culvert project, a supplemental agreement with American Consulting, for an increase of \$5,000. The increase is to cover the cost of an appraising and acquiring one additional right-of-way parcel. The original agreement estimated two parcels would need to be acquired, and the final design shows three parcels need to be acquired.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Do you have anything else, Pat?

Pat Seib: That's all tonight.

President Fanello: Alright, thank you.

Pat Seib: Thank you.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I would like to request permission to, for the use of a county truck to go to Bloomington. Two of my guys have signed up for a class at county highway expos up in Bloomington with CPI Supply. It's not an overnight trip. It's just a trip, they will leave in the morning, go to class, and then come back in the evening, but I need permission for that truck to leave this county.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dennis Hudnall: Thank you. Second, I have a list for our road hearing. We've been reviewing the roads over the past year, and we've put together a list, and I would like to request March the 8th for a road hearing, if we have time for Madelyn to advertise it. If not, we can-

President Fanello: That's only, you have two weeks.

Madelyn Grayson: I think, it has to be advertised 17 and 10 days, or I don't remember the advertising requirements. I think it's at least 10 days prior to the public hearing.

Dennis Hudnall: Ten days?

Madelyn Grayson: So, if we, if I got the legal ad tomorrow, I could put it in Friday, and that would put it 10 days, I believe.

Dennis Hudnall: Okay, so March the 8th is okay?

President Fanello: Do I have a motion to that effect?

Commissioner Mosby: I'll make a motion to approve road hearing for March the 8th.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dennis Hudnall: I'll have you a copy of that before the March the 8th meeting, so that you can review it, and we can add and subtract from it, if you would like. Thank you. The only other thing I have is a question, if you have any questions on my weekly report.

Commissioner Crouch: The dead cow.

Dennis Hudnall: Yeah. I got a call on Saturday that the high water of the river had washed some farmers cow up on Old Henderson Road. So, we thought we'd better get it out, and we had to take it to the dump instead of animal control because it was so large. So, we drug it out, loaded it up, and took it to the dump. It was kind of an odd thing. But, there again, we get a lot of odd things in the Highway Department. So, we took care of the cow. That's all I have.

President Fanello: Thank you, Dennis.

County Attorney

President Fanello: Superintendent, oh, County Attorney, sorry.

Kevin Winternheimer: No report anyway.

President Fanello: Thank you.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add two late items to the consent list. I have a late travel request from the Commissioners office, and I have a late grant request from EMA, which Kevin has reviewed.

Commissioner Mosby: Motion to add items to the consent agenda.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: That's all I have.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Yes, Ma'am. Gary Hohman, Burdette Park. You have the recommendation of the advisory board regarding the pass situation for the World Changers. They made a recommendation to offer them a group rate of half. I think it is your concern that this should be given to them at no charge due to the nature of the group that will be in town for over a week performing civic beautification and home remodeling chores throughout the community. I think that's...from the information that we've received, that you would like to change this. It would be involving approximately 300 youth that will be in the community from July 17th through July the 24th. They are going to have one free day during this time period, which will be spent at Burdette Park.

Commissioner Crouch: Gary, I know we don't, or you rarely give away free passes, other than your 10 to each school. Do we discount these? I can't remember, are we in a habit of discounting passes?

Gary Hohman: No, ma'am. This was....each donation request that we receive, the advisory board looks at each group and merits their weight, I guess you would say. This, since I've been here this is the first one that they've had with this number of a group that they have wished to reduce the price, and then, I think carrying it further, to offer it to them at no charge.

Commissioner Crouch: I thought it seemed unusual also. My concern is we're discounting this for a group with children from out of town, and we have requests, I'm sure all the time, from groups with children in town. I'm concerned about the precedent that might set.

President Fanello: What, that we're against children?

Gary Hohman: The majority of....pardon?

Commissioner Mosby: Well, these are youth that are coming in here to remodel homes.

President Fanello: Yeah, they are coming in, my God I wish we could get more youth to do things like this.

Commissioner Mosby: Gary, did Susie Kirk appear in front of the board on this? Do you know?

Gary Hohman: No, sir.

Commissioner Mosby: I mean, I know I spoke with her, and I believe there were some 300 people coming in here for one week to repair homes within the community. All they get is, I think, one free day, and I'm not sure that they have any money to be spent on any type of recreation—

President Fanello: Right.

Commissioner Mosby: —throughout the whole week. That's my only main concern here, is I think we need to talk to Susie Kirk down at DMD, and find out if there's, if they have any money, and if not, they will probably have to pick up a sponsorship throughout the community to sponsor this for them.

Gary Hohman: This was the information that we had, that if the Commissioners or Burdette does not offer them this type of package, that they would have to go to some other merchant and try to pick up the expense of them having a free day and spending at Burdette.

President Fanello: You have 300 youth coming in to rehabilitate homes for low income and elderly homeowners.

Commissioner Mosby: It's through DMD.

President Fanello: I believe, well, my personal opinion is that we ought to let them have a free day.

Gary Hohman: Plus their supervisors.

Commissioner Mosby: I would ask that the board—

President Fanello: Three hundred youth volunteering to rehabilitate homes.

Commissioner Mosby: I would ask that somebody contact Susie Kirk from DMD, and have her appear at the meeting and review, or revisit this to see exactly.

Commissioner Crouch: I don't have a problem seconding a motion, or making a motion that we go ahead and approve this, I just wanted it, you know, to ask the question and have a response by Burdette.

Commissioner Mosby: Well—

Commissioner Crouch: I'll be happy to make a motion that we go ahead and accept this.

Commissioner Mosby: I mean, but do you want to approve it at the board's recommendation, or—

Commissioner Crouch: If you would like.

Commissioner Mosby: —do we want to approve it that if there is no money, you know, available for these kids to have some type of recreation for one day, you know, are we going to waive the cost, or tell them to go pick up a sponsor? I mean, right now the board's made it a half price, so that's going to be, what, three dollars per child, so that will be a \$1,000.

Gary Hohman: Right.

Commissioner Crouch: I'll make a motion that we go ahead and approve that based upon the recommendation of the advisory board.

Commissioner Mosby: I'll second that, but I'd still like for the board to revisit this idea.

Gary Hohman: If you would, sir, I can request or ask Ms. Kirk to appear before you with some additional information. All we had, and all the advisory board had was the letter that was, you know, sent to you.

Commissioner Mosby: I would ask that you contact DMD. I don't know who's doing Susie's job right now. I believe she's off right now, but contact DMD and see who's handling this for the time being.

Gary Hohman: Doug, Doug Ohning.

Commissioner Mosby: Okay.

Commissioner Crouch: Are you comfortable then, Commissioner Mosby, with—

Commissioner Mosby: I'm comfortable at the half price, and I would like to see the board revisit to see exactly if they are going to be able to take advantage of it or not. I'm not sure they are going to be able to take advantage of it.

President Fanello: What if they can't afford the \$1,000? You said the half price is three dollars per child. Yeah, I think at that time we should revisit.

Gary Hohman: The only other item I have before you, within the minutes of the advisory board meeting, they had suggested some group rates for company picnics to include miniature golf and the batting cages. I would like to ask for you to take these under advisement, and vote on them at your next meeting please.

President Fanello: Okay. We'll add them to the agenda.

Commissioner Mosby: Motion to take under advisement until next meeting. Could you give us a copy of what the rates are now?

Gary Hohman: Yes, sir.

Commissioner Crouch: Second.

Gary Hohman: On the pool rates? Or on—

Commissioner Mosby: I'm taking for granted these are the suggested rates for change, I'm just wondering what they are now.

Gary Hohman: They are non-existent, sir.

President Fanello: They want to add this to the group rate.

Gary Hohman: We do not have group rates—

Commissioner Mosby: It's not involved in the package that you give to—

Gary Hohman: We do for group picnics that are from 1,000 to 2,000, we have a group rate for miniature golf. Two thousand plus we have a group rate, but we do not have a group rate for smaller picnics from 50 to 200, 200 to 500, and 500 to 1,000. What we're just trying to do is establish a rate that will give these companies that utilize our facilities and option of taking the group rate package, rather than just printing tickets for them on an individual basis.

Commissioner Mosby: Okay, but I'm just looking at your batting cages from 1,000 to 3,000 on up, you have a rate for that now, don't you?

Gary Hohman: No, sir. Do not have, or we had, last year was the first year that we took over the batting cages, and we had a group rate for the 50 to 200, and then the 200 to 500 were the only group rates that we had. We're wanting to add those on up to extend them up to 3,000 and up. That's all I have, unless you have some questions.

President Fanello: I think that's it. Thank you, Gary.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's report.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Motion to accept consent items.

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second.

Commissioner Mosby: With additions.

President Fanello: So ordered. ¹

**VANDERBURGH COUNTY
REZONING BOARD
FEBRUARY 23, 2004**

The Vanderburgh County Rezoning Board met in session this 23rd day of February, 2004 at 6:02 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The Rezoning petitions were heard during the course of the regularly held Commission meeting.

President Fanello: Now we'll move into the rezoning portion of the meeting.

¹Consent items listed on page 15.

**First Readings: VC-2-2004
Petitioner: Stan Newingham
Address: 8845 Vienna Road
Request: C-4 with Section 4 to Ag**

President Fanello: First item on the rezoning agenda is to approve the minutes of the previous meeting.

Commissioner Mosby: Motion to approve the minutes of the previous meeting.

Commissioner Crouch: Second.

President Fanello: So ordered. And we have a first reading, VC-2-2004, request C-4 with Section 4 to A.

Commissioner Mosby: Motion to approve on first reading.

Commissioner Crouch: Second.

President Fanello: And so ordered. We have no final readings, so—

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. Drainage Board will start in ten minutes.

(The meeting was adjourned at 6:03 p.m.)

CONSENT ITEMS:

Travel Requests:

Commissioners	Health Department	County Engineer
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Employment Changes:

Public Defender	County Highway	Pigeon Assessor
County Assessor	Sheriff Department	Burdette Park
VCCC		

Requests for Telephone Service: Health Department

EMA:

Statement of Work.

FEMA Emergency Response Team Sub Grant.

Health Department:

Contract with Kevin L. Hunter for Sign Language Interpreter.

Those in Attendance:

Catherine Fanello

David W. Mosby

Suzanne M. Crouch

Bill Fluty

Kevin Winternheimer

Tammy McKinney

Madelyn Grayson

Phil Lawrence

Brad Salmon

Joanne Alexandrovich

Pat Seib

Dennis Hudnall

Gary Hohman

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 1, 2004**

The Vanderburgh County Board of Commissioners met in session this 1st day of March, 2004 at 5:33 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, March 1st. Introductions are as follows, to my right, Administrative Assistant, Patty White; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of February 23, 2004 Commission Minutes

President Fanello: Do I have approval of the February 23rd Commission minutes?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Amendment to Agenda: Permission to Open Quotes:
VC-37-2004: D'Limonene**

President Fanello: We have an amendment to the agenda.

Commissioner Mosby: Yes, I would like to amend the agenda to allow Purchasing Director, Phil Lawrence, to open quotes on VC-37-2004, limestone, or D'limonene.

Commissioner Crouch: Second.

President Fanello: So ordered. Phil?

Unidentified: They let you go first.

Phil Lawrence: That just happens when you do bid openings. Kevin, are there any other bids in the audience?

Kevin Winternheimer: Seeing none, I will open them up here and read them in the record. The first one is from KRS, Kleen Rite Supply, and it's Evansville, and their price is \$7.88 per gallon. Does that make sense?

Phil Lawrence: Yeah.

Kevin Winternheimer: Okay. We have another bid here that was faxed in, let's see, this is from it looks like Zep, Z-e-p, Manufacturing from Indianapolis. Let me see what they have written here. They are apparently substituting another product called Zep Big Orange, and that product, they are offering at \$4.14. It says use cost per

gallon. I don't know, you'll have to read all this stuff about their product, Big Orange. We have one more here somewhere.

Phil Lawrence: There should be two more.

Kevin Winternheimer: Two more. I'm sorry. Two more. The next one is from Echo Link, I believe, and they're from Stone Mountain, Georgia, and their product they offered for \$7.20 per gallon. One more, this is from Getty Oil, Inc. of Haubstadt, and they apparently have submitted prices on two products. The D'limonene, \$7.80 per gallon, and something, some other option they are offering at \$6.40 per gallon. In any event, that's all we have.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

Commissioner Mosby: Thank you.

<p>Second/Final Reading of Ordinance to Vacate Public Utility Easement: Havenwood Meadows Subdivision</p>
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President Fanello: First discussion item is Brad Salmon, second and final reading of ordinance to vacate public utility easement, Havenwood Meadows Subdivision. Is there anyone here to speak to this? Seeing none.

Commissioner Mosby: John, have you looked at this? Do you have any problems with it?

John Stoll: That was a sanitary sewer easement, wasn't it? Or a utility easement of some kind?

Commissioner Mosby: Yeah, public utility easement.

John Stoll: Yeah, I sent Brad Salmon a letter stating that we had no objections to it. I guess, he didn't include that in your information, but-

Madelyn Grayson: That was in last week's information.

Commissioner Mosby: Last week's? Okay.

John Stoll: Yeah, I'm okay with it.

President Fanello: This is second and final reading, so do I have a motion to-

Commissioner Mosby: Motion to accept and call the roll.

Commissioner Crouch: Second.

President Fanello: So ordered. Roll call vote, Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

Dennis Woehler: Anthem Update

President Fanello: Next item on the agenda is Dennis Woehler.

Dennis Woehler: Dennis Woehler, ONB Insurance. This is the time of year that I always kind of come and report on the refund agreement that we have with Anthem on the medical insurance. In 2002 you all made some tough decisions, and maybe a little bit unpopular, but for the 2003 year it changed the health insurance plans a little bit. Well, we ended up 2002 \$136,000 in the hole on that refund agreement. So, it was probably time for a change. I'm happy to bring the news tonight that we not only made up that, but there is, right now, \$109,885.86 that is refundable to the county on the health insurance this year. Largely better claims year, different plan design, and I can't go without giving a plug to the wellness program that the county employees have adopted on their own, because anytime you can adopt a program like that, it's got to help. The ultimate results of that show in the claims. So, at this point, I would entertain a motion on what you all would like to do with your refund.

President Fanello: We'll deposit it.

Dennis Woehler: Here's a copy for each of you. Just, if you would like, because you always have the option of leaving it on deposit with them, or taking it as a refund. So—

Commissioner Mosby: I think it's as good in our pocket as theirs.

Commissioner Crouch: Is that a motion. Second.

Commissioner Mosby: That's what I was always told.

President Fanello: So ordered.

Dennis Woehler: Alright, then I'll bring the paperwork by for a signature tomorrow.

Commissioner Mosby: We'll be looking forward to seeing you.

President Fanello: Thank you, Dennis.

Computer Services: Website Update

President Fanello: Next item is computer services, website update.

Alan Teeple: Good evening, Alan Teeple, Computer, Director of Computer Services. At the same time we're presenting here, Tim is being my clone over in the City Council and their hearing. It's pretty much the same presentation. This is for the website redesign project. We're changing the website that, let's see, last April and

May they said was the worst website for a city of our size that they'd ever seen. So, I think that what came from that, or those comments that we got last April and May, is that when the new contract that happened we then, the Data Board, assigned six members to go out and find a web provider, which they did. The site goals are; attractive design, intuitive navigation, content management solution, and interactive components. Let me talk just a little bit about the content management, it's the most powerful out there on the market today. The good news is that if Vision Internet, if we stop doing business with Vision Internet today, that the content management tool is ours. Ours meaning the city and county's when they walk out the door. What it does is let each department manage their accounts, or their site, their web pages. Each department, new buzz word, each department has a content author that lets them use this content management tool, that lets them put in text images, Internet hyperlinks, and links to documents. It gives the ability to copy and paste from Word and Notepad. So, I think that's kind of exciting. I mean, it does a whole hosts of other things, but just at the surface level what the content manager is going to give us is the power at the department level. We're not going to have to use the hours that we have allocated to use someone like a Quilogy, or how we have used Quilogy to this point to do website updates. So, I think that's kind of exciting. Vision Internet was chosen, they have done over 3,500 local government sites. Some of the modules that are coming up, will be coming up in what we call phase one is a site search, calendar, dynamic home page, a staff directory, e-notices and newsletters. Currently today frequently asked questions, and I'll get to something that came out of the brainstorming session here in a minute, meeting agenda and minutes, news notices and press releases, an image library, a download central, and a link manager and an officials corner. So, I think all of that is a good first phase burst on to the scene. What has occurred to date is that Vision Internet sent out, we sent out for Vision Internet, on the 6th of February surveys to all the department heads and elected officials. They brought back, we prepared and tabulated the surveys before Vision Internet came in last week, and on the 26th of February, 16 people from the city and county sat down to what I call brainstorm. Everyone was invited from the department heads and elected officials to brainstorm and they came up with some good, some very good items. I've sent it to both contract administrators on some of the first results that came out of it, but one of them was to replace the FAQ with an "I Want To" that people had seen and I've seen out on some websites. "I want to pay a parking citation", and you click on it and it takes you to where you want to go. "I want to contact the Commissioner", or "I want to contact the Mayor", and it takes you to where you need to go to be able to do that. So, that may be an option that we might want to look at. That's what, one of the items that came out of the brainstorming session. Vision Internet has a very structured approach. They have a six stage or six phase process. We are currently, have currently just completed the first phase with the holding of the brainstorming session. The second phase is the creation of a site map and a home page layout and the approval thereof. Then we move into a design stage, and at the end of this stage is the final design concept for approval. Then we move into the development phase, the QA and documentation phase, and that is complete when we get a training manual from Vision Internet. Then finally the "go live" date for phase one is, hopefully, if all the things go as planned, and they never do in a project, but we hope that we have built in some things that will assist us. The "go live" date for the phase one and the new website is the 28th of June, 2004. So, I'm excited about that. Two final items, the key factor to the success of this is the quick turnaround and decisions being made by the city and county on the site plan at all the different milestones that you see in your project plan. Your input into the development and the implementation process is the most important key for deploying a site that everyone is proud of. We've also done an additional item, and I was certain that it will be reported on, I'm sure, by

John today is that we have created two e-mail addresses for the city and county to send us, and I mean the constituents to send us your recommendations for the website. They are newsite@vanderburghgov.org and newsite@evansvillegov.org. I think that helps us have some constituent input. Subject to your questions, that's my report, as of right now.

President Fanello: Does anyone have any questions? Thank you, Alan. Glad to see it's progressing.

County Government Week

President Fanello: Next item on the agenda is county government week. What I wanted to do at this time was just to give everyone an update about plans for county government week. We've done this, I believe for the past two years. County government week is, starts on Monday, April 19th. What we've got planned so far is pretty much a mirror of last year with the exception of one additional item. We'll have two days of Old Courthouse tours on the 20th and 21st. Patty has contacted county officeholders to do county government expos, set up exhibitions over at the Courthouse. We'll have an open house for the public from 6:00 to 8:30 on Tuesday, April 20th. We'll do an annual coloring contest. Job shadowing with the Commissioners will be on Monday, April 19th, so she's working on arranging schedules for that. One additional thing that we're doing this year that I think is pretty special is a "Girls in Bloom Fair". How this came about was that I was asked by several women in the community to participate in developing what is called an Ophelia project for Evansville that would focus on girls, their self esteem and positive development. I don't know if you're familiar with the Ophelia project, but it's basically a national, grass roots effort to educate young girls and do things that encourage them to develop positively, and it focuses a lot on some of the negative media attention that young girls get. So, what it is, is trying to bring out, you know, self esteem in girls and positive development. So, what we've proposed is an arts fair at the Old Courthouse, they are going to pay the normal not-for-profit government rate, so there will not be a cost to the county for this. What it will include is a day of exhibition, performances, and free workshops for girls and their parents. So, we're opening it up to the parents so they can interact with their young girls. We're targeting, what-

Patty White: Middle school.

President Fanello: -middle school girls. I can't remember, is that 5th through-

Patty White: 8th.

President Fanello: -8th grade. So, Patty has contacted the schools about this project, and we've received very good response, and, I guess, I just wanted to give the Commissioners an update of where we're at on county government week, and, basically, get the Commissioners permission, the board's permission to allow us to use the Commissioners address for the school's to register for the fair.

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. So, if anybody has any questions, Patty has the information that she sent out to the officeholders and department heads about county government week, and also about the girls fair. Any other questions?

Board Appointments

President Fanello: Next item is board appointments.

Commissioner Mosby: Yes, I would like to make three or four board appointments. First, Domestic and Sexual Violence Commission, Christy Baker has resigned, so I would like to ask that we appoint Mary Beth Weber who also is a USI Department of Social Work to fill her place.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Then on the Data Board, I would like to put Jason Perry on the Data Board, I think in place of you.

President Fanello: Yeah.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: On Southwest Indiana Regional Development Commission I would like to put Trent VanHaften to fill out Jonathan's place.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Then Four Rivers Resource Conservation and Development, Lauren Preske.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: That's all.

Public Comment

President Fanello: Public comment. Is there anyone in the audience wishing to address the board? Seeing none.

Old Business

President Fanello: Old business. Is there any old business?

New Business

President Fanello: New business. I've got one item of new business, and it is a resolution. March is disability awareness month, and I just realized that yesterday, so I had Patty look for a resolution. I'll read it, and entertain a motion to accept it.

"Whereas, the month of March has been designated as disability awareness month; and, Whereas, the Americans with Disabilities Act of 1990 is founded upon the idea of equal opportunity and independence for all of us; and, Whereas, the ADA is also known as the "emancipation proclamation" for people with disabilities, and much work remains to be done to realize equality of opportunity both to contribute and benefit; and, Whereas, an estimated one in six individuals has a disability, and 85% of those with disabilities acquired the disability; thus, we, our co-workers, and friends and neighbors all benefit from an accessible society; and, Whereas, Vanderburgh County is committed to ensure that the talents and skills of all it's residents, including those with disabilities are fully utilized in providing programs and services to it's diverse communities. Now, therefore, we, as Commissioners of the County of Vanderburgh, Indiana, proclaim March 2004 as Disability Awareness Month throughout Vanderburgh County, and urge everyone to join us in reaffirming our determination to achieve a society that affords independence, justice, and dignity for all."

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

County Engineer

President Fanello: Department head reports.

John Stoll: Last week you had given Pat Seib a request from the School Corporation for a flashing light installation out on Oak Hill Road at Oak Hill Middle School. I had spoken to Jerry Hays in the City/County Traffic Department, and he said they don't have money currently budgeted to install flashing lights at this time. He said that for the posting now of flashing lights, they'll probably run about \$3,500 each. Jerry said that with Commissioners approval, what we would need to do would be to request through the Board of Public Works that this be included in the 2005 budget for the Traffic Department, and then they could proceed with the installation in 2005. So, with your approval to place the flashing lights out there on Oak Hill Road by the school, I can go ahead and draft a letter to Kerry Kamp and Ed Ziemer to request that they approve this in their budget for next year.

Commissioner Mosby: I'll make a motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have an amended storm sewer acceptance for Oaklyn Subdivision. This is near the northwest corner of Lynch Road and Oak Hill Road. Back in 1996 we accepted all the storm sewers that are located outside of street rights-of-way in this, in both sections of this subdivision. However, the letter of credit has been carried forth until just recently, and when we were reviewing the letter of credit, we found that the pipe links that the consultant had submitted for acceptance were incorrect. When it was all totaled up, they were 71' of pipe short. So, I contacted the developer, he's agreed to pay the extra two dollar a foot fee for a total of \$142 to clarify and correct this error from 1996. So, to correct our records, I'm requesting the Commissioners sign these amended acceptance forms that show the correct fee is paid, and the correct pipe acceptance links located outside the right-of-way.

Commissioner Mosby: Motion to accept amendment.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is a request to go to County Council to request an additional appropriation of \$15,000 for Golden Rule Road bridge, account number 2030-4411. This is for the removal of an existing structure down on Golden Rule Road, and replacement with a concrete box culvert. We had placed \$25,000 in the account, but it appears it's going to be more in the neighborhood of \$35,000. So, to have a little contingency, I'm requesting an additional \$15,000, for a total of \$40,000 in the account.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: I don't think so.

John Stoll: Thanks.

President Fanello: Thank you, John.

Commissioner Mosby: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all, concerning the road list that we're putting together for this year's paving, I've been coordinating that with John Stoll. He correlating his roads with mine, which one's we will contract out, and we'll complete that, finalize it tomorrow. I will e-mail you the list on Wednesday morning, if that's okay. I put it in priority order. If you have anything to add or subtract, please give me a call or notify me, and I'll be glad to change it. Another thing is Commissioner Crouch requested that we do some shoulder work

out on Boonville-New Harmony, and that has been completed. So, hopefully, it's satisfactory. The only other thing that I have is do you have any questions on the weekly report?

Commissioner Mosby: I don't.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Have a good night.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: No report.

Superintendent of Buildings

President Fanello: Superintendent.

Patty White: You have Tammy's report, and I've also given you a late pink slip, a late phone request from Adult Probation, and there is one additional phone request from the Auditor's office for the activation of a dead line, and a needed telephone. So, I would like to submit those for inclusion in the consent items.

Commissioner Mosby: I just got this. That's all I got. Motion to add late pink slip and requests for service to the consent agenda.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. The update on the World Changers request that the advisory board ruled on and some questions that you had. Following last Monday night's meeting, I contacted Mr. Doug Ohning and asked him what their status was as far as the availability to pay the half price fee that the advisory board had granted. He informed me that he would address a letter to the Commissioners explaining that information, and, I think, you have a copy of that for your evaluation here tonight.

President Fanello: Are there any questions? Questions? Thank you, Gary.

Gary Hohman: Okay, the only other thing that we have was that you were to take under advisement the group rates that were submitted to you last week for the smaller picnic groups for batting cages charges, and miniature golf charges for your picnic groups from anywhere from 50 up to 999. We did not have a group rate for those numbers, and had asked for you to take those under advisement.

President Fanello: Is everyone ready to vote on those, or? Okay.

Commissioner Mosby: I would rather wait until next week.

President Fanello: You need more time? Do you mind if we defer for one week? We will put it back on for next week.

Gary Hohman: Okay. That's all I have, unless you have any questions about our work report.

President Fanello: I don't think so. Thank you, Gary.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Before I second that, I have a question on the one contract approval from other departments, Union Township Trustee, the PPDMS lease. I know in December the County Assessor had asked us to approve four activators, ProVal activators, and is this one of them? And has that issue been resolved?

President Fanello: The issue hasn't been resolved. Although I do have all the information in my hand now. From prior communication with ACS and with the County Assessor, so, I am going through that right now. Whether this is part of that, I am not sure. Do you have...is this lease a part of that?

Cheryl Musgrave: Is it a part of the Union Township request? Is that your question?

President Fanello: Ms. Crouch has the question.

Commissioner Crouch: Have you seen this?

Cheryl Musgrave: That appears to be the same request that German Township filed some time ago. It doesn't include the ProVal activators. Since you have the information, would you please make a motion tonight to approve those? I've had another request for more activators from DMD. We found two and installed them, one in the Building Commission and one in Area Plan. So, the program is up and running, but I am getting more requests from more city departments for these, and I need to buy them.

President Fanello: Well, I won't make a motion tonight, because I have a phone call to make to Manatron, but as soon as that issue is cleared up, we'll get it back on the agenda.

Cheryl Musgrave: May I know the question you're going to ask Manatron? I may be able to answer it for you here.

President Fanello: I want to go through the information on the prior contract where I had questions. Or you actually had questions about being charged the wrong amounts. I want to make sure that our current contract is in good shape.

Cheryl Musgrave: It is in good shape.

President Fanello: So, you don't fee like we're being overcharged anymore?

Cheryl Musgrave: We had many discussions with Mr. Winternheimer regarding that--

President Fanello: Right, so you don't think we're being overcharged anymore?

Cheryl Musgrave: That is still something that would have to be litigated.

President Fanello: Okay.

Cheryl Musgrave: But, the company will never answer that question for you, Ms. Fanello.

President Fanello: Well, we don't sign a...it's my personal feeling that we don't sign a contract with a company we're having problems with on another contract. So, until I--

Cheryl Musgrave: We aren't having any problems with them.

President Fanello: Well, if we're being overcharged, that's a problem.

Cheryl Musgrave: If you're willing to litigate that, I guess, we can find out, but I'm not sure why the city departments have to have their work held up while you dispute this contract.

President Fanello: They don't. I'll have a conversation with Mayor Weinzapfel, and I'm sure he'll feel the same way. So, we'll have a conversation.

Cheryl Musgrave: Well, you are confused. There is no issue with the contract, if you sign this purchase order. It is separate, and in addition to it.

President Fanello: I understand that. I understand that, Ms. Musgrave, but it's good practice that if you're having a problem with one contract, not to sign another contract with a company you're having a problem with until that issue is resolved. So, let's try and resolve that issue this week and get to the point where you feel like we're not being overcharged, and we all feel like we're not being overcharged.

Cheryl Musgrave: So, this will be on the agenda Monday night?

President Fanello: We'll do our best to get answers from Manatron, and if we need to get a hold of you and get some answers from you, we'll contact you.

Cheryl Musgrave: Well, I would certainly like to participate in the discussion that you have with Manatron. I feel it's important to move this along. This has been pending, I believe for many more months than just December. So, I think it even came up your very first year here.

President Fanello: Right, and we never did come to resolution on whether we were being overcharged or not.

Cheryl Musgrave: Your attorney came to resolution, and sent you an e-mail saying that he felt you were not.

President Fanello: And, so, is that the way you feel? This is your contract, because it has to do with the assessors. Is that the way you feel? You seem to still have an issue with it.

Cheryl Musgrave: No, I have no issue with it.

President Fanello: You don't feel like we're being overcharged then?

Cheryl Musgrave: If I had an issue with it, I wouldn't have submitted this purchase order.

President Fanello: So, you're telling me you do not feel like we're being overcharged?

Cheryl Musgrave: I'm telling you I have no issue with this purchase order.

President Fanello: No, I want to know if you feel like we're being overcharged on the current contract with Manatron. It's a simple yes or no.

Cheryl Musgrave: It is separate, outside of the matter at hand, so, I'm not sure that it requires an answer.

President Fanello: No, it's not, because we're dealing with the same company. If we're being overcharged on one contract, I want to make sure we get that issue resolved before we sign a contract...even though it's for a different issue. Case closed. I'm not going to—

Cheryl Musgrave: I'm going on the advice your attorney gave to you, which was that he did not feel you were being overcharged.

President Fanello: Is that the way you feel?

Cheryl Musgrave: I am relying on Mr. Winternheimer's advice.

Kevin Winternheimer: If I could clarify that. If I remember the discussion that we had, it was in essence that I had no proof that we were being overcharged. To find out whether we were or not, it would require an audit, because, quite frankly—

President Fanello: You suggested an audit.

Kevin Winternheimer: —I cannot determine, I have no way of determining what services we are getting, the contract is based on the number of users and what they are doing and all that kind of stuff, which I don't have that information. What I had,

I had no basis to believe that we were being overcharged, based on what I was given.

President Fanello: But, you feel like we probably need to—

Kevin Winterheimer: Well, to get...it's like anything else, to, I can read the paperwork, but when you have a service based contract on the number of users, and the number of programs or whatever the correct terminology is, I have no way of knowing that. And the way of monitoring that, that's usually done by the department head or somebody who is using the programs and equipment. So, that, I can't fulfill that function, somebody else would have to do it. I have no idea how many people are using this, what programs they're using, and have used over a period of time.

Cheryl Musgrave: Even if you concluded after review of all the documents, and all of them have been provided to you, and you've had them for quite some time, if you want to buy more activators, you have to sign this agreement.

President Fanello: I understand that, Ms. Musgrave. The issue is with Manatron, and once we clear up that issue, and everyone is satisfied that we're not being overcharged, then we'll consider another contract with Manatron. So, we'll review that information this week, and we may ask you to give us some additional information.

Cheryl Musgrave: Well, to my fellow residents of the inner city, who desperately want DMD to take more action to clean up property inside the city, and they need this information, they need the sketches that the assessors have, I say, I'm sorry.

President Fanello: Is Mayor Weinzapfel aware of this?

Cheryl Musgrave: I have worked as hard as I can for the residents of the inner city—

President Fanello: Is Mayor Weinzapfel aware of this?

Cheryl Musgrave: —to make this happen for them and for other departments that touch the assessors records. You know, I don't talk to Mr. Weinzapfel, perhaps you could have that conversation—

President Fanello: I will, since he has a department under his control.

Cheryl Musgrave: —since (Inaudible. Talking over each other.) direction in order to speed things along and get more done. So, I know you're not running for re-election ever again here in this county. That you've decided to move away somewhere else—

President Fanello: Ms. Musgrave, I will ask that you respect me as an office holder—

Cheryl Musgrave: I would ask you to let me finish speaking.

(Gavel pounding.)

President Fanello: You are not being very mature. We have young individuals in this audience. Let's set an example for them.

Cheryl Musgrave: I am setting an example. I'm fighting for the residents of the inner city—

President Fanello: I will get with Mayor Weinzapfel–

Cheryl Musgrave: –of Evansville who need to have their properties cleaned up. I'm working with DMD to help make that happen, and I'm not getting cooperation at the Commission level.

President Fanello: DMD is a department under Mayor Weinzapfel. We will check with him also to make sure that he is in agreement with what we're doing.

Commissioner Mosby: What you need to do is just work with the Commission and get the information. One way or the other, it's either yes or no. We're being overcharged or we're not.

Cheryl Musgrave: And you've had this information since your year one–

Commissioner Mosby: And you're not willing to answer that

Cheryl Musgrave: –of your term.

Commissioner Mosby: And these are also taxpayers that you're responsible to answer to, so, you ought to take that into consideration.

Cheryl Musgrave: And I've given you this information for several years running.

Commissioner Mosby: But, you're not helping on saying whether yes or no we're being overcharged or not. You could get into this contract too and be a part of it and try to speed the process along, not be a hindrance.

Cheryl Musgrave: Your attorney has answered that question–

Commissioner Mosby: And he just told you he does not work with these services everyday, you do. You're here everyday.

Cheryl Musgrave: If you're dissatisfied with your legal advice, get other legal advice.

Commissioner Mosby: We're not dissatisfied at all.

President Fanello: We're not dissatisfied.

Commissioner Mosby: He doesn't work with this.

President Fanello: He's saying we need an audit.

Commissioner Mosby: He can read the document.

Cheryl Musgrave: I'm happy to work with you on this issue.

Commissioner Mosby: That's more being cooperative right there.

Commissioner Crouch: Do we want to include this lease with our consent item, since it's generated by Union Township?

Commissioner Mosby: I'll make a motion we just hold it until next week. I really didn't get a clear answer on that either.

President Fanello: Fine.

Commissioner Crouch: Second.

President Fanello: Do I have a motion to accept the additional, or the remaining consent items.

Commissioner Mosby: Motion to accept the remaining consent items as amended.

Commissioner Crouch: Second.

President Fanello: Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:09 p.m.)

CONSENT ITEMS

Jail Expenses: Total: \$853,815.57

Mel Kay Electric: \$14,400.00

Williams Brothers Construction: \$758,210.60

Peyronnin Construction Company: \$81,204.97

Travel Requests:

Health Department

SWCD

County Surveyor

Auditor

Employment Changes:

Auditor

Sheriff Department

Prosecutor

Prosecutor IV-D

VCCC

Burdette Park

Center Assessor

County Assessor

Health Dept.

Requests for Telephone Service:

Circuit Court

Auditor

County Clerk: Submit Monthly Report for January 2004.

Sheriff:

Submit Weekly Jail and Community Corrections Reports.
Federal Grant Certification Report.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Patty White
Madelyn Grayson	Phil Lawrence	Dennis Woehler
Alan Teeple	John Stoll	Dennis Hudnall
Gary Hohman	Cheryl Musgrave	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 8, 2004**

The Vanderburgh County Board of Commissioners met in session this 8th day of March, 2004 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, March 8th. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of March 1, 2004 Commission Minutes

President Fanello: Next item is approval of minutes.

Commissioner Mosby: Motion to approve the minutes.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award APA014-2004: Traffic Paint

President Fanello: Bid advertisements and openings. I did think that...Phil Lawrence isn't in here, is he? Was Phil going to come to the meeting? He had one item he did not put in the agenda, and it was the traffic paint bid summary. So, we'll just see if he shows up, and we'll kind of hold that.

Commissioner Mosby: Here he comes right now, so, we can just clap for him as he comes in.

President Fanello: You're up, Phil.

Commissioner Mosby: You're up, Phil.

Phil Lawrence: I kind of had that feeling. Kind of had that feeling. Whew!! I would like to...excuse me a minute. Getting old. You can tell your age when you start running down the hall. Approval of APA014-2004, traffic paint. In both cases Sherwin-Williams was the low bidder. This was approved this morning also at the, or Thursday morning before the Board of Public Works. Total bid is \$56,366.25.

President Fanello: Are there any questions for Phil?

Commissioner Mosby: Motion to approve contract with Sherwin-Williams.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

President Fanello: Thank you, Phil.

Commissioner Mosby: Thank you.

Approval of APA015-2005: Traffic Signs

Phil Lawrence: One more, APA015-2004, this is traffic signs. Two, there was four bidders, five bidders total, Rocal and Hall are the two bidders. Rocal is \$57,067.63, and Hall's bid, recommended award is \$9,747. I would like to recommend your award for that.

Commissioner Mosby: I would like to recommend Hall's Signs for traffic signs for \$9,747.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

President Fanello: You're welcome.

Annual Road Paving Hearing

President Fanello: Our next item is our annual road paving hearing. Dennis, do you want to come on up? Is there anyone in the audience wishing to address the board about the road hearing? Linda, come on up. We'll go ahead and take public comment.

Linda Cleek: Well, I'm here filling in for Fred Padget from the West Side Improvement Association. My name is Linda Cleek. While West Side Improvement does not have any specific addresses to give you for paving, it's our observation right now that the residential neighborhoods and subdivisions seem to be in a worse condition, in a lot of cases, than the more heavily traveled, more public streets. But, we also do want to tell you that next year we intend to do a survey so that we can have some exact addresses to bring to your attention when this season comes around again. Thanks.

President Fanello: That would be great. Thank you. Is there anyone else in the audience wishing to address the board about the road hearing? Anybody? Okay, Dennis, do you want to—

Dennis Hudnall: An added comment on what the lady just said was the main roads, what we try to do, we take into account the bus routes for safety, try to clear those as far as trees and pulling the sides of the roads to keep those in good condition, because those are the most heavily traveled roads. We try to mix subdivisions and side roads under that mix also. But, one of the priorities is safety, as far as school busses and things of that nature too.

President Fanello: Are there any questions by any Commissioners?

Dennis Hudnall: Do you want me to go over how I came up with some of these roads? As far as the grouping, we put them in priority. Like Old Henderson Road, the reason why you see that as number one, probably a half a mile of that has washed out due to the high water. I couldn't get any mix from the mix plant, therefore, I had to put it off until we can actually get some asphalt. While I'm out there repairing that road, I might as well, instead of pulling my equipment off of that job site, just go ahead and do that road, which is planned anyway. Then anything close to that, we try to group them together, so I don't have to pull my equipment from either side of town.

President Fanello: Good idea. I spoke—

Commissioner Mosby: Dennis, the only one I might question on here, and we might want to move down would be Rosenberger. In talking with the developer from Dennis Owens, I think they're going to redo that. They've got to raise it or something. It would probably be, that would be one that would come to my attention.

John Stoll: The way they submitted their plans to DNR, they were proposing to raise and widen Rosenberger up to the entrance of the little strip center that has Bob's Gym in it. So, that would take care of the majority of the footage that's listed here.

Commissioner Mosby: Right, ours is city limits to, or from University Drive to Hogue, and that's going to be the whole section they are going to be responsible for.

John Stoll: Right, it just leaves a small gap between that driveway and Hogue Road.

Commissioner Mosby: I know we've been over there patching it and it's bad, we might just keep it patched, but I don't think I would put a lot of material in it at this point.

Dennis Hudnall: Okay. I've had a lot of calls on it is the reason why it ended up on—

Commissioner Mosby: I know, I'm getting them too.

Dennis Hudnall: I have one more comment. I have Weiss Road on here, which I've received a lot of calls on, and as I was going through my work orders, I found a work order for Lake Ridge Place and went out and measured it, it's only 1., it's .5 miles long, at a cost of about \$10,000. I don't want the residents of the county to think that I am not paying attention to them. If I pave Weiss Road and don't pave this road here, which they called in, I think they are going to think that I didn't pay attention to it. So, I would like to have that added to the list. It was called in, in December of this year and I overlooked it. It was an error on my part, I overlooked it as far as a work order.

President Fanello: Okay.

Commissioner Mosby: Well, Rosenberger is about \$10,000, so.

Dennis Hudnall: Yeah.

Commissioner Mosby: We can move it over. I'll make a motion that we add Lake Ridge Place.

President Fanello: Okay, well, I was, oh, I was just going to suggest we maybe wait one more week and give the public any more opportunities.

Commissioner Mosby: That's fine.

President Fanello: Since this first come out, and I'm sure the newspaper will probably put the list in the paper. Linda, if you have anything that comes in this week, you can get in touch with us, and we can look at it. I asked John Stoll and Dennis to get together about verifying our budget amounts for this year, so. Do you want to make a motion to put it back on for next Monday?

Commissioner Mosby: I'll make a motion that we put the paving list back on for next Monday.

Commissioner Crouch: Second.

President Fanello: So ordered.

Severe Weather Awareness Proclamation

President Fanello: Next item we have is the severe weather awareness proclamation. I believe this is a proclamation we do every year. So, I won't re-read it, since we've read it in the past.

Commissioner Mosby: I'll make a motion to accept the severe weather awareness week proclamation.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Resolutions Rescinding the TIF Replacement Levies:
Azteca TIF District, Burkhardt Road TIF District &
Vanderburgh Industrial Park TIF District**

President Fanello: Next items are the resolutions rescinding the TIF replacement levies. If you remember last year we approved these resolutions where we would not collect the incremental tax in these TIF districts, and that's what we're doing again this year with these resolutions.

Commissioner Mosby: Any comment from the audience?

President Fanello: Anybody have any comments?

Commissioner Mosby: I'll make a motion to accept the resolutions for rescinding the TIF district for Azteca, Burkhardt and Industrial Park, Vanderburgh Industrial Park.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Public comment. Is there anyone in the audience wishing to address the board?

Clarence Weber: I've got a comment. I had a comment on a road (Inaudible. Not at Mic.)

Commissioner Mosby: Come on—

Clarence Weber: (Inaudible)

President Fanello: You can come on up.

Commissioner Mosby: Mr. Weber, just come up to the Mic. and state your name and address for the record.

Clarence Weber: I'm Clarence Weber, and I live on 930 Schutte Road. I went to the meeting on the highway the other night, and I think that they are doing a bad thing by (Inaudible) That's what all those things on the top page, the two pages, the next pages are (Inaudible). I haven't seen any problem with the bridge at Fulton Avenue or also the bridge at St. Joe Avenue, but I think that once they get in the county, I think we're going to have problems. We're going to have all kind of problems. In the Schutte Road and Rosenberger and Red Bank Road area is a fast growth area. We've growed more in the last ten years, or in the last six years than we have in the past 40. Anything that you design right now is going to be obsolete within five years. People living on Felstead, they are going to have one way access, and if they have a fire, ain't no way the normal fire truck can get there, and there's no way that the kids can get there in the short time to school. It would take them, add another three miles to anybody there that goes to West Terrace school. Now, the, I've talked to a lot of people, and we want some type of access on the Expressway. We've had access for 50 years, and we don't want to go back 50 years to the way it was before. So, my suggestion is to build the first two overpasses and re-visit the next two in five years, and see how much your traffic pattern changes. Right now we've got 10,000 students at USI, the Eickhoff Road overpass is loaded, and I mean it's loaded. In another five, ten years from now we might have two or three thousand more. So, I think that the county...and I do have an alternate, but I think that the county should go on record as saying we want to check with it later. (Inaudible), but this is the highway—

Bill Fluty: Catherine, have him speak into the Mic.

Clarence Weber: This is one that they designed. This is an alternate, and this is a blowed up alternate. Now, when you come through here, this was proposed 30 years ago by USI, but there is a ravine there, and it's expensive, but it would tie in, it would tie in Middle Mt. Vernon Road, it would tie in everybody. The blue, or the green is, may have to be upgraded. The black would be new, and the red is the bridges. Now, this bridge is going to come back all the way to there, because you've got a rise already, and it's going to have to go, actually, half way between there and Mahrenholz. Like I say, I think it needs to be re-visited in five years, and then, in five years time you'll have more of an idea....they're not going to build it then anyhow, they don't have enough to build the first two. Now, we have a problem with a stop light at that intersection at Schutte Road. I wrote the state, and this is what they sent

me, about four years ago. Nobody knows who said it like that, but they can't quite figure out how to change it either.

President Fanello: Are these our copies?

Clarence Weber: You can keep them. Yeah, I guess you noticed I'm no speaker, and I'm a little on the nervous side.

President Fanello: That's okay.

Clarence Weber: I done better the other night, David.

Commissioner Mosby: You did fine the other night. I was there. Mr. Weber was at the hearing at Reitz High School the other night, and I had went to the hearing on that. Since then, Mr. Weber, I have talked with our County Engineer, John Stoll. John has, we've got a letter in the workings right now. He's passed it to me, we're still working on it, but I do agree with you and some of the other neighbors out there that when they proposed to cut Schutte Road off, leaving only one entrance over to the college, and, I mean, if there was some type of an accident with a spill or a truck, and you couldn't get to USI, I can see where it would create a big problem if Schutte Road was cut off.

Clarence Weber: The one thing I forgot, USI is a secured area.

Madelyn Grayson: Mr. Weber, can you come to the Mic.?

Commissioner Mosby: We really need you on the Mic.

Clarence Weber: No, the one thing I forgot, USI is a secured area. If we had a disaster, there will be no traffic through USI. They've got two gates up, and they are going to put up some more.

Commissioner Mosby: And I agree with you. The other thing that me and John were talking about, is that once they do something like this, and they cut all the access off, and they start throwing the traffic to the outlying areas north or south of the Lloyd, nobody is proposing to help us upgrade our roads to accommodate this traffic. So, that's another concern that we have, and we're wanting to talk to the state about. I mean, the roads out there, and I agree with you, aren't going to handle the traffic that they are going to try to throw off. If they are wanting traffic to run east and west, you know, along the Lloyd, off the Lloyd, we're going to have major problems. That's what we're addressing.

Clarence Weber: Any problem that the state creates out there, it's in the county, and the county's going to have to take care of it.

Commissioner Mosby: Exactly, and we don't want the burden to be put on the taxpayers.

Clarence Weber: You'll be the one to be called, because there is no sense in calling the state. Thank you.

Commissioner Mosby: Thank you, Mr. Weber. John, did you want to add anything to what I didn't say, or did say?

John Stoll: I do have that letter for your signatures this evening, because the comment period does expire, I believe it's on the 11th, but it's basically the same statements in the letter like you just talked about. Like the fact that if access is cut off at Schutte, at Middle Mt. Vernon, at Felstead, that we're requesting that they look into the possibility of constructing frontage roads, or upgrading the county roads that will see additional traffic. So, that's all in this letter, and I'll bring it up during my report.

President Fanello: Thank you, John. Is there anyone else in the public?

Jerry Jones: Jerry Jones, 4039 Lyle Road. I just want to thank the Commissioners again for allocating the money last year to elevate our road. And also I wanted to publicly thank Dennis for the upkeep, he's doing a great job out there. And Kevin and John have been working very hard to try to get the easements and right-of-ways completed so we can get the road finished this year, hopefully. I was talking to Kevin earlier, the paperwork has to be in, I know, at a certain time, but I'm thinking about the farmers, if we could possibly, hopefully, get it completed maybe before May, and that way the farmers can get on with their, you know, farming and so forth. But, I just wanted to thank, publicly thank Kevin and John especially. Thank you two.

President Fanello: Thank you. If there is no other public comment, we'll move on to old business.

Old Business

President Fanello: Any old business?

Commissioner Crouch: Just one item, with the energy savings contract, where are we in that process?

President Fanello: Still negotiating.

Commissioner Crouch: Okay.

President Fanello: In fact, I have a meeting with Dan on Wednesday. Any other comment, old business?

New Business

President Fanello: New business.

Commissioner Mosby: Yes, Madam President. Under new, I guess, this would be the appropriate place to do this. I believe everybody received a copy of a letter from Jeff Hatfield. Jeff is wanting to step down. I've got a copy here. Jeff is wanting to step down from the Area Plan Commission. He is the Commissioners appointment to Area Plan. In Jeff's place, since Jeff was a homebuilder, I would like to appoint Mr. Pedtke, Bill Pedtke to the Area Plan Commission.

Commissioner Crouch: Second.

President Fanello: So ordered. Any other new business? Okay.

County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: First item I have is the letter to INDOT regarding the 62 project. Like I said before, it's just to encourage them to look at the impacts that might be made on adjacent county roads if they go with their current proposal of cutting off all the roads we had previously discussed. However, the letter does say that we are in support of the project, because it will be a major improvement, and much needed improvement for State Road 62.

Commissioner Mosby: I make a motion to accept the letter.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The second item I've got is a letter from Blankenberger Brothers regarding the possibility of them expanding the limits of a proposed borrow pit in the event that they get the University Parkway project. They are requesting that we relax the 150' setback for a borrow pit, this is along a right-of-way on Roesner Road to 50'. This is a plat of the, it's, the property right now is owned by Al-Kamhawi. We have a right-of-way here along this road, and the way the state specifications are written, they require, 150' would be the nearest point that a borrow pit could be started adjacent to this road. However, if the adjacent property owner consents in writing, INDOT will allow that to be relaxed to a minimum of 50'. Which, if it's 50' rather than 150' they can just get more dirt out of this area. It just expands the amount of borrow pit they can actually use on this property. They were wanting to know this now, even though they don't know if they've been awarded the project, because, just for planning purposes they would know how much dirt they could get out of this area. I don't have a problem with what they're proposing, simply because if we ever wanted to expand Roesner Road, we still have 50' above and beyond the existing right-of-way to expand the road. In worst case, if we expanded it far enough, we would only need to put a guardrail out there adjacent to the road if there was potential for a hazard. Roesner Road is a one lane road that's a dead end right now. Chances are there won't be any major expansion that would ever occur out there. In the event that it was, we have more than enough right-of-way on this side of the road for two lanes. So, on the basis that the extra borrow out of this borrow pit should translate into potentially better bid prices for us on this University Parkway project, that's why I would request that the Commissioners approve this set back being relaxed from 150' to 50'.

President Fanello: And the state opens the bids on, just for the--

John Stoll: March 23rd. If other contractors option this same ground, I would request the same thing. Basically, we should see a better bid price in the end, due to the fact that the contractor will be able to get more dirt out of this one area. Or any area that would meet these same specifications.

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request to go to County Council to transfer \$1,200 from the Roth Road Culvert account into a Training account that we would establish in the Cumulative Bridge Fund. This would be for the purpose of sending Pat Seib to some AutoCad training classes in Indianapolis in April. The training class fee is \$775, and then by the time you figure in three nights hotels, plus per diem that's why I've requested \$1,200.

Commissioner Mosby: Motion to approve transfer.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a storm sewer request for, storm sewer acceptance request for Clear Creek Village, Section Four. This is for 1,185' of storm sewers located outside the street rights-of-way. The developer has paid the two dollar a foot fee for a total of \$2,370. So, it's requested these pipes be accepted for maintenance by the county.

Commissioner Mosby: Motion to accept storm sewers.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item is another storm sewer acceptance. This is on Clear Creek Village, Section Five. This is for 845' of storm sewer. The developer has paid the two dollar a foot fee for a total of \$1,690. It's requested these pipes also be accepted for maintenance.

Commissioner Mosby: Motion to accept storm sewers.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

Commissioner Mosby: Thank you, John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have is to ask you if you have any questions on my weekly report.

President Fanello: I don't. Any questions by the Commissioners for Dennis?

Commissioner Mosby: I don't.

Dennis Hudnall: Okay, thank you.

President Fanello: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I have several matters. The first one, and I believe I e-mailed you all, is to request approval on a settlement on mediation in Wade versus Bassemier in Vanderburgh County. We discussed this in Executive Session. The settlement is within the guidelines I had discussed. I ask for your approval on that.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: The next item, and I'll just mention it, you all may have gotten copied on this, I get copied on everything. I got a letter from the Secretary of State reminding everybody that our voting equipment needs to be certified. I don't know if you all got that letter. If you did, then, if not, you've got that letter too. Okay. That's taken care of. A related item, I received another letter, I think Friday, from Les Shively who represents the Election Board, reminding the Commissioners about delivery of the election equipment on election day. I would suggest that, my suggestion would be Tammy, but someone meet with representatives of the Election Board to discuss the details of this. I mean, obviously, we're dealing with electronic equipment. I don't know what the needs are in the transportation but we need to get that coordinated, and there may be many other questions, such as, you know, when it's to be delivered, how, you know, I assume this is more complicated than setting up the election equipment everyone is used to and how that's going to be handled and all that. I'll give you, here's the original and I've got copies too of his letter for everybody on that. So, we'll just need to keep that in mind, because I think that's coming up here before you know it. So, we'll need to coordinate that and get those kinds of issues answered, and if it's going to involve specialized delivery, the obvious question is money, where's that going to come from? So, those are the kinds of issues to please keep in mind, but I think we're going to need to get that resolved here fairly shortly.

Commissioner Mosby: I would make a motion that we have Tammy, I guess, meet with the County Clerk and the Election Board to see what it is going to take to move this equipment around.

President Fanello: And I think it would be a good idea if Kevin could make the meeting.

Kevin Winternheimer: Sure.

President Fanello: To have Kevin, but I think we need our project manager from ES&S also at that meeting.

Commissioner Mosby: I agree.

President Fanello: Yeah.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Okay. And then I have some items here on the Mill Terrace Subdivision, that's the one we did the Barrett Law. I have a notice that I would like your approval on, and I want to advertise it. The notice is published in the newspaper, and I'm requesting that we have the hearing, we have a preliminary assessment roll, we need to advertise that to give the residents out there an opportunity to voice any remonstrance objections they have to the assessment roll. I am proposing that we have that hearing on March 29th, if that's convenient with the Commissioners. We'd advertise on March 12th and 19th, hopefully we can get it in. I have the copy here, and I'll e-mail it to you tomorrow. So, if that meets with the board's approval, I would ask you to set a hearing on the preliminary assessment roll for Mill Terrace Barrett Law for March 29th.

Commissioner Mosby: I make a motion to set a hearing for March 29th on Mill Terrace.

Kevin Winternheimer: If you all want to—

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: —here's copies of the notice. You can take them and pass one down to Madelyn. Then, finally, I think this is the last item, on the Mill Terrace Barrett Law. I have the preliminary assessment roll here. The project is expected to cost \$285,000, you divide that by the 32 lots, that works out to \$8,906.25. I would ask you to preliminary adopt this notice. What I intend to do is to mail this to the property owners out there, so they will know what the assessment is going to be in preparation for the hearing on the 29th. So, I've got, and it's preliminary because it is subject to their remonstrance, if they choose to. However, I don't know how that could be reduced, but, in any event, I would ask for your approval of the document, I've got notice of preliminary assessment roll and hearing, and I'm going to mail this out to each one of the property owners. I've got copies for everybody, listing the names, addresses and the amount of the assessment. Here's another copy to pass down. Again, this is subject to change after the hearing, but we need to start somewhere.

Commissioner Crouch: Do you need a motion?

Kevin Winternheimer: I need a motion to approve the notice of preliminary hearing and assessment roll.

Commissioner Mosby: I'll make a motion to approve the notice of preliminary hearing and assessment roll.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winterheimer: That is all I have.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I have some late items that need to be added to the consent agenda. First is a late travel request from the County Clerk/Election Office for travel to Indianapolis. Then, second, I've got a couple of grants for the Prosecutor's office. This is a grant that they get every year, and they need to have those approved.

Commissioner Mosby: I'll make a motion to receive the late travel request from the County Clerk, and the grants from the Prosecutor's office.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: That's all I have.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I have an update on the Olympic pool gutter and return systems. It is done, and Burdette employees have started running the pipes to feed the new return system, and as soon as we get that in, then we'll pour the concrete back and be ready for the liner to be installed. Other than that, all I have is my worksheets. There are several projects around the park that we've been working on, the worksheets.

President Fanello: Any questions? Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

Commissioner Mosby: I'll make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: And I will make a motion to accept the consent items, with the added travel and grants from the Prosecutor's office.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: I will make a motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:03 p.m.)

CONSENT ITEMS:

Commissioners:

Quit Claim Deed from Commissioners sale.
Surplus of Computer Equipment.

Travel Requests:

County Clerk (4)	Health Department	County Assessor
Soil & Water (2)		

Employment Changes:

Health Department	Treasurer	Circuit Court
Sheriff's Department	VCCC	Prosecutor
County Clerk	Burdette Park	

Auditor:

Submit A/P Vouchers.
Kronos Maintenance Agreement.

Union Township Asector:

Lease for Personal Property Data Management System.

Prosecutor: Federal Annual Certification Reports (Grants).

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Dennis Hudnall
Linda Cleek	Clarence Weber	Jerry Jones
John Stoll	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 15, 2004**

The Vanderburgh County Board of Commissioners met in session this 15th day of March, 2004 at 5:31 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

Call to Order

President Fanello: Good evening. Call to order Vanderburgh County Board of Commissioner meeting March 15th. Introductions are as follows, to my right Superintendent, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; County Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of March 8, 2004 Commission Minutes

President Fanello: Do I have approval of the March 8th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Moment of Silence for Former Governor Bob Orr &
Family of Steve Craig**

Commissioner Crouch: Madam President, would it be possible to have a moment of silence for Governor Orr and Steve Craig's family? I believe his father passed away this morning.

President Fanello: Most definitely.

(A moment of silence was observed.)

Opening of VC31-2004: Burdette Park "Lazy River Water Attraction"

President Fanello: Okay, first item on the agenda is Phil Lawrence. Is Phil here?

Linda Nalley: We have several items to open. Did you just want to take them under advisement for right now?

President Fanello: No, we'll go ahead and open them.

Kevin Winternheimer: We need to open them.

President Fanello: Yeah, we need to open them.

Commissioner Mosby: I'll make a motion that we open VC31-2004, Burdette Park "Lazy River Water Attraction".

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Okay, I have an envelope that is not labeled on the outside. So, I'm going to open that first, because I don't know which pile it may go in. It may be for the "Lazy River" ride, it may be something else. Oh, before I open these, any bids or proposals in the audience? Seeing none. Okay, it was a food bid. So, I'll put that in the food bid pile. I'm going to go to the "Lazy River" things first. Is there a price I need to look for? Or is this just a proposal?

Linda Nalley: I think it's just a proposal.

President Fanello: Yeah, it's a request for information.

Kevin Winternheimer: Okay.

President Fanello: So, I don't know exactly what—

Kevin Winternheimer: Okay, so I'll just read the company names.

Tammy McKinney: (Inaudible).

Kevin Winternheimer: Oh, they are? Okay, see if you can find the other one. Okay, the first one I opened is from, well, everybody will want to know where they are from. I better open it and get their address. It's from Northeast Aquatic Design. Let me find an address for them. They're from Peabody, Massachusetts. I assume these are all copies. Is this the other one? The next one, I believe the last one. This is the only other one we have? It's from Water Technology, Inc., and they're from, they have two addresses; Beaver Dam, Wisconsin, and Chicago, Illinois. We believe that to be the only two we have for this item.

Linda Nalley: Yes.

Open VC9903-2004: Burdette Park Food Bids

Commissioner Mosby: Next, I'll make a motion that we open VC9903-2004, Burdette Park food bids.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Okay, I believe that's this pile. We're going to try to find an easy way to do these. I've got a feeling this is a long list of itemized products.

Tammy McKinney: (Inaudible).

Kevin Winternheimer: Well, perhaps. Okay, the first one appears to be a no bid. It was, I had to check it all. I didn't see any prices listed. This is from, well, that was

the one in the envelope that didn't have a return address, and somebody just returned the form, it looks like. They didn't put their name on it, whoever it was. It was not a bid. It was a no bid. There were no prices listed. Okay, the first bidder is Fischer Candy Company, Inc. from Evansville. Let's see if I can find you a total here somewhere. They did not give me a total, I don't believe. Yeah, everything is itemized on all these lists, including the list that's attached. Let me look here. I have I don't know how many lists of pages of particular items. Anybody that wants to see these, just contact Purchasing. Unless the board wants me to, I'm not going to read all these, there's about ten pages of lists.

Gary Hohman: Each one, each vendor will be breaking them down, individual items, and then we will—

Kevin Winternheimer: Okay.

Gary Hohman: —cross reference item for item, and come back for—

Kevin Winternheimer: I have six different itemizations of taffy alone. I have I don't know how many pages of product here. They are available. They are public record, if anybody wants to read them. This is just another copy. The next bidder is Farm Boy Food Service of Evansville. They did not, it appears they did not add up the cost either, but did submit itemized lists. Maybe tell them next year to put a total down. Give me a page total, give me something besides just a ten or 15 pages of itemized lists. Okay, the next bidder is Ice Makers, Inc. from Owensboro, Kentucky. Well, somewhere they've got to have some prices. Here, look through here and see if I missed it. I'll look through these. Okay, this is the only thing, quick review, the only thing that I can find is this letter that has any prices on it. It says, their product name is Chilly Willy. It says;

“The Chilly Willy machine is a bag and box system. Each three gallon box will produce 18 gallons of product. Your cost per three gallon box is \$75.00, or per ounce .0325 cents.”

Again, a quick review, that's the only prices I can see on that.

Commissioner Mosby: Wouldn't that fall under the beverage bid?

Kevin Winternheimer: Well, probably should have.

Commissioner Mosby: The beverage bid is next.

Kevin Winternheimer: It probably should. They put on their envelope food bid, but you're probably right. That's probably a beverage bid.

Commissioner Mosby: (Inaudible).

Kevin Winternheimer: Okay, the next bidder is Schwan's of Evansville. It looks like they bid the ice cream products. The ice cream sandwiches, \$8.99 per unit; sundaes and cones, drumsticks, \$11.99 per unit; and the fudge bars, \$6.99 per unit; twin pops, \$5.49 per unit; red, white and blue pops, \$4.49 per unit. I believe that's all they bid on. Okay, the next bid is Weber Foods from Evansville. It looks like they bid on the plastic trays, under nachos. The price is \$23.50 per case. They also bid on the liners for the cheese warmer, I guess, \$80.20 per box. They bid, under nachos on, whatever, under the meats and french fries page, a different, I guess, set

of nachos, \$17.55 per case. Under, that's chips, under chips individual, \$19.80 per case. Under the Funacho cheese bulk, \$59.40 per case. Under the Funacho cheese individual, \$32.40 per case. I believe that's all they bid on. Next bidder is CRS One Source from Owensboro, Kentucky. They bid almost all the items, with a few exceptions. Let's see if I can get a total. Okay, I do not see a total anywhere here. I think we have one more. The last bid on this item is from Earthgrains Baking Company from Louisville, Kentucky. They bid three items, and they gave me a total of \$3,064.70. Now, to find which three items. Did I miss it? Ah, thank you. They bid on the bread products. Hamburger buns, \$1.39; hot dog buns, \$1.39; and 6 1/2" deli steak rolls, \$1.65. That's all we have on the food products.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open VC9904-2004: Burdette Park Beverage Bids

Commissioner Mosby: Motion to open VC9904-2004, Burdette Park beverage bids.

Commissioner Crouch: Second.

President Fanello: So ordered.

Revisit "Lazy River Water Attraction" Bid Opening

Kevin Winternheimer: Okay, I was just told that we received, after we opened the others, a late proposal on the "Lazy River" thing. Let me open it up just to make sure of what it is. Yeah, it's for the "Lazy River". Just for the record, it's from the Kunkel Group from Evansville, Indiana. This is not a bid, per se. It was late. It was after the 5:30 deadline. I will leave it to the board's discretion on what you want to do with it. Had it been a bid, I would automatically recommend, if it had a price, that you would not consider it. Now, I understand these are not prices.

President Fanello: They are supposed to be requests for information, but do you want to check and see if they put a price in there?

Kevin Winternheimer: Okay, well, maybe I can have Tammy do that while I'm opening the next set of bids.

President Fanello: I don't know if that would change your decision or not.

Kevin Winternheimer: Yeah, if it would involve a pricing scheme, it would not be fair to the one's that got there's on time to submit something late. So, maybe we can look at it and see if there's a pricing, or a pricing mechanism in it. Because, if there is, my recommendation would be to reject it as untimely. But, we can go on to the other bids, if you want to, while she's taking a quick look through there. Wait a minute, wait a minute we have the results. She's found a fee proposal in here. So, in that case, if they are submitting...any of the other vendors here? On that "Lazy River", if they put, did you all put fee proposals in there?

Ben Kunkel: We submitted that. (Inaudible).

Kevin Winternheimer: Oh.

Ben Kunkel: (Inaudible).

Madelyn Grayson: Ben, can you make your comments at the Mic. please?

Kevin Winternheimer: Yeah.

Ben Kunkel: Hi, I'm Ben Kunkel. The purpose, I believe, of the RFI was for information purposes only. So, we would like to be considered for that. It was a budget proposal, as well as just a construction budget proposal. I would ask that the Commissioners look at that and evaluate that.

Kevin Winternheimer: Are any of the other vendors here? Did they put similar type project budget items in there? I don't know at this point. Maybe we could look...do you still have those? Could you look at the others and see if they put in a fee proposal? Maybe we can go on to these others while she's checking the others, because—

Commissioner Mosby: I already made a motion.

Kevin Winternheimer: —okay, you already made a motion.

Resume Opening VC9904-2004: Burdette Park Beverage Bids

Kevin Winternheimer: The next one is the beverages. Okay, of the beverages, the first one is from Pepsi America from Evansville, Indiana. Let's see what, okay, I'm trying to figure out an easy way of doing this. Maybe this won't be too tough. Again, this is Pepsi America's, let's see, under the 12 ounce cup, 12 ounce lid, and 12 ounce product, their total...they've itemized each item, their total price is 16.78 cents per serving. Under the 16 ounce cup, lid, and product, their price is 16.64 per cup. I'm sorry, I'm sorry, I misread that. For those three items, the total price is 22.44 per serving. That's the 16 ounce size. Twenty-four ounce size, total price 31.78 cents per serving. Under the 32 ounce size, total price is 44.48 cents per serving. Under the Pepsi products, under the cost per case items, 20 ounce are \$14 across the board, costs per case. Under the cans, the 12 ounce cans, their different products, each one of them is \$6.20 across the board. For the 20 ounce Gatorade products, the 20 ounce is \$17.25 across the board. The Aquafina, 20 ounce is \$10, and the 12 ounce Aquafina, \$6.50. The 16 ounce Dole juice is \$17 across the board. Twenty ounce Tropicana, \$14, and the five gallon pre-mix, per tank, \$13. The five gallon BIB, per gallon, \$8 across the board. Three gallon BIB is, per gallon, is \$8 across the board. The CO2 twenty pound tank, \$10 deposit. That's all for Pepsi. The next bid is from Royal Crown Bottling Corporation of Evansville. Oh, geez. Okay, the bag-in-box, again this is Royal Crown. The bag-in-box, five gallon, \$35 per five gallon box. Twelve ounce cans, 24 per case, \$6.00 per case. The 20 ounce bottles, \$11.00 per case. Twenty ounce Gatorade, per case, \$15.50. Twenty ounce Deja Blue bottled water, \$8.00 per case. CO2, five pound tank, \$10 deposit. On the cups, nine ounce, \$22.05; 12 ounce, this is per case of 2,000, 12 ounce, \$24.36. Sixteen ounce, okay, I've got, they've got two items in the cross, I've got to back up here. On the nine ounce cups, it's 1.7 cents per cup; 12 ounce, two cents per cup; 16 ounce, three cents per cup; 21 ounce, 3.6 cents per cup; and 32 ounce, six cents per cup. On the lids, \$22.05 per 2,000; \$24.36 per 2,000; \$27.73 per 2,000; \$27.73 per 2,000; \$21.33 per 960. Let's see, I believe that's all the product price lists in

there. We have one more. The last beverage bid is from Central States Coca-Cola Evansville, Coca-Cola Bottling Company. Okay, the bag-in-a-box, five gallon, \$43.25; two and a half gallon, \$22.30; CO2 tank, \$10; cans, \$6.50; 20 ounce CSD, \$14.50; 20 ounce Dasani water, \$12.75; 12 ounce Dasani water, \$6.50; 20 ounce Powerade, \$15; 12 ounce Powerade, \$8.75; 450 ml of Minute Maid, \$17.75; 10% Minute Maid, \$14.50; a pre-mixed tank, \$14.00. Cups, 12 ounce, \$67.00 per 2,000; 16 ounce, \$36.00 per thousand; 24 ounce, \$44.00 per thousand; and 32 ounce, \$48.00 per 500. The lids, .018 cents, I would assume, that was for 12, 16, 24 ounce. Thirty two ounce, .035 cents. I believe that's about it. Now there are various other items concerning advertising and what have you, and different offers in the bids as well. Now, did you have a chance to look at those others?

Tammy McKinney: Yeah.

Commissioner Mosby: We need a motion first.

Kevin Winternheimer: Oh, I'm sorry.

Commissioner Mosby: I make a motion to take VC9904-2004, Burdette Park beverage bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Decision on Late "Lazy River" RFI: Kunkel Group

Tammy McKinney: (Inaudible).

Kevin Winternheimer: Okay, the one that came in late, the Kunkel, they had a lump sum fee in their proposal of \$91,500. On the, let's see which one is this, the Water Technology, Inc. they had a fee for services of \$8,000, and then they have various hourly rates after that. So, they do have some pricing in there. I assume that may be in addition to the \$8,000, I'm not sure without reading the whole thing. But there is pricing, and then there is a pricing for Aquatic Design, Northeast Aquatic Design of \$74,000. So, based on that, I would recommend we reject the bid as being untimely since there are pricing mechanisms in there.

Commissioner Mosby: Motion to reject the bid.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: I'm done with bids.

Commissioner Mosby: I guess—

Kevin Winternheimer: Oh, I'm sorry.

Permission to Advertise: VC-07-2004: Burdette Park T-Shirts

Commissioner Mosby: –but, while we’re on Phil Lawrence, I’ve got an amendment here that you want permission to advertise Burdette Park t-shirts, VC-07-2004.

Linda Nalley: Yes, please.

Commissioner Mosby: I’ll make a motion to amend the agenda to advertise VC-07-2004.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Open RFP’s for Engineering Services for Improvements to
Oak Hill Road-Bergdolt Road Intersection**

President Fanello: Then we need a motion to open up the–

Kevin Winternheimer: County Engineer.

Commissioner Mosby: I’ll make a motion to open requests for proposals for engineering services–

Linda Nalley: I’m done?

Commissioner Mosby: –for improvements to Oak Hill Road-Bergdolt Road intersection.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: John, wherever he’s at. Should I expect prices? There’s no prices? Just names, okay. Okay, the first package I opened is from Clark Dietz, Inc. of Evansville. The next set is from the Corradino Group of Evansville. The next one is from Earth Tech, and their address is Indianapolis, Indiana. The next one is from Congdon Engineering Associates, Inc., let me see where they’re from. They are from Indianapolis, Indiana. The next one is from Burgess and Niple, and their address is Indianapolis, Indiana. The next one is from R.W. Armstrong, and their address is Indianapolis. The next one is from American Consulting, Inc., and their address is Indianapolis. The next one is from the Schneider Corporation, and their address is Indianapolis. The next one is from RQAW Consulting Engineers and Architects, and their address is Indianapolis. The next one is from Bernardin Lochmueller and Associates, Inc. of Evansville. We have one more. This is from, it looks like the Strand Associates, Inc.- Sieco Division. Their address is, among others, Columbus, Indiana. That’s all I have.

Commissioner Mosby: Motion to take under advisement requests for proposals on engineering services to Oak Hill and Bergdolt.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Ken Robinson: Vision 2000:
Request for Training Funds for United Components, Inc.**

President Fanello: First item on our discussion items is Ken Robinson, Vision 2000.

Ken Robinson: My name is Ken Robinson, Executive Director of Vision 2000. I'm here today to ask the Commission to support a new economic development opportunity for Vanderburgh County. United Components, Incorporated. We've been working with them for about six months. We're asking the Commission if they would support a training assistance package in the amount of \$55,000. This package is important in that it drives the state to put their incentives on the table as well. This is a very, very good opportunity for the county. Let me just go over the details. This is a new headquarters location for Vanderburgh County. Creation of up to 60 new jobs within two years. The average salary of these jobs is \$56,000. This company will be consolidating six manufacturing operations, the headquarter operations of six locations. They are not moving the manufacturing, they are moving the headquarters operations, consolidating that into one facility here in Vanderburgh County. We've been working, as I said, with them, with the state to put together the package. They will be leasing a facility up on north 41, anywhere from, it looks like 15,000 to 20,000 square feet. So, I would say that, you know, we rarely run into these opportunities. In order to really make this deal work, we need the Commissioners support. Because this situation is a lease situation, there was no opportunity for coming to you for tax abatement or other items, so we worked the, you know, we worked with the company to find out what it is exactly that they would need. They had made a request to the state for about \$110,000 in training assistance. We said how about if we could make an offer to pay half of that, which not only helps the company, but also demonstrates to the state that the county wants this company and is willing to put up the dollars to make it happen. Because we rarely see the state do any deal 100%. They are always looking for a local contribution, and I think this is a very powerful opportunity for the county, at really a very minimal cost. It's going to be a great company for Vanderburgh County and for Evansville, and, again, will help us attract additional headquarter operations to the county. They will be creating what they call a shared services group, which would probably result in the hiring of upwards of 50 new jobs for Vanderburgh County. So, they will be bringing in some high level executives, because they are consolidating these six companies, but by investing, they are going to invest over six and half million dollars in this new facility, of which most of that's going to go into an IT center. But, they will not be hiring only IT people, they will be hiring new administrative staff, including legal, accounting, and others to run the IT facility. So, with your assistance, I know we can make this deal happen. I request that you provide the training assistance. Thank you. Any questions?

Commissioner Crouch: Ken, did you mention an average salary or wage?

Ken Robinson: \$56,000 is the average that they will be paying. Their executives will be making in excess of \$90,000.

President Fanello: Any other questions?

Commissioner Mosby: I was going to say Ken and I have probably been working on this project now for about six months, and these people I think are very honest and

a very good company. I would make a motion to accept Ken's offer to put up \$55,000 for assistance.

Commissioner Crouch: I will second, and that will be out of Economic Development?

Commissioner Mosby: Yes.

President Fanello: Yes.

Ken Robinson: Thank you.

President Fanello: So ordered.

Commissioner Mosby: Thank you, Ken.

Election Equipment: Discussion of Certification of Equipment

President Fanello: Next item is discussion of the election equipment. I think we just kind of...go ahead, Marsha. Kind of wanted to go ahead and discuss maybe the action taken last week by the State Commission. Maybe you could just update us on what's going on, so we all, make sure we don't have any questions and we feel comfortable with what's happening. Then maybe at the end you could also update us on how we're progressing on setting up this meeting to discuss transportation of the equipment on election day.

Marsha Abell: Okay. My name is Marsha Abell, I'm the Vanderburgh County Clerk. I'm here this evening at your request to discuss the new election equipment. The first I want, I have prepared a statement, because I didn't want to leave out anything that occurred in an eight hour meeting last week in Indianapolis. The good news is we are going to use our equipment in May. It has been accepted by the State Election Division for use in the Primary. I did get a media release from our vendor in my e-mail just today regarding a successful election that they had in Florida, and I just brought that so that you could, at your leisure, read through these copies. I'll read my statement, then if you have any questions, you can ask me. There has been a problem arise with our election equipment, which has now been temporarily resolved by the Indiana State Election Division. However, I am here to advise you of the events which occurred at the division meeting last Wednesday. When our equipment arrived from the vendor on December 16, 2003, it had installed in it firmware version 7. Version 7 has not been certified by the State Election Division, but has been certified by other states, and is in use in other states. Version 6 has been certified in Indiana. Upon learning that we had version 7, I contacted our vendor, and insisted that version 6 be installed to make us compliant with the state certification requirements. Any equipment not certified by the state is not eligible for state reimbursement funds. After we had version 6 installed and the affidavit prepared by the vendor to the effect that we had version 6, we submitted our request to the State of Indiana, and on October 24, 2004, we received a check of over \$500,000 for equipment purchase or lease. Because of the use by other counties of version 7 in the last election, the Indiana State Election Division held a public hearing on this matter last Wednesday, and the vendor, ES&S, was subpoenaed to testify. I attended the meeting on behalf of Vanderburgh County. Version 7 is far superior to version 6, and I along with three other clerks, asked the Election Division to approve use of version 7. At that time the Election Division advised us that they did not intend to approve the use of version 7. However, ES&S advised them that

Version 6 does not completely operate with the current hardware, and would cause problems in tallying the vote totals. At one point an election commissioner told ES&S that if he was advising Vanderburgh County, he would advise the county to sue ES&S based on their failure to provide certified equipment as per their contract. At that point ES&S attorney told the commissioner that the contract does not provide for certified equipment, only that it will provide election equipment. Meaning that our contract with ES&S does not force ES&S to provide us with certified equipment. No member of the Vanderburgh County Election Board or the election attorney was involved in the negotiation of the contract for election equipment, although the other two members are attorneys, and would have been quite capable of writing a contract that would protect Vanderburgh County. Not even after the contract was negotiated was the Election Board involved, and not allowed to approve it prior to its signing on October 27, 2003. In fact, not until the question of paying the \$250,000 deposit ten days after election came to my attention was the county Election Board ever provided a copy of the contract. Exhibit C of the contract provides, and this is a quote from the contract;

“ES&S firmware versions may change between execution of the agreement and first election usage due to ongoing certification of updates.”

This is the point at which we should have written that any version would first have to be state certified, and such language does not exist in this contract. At no point in these discussions was the county Election Board involved. At this point there is a ten million dollar bond which is to be secured by ES&S to assure the counties that the May primary will be conducted properly using the uncertified version 7, and that ES&S will have version 7 certified by the fall election. I am not an attorney and do not know what our recourse is if this certification is not forthcoming. At this time I am requesting that Les Shively be officially charged with the duty of following the certification process, and of advising this Commission, as well as the Election Board of any problems we might encounter if this certification for the fall election does not occur. Mr. Shively should be paid his normal hourly rate as this is outside of the limits of his duties as attorney to the county Election Board. Had the Election Board been involved in the negotiations or contract review process, I'm sure we would not be in the position we find ourselves at this time. During the demonstration process by all vendors, ES&S used firmware version 6 on the iVotronics. We find now that version 7 is the one that properly operates on our hardware, and in the event version 7 is not approved for use this year, we need legal advice on how to proceed to conduct the fall election.

President Fanello: Kevin?

Kevin Winternheimer: Well, first of all, this equipment was to be certified. They represented to us that it would be certified. So—

President Fanello: I think we asked that question in the meeting, did we not?

Kevin Winternheimer: Yes, and, so, as far as them saying they have no liability, that's baloney. The question is, is where do we go from here? Is it necessary to sue them, or is it going to be corrected on its own? I don't have any answers for you tonight, but I would be glad to look into this, and we may have to discuss where we go from here. So, if I understand, Marsha, your statement that as far as the State Election Commission, we may use it in the primary, but after that the question is, is still up in the air about the fall election.

Marsha Abell: The waiver to use it expires May 31st of this year. We can use it in the primary, but we cannot use it in the fall. Unless they have it certified by then.

Kevin Winternheimer: Okay.

Marsha Abell: If not, they have a ten million dollar bond, and I don't know how you go about getting into that bond in the event that we have to do whatever.

Kevin Winternheimer: Yeah. Well–

Marsha Abell: I don't really know what we could do.

President Fanello: Well, do we still have our old election equipment?

Marsha Abell: Can't use it. We accepted the state's money. Once you accept the state money your no longer allowed to use it.

President Fanello: Can we give it back?

Marsha Abell: You would have to ask the Council. I think \$250,000 of it's already been sent to ES&S.

President Fanello: I think, well–

Kevin Winternheimer: I will look into it and report back to you.

President Fanello: Okay.

Kevin Winternheimer: We may end up having an Executive Session if we're going to end up suing somebody over this, and discuss it there.

President Fanello: Can I just get a clear understanding, what exactly, from the release I saw last week in the paper, what doesn't meet the federal standards again? Can you–

Marsha Abell: Well, it's called the firmware, and actually what it....version 6 is the version that we have that is certified. Version 7 isn't. Actually, the only real difference is that version 7 is much better, the font's larger, you can read the name easier, you can touch anywhere on the screen. I mean, it has a lot of good things about it. However, it's not been certified.

President Fanello: Okay, and does this, well, never mind. You answered the question.

Marsha Abell: It has been used. The other three counties used it last November. They weren't supposed to, but they did.

Commissioner Crouch: Kevin, do you feel that we need to utilize Mr. Shively's services at this point in time? Or we need to make a motion?

Kevin Winternheimer: Well, not to look at the contract, I can do that now. As to, he's already their counsel to advise them on the conduct of the election, and they can proceed with that as they would. That doesn't involve us. But, as far as the breach of the contract and all that, I will be looking into that.

Commissioner Crouch: Perhaps you need to talk to Council about funding, if you feel that that's important to have Mr. Shively involved.

Marsha Abell: Well, I am concerned that, and I certainly don't mean this as any criticism of Kevin, but he has a lot of things on his plate. This is all that Mr. Shively does for us. If this doesn't get followed, and we're in August and they're not certified yet, and I'm going to have to be looking at another vendor, we're out of time. By August we're out of time. I'm concerned that they may not get this certified by August, somebody needs to do whatever has to be done to get into that ten million dollar bond for us to buy equipment from another vendor. We need to be even looking at other vendors now.

President Fanello: Well, I think Kevin will make this a priority.

Kevin Winterheimer: I will, but what I will do is get somebody on it tomorrow, and then I will oversee what they're doing.

President Fanello: Okay.

Kevin Winterheimer: So, we'll get started on it tomorrow, while I'm taking a look at this. If somebody could fax me the final version of the contract to make sure I have a correct signed copy. That's the first place to start.

Marsha Abell: I can provide you with a copy of that.

Kevin Winterheimer: Okay.

President Fanello: There is one in our office as well.

Commissioner Mosby: I have a question here. If you received this equipment, we knew it wasn't certified, why did we ever pay them? Why did we accept the state's money and pay them? I mean, I remember a week or two ago that you all sent over a thing wanting the first payment made on this equipment.

Marsha Abell: I didn't hand them the \$250,000 check until after the meeting Wednesday night when the state said we could use their equipment in May.

Commissioner Mosby: Then it says right here that we face compatibility problems. So, I mean, do we know, I mean, is there anything that's going to guarantee us this election is going to go off right? I mean, I'm just reading this—

Marsha Abell: I don't know what you're reading compatibility... I don't know what you're reading from.

Commissioner Mosby: It says, ES&S later retrofitted the system with an older version of software that is certified in Indiana, but faces compatibility problems when loaded on to the new voting system.

Marsha Abell: What it will not do, according to what they told us, is it will not tally the absentee votes with the votes at the precinct. They will total all of them at the precinct, and they'll total all the absentees, but it would be up to, I suspect, the county Election Board to add the absentees and the one's at the precinct together. Because they are done on two different types of machines. The one's that are done on absentee are done on a piece of paper that's fed into an optical scan machine,

and the one's done at the polls are done on the touch screen. The version 7 merges the two together, the version 6 does not, is my understanding of what they told the county election, or the State Election Division last Wednesday.

Commissioner Mosby: I'll wait and see what Kevin says.

President Fanello: Yeah, I'm going to wait and see what Kevin says. Okay. Any other questions?

Marsha Abell: You asked about delivery.

President Fanello: Oh, I'm sorry--

Marsha Abell: I know nothing about delivery of equipment.

President Fanello: Well, we sent a letter asking...I think, Mr. Shively, do you want to--

Les Shively: Just real quickly, because I know you've got a full agenda.

President Fanello: Okay.

Les Shively: B.J. is in the process of contacting everybody--

President Fanello: Okay.

Les Shively: --that you wanted contacted--

President Fanello: Alright.

Les Shively: --from your letter to me--

President Fanello: I just want us all working together, so we're on the same page. Alright.

Les Shively: -- We're all working on the same thing. Then you sent me another letter, so, we're, B.J. was assigned the task of getting everybody together.

President Fanello: That's fine.

Les Shively: Kevin, just one thing on this first matter. One thing that might help you to get a head start on this, Anthony Long is on the State Election Board. Anthony was very instrumental in getting this bond and getting our equipment certified up to the primary, and he can probably....because as I understand it, the minutes of the State Election Board are not ready yet for public dissemination. So, Anthony as a board member could bring you up to speed real quickly. That might help you a little bit.

Kevin Winterheimer: Okay.

Commissioner Mosby: Real quickly, are candidates going to have numbers this year?

Marsha Abell: There are no numbers on the punch cards, no. On the iVotronic.

Commissioner Mosby: That's all of my questions.

President Fanello: Okay. Thank you , Marsha.

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

President Fanello: Sure.

(Tape change)

Resolution Opposing the Expansion of Alcohol Outlets

President Fanello: The next item we have is Commissioner Crouch, a resolution opposing the expansion of alcohol outlets.

Commissioner Crouch: Yes, thank you, Commissioners. This resolution is in support of Steve Bagbey's resolution that he introduced at City Council, and that was passed unanimously, 8-0, back in February. This resolution opposes the expansion of alcoholic outlets, and, in fact, the County Commission, this is not the first time the County Commissioners have, in fact, stepped out on this issue. Back in 1994 the County Commission also voted unanimously to oppose the expansion of alcoholic outlets, and mainly into convenience stores and mini marts. This wording is a little different. I e-mailed Steve Bagbey, Councilmember Bagbey and told him that I was introducing it, it's adapted to county language, and I don't know if there is anyone here to speak to this issue, but I would like to move that we do approve this resolution.

President Fanello: Is there anyone in the audience wishing to speak to this resolution? Okay, we have a motion on the floor.

Commissioner Mosby: Second.

President Fanello: So ordered. Thank you, Commissioner Crouch.

Commissioner Crouch: Thank you.

Permission to Advertise Polling Places for May 4, 2004 Primary Election

President Fanello: Next item on the agenda is the permission to advertise polling places for May 4th. I think we just—

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Oh, second. Sorry about that. I was waiting for what were approved.

President Fanello: So ordered.

**Permission to Advertise Handicap Inaccessible Polling Places for
May 4, 2004 Primary Election**

President Fanello: Next one is permission to advertise handicap inaccessible polling places for May 4, 2004 primary election.

Commissioner Mosby: I'll make a motion to approve inaccessible.

Commissioner Crouch: Second.

President Fanello: Alright.

Public Comment

President Fanello: Next item is public comment. Is there anyone in the public wishing to address the board at this time?

Old Business

President Fanello: Old business.

Commissioner Crouch: Commissioner Fanello, President Fanello, you had indicated you were going to follow up on the energy savings proposal.

President Fanello: Yes, and I have given Dan Dowell a list of questions to get answered, and I can provide you with a list of those questions. He is hoping to get back to me this week.

New Business

President Fanello: New business?

Commissioner Crouch: I don't know if this is old business or new business, but when the Commissioners did the Centre, one of the things that they did, which was actually two things that they did which was pretty helpful. One was that in the Commission meeting room that they posted a critical path drawing or schedule for the Centre. I was hoping that, or would like to make a motion that we have a critical path drawing or schedule for the jail that we will keep updated on a weekly basis. So, that not only we, the Commission, but the public can see where we are with that project.

President Fanello: Sure, that will be very easily done. Is that a motion?

Commissioner Crouch: Yes.

Commissioner Mosby: I'll second it.

President Fanello: Okay. So ordered.

Commissioner Crouch: Then, the other motion would be that I would like to move that we have the architect/engineers come the first Monday of every month to kind

of give us an update. Or whoever is responsible for moving that project forward so that we can stay abreast with what's happening out there.

President Fanello: Well, let me ask you this, because we don't want to incur any additional travel costs with them. They do come every Thursday morning for a construction meeting at the site.

Commissioner Crouch: And that's open?

President Fanello: Yeah, that's open to, I mean, you're more than welcome to attend those meetings.

Commissioner Mosby: I have.

President Fanello: Commissioner Mosby's been to one. Chief Deputy Williams is at almost every meeting as a representative of the Sheriff's Department.

Commissioner Crouch: Okay.

President Fanello: So, fell free to attend those meetings.

Commissioner Crouch: Kevin, is there any problem with more than one of us attending?

Kevin Winternheimer: If two of you are planning on being there, we'll have to give public notice. But if just one of you attends, then that's not a meeting.

President Fanello: We'll just coordinate schedules in the office with Patty or Tammy.

County Engineer

President Fanello: Next item of business is department head reports, County Engineer.

Commissioner Mosby: I thought you was going to do your road hearing.

President Fanello: We're going to do it under County Highway.

Commissioner Mosby: Oh, okay.

John Stoll: First I would like to request approval to have quotes submitted at next Monday's meeting for several projects. The first is replacement of two culverts on Miller Road; the second would be replacement of a culvert on Frontage Road; and the third would be for bridge removal and a culvert installation on Golden Rule Road.

Commissioner Mosby: I'll make a motion to approve all three.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The other item I have is a request for approval on making right-of-way offers on the Stockwell Road culvert project. The first parcel is owned by

Muensterman, Incorporated. The appraised value is \$10,350, and I would like approval to make that offer.

Commissioner Mosby: Motion to approve offer.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The second parcel is owned by Cornerstone Commercial Properties, LLC. This appraisal is for \$7,850, and I need approval for making this offer as well.

Commissioner Mosby: Motion to approve offer.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The final appraisal is for J.H. Rudolph and Company. This appraisal amount is \$5,325.

Commissioner Mosby: Motion to approve offer.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: That's all I have. Are you going to discuss the paving lists again?

President Fanello: Yeah, we were going to do that under County Highway.

John Stoll: Okay.

President Fanello: So, you might want to just stay up front here.

John Stoll: Okay.

County Highway & Continuation of 2004 Road Paving Hearing

President Fanello: Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I have a list that was compiled by the Commissioners office on public response to the paving hearings that we had last week. This response, what we did, we critiqued everything that came in and we divided them up into categories. These categories we found that out of the whole list there was a lot of call-ins that were in the city. Some of them John had contracts on and so forth. So, out of the whole list, we ended up with about five valid roads to look at. So, today my foremen and I we went out and measured these roads, assessed them, and we added them to the paving list. The paving, the new paving list. So, what we did on the public response, the one's that were valid, Chapel Hill; Darmstadt Road, between Evergreen and Orchard Road; Kratzville Road, Wimberg to Darmstadt Road; Wimberg, that's Kratzville to Happel; and Ridgeview Estates. We went ahead and added them to this list. The

budget that I have calls for 1.18 million dollars in road paving. Then John has some that we contracted out. Now this is coming to 2.4 million dollars, almost 2.5 million dollars. So, what I would like to do is ask you to approve this as is, and as we proceed down through this list during the course of the paving season is to monitor that budget. When we get down to the level to where our money is getting really tight, and we have a cut off point, is to take whatever roads that are left over, and move them to the top of the list next year. I think that would be a fair way to proceed through the list. I added the roads that have been called in, 23 through 29 that's on your paving list. I did not put those in priority order, I just added them to the list.

Commissioner Crouch: Dennis, are the rest of them in priority order?

Dennis Hudnall: Yes.

Commissioner Crouch: They are?

Dennis Hudnall: The priority order, like Old Henderson Road, the water had come up and washed a good portion of that road away. I'm going to be down there repairing that anyway, and instead of moving my equipment all the way on the other side of town, I'll just go ahead and do Old Henderson Road in that part of town first. Then proceed, we tried to group these together to avoid moving the equipment on several occasions.

Commissioner Crouch: I actually was out yesterday driving the roads, particularly the roads that I wasn't familiar with, but I hit most of them, and I had some notes and some questions. Some of them were very obviously bad, I mean, you didn't have to think about the fact that they needed to be repaved, but several of them were in what I considered to be relatively good shape. So, my question is how, I mean, is there a reason...for instance, Owensville did not appear to be that bad. Weiss Road did not appear to be that bad. So, I just need an explanation on why we singled out those roads.

Dennis Hudnall: Well, the criteria we used, we get a lot of public call-ins. The only way we know to even look at a road or measure a road is through calling in, or my foremen will be driving a road, or I'll be driving a road and we'll notice that it needs repaired, and we write it, annotate it on a board. Then once we get our budget we see how much money we've got, and then we can put those in order. Now, some of the roads appear to be in good shape, but culverts need repaired underneath those roads, there are some shoulders of the roads that are in bad repair. You really have to assess the whole road. Some of them look, like Weiss Road looks in fairly decent shape, but eventually, in the next year or two, it's going to have to be paved, and while we're out there on, well, there's a road near it-

Commissioner Crouch: St. Paul's is out there.

Dennis Hudnall: Yeah. We added another road that's right off of there that I've had a lot of requests on too. I brought that up last week on Lake Ridge Place. It's a very short road at .15 miles. Out in that area right there, some of the roads are real small, they're not real big, but they do need repaired. We do a lot of patching out in that area. I'm trying to avoid the patch work, because it takes up as much time as paving the road itself.

Commissioner Crouch: There was one other thing that kind of struck me, Maasberg Road. We all remember Maasberg Road, it's about 2/3 paved, and it's a through

road between Baseline and Boonville-New Harmony. Yet there is a third of it that's gravel, and then 2/3 of it is paved. The road right next to it, Lutterbach Road, is a road that really goes nowhere, other than it does, it obviously serves three families, but what would be the reason for not maybe taking something we've already invested money in and can finish it off.

Dennis Hudnall: You're absolutely right. That, I have to take the error on my part of, we tried to avoid, on the recommendation of John, avoid gravel roads. Like I say we collect this information through several people and we write it on the board in the back of my, in my office, then we assess these roads. We measure them and so forth. How that road got on my list I do not know, but therefore it slid through the cracks and I put it on the list. Not realizing, or I realized that it was a gravel road, but not realizing that at the time I put the list together. So, that was an error on my part. I would like to request to remove that from the list. I was getting ready to get to that. Gravel roads, I have so many miles of blacktop road, and I don't think it would be wise for me to blacktop gravel roads at this time, when we have to repair roads that have already been blacktopped.

Commissioner Crouch: So, that is the only gravel road that is on our list?

Dennis Hudnall: I have a small section of Rose—

Commissioner Crouch: Right.

Dennis Hudnall: —that a gentleman requested last week, and we added to the list, and it's about a hundred feet long.

Commissioner Crouch: So, when, Rose, I drove out on Rose, I'm familiar with it, but so where it stops, we are going to do that?

Dennis Hudnall: Where the pavement....huh?

Commissioner Crouch: We are going to do what is already currently paved, and then continue the pavement on to the gravel?

Dennis Hudnall: Well, the Rose, I had a foreman go out and look at it today, I'm not sure what condition the front of it is—

Commissioner Crouch: It's bad. I mean, it's not all that great.

Dennis Hudnall: Well, if it requires, if the front of the road, I might as well take that other hundred or so feet, and go ahead and do it. But, I'm not in the habit of doing gravel roads. As John stated last year, I had, I think, what was it? Schmuck Road? I had one gravel road on that he recommended that we didn't do that, because of the liability of paving it. So, that was an error on my part of putting it on the list. I shouldn't have put it on there in the first place. Maasberg, part of it's paved, but I understand that that was an error several years ago. That they shouldn't have, I don't think he had the Commissioners permission to do it or something. I don't know exactly what that entailed, but gravel roads I would prefer not to do until we get our other roads in good shape.

Commissioner Crouch: I'm happy to see Fischer Road, because that really is bad. I didn't make the turn from where it goes from Meier to Kuebler, and I went straight, and it is a pretty bad road.

Dennis Hudnall: As we drive these roads, you're going to find more and more. We've got 600 miles, but our budget only lets us do between 25 and 29 miles a year. So, we tried to patch up some of these roads enough to make them last another year longer, and then put those on the list. Fischer Road is one of them between Orchard and Kuebler. I drove these roads today, and they are in pretty bad shape, in that area out there. Meier Road is another one. I've put it on the list to add it to next year's list.

John Stoll: There are a couple of streets where some concrete patching has been requested that don't show up on this map as well. Strawberry Hill is one, Virginia Street is another, and Old Petersburg Place, there's a small section of street out there that we've gotten some requests on as well. So, not all the concrete patching is listed on this map I just handed out.

Commissioner Crouch: By and large I believe that the County Highway and the County Engineer department do a great job. The roads are not in bad condition. I know that there is spots, but that's the purpose of tonight.

President Fanello: Do we have a, do we want to go ahead and take a motion to approve this list.

Commissioner Mosby: Are you going to let county-

President Fanello: Is there anyone in the audience who has anything to say about the paving?

Marlin Goebel: My name is Marlin Goebel. I live on Lutterbach Road. That is a very short stretch of road. I appeared before this Commission probably about 10 years ago requesting that it would be done. There is a lot of agriculture traffic on the road, many times they have to park to the side of it, and cars have trouble getting by with the gravel. I think it's a safety issue. Like I say, it is really a short road, compared to everybody else, all the other requests. I just request that you reconsider that road, because I don't think it's ever going to get paved otherwise. Like I say, the trucks have to park on the side of the road when they are harvesting grain, and things like that, and it's hard to pass. I think the pavement would help steady these vehicles. There's a lot of other vehicles, tractors and other things, so, if it was made a little wider and stabilized, it would be a lot safer. They have been out this week to prepare it. So, I thought, oh gee, they are really going to do it this time. But, I don't know why, but they were making it flat and preparing it for paving they told me.

Commissioner Crouch: They were preparing it for paving before it was approved?

Dennis Hudnall: No, I pull the shoulders on roads. It doesn't necessarily make it...anything that's on the paving list they will do first, but I have them pull the shoulders because when our paver goes down to the shoulder of the road, I don't want them dragging into the dirt.

Commissioner Crouch: If it wasn't going to be paved, is that something you would normally do?

Dennis Hudnall: This list has not been approved by the Commissioners. I've got, I'm falling behind everyday we don't approve it. So, I've got to think a little bit ahead. So, even though we don't pave that road, it still needs the shoulder work.

Commissioner Mosby: Thank you.

President Fanello: Thank you, Mister.

Kenny Maasberg: My name is Kenny Maasberg. I got the farming operation on Maasberg Road. I would like to make one comment about gravel roads. I think every road in Vanderburgh County was gravel at one time or another. They all got resurfaced, paved, blacktopped, whatever, to get to the point they are now. So, I don't see why we've got people standing here saying we can't blacktop or pave a gravel road. Because a gravel road has got a solid base. Just what the man did the other day on Lutterbach Road, he hauled the rock off. If he hauled the rock off, what is he going to do, haul it back in now?

Dennis Hudnall: Well, I have to make a comment on gravel roads. First of all, we can pave them, and second of all if I start paving gravel roads I have about 200 miles of them in the river bottoms that are used for agriculture that I'll probably have a request on also.

Kenny Maasberg: Okay, I've got one other comment then. If you was on Lutterbach Road pulling off shoulders, Maasberg Road is a quarter of a mile from Lutterbach Road, how come you wasn't pulling the shoulders off of it?

Dennis Hudnall: I'll be glad to pull the shoulders. I'm trying to get to all the roads and pull the shoulders.

Kenny Maasberg: Maasberg Road, the gravel part of Maasberg Road hasn't been graded since September of last year. Have you drove that recently? It's full of holes.

Dennis Hudnall: Have you called that in?

Kenny Maasberg: Yes, I have. I've called in about—

Dennis Hudnall: Then it's on a work order, and I'll be glad to look that up.

Kenny Maasberg: Well, anyway, I'm requesting to get Maasberg Road paved the rest of the way, because 2/3 of it's paved, the balance of it needs to be paved, because it's an accident waiting to happen, because people drive real fast on the blacktop part, they run into the gravel, and somebody is going to get seriously hurt there yet. So, I request that Maasberg Road be paved. Thank you.

Commissioner Crouch: How many cars would you anticipate travel that road a day?

Kenny Maasberg: In the wintertime it's not as much, and this is just a wild guess, but I'm just guessing somewhere between 25 and 30 vehicles in the wintertime. Summertime it's triple that or more. That can be anything from motorcycles to semis, because there's a lot of truck traffic on that. Even school busses trave that road. There's a lot of traffic on that road.

President Fanello: Any other questions?

Commissioner Crouch: What would you like, what is your recommendation for, Dennis, for approval of this list that we have?

Dennis Hudnall: I would like to pave every gravel road in Vanderburgh County if it were me, because I do have to maintain them, I do have to grade them. I know Mr. Maasberg that he's called in on several occasions, and we do have work orders in for Maasberg Road. Gravel roads are gravel roads. I mean, they are mostly farm roads, they lie in the outer areas, but I think if we start paving them now with our asphalt in the shape that it's in, then I think we're going to ask for the river bottoms to be paved, which there is many, many, many miles down there. They're all farm roads. Most of those are farmers down there. All they ask me to do down there is to grade the roads and keep them in good condition, and that's what I do. So, if we start paving, I think we're going to open that up to pave every road in the county. I don't think we can afford that.

John Stoll: One of the concerns that I've had on gravel roads too, is typically they are the narrower roads that we have in the county. They are in areas where we don't have sufficient right-of-way to widen the roads. As soon as we pave the road at a narrow width, the speeds go up, and it can create a safety hazard, in my opinion. I know Maasberg's been paved, I don't think it should have been. Mann Road's been paved. That road was cut right through, it was an old rock road, it was cut through some hills, there is no adequate drainage, it falls apart all the time. So, I don't think going out and blindly paving a rock road is necessarily going to fix some problems, it might create more than it solves.

Commissioner Crouch: Is there any, excuse me, is there any gravel road on this list other than you talked about Rose?

Dennis Hudnall: No.

Commissioner Crouch: That is—

Dennis Hudnall: Rose is the only one, and it's a very short piece. We put it on there because, and I'm trying to recall this, because it's on Harmony Way, we was going to pave from there down, and that's a county road down there to, instead of going and maintaining that all the time, then go ahead and pave that extra 100 feet, and I don't have to maintain it. I have to send a grader out there, just like Mr. Maasberg was talking about.

Commissioner Crouch: So, if we don't approve Maasberg Road tonight, perhaps when we're out there paving the paved part, we might just extend it from the gravel like we're doing for Rose in the future.

Dennis Hudnall: That's up to you. I mean, if you okay, if you okay to pave Lutterbach, I'll be glad to pave it. Like I say, it's extra to pave a gravel road, because I have to prepare it different than an asphalt road. I'm going to have to put some primer and all those things on there. If you'll notice on Rose, we have very little, it's \$332, it's \$564 for the primer, that's how small that road is. A road like Lutterbach would cost substantially more than that. That's just the extra that you have to prepare a gravel road.

Commissioner Crouch: On Rose, here on our list it says that it goes...I'm sorry to ask so many questions.

Dennis Hudnall: No, that's alright.

Commissioner Crouch: But, it says it goes from Harmony Way to the dead end. Does that mean we will, we're going to go ahead and make it, it's to the end of the dead end?

Dennis Hudnall: Yeah.

Commissioner Crouch: Okay.

Dennis Hudnall: What I'm doing is requesting, I can just pave just where the pavement is. There was a gentleman that called in, I think to the Commissioners office, and requested, because we were going to pave that little section there, just to go ahead, and it is a county easement. Well, the way I'm looking at it is I send a grader out there at the county expense. I send a truck to Mulzer's to pick up the stone and come out there and spread it. I do that maybe once or twice a year, that I can avoid that maintenance and switch my resources somewhere else if it's paved.

Commissioner Crouch: Something Mr. Maasberg said, we took gravel off of Lutterbach Road, is that correct? Is that what he said? Did I understand him correctly?

Dennis Hudnall: It bunches up, and they'll grade it down and then we, most of the time we put gravel back on. Now what he's talking about taking it off, I don't know what we have done out there, but I'll be glad to research it and see. But, as you drive down a road the tractors and the trucks that (Inaudible) push this gravel to the side of the road. You've got ditches that run along the side of them, so, a lot of times the grader will push that down through there, we'll put some gravel on, and we'll clean those ditches out. I don't know if we've done that to Maasberg Road or not. Massberg or not. I can check that out.

Commissioner Crouch: Okay. When I was out there it didn't appear there was much gravel on the road at all. So, if we took gravel off, and then we're going to go back and put some on—

Dennis Hudnall: Well, like I say, I'll have to research it.

Commissioner Crouch: Okay.

Dennis Hudnall: Down at the river bottoms when we put, they request that we don't pull the shoulders, and they request that we don't put anymore gravel on. So, it's according to what farmer or agriculture person wants. Some of them don't like the gravel on them at all. So, if Mr. Maasberg doesn't like the gravel, we can take that off. If he wants it on, we can put it on. I'll be glad to accommodate him.

Commissioner Crouch: On this list, you wanted to take Lutterbach Road off? Is that what you said?

Dennis Hudnall: I requested because it was my error that it's on there. It's a gravel road. John has told me on several occasions we shouldn't be doing gravel roads. That one slipped through the cracks, and it was an error on my part.

Commissioner Crouch: You concur?

John Stoll: Pardon me?

Commissioner Crouch: You concur with that?

John Stoll: When the width is sufficient, I wouldn't see a problem paving a gravel road, but on these that we're talking about, I don't think the width is sufficient. Once the roads are paved, the speeds go up, and that's where the problems start occurring, as far as I was concerned. So, if we had, if Lutterbach Road was 18' wide or something like that, with adequate ditches still, or 20', or whatever the case may be, where it was passable for two way traffic, then, sure, you could do it, if the money was there. I wouldn't have a problem with that. It's where you get the really narrow one lane roads, like Schissler. It was paved back in the early '90's. Some kids went hill jumping out there and killed somebody. They, it's hard to say that they wouldn't be out there if the road hadn't been paved, but I'm sure the speeds were higher because it was. It's that kind of problem that concerns me more than anything else. But if the width is sufficient and you have adequate drainage, sure, you can pave a rock road.

Commissioner Mosby: Dennis, how much money did you say you had total?

Dennis Hudnall: In my budget right now, it's not a state certified budget, but I totaled it up, on the list that I gave you here, in the Highway Fund I have \$75,000; in Cumulative Bridge I have \$160,000; and in Roads and Streets I have \$945,000, for a total of 1.18 million.

Commissioner Mosby: And we've got approximately 2.5 million dollars worth of roads.

Dennis Hudnall: John has some, on this list it includes \$75,000 for concrete repair, because John and I have been getting so many calls, like on Strawberry Lane, Gun Powder Lane and those. They're all concrete, which doesn't fall under the bituminous material that we have, but they still need repaired. So, John was going to contract those out, and we put it under a lump sum of \$75,000. Then Boonville-New Harmony, Carrington, and Bromm, John was going to contract those roads.

President Fanello: Okay.

Commissioner Mosby: John, didn't we used to get money from LIT to help do roads? Didn't we used to get money out of—

John Stoll: I'm not sure what, there used to be extra money put into the Road and Street Fund—

President Fanello: Right.

John Stoll: —I don't remember what the source was off the top of my head.

Commissioner Mosby: That's what I was thinking. The Council used to give us like, you know, a million dollars, but they quit doing that three years ago.

President Fanello: Right. Right, we don't get the, the only thing we're getting in the Local Roads and Street Fund now is a state distribution—

Commissioner Mosby: Right.

President Fanello: —which is not all that sufficient.

Commissioner Mosby: That's what's really hurt us here, I mean, is that we've lost this money.

Bill Fluty: David, you still get a million dollars from COIT funds.

President Fanello: We got more than that. We got more than a million.

Commissioner Mosby: We used to get like two or three million though. We lost-

Bill Fluty: I think for a couple of years when there was some extra money you did, but you still get that million dollars.

Commissioner Mosby: I mean, you know receiving that money, I mean, it was easier to do some of these gravel roads and start catching up. But, I mean, when the Council cut back the money a million or two a year, I mean, it hurts. You know, that's why we're sitting here now looking at this. So, I mean, I would push for approval of this, I guess, excluding the gravel roads until, you know, we can catch up with what we've got here. Because, I'm looking at 2.5 million dollars worth of roads and not near that kind of money to do it.

Commissioner Crouch: I'll second.

President Fanello: I'll say so ordered.

John Stoll: I was going to say, I think we have about \$700,000 in the Road and Street Contractual Account. So, depending on what some of these roads come in at, there might be some more that can be contracted as well.

President Fanello: Okay. Thank you, John. Dennis, did you have anything else?

Dennis Hudnall: That's all I have.

President Fanello: Alright.

Dennis Hudnall: Thank you.

President Fanello: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: Yes, I have a few items tonight. The first is if you can, we would like to have an Executive Session at 5:15 this coming Monday. We anticipate getting an offer in writing on a piece of property that is up for condemnation. We may be able to resolve that. So, if that's convenient, 5:15 this coming Monday.

Commissioner Crouch: I won't be here. I'll be out of town, but that shouldn't matter. You have the other two.

Kevin Winterheimer: Okay. So, I will, if the staff could send out the notice, I will notify the attorney that's handling that to be there for that. The second item is, last week I presented you with a notice of a preliminary assessment roll, a notice of a

hearing with an assessment roll on it. Subsequent to that I found out that one lot there's been a sale on. I have a revised one for you, and I would request your approval of this. This is on lot 32, and on the assessment roll I have two sets of property owners listed. Of course, if that is, in fact, the case that the property transaction has been completed, the current owner will be responsible. That's 2400 Westchester Drive. So, I would ask for your approval before, I'm going to mail these out to all the property owners that we've revised lot 32 by adding the new owners to that list. I've got copies for you. Otherwise, everything is the same. Yeah, I need a motion to accept the revised list.

Commissioner Mosby: Motion to accept the revised list.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Last, on the accident case that we had in Executive Session a couple of weeks ago, our third party administrator said there was a claim by the owner of the motorcycle, it's separate, same accident, separate claim, and I don't know why he did it this way, but he sent the check, and it needs to be executed by two Commissioners. It's to the owner of the motorcycle, which was driven by the other driver. This is Farmer's Insurance Group, his insurance company who paid for repair to the motorcycle, and we're settling their claim for \$1,000. So, I would just like a motion to execute this check, and then we'll give it to Mr. Born, who will get the necessary releases before handing it out to Farmers Insurance Group.

Commissioner Mosby: Motion to execute check.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I have.

President Fanello: Alright.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: In my report, in my report, I had a memo for a change of polling place, and I put the wrong ward and precinct. I need to change that from...in my original memo it was 4-4, and I need to do ward 2, precinct 2. That's what I had laying on the desk.

President Fanello: Okay. Do I have a motion to accept the change of this polling place.

Commissioner Mosby: Motion to accept change.

Commissioner Crouch: Second.

President Fanello: So ordered.

President Fanello: Alright, thank you, Tammy.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. You have our work report. The only other item that we have, in regarding to the RFI's that were submitted tonight, anytime Thursday or Friday, Steve and I would be more than glad to sit down with you and go over these and evaluate them as they were presented.

President Fanello: Does anybody have any questions?

Commissioner Mosby: I'll get with you on a time. I'll just get with you on a time.

President Fanello: Thank you, Gary.

SWCD & Ozone Officer Reports

President Fanello: Is there anybody here from Soil and Water? Seeing none.

Commissioner Mosby: I'll make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Do I have a motion to accept consent items?

Commissioner Mosby: I'll make a motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.¹

¹Consent items listed on page 30.

**VANDEBURGH COUNTY
REZONING BOARD
MARCH 15, 2004**

The Vanderburgh County Rezoning Board met in session this 15th day of March, 2004 at 7:02 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. Rezoning petitions were heard during the course of the regularly scheduled Commission meeting.

President Fanello: Now we will move into the rezoning portion of our agenda. I think it will go real quick.

**First Reading: VC-3-2004
Petitioner: Jagoe Land Corporation
Address: 3015 Galaxy Drive
Request: Change from Ag to PUD**

President Fanello: We have one first reading, VC-3-2004, Jagoe Land Corporation, change from A to PUD.

Commissioner Mosby: Motion to accept on first reading.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 7:02 p.m.)

**Commission Meeting Reconvened:
Approval of Encroachment Permit for 12100 Bridlewood Drive**

(The meeting was reconvened at 7:03 p.m.)

Commissioner Mosby: Motion to withdraw my motion to adjourn.

Commissioner Crouch: And I'll withdraw my second.

President Fanello: So ordered.

Kevin Winternheimer: Let me explain what this is, it's a request for an encroachment into a public utility easement. Somebody mistakenly built a house within one foot of that easement. They're requesting a temporary encroachment permit. They have a sale pending and would like to consummate their sale. This is in anticipation that they will file a vacation proceeding to vacate that one foot strip. This is 12100 Bridlewood Drive, and it's a one foot strip along the south side of lot 75 into the public utility easement. It looks like my form. You didn't change anything did you.

Ted Ziemer IV: No, sir.

Kevin Winterheimer: I prepared the form for them to sign. It's been signed by the request, permittee, owner, Sue Reid. I request your approval of it. I don't see any problem. He's gotten letters from the utilities, they didn't have any problem with it. I anticipate somebody will be filing a vacation.

Ted Ziemer IV: I have these letters. Do you want them?

Kevin Winterheimer: Okay, you can just give the copies of the letters to Madelyn.

President Fanello: Yeah, she needs those for the record.

Kevin Winterheimer: I would request your approval. I talked to John, he didn't have any problem with it. Any questions?

Commissioner Mosby: I was going to say, I asked John about it this afternoon, and he didn't have any problems either.

Commissioner Crouch: Can you state your name, please?

Ted Ziemer IV: Ted Ziemer.

Commissioner Crouch: Well, I thought you looked familiar.

Kevin Winterheimer: In the crowd I didn't see him sitting out there. I thought maybe something happened and he didn't show up. I just didn't see him.

Commissioner Mosby: I will make a motion to approve the vacation.

Commissioner Crouch: Second.

President Fanello: So ordered.

Ted Ziemer IV: Thank you for reconvening.

President Fanello: You're welcome.

Kevin Winterheimer: I'm sorry I missed you. I just didn't see you.

Commissioner Mosby: Now, I'll make a motion to adjourn the reconvene here.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The reconvened meeting was adjourned at 7:04 p.m.)

CONSENT ITEMS:

Jail Expenses:

United Consulting Architects and Engineers: \$37,529.24

James L. Shireman: \$55,000

Travel Requests:

Health Department (3) Weights & Measures County Engineer
Center Assessor

Employment Changes:

Circuit Court Pigeon Assessor County Clerk

Auditor: Submit Annual Report and Summary of 2003 Fixed Assets.

Health Department: State HIV Grant Renewal Request.

Sheriff: Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Linda Nalley	Gary Hohman
Ben Kunkel	John Stoll	Ken Robinson
Marsha Abell	Les Shively	Marlin Goebel
Dennis Hudnall	Kenny Maasberg	Ted Ziemer IV
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 22, 2004**

The Vanderburgh County Board of Commissioners met in session this 22nd day of March, 2004 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 the Vanderburgh County Board of Commissioner meeting, March 22. The introductions are as follows: to my right, Tammy McKinney, Superintendent of Buildings; filling in for County Attorney, one of our county attorneys, Jay Ziemer; Commissioner Mosby; to my left, County Auditor Bill Fluty and Recording Secretary Charlene Timmons. I almost forgot your name, Charlene. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of minutes

President Fanello: I need approval of the Executive Session minutes.

Commissioner Mosby: I'll make a motion to approve Executive Session minutes of the meeting tonight. It started at 5:15 and ended at 5:25 and we discussed litigation.

President Fanello: Second and so ordered.

Commissioner Mosby: And I'll make a motion to approve Commission minute meeting of March 15th.

President Fanello: Second and so ordered.

Open quotes - VC04-03-01 Miller Road Culvert #881 and #882

President Fanello: The first item of business is bid advertisements and openings. The first quote is VC04-03-01, Miller Road Culvert #881 and #882 removal and replacement.

Commissioner Mosby: Motion to open bids.

President Fanello: Second and so ordered.

Jay Ziemer: Do you want to go with business and then we'll read them in later.

Commissioner Mosby: No, Kevin won't let us do that.

Jay Ziemer: The first bid that I am opening is from CCC of Evansville, Inc. For the first portion of the bid they've quoted \$21,783.47. For the second portion of the bid they have quoted \$12,550.40 for a total combined bid of \$34,333.87. The second bid we received is from Deig Brothers with the first portion of their bid being \$29,435.00 and the second portion of their bid being \$14,308.00 for a combined total of \$43,743.00. I would basically request that these be taken under advisement.

Commissioner Mosby: Is that the only two?

Jay Ziemer: That's the only two for that project.

Commissioner Mosby: Motion to take bids for Miller Road Culvert under advisement.

President Fanello: Second and so ordered.

Open quotes - VC04-03-02, Golden Rule Road Bridge #700

President Fanello: Next we will move to open quotes for VC04-03-02, Golden Rule Road Bridge #700 removal and culvert installation.

Commissioner Mosby: Motion to open bids.

President Fanello: Second and so ordered.

Jay Ziemer: From Blankenberger we have total quote of \$12,872.00. From CCC of Evansville, Inc. we have a total quote of \$13,771.72. From Deig Brothers we have a quote of \$22,539.00.

Commissioner Mosby: Motion to take bids under advisement.

President Fanello: Second and so ordered.

Open quotes - VC04-03-03 Frontage Road Culvert #1163

President Fanello: The next item is to open quotes for VC04-03-03, Frontage Road Culvert #1163 removal and replacement.

Commissioner Mosby: Motion to open bids.

President Fanello: Second and so ordered.

Jay Ziemer: From Blankenberger we have a total quote of \$29,568.00. From CCC of Evansville, Inc. a total quote of \$28,387.89. From Deig Brothers a total quote of \$49,261.00.

Commissioner Mosby: Motion to take bids under advisement.

President Fanello: Second and so ordered.

Preliminary Assessment Roll for Replat of Mill Terrace

President Fanello: The next item is public hearing regarding the preliminary assessment roll for replat of Mill Terrace Subdivision. Is there anybody here to speak to this issue? Seeing none, Jay, do we have to put this on again for next week or do we just have one? We have to have a final hearing next week?

Jay Ziemer: Have a final hearing next week.

President Fanello: Okay, so do you want to move—

Commissioner Mosby: I'll move to put this preliminary assessment roll for replat of Mill Terrace back on for next week.

President Fanello: Okay, second and so ordered.

Board appointments

President Fanello: The next item is board appointments.

Commissioner Mosby: Yes. I have a couple of board appointments. I would like to put Bill Kisner, 3302 Kratzville Road, on the Wage Scale Committee and being taken off will be Bill Alexander. He has requested to be removed.

President Fanello: Second and so ordered.

Commissioner Mosby: And then I would like to reappoint J.D. Strouth and Alan Jones to the Legal Aid Committee.

President Fanello: Second and so ordered.

Public comment

President Fanello: Public comment. Is there anyone in the audience wishing to address the Board?

Old business

President Fanello: Seeing none, old business?

New business

President Fanello: New business? The only item of new business I have is I think we need an Executive Session next week because I got a letter about a personnel matter.

Commissioner Mosby: Okay, how much time do we need?

President Fanello: Probably no more than ten minutes.

Commissioner Mosby: I would make a motion then that we have an Executive Session at 5:15 on March 29th.

President Fanello: Second and so ordered.

John Stoll - County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: This is to request street plan approval for Eagle Ridge Estates. This subdivision is located out off of Petersburg Road. It's out to the west of Eagle Crossing Subdivision, Section 3. Basically, the golf course sits over in this area and

this is just one area of the subdivision that was never platted in the past. I have reviewed the street plans and would request that the street plans be approved.

Commissioner Mosby: Motion to approve street plans.

President Fanello: Second and so ordered.

John Stoll: The second item I have is also a street plan approval request. This is for Asbury Pointe Subdivision. This is located up near the intersection of 57 and Green River Road. Here is Highway 57 over here. Here is Green River. It's not very far off of Highway 57. Here again, I have reviewed the street plans and the designers have made some changes and now that they've made the changes I would request that these plans be approved also.

Commissioner Mosby: Motion to approve the plans for Asbury.

President Fanello: Second and so ordered.

Unidentified: Are we talking about the drainage plans?

Commissioner Mosby: No, these are just your street plans.

President Fanello: We'll have Drainage Board after this meeting.

Unidentified: Okay.

John Stoll: I did talk to the County Surveyor about the street plans and the changes...he didn't foresee any changes to the drainage plans that would require any changes to the street plan. That's why I went ahead and brought the street plans in now. The last item I had was a request from Operation City Beautiful to allow landscaping in the median out on Burkhardt Road. This would be for Wal-Mart to maintain that median with landscaping. Commissioner Fanello was sent the letter originally, but I talked with her about this earlier and would request that the Operation City Beautiful request be approved to allow that landscaping.

Commissioner Mosby: Motion to approve.

President Fanello: Second and so ordered.

John Stoll: It would all be maintained by Wal-Mart. We won't have to worry about it and it will be less for the highway crews to mow as well.

Commissioner Mosby: Okay.

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

President Fanello: Thanks, John.

County Highway - Dennis Hudnall

President Fanello: County Highway.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. The only thing I have tonight is we did start paving this morning off the list that you okayed last week. So the paving season is on the way. We hope it proceeds without a hitch this year. The only other thing, I have to ask you a question is do you have any questions on our weekly report?

Commissioner Mosby: I have no questions. Thank you, Dennis.

Dennis Hudnall: Thank you.

President Fanello: Thank you, Dennis.

County Attorney - Jay Ziemer

President Fanello: County Attorney.

Jay Ziemer: I have nothing, thank you.

Charlene Timmons: Can I ask you a question real quick? On that final hearing for next week on the one that we had the preliminary hearing on this week, Mill Terrace. Do we need to advertise?

Jay Ziemer: I think we should, yes.

Charlene Timmons: Will somebody supply us with an advertisement?

Jay Ziemer: I can do that or make sure Kevin does that.

Charlene Timmons: Okay.

President Fanello: Can you...did he supply you with one for this week?

Charlene Timmons: I've got a preliminary.

President Fanello: Okay.

Charlene Timmons: You want me to just change it to a final?

President Fanello: Just change it, yeah.

Jay Ziemer: I'll take a look at it after the meeting just to make sure.

Charlene Timmons: Okay, that will be fine.

Superintendent of County Buildings - Tammy McKinney

President Fanello: Superintendent.

Tammy McKinney: Let's get through this quick before I cough again. I need to add a late employee change to the consent items. That's all I have.

Commissioner Mosby: I'll make a motion that we add the late employee change to the consent items.

President Fanello: Second and so ordered.

Burdette Park - Steve Craig

President Fanello: Burdette Park.

Steve Craig: Steve Craig, manager of Burdette. All I have is my weekly worksheets unless there are any questions from the Commissioners.

Commissioner Mosby: I don't have any.

President Fanello: Thank you, Steve.

Steve Craig: Thank you.

President Fanello: I just thought of a question for Tammy, though.

Commissioner Mosby: She is coughing.

President Fanello: I'll ask her in a second.

Department reports

President Fanello: Is there anybody here from Soil & Water? Seeing none.

Commissioner Mosby: I'll make a motion to accept department head reports for Soil & Water and Ozone.

President Fanello: Second and so ordered. I just wanted to bring attention to...I think Tammy is working on setting up the meeting with the County Clerk and the Election Board about the transportation of the election equipment, so I think she got a call today to set up that meeting. Just for the record.

Consent items

President Fanello: Consent items.

Commissioner Mosby: Yes, under consent items I think we have one travel request that the County Clerk's office has put in for and it's travel to Merrillville, Indiana and you'll notice that they have given us two different prices. One price to drive and one price to fly, and it's actually going to be cheaper for them to fly because they would have to have one less night of lodging. So I would make a motion that we accept the one to fly, which would be the cheaper of the two.

President Fanello: Okay, and I'll second and so order.

(Inaudible comments made from audience.)

Commissioner Mosby: Well, if I hadn't got that right I thought you would correct me.

President Fanello: Do I have a motion to accept the additional pink slip?

Commissioner Mosby: I will make a motion to accept consent items with the approval of the late change, employee change, and the travel request for \$3121.68 for the Clerk's office.

President Fanello: Second and so ordered. Is there any further business?

Commissioner Mosby: I had one thing I was going to bring up under new business and I forgot. I was going to have...I forgot Kevin is not here tonight, but I was going to have Kevin...I noticed in this morning's paper there was an article under Many tax appeals are still pending and I know we had a couple of people in the office last week and I had talked with a gentleman, and I think Tammy or Patty one had sent a letter down to Ms. Musgrave on this matter, it was an appeal that was pending, I guess, from a year or so ago. I don't understand it and I guess this gentleman didn't understand why these appeals were taking so long. Then I noticed it was in the paper this morning how far out they're dragging and there is a statement in there that says a 30 day period must expire if the Assessor and the taxpayer has agreed that the appeal can be sent on and passed through. I know this gentleman said the Assessor and the taxpayer had both agreed. I would ask Kevin to look into this and see why these appeals can't be passed in a more frequent manner, I guess, and if they have to the possibility...I read where they meet every other week. I mean, if we had to I guess we could meet, you know, once maybe three times a month instead of every other week to try to get some of these through because these are taxpayer dollars and we, from what I understand, are paying four percent interest on this money that we're holding from people and that we owe back to these people. So I mean, it is costing the county money, you know, plus attorneys and everything else, so I would like Kevin or you one to look into that. I haven't gotten an answer from Ms. Musgrave on this, so I would like to see what we could do.

Jay Ziemer: I could look into it if you want me to or give it to Kevin, one or the other.

President Fanello: Do you want to make that in the form of a motion, because I have had-

Commissioner Mosby: Yes, I would make a motion that we have the county attorney look into the matter of moving some of these appeals along and see if we can go maybe to a third meeting for a couple of months if we have to to move them along.

President Fanello: And I'll second and so order that as I have received complaints as well of individuals not getting speedy attention from the County Assessor's office.

Commissioner Mosby: I've even had a couple of Assessors call me.

President Fanello: Okay. If there is no further-

Jay Ziemer: I think Kevin will be gone all this week so I will take a look into it so he'll have something to report back to you next Monday.

Commissioner Mosby: Okay.

President Fanello: Thank you, Jay.

Commissioner Mosby: Thank you.

President Fanello: If there is no further business-

Commissioner Mosby: I'll make a motion that we adjourn the Commissioner's meeting.

President Fanello: Second and so ordered. We'll start Drainage Board in about ten minutes.

The meeting was adjourned at 5:52 p.m.

CONSENT ITEMS:

Travel requests:

Health Department (1) County Clerk (1)
Center Assessor (2) SWCD (2)

Employment changes:

County Clerk Sheriff's Dept.
Co-op Extension Circuit Court

Request for telephone service:

Superior Court

Monthly reports:

County Clerk County Treasurer

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Not present

Suzanne M. Crouch, Member

Recorded and transcribed by Charlene Timmons.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 29, 2004**

The Vanderburgh County Board of Commissioners met in session this 29th day of March, 2004 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, March 29th. Introductions are as follows, to my right Superintendent of Buildings; Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of March 22, 2004 Commission Minutes

President Fanello: Do I have approval of the March 22nd minutes?

Commissioner Mosby: Motion to approve.

President Fanello: Second and so ordered.

Approval of March 29, 2004 Executive Session Summary Minutes

President Fanello: Do I have approval of the March 29th Executive Session?

Commissioner Crouch: I'll make a motion, I'm sorry, I'll make a motion that we approve the March 29th Executive Session summary minutes. We discussed litigation. It started at 5:15, and ended about 5:22.

President Fanello: Before I second, I'll just amend that to say a personnel matter as well.

Commissioner Crouch: That's right.

President Fanello: So ordered.

Award VC9903-2004: Burdette Park Food Bid

President Fanello: Bid advertisements and openings, the first one is Burdette Park Food, VC9903-2004.

Phil Lawrence: Madam Chairman, Board Members, the first one was food bid. I think you have a copy of the bid tabulation. Kevin doesn't have to read all those tonight, bless his heart. I would like to, you see the one's shaded, those are the one's we would like to have awarded for tonight. In all cases, except one or two, they are the low bidder. In the case of Schwan's, I think the ice cream is just an all time favorite. Customer satisfaction is at an all time high. Some of it was taste tested as well, didn't quite stand up to the mustard test.

President Fanello: Are there any questions?

Commissioner Mosby: I'll make a motion that we award the bids that are shaded, without having to read all of them.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award VC9904-2004: Burdette Park Beverage Bid

President Fanello: Next one is the Burdette Park beverage bid.

Phil Lawrence: That one, three bidders; Coke, Pepsi, and Royal Crown. As you can see, Royal Crown was the low bidder in all areas. We recommend that you award the bid to Royal Crown Bottling.

Commissioner Mosby: I'll make a motion to award the bid to Royal Crown Cola.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award VC-37-2004: D'Limonene

President Fanello: Next one is VC-37-2004.

Phil Lawrence: That is D'Limonene. You may not have one for that. In this case as well, it was the low bidder out of Stone Mountain, Georgia, Ecolink. Low price is \$7.20, F.O.B. delivered to the County Garage, which is significantly lower than what they are paying this year. It was like \$8.50. So, we significantly lowered the price. We would like to recommend that you award that to Ecolink. We have checked their references, by the way.

Commissioner Mosby: I'll make a motion to award D'Limonene to Ecolink out of Stone Mountain.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Phil.

Phil Lawrence: Thank you.

Public Hearing: Final Assessment Roll: Replat of Mill Terrace Subdivision

President Fanello: Next item is the preliminary assessment roll for replat of Mill Terrace Subdivision, public hearing.

Kevin Winterheimer: Actually, this is the proposed final assessment.

President Fanello: Proposed final assessment.

Kevin Winterheimer: If you want me to speak to this. A couple of weeks ago, I believe it was, that the board authorized me to have advertised a public hearing tonight on the assessment roll for Mill Terrace Subdivision. We did that. In addition to that, I sent out certified mail to all the listed property owners, notifying them of tonight's meeting, and the proposed assessment. The project itself, let me get the exact figures here. The construction costs were \$249,402.05; the engineering costs are \$25,000; and the legal and administrative costs are \$10,597.95. That comes out to a total project cost of \$285,000. When you divide \$285,000 by the 32 lots, you come up with an individual lot assessment of \$8,906.25. The project itself, we've already determined that, and the project has been built. So, the purpose of tonight's hearing is for comment by the property owners on the individual lot assessments. There are different ways to do the assessments, it was decided early on that we would do it on a per lot basis. So, you've got total project cost divided by the 32 lots comes out to \$8,906.25. If you are ready, if anybody in the audience would like to come up and comment on the proposed assessment.

Don Burton: Yes, good evening. My name is Don Burton. I was the one who headed up the project, getting it done. I want to stress again I appreciate this board in finalizing it and approving it, and Kevin Winterheimer the work he done, and John Stoll. The only question I have is, well, actually it's two questions; do you know when you will send out the new assessments to the homeowners, and do you have any idea what the percentage rate might be on the bond?

Kevin Winterheimer: The first one, they will go out in the next couple of days. That's a good point, I should explain that, what happens from here. Assuming the board reaches a decision tonight on the assessments, and agrees with that, each lot owner will be notified that they have 30 days to pay that amount in full, or to sign an agreement and designate whether they want to choose 10 years, 20 years, or 30 years on the pay back. Now, we don't know what the interest rate is going to be. It's one of those cart before the horse deals, because we have to be able to go to the bond, to the bank, essentially, and say we've got so much dollars at 10 years, so much dollars at 20 years, and so much at 30 years. So, we don't know what, again, the interest rates will vary depending on how much is payable at 10, 20, and 30 years. The longer, usually, the longer the time, the higher the rate. So, I don't know what the rates will be. I don't know what the current rates are. If anybody knows, been watching bond rates, but, that's the procedure. If we do not hear from you in 30 days, then it will be due and payable at that time, but you can elect 10, 20, or 30 years as the payback on that.

Don Burton: Okay.

Kevin Winterheimer: It's that plus whatever interest rate. We will notify you, eventually, of what, you know, those that choose 10, 20, and 30, we'll mail out notices that say this is what it actually is. What you're going to have to pay.

Don Burton: Okay. I guess, there is one more question. We have one lady that has a home that Koberstein, and I don't know if John can help on this, did not finish pouring her driveway, the last six feet of it. I really don't know, I just learned about this. I don't know what procedures we need to go through to get that taken care of or what.

John Stoll: I'm not aware of it either.

Victoria Glover: 5208.

John Stoll: Westchester or Wiittman?

Victoria Glover: Westchester.

John Stoll: Westchester, okay.

Victoria Glover: On top of the hill. What happened was, I'm building on—

Madelyn Grayson: Can you come to the microphone Ma'am?

Victoria Glover: I was building on, and I'm replacing the whole driveway. So, Koberstein said I didn't want the driveway two different colors. So, he would allow me the six foot, you know, for the contractor to do, and he would pay me back that six foot, so I wouldn't be paying double. So, it's never been put in. They're working on it now.

Commissioner Mosby: They are working on it now?

Victoria Glover: My contractors are.

Commissioner Mosby: Oh, okay.

Victoria Glover: My contractors are. They're replacing the whole drive, plus I'm building on. So, when Koberstein found out that, he didn't want to have two shades of concrete. He said I would want it one. So, he didn't put the six foot in, but he said it would come off my bill from him, you know, because I'm going to be paying my contractors the money.

Commissioner Mosby: John, can you find out?

John Stoll: I'll have to do some checking on that, because I don't know how the contractor could commit to that, because the bill wasn't being paid directly from the neighborhood to the contractor. So, I'm not sure how he could say that there was a credit associated with that. But, I'll just have to check into it.

Commissioner Mosby: Okay.

Madelyn Grayson: Ma'am, can you state your name for the record please?

Victoria Glover: Victoria Glover. Sorry.

Don Burton: I guess, that's all I have.

Commissioner Mosby: Okay.

Don Burton: We'll just wait to get the letters and the assessments then.

Kevin Winternheimer: Right, and I would encourage that you would get those letters back as soon as you can, because if we don't hear from you, then it's going to be due and payable.

Don Burton: Okay. Thank you.

President Fanello: Thank you.

Kevin Winternheimer: Does anyone else have a comment?

President Fanello: Do we need to make a motion?

Kevin Winternheimer: Yes, and let me pass these out, and you can see what you're....I'll keep this one. What this is, it shows the lot numbers, and it shows \$8,906.25. It shows the property owners, the property address, and if the mailing address is different than the property owners, then the property address, I've noted there and I'll tell Bill that I've gotten about three of them, I believe, you'll note on there, when we sent the certified mail out, it came back with a change of address from the post office. So, these are the, these should be good addresses that are shown on there. But, I will, well, let me go through this. It has a legal description of the subdivision, and describes the project, and it itemizes the different costs. So, yeah, I would ask for a motion and approval of this final assessment roll.

Commissioner Mosby: I'll make a motion to approve the final assessment roll.

Commissioner Crouch: Second.

President Fanello: So ordered. Do we need a roll call vote or anything?

Kevin Winternheimer: I'm sorry?

President Fanello: Do we need a roll call vote?

Kevin Winternheimer: Yeah, you should.

President Fanello: Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

Kevin Winternheimer: Bill, I'll get with you in the next couple of days and get you the stuff to mail out.

Discussion of Election Equipment

President Fanello: Next item is, discussion of election equipment. I think, what we need to do, we've had a couple of issues come up over the past few weeks, mainly the...there was a meeting Friday, as I understand, with the County Attorney, Tammy, and I'm not sure who all else was in that meeting about transporting the equipment for election day. So, do you want to give us an update?

Kevin Winternheimer: Yeah, Tammy and I attended, B.J. Farrell from the election office, and the gentleman from ES&S was there, and I forget his name, he's their in-house person, he's working out of the election office, I guess, now through election day. We met, and just to give you a little information about the different equipment, the equipment itself folds up into looking much like a suitcase. It's about so big by

so big, has wheels on the bottom and an extended handle that you can...it looks just like a plastic suitcase, essentially. It weighs 44 pounds. There is a second little suitcase like box, it's about this big, and I'm not sure what if there's some more equipment in there that they need, it weighs about 10 pounds. So, you've got one item about so big, and then you've got another one about that big. The Election Board did, apparently, decide to have the Commissioners have them delivered. They needed to be delivered, I believe, by 6:00 p.m. the night before. I'm informed that you have, I believe, 109 different buildings, there are what, 138 different precincts. Something like that, does that sound about right? But, 109 different buildings where the election equipment would have to be delivered to. Obviously, there is more than one precinct in some buildings. So, we kicked around some ideas, the gentleman from ES&S, I asked him how other communities did it, he said about a third of the communities hire somebody to do it, but he cautioned that that is a very expensive way to do it. Some, about a third of the communities have their own staff do it, and about a third of them use something that I guess would be analogous to our community corrections to do it, to do the delivery. We kicked around some of those different options. I believe that is about all the information on delivery, on that particular issue, unless you have something else to add to that. So, that's where we stand on it at this point.

Tammy McKinney: Now, I did contact the Sheriff about using—

Brad Ellsworth: (Inaudible).

Tammy McKinney: —community corrections, and I think his only concern was the overtime that it might cost. You thought you were going to get away with not talking.

Brad Ellsworth: I thought you were looking at something outside, the weather. Brad Ellsworth, Sheriff. Yeah, Tammy called me this morning, and I called Major Woodall, and we'll look, if that's what the Commission desires, we'll look at any way we can help. We just need to know some of the parameters on when we could take, you know, could we start at 8:00 in the morning delivering them to the polling places? Because then you're talking about if we had four vans and 25 boxes a van, you know, we could get it done in an eight hour period.

Kevin Winternheimer: There is typically four machines to a precinct.

Brad Ellsworth: Right.

Kevin Winternheimer: So, multiply 138 by four. There are a few that only have a couple. She said there are very few number of voters in them, but most of them will have four machines to a precinct.

Brad Ellsworth: The vans, most of our big transport vans have seats in them for participants. So, if they fit nicely on the seats, I guess, you know, we could get more in there per trip, but we'll help you if we can. It might cost us in overtime a little bit. Having a guard drive the van, and then community service participants, you know, do the manual labor. But, we'll help, if that's what you so desire.

Kevin Winternheimer: If anybody's curious, on each one of the devices there is a security seal to make sure they're not tampered with before the start of the election. That security seal can only be removed by, I believe it's the inspector and a judge, precinct judge, and they have to sign a form stating that it was sealed when they arrived, and they unsealed it.

Commissioner Mosby: Did the board come to any conclusion?

Kevin Winternheimer: We didn't come to any conclusions.

Tammy McKinney: They left it where I would check with the Sheriff about using community corrections. That was, I believe it was Mr. Shively's preferred transportation method.

President Fanello: Go ahead.

Commissioner Mosby: I guess, my concern would be, not that anybody is going to intentionally tear up anything, but, I mean, who's going to incur liability here? I mean, if we get these machines dropped off, we get them out to the precincts, all of a sudden ES&S, the machine doesn't work and they say, it's your responsibility, you delivered them. I mean, who's going to incur responsibility for these machines? If they do get dropped or they get banged around, all of a sudden they don't work.

Tammy McKinney: I think they are under the county's insurance.

Kevin Winternheimer: That's a legitimate concern, because, I guess, the only way to answer that is to say it's whoever caused it. You know, were they defective before they were delivered. We won't have any way of knowing that. They are sealed now. There is no way for us to check ahead of time. So, we won't know what happened, or if they even worked until that inspector and judge breaks that seal and plugs them in, whether or not it turns on or not.

Tammy McKinney: There are back up, I know there is back up, some back up equipment. I don't know how many, exactly how many sets.

Commissioner Mosby: I don't think it's the back up I'm worried about. I mean, it's the cost of these machines—

Tammy McKinney: Right.

Commissioner Mosby: —I mean, we've got two and a half, three million dollars in this already.

Kevin Winternheimer: I would suspect that's why the ES&S gentleman said it's very expensive to have a private company doing it, because everybody is going to be pointing the finger, you know, if you're the transporter, and saying you dropped it, you did this or did that. So, I imagine that's why, because of the risk involved. That's one of the reasons why it's so expensive to have a commercial company do the delivery.

President Fanello: Any questions? Well, who's going to incur the cost of transportation? I know you said something about overtime, but if we were to hire people or whatever, who is going to incur the cost of that?

Tammy McKinney: B.J. indicated that they didn't have the money in their budget for that.

President Fanello: Well, my question would be why wouldn't it come out of the election equipment budget? Or, not election equipment, but the election budget in general?

Commissioner Mosby: Well, it shouldn't fall fully on the county. I mean, if there's not a county election, I mean, the city always picks up the cost of the election. I mean, when I sat on Council we always budgeted money for elections. So, I mean, it shouldn't be something that we should incur total cost for. Plus, it shouldn't come out of our budget. I don't see why it would come out of the Commissioners budget.

President Fanello: No.

Commissioner Mosby: I mean, that's something that should be funded like any other expense towards the election.

Commissioner Crouch: I believe, we've had....Sheriff? We've had community corrections involved in the past in helping load and unload machines, haven't they? It might have been a few years back, but it seems to me that-

Brad Ellsworth: I think they came down here and did the loading and carrying in at the Civic Center. I believe that was the extent of it, but they have, and I know they've carried some stuff to the dumpsters and stuff like that. I think it was more based around this building. In the Clerk's or the election office, yes.

Commissioner Crouch: They would be supervised, correct?

Brad Ellsworth: Yeah, they don't drive the vans. So, if we did that, arranged it with our guys, we would probably, like I said, bring a guard in, and, you know, have a participant or two in the van with a guard and then driving them around to the locations. Like I said, it would probably have to be somebody that did extra duty or for overtime. If four crews could handle it, or something like that, we would just have to look at it and see.

Commissioner Crouch: So, you would be aware if a machine was dropped?

Brad Ellsworth: Right.

Commissioner Crouch: Or something like that. So, we would have that knowledge.

Brad Ellsworth: Sure. We've got access to a couple pick up trucks at the department that aren't really affiliated with community corrections, but we might be able to get more in a pick up truck than we could in a, you know, a van. We'll help, if that's what you so desire.

Commissioner Mosby: I think the equipment they moved in the past is a lot different than what we're dealing with today though.

Commissioner Crouch: Right.

President Fanello: Well, I think we need to come up with some direction, because we don't have that long. Election day is rapidly, or primary day is rapidly approaching.

Commissioner Crouch: I personally don't have a problem with us using community corrections under the supervision of the Sheriff's department, and trying that. I'm sure that would be considerably cheaper than, you know, trying to contract with someone.

Commissioner Mosby: Before I second that, though, has anybody asked? I mean, has anybody called around and checked to see what it would take to move this equipment?

President Fanello: No, I think it–

Tammy McKinney: No, I haven't. I don't know if we need to check with Marsha to make sure that they don't have money in the election budget to cover transportation costs. I believe she was out of town Friday, so B. J. was sitting in, and I just don't know if she knows, you know, what the budget contains.

Commissioner Crouch: I didn't make a motion, I just said I didn't have a problem. If you would rather wait until next week, and, you know, see if we can call around.

Tammy McKinney: I can check with Marsha or Carla to see, you know, exactly what their budget is, regarding transportation.

Commissioner Mosby: Is this something we can get quotes on? I mean, if we wanted to call a couple of people and just get quotes.

Kevin Winternheimer: Sure. Oh, yeah. Sure.

Commissioner Mosby: I mean, I would prefer, before we incur this kind of liability and responsibility that we would get quotes from somebody that would be bonded and insured, you know, that would move this, so that all of a sudden Vanderburgh County hasn't incurred a \$50,000 liability because, you know, a van had a wreck, and six machines were smashed or whatever.

Brad Ellsworth: My only thing, though, I was sitting over there thinking was that if we do something like that, I don't know how it worked in the past, but, you know, that these different polling places, if they are open or not, and what happens to the machines if I drop off at say a school or a church at 8:00 in the morning that there is somebody there to accept them, and I don't know what they do with them between 8:00 in the morning and 6:00 the next morning. You know, if the doors are open, that's what we have to arrange, those logistics. Actually, physically getting them there, I don't have a problem with it. It's the logistics of accepting and where they are going to store them until the next morning. Because usually the clerk, I guess, has them with them, and they carry them in, and usually have a key, and to arrange this is a double deal. So, it's something to think about.

Commissioner Mosby: That is true. Somebody's going to have to be on-site for them to make the delivery. Because, normally, inspectors pick up a key and just go over the next morning and just open up.

Commissioner Crouch: Well, why don't we defer until next week, and see if Tammy can check with the Clerk's office and get a few more details, and maybe even call and get a couple quotes.

Tammy McKinney: Okay.

Commissioner Crouch: Then, Sheriff, would it be possible for you to kind of guesstimate what you think the cost would be?

Brad Ellsworth: I mean, I can eyeball the machines and see what the size is and how many would fit in the vans and trucks and that, and see kind of think what it would take us.

Madelyn Grayson: May I ask a question? I'm an inspector on election day. Is there anyway to remain using the old method, where the inspectors actually pick the machines up? Is there a reason why we can't do that?

Kevin Winternheimer: The only reason is that the Election Board has decided to have the County Executive is the term the statute uses, arrange for delivery. There is a statute that says they can have the County Executive do that. So, the, I asked that question, no one was sure, there was some thought that maybe it had to do with the weight of the equipment. I asked how heavy is it, and they said, well, it's 44 pounds, but the guy showed me one, and there's a handle you pull up just like a traveling suitcase and there's rollers on the bottom where you can roll it like you do a suitcase at the airport. But, the total weight of the big one is 44 pounds they said.

President Fanello: Well, I would like for us to answer that question, because we've always done it where the inspector picks it up in the morning, and I would like a clear answer to that question of why we're changing the method this year.

Tammy McKinney: I know Les Shively also said something about the increased cost of the new equipment.

President Fanello: Well, and that's a segue into they're toting this election equipment around everywhere to these demonstrations, and, you know, they are ending up in demonstrations or in places that they shouldn't be ending up, and, so there's not consistency here in how we're handling the equipment. I think there's issues with these demonstrations as well that need to be addressed by this board. If they want us transporting the equipment on election day, then this board also needs to look into how this equipment's being transported from now until election day. So, I don't know if you have any concerns about that, but I have concerns about how these demonstrations are being handled, and where this equipment is being taken to, and who's watching over this equipment, and how it's being presented in demonstrations.

Commissioner Crouch: I think those are valid concerns. Didn't the Clerk send us a letter saying she wouldn't be able to be here this week, but—

President Fanello: Right, but and I think if we want to ask them to come next Monday—

Commissioner Crouch: Yeah, I think that would be appropriate.

President Fanello: —do you think that would be appropriate?

Commissioner Crouch: Uh-huh.

President Fanello: Does anybody else have any thoughts?

Commissioner Mosby: No, I mean, I'll wait until next Monday, but, I mean, I have the same question. If we're going to try to deliver it in-house, I mean, why can't the inspectors, like you said, just...I mean, if it's got a handle and it's on rollers, it's not like they have to carry it a long ways.

Commissioner Crouch: I believe, in the past, if I'm not correct, correct me, but, didn't those that couldn't be delivered, or weren't delivered, then the election office then went ahead, or the county went ahead and delivered them? So, if you had an inspector who couldn't pick them up, then they were delivered for them.

Commissioner Mosby: What do you think one of the old one's weighed?

Madelyn Grayson: Well, they were pretty light. They were like an aluminum case.

Commissioner Mosby: Yeah, I knew they were in an aluminum case with a handle.

Madelyn Grayson: Maybe at the most 20 pounds.

Commissioner Mosby: But, I mean, so these are on rollers, it's not like we're moving a hundred pound object.

Kevin Winternheimer: If you want to move on, on a related item, I received last week and let me hand it to you, for everybody, a fax from ES&S, I believe everybody got one, essentially, it's an invoice for \$1.968, \$1,968,824, under the contract provides that the payment would be made at the earlier of certification or March 31st of this year. To give you a little update on that, I talked to Tom O'Brien, and I forget the other gentleman's name, by phone last week and they explained to me that the election equipment is certified by 1990 standards, but not by 2002 standards. That the state legislature has mandated that our election equipment be 2002 certified. They represented that they are in the process, what they are doing is, first you get the equipment certified by the Feds, and after that you apply to the state and show them you have your Federal certification. They said usually state certification is pretty perfunctory after that. They are in that process. They did not know when it would be certified. They thought no later than October of this year. That, in their opinion, I do not know if this is factual or not, they said in their opinion they do not think that any election equipment is certified to 2002 standards by any manufacturer. They said that the, and trust me, I don't know anything about certification of equipment as far as what are the details of that, but they said the federal government has been changing the standards for certification, and their opinion that no company has met the latest standards required for 2002 certification. They also informed me that they are in the process of posting a \$10 million bond covering the equipment, apparently it's Vanderburgh County and I believe three other counties, or four other counties that are in the same boat as far as certification of this particular equipment. The State Election Commission has required them to post a \$10 million bond, and when I talked to them, whenever it was, Wednesday or Thursday of last week, they had not yet posted that bond, but they were in the process of getting it posted. I would like to see, and Tim Born is helping with this, he is trying to contact the State Election Commission, they haven't called him back yet, but to see exactly what the bond is for. I think that's the first question that needs to be answered. Is it, if they don't comply by the next election, is that bond then to be used to reimburse us for our money? Just exactly what's the bond for? So, we're attempting to find that out. I think that's the very first question. As far as when exactly they will get it certified, I do not know. Under Indiana law they are required to have their equipment certified, no question about that. So, I guess, the big question is what happens if they don't by the next election? As you know, for the primary, the State Election Commission has authorized us to use this equipment, even though it did not meet the 2002 standards. That's kind of where we are. They are wanting more money. So, here's where we are at this point.

President Fanello: Anybody have any questions at this point? Well, I would make a recommendation, if somebody would make a motion as a recommendation that we have somebody from ES&S come to the meeting, hopefully, maybe they could come next Monday night and answer specific questions about what is not certified. What are we missing? Because I know there were some issues with the absentee ballot equipment, and I know, as you and I have spoken, Kevin, our contract does protect us from—

Kevin Winternheimer: Right.

President Fanello: —non-certification. So, I would like for them to explain about the equipment. What's different from the previous equipment that was certified, versus this equipment.

Kevin Winternheimer: Yeah, and I'm not a technical person with computers or especially electronic equipment, so, I'm not the person to try to relay. They gave me a lot of information, and, you know, I'm just, I'm not a computer person. They are speaking Greek as far as I'm concerned, but I think that would be a good idea. I think you all probably have a lot of questions as far...I think two million is a lot of money to shell out, and I think it would be well worth your while to have them here to answer all those questions. We may want to invite the Election Board too, to come to our meeting. They may have some questions too, because it's their equipment. They're the one's who are going to have to utilize it in the primary and in the fall.

Commissioner Crouch: And I believe they're here every Monday, aren't they? For a meeting? So, it wouldn't be any extra cost for that gentleman to appear at our Commission meeting.

Tammy McKinney: Actually, I don't know who sent the memo, Marsha or Carla, but they discontinued the Monday meetings until—

Commissioner Crouch: Well, they need to re-continue it next Monday.

Commissioner Mosby: Thank you.

Kevin Winternheimer: We need to make sure that—

Commissioner Mosby: Re-continue it.

Kevin Winternheimer: —they send the right person who can answer your questions. You know, an executive with the corporation to answer those where are we at, where are we going, what's the problem? All those kind of questions. What happens if you don't get it certified in October, as they tried to assure me it will be. They tried, they, and, like I said, I'm not a technical person, but they didn't seem to think it was a big deal, to get it certified the rest of the way. I have no way, like I said, they were talking Greek to me when they were talking these technical components and all that.

Commissioner Crouch: Well, I'll make a motion that the Commissioners extend an invitation to ES&S to have a representative here for next Monday's meeting, or if that's not convenient, the following Monday, and that we also extend an invitation to the Election Board to attend also.

Commissioner Mosby: I would like for it preferably to be next Monday. I mean, we're getting awful close to an election, but I'll second the motion for next Monday.

President Fanello: Then I'll assume we're not going to release any...these funds are being held at Fifth Third, because you know we signed a financing agreement with Fifth Third, so we won't release any funds until our questions are answered.

Manatron Contract

President Fanello: Next item on the agenda is the Manatron contract. Just to give the board an update, I spoke with Matthew Henry at Manatron last week, and he is in the process of sending us everything he has in his file. So, I would suggest until we get those documents, and each Commissioner has an opportunity to review those and ask questions, that we not make any decisions on any further amendments.

Public Comment

President Fanello: Public comment. Is there anyone in the audience?

Melvin Beeker: Good evening. Melvin Beeker, I've been here before with the Strand Sieco Engineering. I just wanted to come down again. We would still like to work for you. We're a full service engineering firm, and we do architectural now too. So, we went from 60 employees to 334. So, we cover the state of Indiana pretty well. We also work in Ohio, Indiana, Kentucky and Michigan, and also Illinois, Wisconsin. So, I just wanted to come by and put our name in front of you again. I've worked with John, and we sure appreciate it, and I'll leave a brochure with you. This will kind of tell you everything. Thank you.

Commissioner Mosby: Thank you.

Madelyn Grayson: Mr. Beeker, may I have one of those brochures for the record? Do you have an extra one?

Melvin Beeker: I'll get you one.

Commissioner Crouch: I'll look at one in the Commissioners office.

Melvin Beeker: Okay, I'll get one to leave in the Commissioners office. Any questions on anything?

President Fanello: I don't think so.

Commissioner Mosby: Not right now.

Melvin Beeker: I look forward to working with you. Thank you so much for your time.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

President Fanello: Any other person wishing to address the board?

Old Business

President Fanello: Old business? Does either Commissioner have any old business? I only have one, Patty gave me some information on County government update. Just to let everybody know that we've had several schools call in and schedule tours for April 20th and 21st. She's working with our departments to finalize their participation so that we have a good showing of county office holders there. Robert Nichols from First Presbyterian choir is going to offer some traditional American music, including some that was sung at the laying of the Old Courthouse cornerstone. So, that should be interesting. Then the "Girls In Bloom Fair", that is on the 24th. We've had a lot of interest in that, and parents, teachers, everyone is very glad that we have taken on that project. So, it looks like a lot of interest in County Government Week.

New Business

President Fanello: New business? Sheriff, are you going to—

Brad Ellsworth: Sheriff Brad Ellsworth. We provided a staffing analysis that was provided by Bennett and Associates. We just received it, we got copies for the Commission and the Council. It's a lot to read, like I said, we just got it, there's a lot of good information in there. The one thing to remember when you're reading that is that Bennett and Associates didn't take into the fact that we'll be combining both community corrections and the jail in their analysis. So, don't be shocked by his numbers versus what we've talked about before. So, those are probably somewhere in between there. So, but there's a lot of good information. It also talks, I think what's really beneficial, and this is more for the Council, is the time line of when to start adding people. That's provided in there, and like I said, we'll give the Council theirs tomorrow. We just got this together today, so. I know it's too early for questions with a document that thick, so, unless anybody has a question.

President Fanello: We'll get with you.

Brad Ellsworth: Okay. Thanks.

President Fanello: Thanks, Sheriff.

Commissioner Mosby: Thank you.

President Fanello: Is there any other new business? Seeing none, moving on to department head reports.

County Engineer

President Fanello: County Engineer.

John Stoll: I've got three construction contracts to award this evening. The first is contract number VC04-03-01, the Miller Road culvert replacements. I request that this be awarded to CCC of Evansville for the amount of \$34,333.87.

Commissioner Mosby: Motion to approve CCC for Miller Road.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The second is contract VC04-03-02, Golden Rule Road bridge number 700 removal and culvert installation. I request that this be awarded to Blankenberger Brothers, Incorporated for the amount of \$12,872.

Commissioner Mosby: Motion to approve Blankenberger for Golden Rule bridge.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The third contract is also with CCC of Evansville. This is contract VC04-03-03, the Frontage Road culvert number 1163 removal and replacement. The amount is \$28,387.89.

Commissioner Mosby: Motion to approve Frontage Road to CCC.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: That's the only items I had unless you had any questions for me.

President Fanello: I don't think so. Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I would like to request permission to solicit bids for a ton and a half truck. I have a water truck right now that we're using out there, and it's floor board is out of it. It's starting to be maintenance nightmare. It's getting very difficult to finding somebody that can even drive the thing, because it's such a hazard. So, I would like permission to solicit bids on a new truck and excess this old one out.

Commissioner Mosby: I'll make a motion that we seek bids, or quotes.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dennis Hudnall: Thank you. The only other thing I have is to ask you if you have any questions on our weekly report.

Commissioner Mosby: I don't.

President Fanello: Thank you, Dennis.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I just have one matter tonight. I was approached by Steve Barber some time ago. He is the attorney for June Hamilton. She is the lessee at the golf course. He informs me that she is not in good health. What she would like to do is transfer her interest to her trust, the June L. Hamilton Revocable Trust. The purpose of that is to avoid some of the hassle in probate when that time comes up. She has to get your approval to do any assignment. This does not affect any other terms of the lease out there. It's merely transferring it from her individually to her trust. Additionally he acknowledged, if you'll remember last summer, last spring, they sent an early notice, they had one more five year extension for May 1, 2004 for five more years out there, that option, they exercised it early, they exercised extending the term from May 1, 2004 to May 1, 2009, pursuant to the lease. That is the last option to extend that they have. He has prepared a document acknowledging that he gave notice, which he did, in time. He gave it many months early, and also this second paragraph is authorizing them to transfer her interest from herself individually to the June L. Hamilton Revocable Trust. I've reviewed it, it has no effect on the terms of the lease or anything else out there. It's just transferring itself to her trust so that she can avoid some of the problems with probate when that time arrives. I would recommend approval. I see no problem with it, and it will save them a little hassle when the time comes.

Commissioner Mosby: I'll make a motion to approve the waiver for June Hamilton.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: After they've signed it and it's given to you, Madelyn, you can either call me or call Steve Barber and arrange for him to pick up a copy.

Commissioner Crouch: Kevin, there was letter, did you receive a letter from Ben Kunkel about the RFI for Burdette Park? Does that ring a bell?

Kevin Winternheimer: Yes. Yes, I did, and I don't, where's Steve? There he is. Are you going to talk about that in your report? Is that the one on, the RFI's we opened two weeks ago?

Commissioner Crouch: Right.

Commissioner Mosby: His was late.

Kevin Winternheimer: His was late, yeah. Are you going to discuss that tonight? Or what we're going to do with those.

Steve Craig: I wasn't, but I can (Inaudible).

Kevin Winternheimer: Okay, yeah, I think he's going to address it in his report. If not, we'll talk about it. So, that's all I have.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I don't have anything to report.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. I guess, the first thing I need to bring up is the RFI on the Lazy River. We had three contracts, or three RFI's brought in, but one of them was, I think, about 45 minutes late or something. I had called Kevin this morning and talked with him a little bit, and I think it would probably be a decision of the board to do what they thought was right with it, because they did not get it in on time. But, it was just a request for information also.

President Fanello: Does anybody have any suggestions?

Kevin Winternheimer: Well, I didn't know if you were going to go any further than that or not regarding what you're going to do with these in general.

Steve Craig: What we basically did, we looked at them, and seen the ideas that they came up with and that, and there was some legal fees that told how much they wanted for the design of it. You know, one of them gave a total amount, one of them gave an hourly amount, one of them gave us a drawing of it, and the other one didn't even have a drawing in it, so we have to, I guess, bring up some kind of design of our own if we do not like the one design that we did get with it. But, the one from the Kunkel group they did have a design in it. I wasn't really pleased with any of the designs in the sense that they were exactly what we wanted. I think it's something that we need to sit down and figure out what's best for our pool, and go from there.

Kevin Winternheimer: Yeah, Steve had asked me what our options were at this point, and I said, well, this is professional service, you do not have to formally bid it. He didn't seem real happy with, or overjoyed with any of the proposals, and I said your options are basically unlimited at this point. You are not just limited to, you could reject all the proposals and then go out and try to negotiate something more in line with anyone who is interested and see what kind of cost would be involved and all that. Or you could reject them all and ask for something else. In this case, since we gave it a shot the first thing might be easier to just give them a better idea of what you want, rather than leaving it to their discretion, and try to come back with some prices from some of these firms, including the Kunkel firm, and see if you can get something more in line with what you're looking for and within your budget and so forth, rather than leaving it so broad. That sort of takes care of that issue is the reason, if the board decides to go that way. But, you are not just stuck with those that were submitted two weeks ago. If you want to open it up, and just see what's out there and see what kind of prices you can get in a more informal setting.

Commissioner Crouch: Has the advisory board had an opportunity to review these?

Steve Craig: They did not review them. I gave them a summary of them, you know that we'd gotten only two of them in with one with a picture and one without one. They thought it would be more to our discretion, because with the terrain of our

aquatic center, it's very unique that it's in a deep valley, and this attraction is a flat attraction. The one that gave us one went over hill and dale, and they were going to take out all the (Inaudible) and make it a flat area, which is a very, very extensive job as far as dirt work and removal of trees. I'd talked to the guy that had submitted it, and he said they were very tree friendly, but after Bill and I looked at the area, they can't be real tree friendly, because it's about 90% trees. But, to put it up there, you know, we will have to do some dirt work. The one that we got was just very, very extensive dirt work. It was not directly what I would say connected to the swimming pool. It was going to have to be, you know, walk a certain distance to get there. Where we was wanting to incorporate more with the present thing, so that it wasn't so scattered out. So, it might be best, you know, for us to sit down and get a picture of what we want, and then say, you know, this is what we want, and maybe they'll have a better idea. Because, for them to look at a topographical map and an aerial shot of it, I don't know if they got the full scope of it. I don't think all of them made visits to take a look at the site. To me it would be very hard to make a decision or to draw one when you're just looking at pictures of something.

Commissioner Crouch: Well, it was requests for information.

President Fanello: Right. I was going to say, we weren't really concerned about getting a design at this point. We were more concerned about budgeting it.

Steve Craig: I think it gave us a good idea that, you know, how much it's going to cost, and the lineal footage, because one of them told us, you know, this distance will be this, and this distance will be this, and so we know that we're in the ballpark with the money that we have available. So, it's something that we can work off of.

Commissioner Mosby: I think the one that proposed that, I was looking at the one he was talking about, doesn't really go along with the master plan either. I think that's something we need to take into consideration, because the master plan says that we stay with the natural setting of the park. If you look at the one they're talking about, it takes out all the trees, plus the WPA work that has been done out there, and the amphitheater, it comes right over the top of where the old amphitheater is out there. So, we really need to be looking, and, I guess, the people we talk to try to look at the master plan, and show them that, because that one does not even get close to the master plan, or what the master plan would call for.

Commissioner Crouch: So, do we want to make a motion—

Steve Craig: That we pursue—

Commissioner Crouch: —that Burdette Park pursues, you know, talking or having conversations, exploring options with the companies that submitted, including Mr. Kunkel? Then come back, is that an agreeable?

Commissioner Mosby: I mean, that's fine.

Commissioner Crouch: I don't know what you want to do next.

Commissioner Mosby: No, I mean, I would just, I'll go along with that, that Steve, you know, contact the three companies, maybe...I don't know, did they see the master plan?

Steve Craig: Yeah.

Commissioner Mosby: Did they have...okay.

Steve Craig: I don't know if they all did, two or three of them had looked at them, but not all of them asked it. They were looking more to make their own design, whereas there was a picture of one in there, which, you know, they all thought was pretty hard to do, just the way it set.

Commissioner Mosby: I guess, the other one cut through the pool, didn't it?

Steve Craig: Uh-huh.

Commissioner Mosby: I mean, we just put a brand new liner in that pool. \$200,000 worth of liner, and this comes right through the middle of it, which means they would have to come back and—

Steve Craig: Cut it and pour new walls.

Commissioner Mosby: – sew, yeah, cut the liner, and seal it, and I don't know what kind of, what that does to our guarantee.

Steve Craig: Voids it.

Commissioner Mosby: I'm not sure they are going to be happy if we cut through the middle.

President Fanello: Well, I think the most important thing is that we find a person who is qualified, and who can do it at a reasonable cost. So, I think if you maybe explored the one's who have submitted information and talk with them, and show them the master plan, and let's get a better idea of what they can do that fits within our master plan, as Commissioner Mosby suggested, and in our budget.

Commissioner Mosby: I mean, I don't see a problem with him talking to all three.

Steve Craig: Okay.

President Fanello: Is that a second?

Commissioner Mosby: I'll make a motion, or second, yeah.

President Fanello: So ordered.

Steve Craig: Okay, the next thing that I had, earlier we had been approached in our advisory board about world changing chargers ministry. They had asked for the possibility of swimming at the swimming pool free when they were in town, because they were in town seven days to work on low income houses and to work on Habitat houses, and at that time, the board had voted not to do it, but after further investigation by our board members they found out that these kids, their whole budget is donated, and that if the money, if we would give them half price, or give them monies already, that they would most likely not be able to come, because that would just be money that came out of the same money that they bought materials and spent to house these kids. I was told that there is 300 kids and they are going to be given several different options of what to do. You know, they can do anything they want in the city on their free day off, so that they don't think that it would approach the 300 mark, but the board had brought it back up, and discussed it about

the kids not getting to swim at Burdette if they wanted, and they revoted on it and voted in favor of it to bring before you for your discretion.

Commissioner Mosby: I would make a motion that we concur with the board.

Commissioner Crouch: Yeah, I, before I second that, we've not made this kind of an opportunity available in the past, have we?

Steve Craig: Well, we, you mean with the World Changers Ministry?

Commissioner Crouch: No, just in general with large groups.

Steve Craig: I can't say that we never have. I mean, they don't give a lot of them away. Most of the time when schools apply for it, we give all the schools ten passes per school for every school in Vanderburgh County that requests them. Then they can give them out as, you know, these different organizations within the school ask for them. As far as that 300, you know, I don't know if I ever remember one that large, but like I was explaining to you, you know, these kids are going to be able to go ice skating, go do several things, and they don't know how many kids will be coming out there, but they did state in the thing it could be up to 300 if all the kids wanted to swim that day. But, like it goes back to the point that they do not get monies from any budget other than people donating it, and, you know, they travel around all over the world, not just the United States, I found out. You know, they work on these things, and if the money come out of there for their entertainment, it's coming out of money that was donated to them that they might have to use for repairs done to these houses. So, after the board heard, I guess, all the facts, they were in favor of, you know, letting whatever kids out of the 300 that wanted to swim. This may be the only chance they ever get to see Burdette, and if they do see it and they come back to Evansville, they were in the thought that they would, you know, come back and utilize the swimming pool when they got older, or at a later date.

Commissioner Crouch: Do we have any kind of a formal, you know, plan on giving out passes? Or is it just each request is evaluated?

Steve Craig: They take each one, each request they evaluate it and they vote on it, then it's sent before the Commissioners to give your opinion on it after that.

Commissioner Crouch: Second.

President Fanello: So ordered.

Steve Craig: That's all I have unless you have any questions on my weekly work reports.

President Fanello: Thank you, Steve.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept?

Commissioner Mosby: I'll make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Consent items.

Commissioner Mosby: Motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: I think I'll make a motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:31 p.m.)

CONSENT ITEMS:

Jail Expenses:

Mel Kay Electric: \$17,280.00

Williams Brothers Construction: \$187,424.10

Travel Requests:

Knight Assessor

County Assessor

Perry Assessor

German Assessor

Employment Changes:

Public Defender

Superior Court

Burdette Park

VCCC

Prosecutor

County Clerk

Sheriff:

Paperless Business Solutions: Software Maintenance Agreement

Weekly Jail and Community Corrections Reports.

Emergency Management:

Vanderburgh Citizens Corps Amendment.

Commissioners: Quit Claim Deeds (2): Commissioner Sale.

Those in Attendance:

Catherine Fanello

David W. Mosby

Suzanne M. Crouch

Bill Fluty

Kevin Winternheimer

Tammy McKinney

Madelyn Grayson

Phil Lawrence

Don Burton

Victoria Glover

Brad Ellsworth

Melvin Beeker

John Stoll

Dennis Hudnall

Steve Craig

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 5, 2004**

The Vanderburgh County Board of Commissioners met in session this 5th day of April, 2004 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. Introductions are as follows, to my right, County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, County Commissioner, Suzanne Crouch; Deputy Chief Auditor, Todd Hochstetler; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Resolution to Honor Major Tom Wallis

President Fanello: At this time, Commissioner Mosby is going to read a resolution to honor Major Tom Wallis.

Commissioner Mosby: A resolution to honor Major Tom Wallis;

“Whereas, Major Tom Wallis served the Vanderburgh County Sheriff’s Department ably since 1977, and served as executive commander of the department’s field operations since 1999; and Whereas, he served Vanderburgh County and it’s residents with a high and exemplary degree of professionalism and; Whereas, his service to the residents of Vanderburgh County extended to the development of the “Shop With A Cop” campaign, which enabled dozens of underprivileged children to shop for Christmas gifts for themselves and their families; and Whereas Major Wallis tragically passed from this life on Saturday, April 3rd; NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Vanderburgh County as follows: The Board of Commissioners of Vanderburgh County, on behalf of the citizens of Vanderburgh County, hereby honors the life and years of dedicated service of Major Tom Wallis and extends our respect and deepest sympathy at his passing to his children Luke and Paige, to his family members, and to his many colleagues and friends.”

Please join us in a moment of silence.

(A moment of silence was observed.)

President Fanello: Thank you, Commissioner Mosby.

Approval of March 29, 2004 Commission Minutes

President Fanello: Do I have approval of the prior minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Opening of VC-07-2004: Burdette Park T-Shirt Bids

President Fanello: Bid advertisements and openings. Is Phil Lawrence here?

Kevin Winternheimer: I have the bids.

Commissioner Mosby: (Inaudible. Mic. not on.)

Vote to Accept the Resolution to Honor Major Tom Wallis

Kevin Winternheimer: Do you want to go ahead and formally take a vote?

President Fanello: Yes.

Commissioner Mosby: I would make a motion that this Commission adopt the resolution for Major Tom Wallis.

Commissioner Crouch: Second.

President Fanello: So ordered.

Resume Bid Opening for VC-07-2004: Burdette Park T-Shirt

Kevin Winternheimer: Now, going back to the agenda. I have two bids here. I think these are t-shirt bids, if you want me to go ahead and open them up. Any bids from the audience. Seeing none.

Commissioner Mosby: I'll make the motion that we open VC-07-2004.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Okay, I'm trying to read their writing here. It looks like the first one is from Phoenix of Evansville, if that makes sense. Let's see if we can find an easy way to do all these itemized bids on t-shirts. It looks like they did bid every item, however, they did not add up these three pages of numbers. They did not bid an alternate brand, but it looks like they did bid them all, and I don't have a calculator to add them all up. But, they are available if anybody wants to see them. The next and final bidder is Siegel's Uniforms of Evansville. They did total, it does appear they've bid every item. They did not bid the alternate brands, and they did total their price. Their total price is \$4,009. That's the only two bids we have.

Commissioner Mosby: I'll make a motion that we take the bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Culpepper Group

President Fanello: First discussion item is Beth Hall with Culpepper Group.

Edward Culpepper Cooper: Hi, I'm not Beth Hall. This is Beth Hall, and she made the appointment, and she does mostly property casualty, and I do a lot of employee benefits, as well as property casualty. First I would like to thank you for allowing us to be here tonight. The Culpepper Group has been around, and I think I've handed everyone one of these introductions, it's just a little marketing tool, but it talks a little bit about the Culpepper Group, and who we are. I'm Edward Culpepper Cooper, I'm the founder and, I guess, I'm the head person in charge of sales, marketing, paying the bills and everything else. But, we've grown from a two person group, to about 17 people. What I've found that after leaving education as an assistant superintendent of schools is that a lot of cities, towns and county governments were, even back in the 80's, I won't go back too far, having the largest expense was always the employees. But, also the second largest expense became insurance. It was growing and growing and growing, but it has gotten to be where it is so important to the employees that, you know, a lot of times when you talk about wages and increases in pay and things like that, they're more interested in what's going to happen with their insurance, because, again, 20 years ago when I started, you know, employers were giving them a raise and then the insurance guy would come around and take it away. So, we have been endorsed by the Indiana Association of Cities and Towns. We took that endorsement away from Anthem, and it was a very good reason, it took us about two or three years to get that, but we believe that there shouldn't be a company of choice when it comes to employee benefits and property casualty. We thought there should be an agency of choice, which meant that we work for the executive body of government, as well as the fiscal body of government. I've been an elected county council member, and I understand how tight dollars are, and I'm glad you've got the riverboat, and I wish we had it in Jeffersonville, but what can I say. What we try to do, is we try to come in and ask actually two questions, and in this size city we would like to have the opportunity to discuss more, probably in a work session, that would probably be more appropriate, if you have those, as to how you can do more risk management, and look at the cost of your insurance. Obviously, you're partially self-funded, and you've already taken the big step where you take the full cost of insurance and you divide it up and look at all those little pieces of the pie that end up for the total cost of employee benefits. But, we also, if that doesn't work out, we would just like to be here to ask you to allow us to be on your bid list. You don't have to do what you did with regard to t-shirts. It's kind of amazing, you have to do that with t-shirts, but you spent a million seven hundred thousand dollars, you don't have to do that with insurance. But, if you go out for pricing, we would like to be on that list to receive those RFP's. But, we really think that the confidence that you place in the agent, or the agency, is important, but then, I'm a storyteller, so I'll just tell one story. I used to be, and I still am the employee benefits person for Decatur County government. We came in there and they made us the agency of choice, and we did a really good job, and then they brought us in and said we want you to bid on the property casualty. I said okay, we'll do that since you're bidding the property casualty and we've had your health insurance for five years, but we have to apologize, because we've never asked you to be in charge of your property casualty. So, they bid it, and they hired a consultant, and they paid the consultant \$32,000, and we won, and we saved them \$30,000. I had to apologize again, and now we're doing both as the agency of choice, or agent of record for Decatur County government. Clark County is the same case. We've done this in other places, but if that is not the way you do business, then we would like to be on

your bid list and compete for your business. But, we can work as a consultant, we can work as an agent, we can work in competition with all your local agents, as long as we feel like the playing field is level.

President Fanello: Does anyone have any questions? Thank you.

Edward Culpepper Cooper: Thank you.

Dennis Woehler: ONB Insurance

President Fanello: Next item is Dennis Woehler from ONB Insurance.

Dennis Woehler: Dennis Woehler, ONB Insurance. I have a couple of issues here that I need to address. First of all, April 15th is coming up pretty soon, part of the HIPPA compliance is the business associate agreement that I faxed over to you, Kevin, and if the wording looks okay, and that's a standard that all of our businesses have signed, so—

Kevin Winternheimer: It's fine.

Dennis Woehler: Okay, I'll bring a copy down to have it signed then. The second issue that I have is concerning Officer Wallis. While this is the first time that it's come up in my tenure, it is a part of COBRA that any qualifying event, there's immediate action for a qualifying event. That's a birth, a death, a divorce, or a child being born, but what that translates to is the fact that his dependent's insurance ends immediately upon his death. I think it would be in the interest of the employees if you all took under advisement and maybe passing a resolution that insurance on active, full time employees that their dependent insurance carries to the end of the month. It would at least give them a transition period. It's not something that happens everyday. So, but in the meantime, because of the way that COBRA is written, it is a qualifying event, which means the insurance stops when they pronounce him dead, unless we have a resolution otherwise. You can supercede COBRA if it's better than COBRA, you just can't weaken it.

Kevin Winternheimer: Can I ask you a question? I don't claim to be a COBRA expert, I know enough to know that it's out there and a little bit about it, but they don't have a 30 day provision where the family has, automatically has a grace period to get everything in order and make that election?

Dennis Woehler: COBRA, COBRA clumps it in to what they call a qualifying event. Well, now if you have a child or you get married, that means that you can have immediate coverage, but if you die, it also means you have immediate loss of coverage. So, they kind of leave it, like various other things, up to folks to kind of make their own rules beyond that.

Commissioner Mosby: Okay.

Dennis Woehler: Then my final item would be concerning the refund agreement and the county's insurance program. The decisions that were made in 2002 affecting 2003, 2004 and next year as well will actually result in about a million dollar savings over what would have happened if we did nothing, at the time. On that same note, we do have the rebate check right now for \$109,885.86. I would like to present this to someone.

President Fanello: Thank you, Dennis. We all need to sign the back of it? Do we need to sign the back of it.

Kevin Winternheimer: Yes, let me see it.

President Fanello: Thank you, Dennis.

Dennis Woehler: Thank you.

Kevin Winternheimer: I would, Dennis, they can go ahead and make a decision tonight, can't they on that? I mean, that family's been through one tragedy, I would hate to see a second tragedy to only be informed that they don't have any insurance.

Dennis Woehler: Absolutely, and, Kevin, that's the reason I brought it up, because we are at the point where the COBRA letter needs to go out, and it would certainly, I'm certain it would be a relief to the family to know that they at least had a couple of weeks to make some decisions, instead of having to do something now.

Kevin Winternheimer: Well, that's what I was going to suggest is a policy that two weeks, or whatever you think is appropriate to anyone in that similar situation, that they have a period of time to get their act together and recover from the tragedy and make a decision as to whether or not they are going to elect to continue COBRA, or see some other route through something else.

Dennis Woehler: And I know that there's always going to be somebody, no matter how you make a rule, there is always going to be somebody that it's not quite as fair to as others. So, if somebody died the last week of the month, instead of the first week of the month, it wouldn't be quite as fair to them, but that is the policy that you have for retirees now, is that their insurance carries until the end of the month, as I recall. So, I didn't know if you wanted to try to keep it all level, or you can make it, you can make it whatever you want to make it.

Kevin Winternheimer: Yeah, I was going to recommend that something along that line, that at least 15 days, or till the end of the month, whichever, to give them that period of time to get everything in order and make these kind of decisions, because these are, you know, they are going to have to pay the premiums on that, and they need to be covered in that interim time. So, whatever the Commission thinks is appropriate, but I would say that they would need at least, wouldn't you say 15 days, at a minimum to make those kind of decisions, and see what they wanted to do.

Dennis Woehler: Well, yeah, the worst and the maximum liability to the county is going to be the remainder of their share of insurance for the month. I assume that the employee's portion would be deducted from their final pay. So, however, you all want to do it, it's just this particular situation just brought up, you know, a point that I thought you all might want to be made aware of.

Commissioner Crouch: Dennis, our policy up to this point in time has been that it just ends? Because I know we've had other employees that have passed away while they've been full time employees.

Dennis Woehler: Quite frankly, I don't know how it was handled in the past, because this is the first time I have been consulted on it, about what the exact policy was. So, I contacted the insurance company and their legal department, and the plan follows

COBRA. So, whether it was extended for anyone in the past or anything, I can't speak to that. I have no idea.

President Fanello: You're just saying—

Dennis Woehler: This is the first time it was brought to my attention.

President Fanello: Let's get something in, on record of how we're going to handle it.

Dennis Woehler: Have something on record of how you want to handle it.

Commissioner Mosby: I guess, a motion 15 days or—

President Fanello: Or later—

Kevin Winternheimer: Or till the end of the month.

Commissioner Mosby: Or until the end of the month.

Kevin Winternheimer: Whichever is longer, you know.

Dennis Woehler: That works for you all. It's your termination policy. So, if you want to make it the end of the month or 15 days, whichever comes first, or however you want to word that.

Kevin Winternheimer: Dennis, who sends, who would be sending out the notice to the family to say these are your options, this is what it's going to cost you, and, you know, we need...well, I was thinking 15 days, somebody is going to have to get that information to them, because they need to know that.

Dennis Woehler: Right, your benefits bookkeeper in the Auditor's office sends out the notices.

Kevin Winternheimer: Okay.

Dennis Woehler: The COBRA notices.

Kevin Winternheimer: Okay.

Dennis Woehler: All she needs is the date at which COBRA begins to put in the letter, you know, so it's, the termination policy is entirely at your discretion.

Kevin Winternheimer: Okay, something along that line, perhaps until the end of the month, or 15 days, whichever is longer. Make sure they have at least 15 days, because by the time you send the letter out, they need time to think about it and respond back, you know, I can see where that would take a couple of weeks to do all that, if you agree.

Commissioner Mosby: That's fine with me. I would make a motion that we go 15 days or until the end of the month.

Kevin Winternheimer: Yeah, whichever is longer.

Commissioner Mosby: Whichever is longer.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Dennis.

Dave Rector: Courts Building Parking Lot

President Fanello: Dave Rector.

Dave Rector: That's just the same thing you received last May describing the parking options that were available that we looked at, at that time. If I recall, in that meeting there was a motion from Commissioner Mosby that I put in the parking across the street, as we did on the corner of Sycamore and Martin Luther King. You also made a motion in that meeting to fund, at a 50% rate, the parking in front of the building that is under design right now. I think you tabled any decision on the additional parking in the courts lot. An update on the parking in the front, we are near the point that we'll be bidding that probably within the next two weeks latest, which brought up the thought should we go ahead and look at this lot in the courts area, maybe get better pricing with both of them. Since that time also the Building Authority is going to pay a third of the cost of the parking in the front, whereas before it was going to be 50 city, 50 county. So, you're going to save \$10,000-\$12,000 on that project that you wouldn't have. I'm here to ask do you want to go ahead and continue and fund the courts parking lot? We'll probably get an extra 13 places is what we're anticipating.

President Fanello: You're wanting to bid these out together to try to get a better price?

Dave Rector: I thought it would be a good idea, and maybe get some economies of scale there.

President Fanello: Anybody have any thoughts.

Commissioner Crouch: Would we pay this out of Infrastructure?

President Fanello: Yeah, we could do that, or out of Riverboat/Infrastructure.

Commissioner Mosby: I'll make a motion that we look at bidding both projects together, and see what the cost is.

Commissioner Crouch: I'll second that, and I can't remember our discussion previously, but did we talk about having the front mainly dedicated to the public? Those additional spaces? Or is that something we wanted to ask or make a recommendation?

Dave Rector: I think you talked about it. I don't remember any actual confirming decisions being made as to would all the parking be public parking, would some of it be dedicated to some departments. As you probably have, I've been lobbied for who's going to get to park there. I think the thought was providing additional parking for the public.

President Fanello: In the front of the Civic Center?

Dave Rector: Yes.

President Fanello: That would be my thought.

Commissioner Mosby: That would be my preference.

Dave Rector: Now, the lot back here, of course, is assigned.

President Fanello: Do you want to make a motion to that affect?

Commissioner Crouch: Do you want to amend your motion?

Commissioner Mosby: Okay, I'll amend my motion to look into the parking and bidding of both lots, and the parking in the front would be public parking.

Commissioner Crouch: I'll amend my second.

President Fanello: So ordered.

Dave Rector: So, we're going to go ahead and do that.

President Fanello: We're going to go ahead and do that.

Dave Rector: I'll take care of it. Thank you.

President Fanello: Thanks, Dave.

Commissioner Mosby: I thought we'd try to confuse you.

Dave Rector: I'm easily confused.

President Fanello: It happens.

Election Equipment

President Fanello: Our next item on the agenda is discussion of the election equipment. I do believe Rob McGinnis from ES&S is here. I don't think we have anybody from the Clerk's office or the Election Board in here. Oh, excuse me.

Rob McGinnis: Sure.

President Fanello: Rob, I think we have a few questions regarding everything that we've been hearing from the state election commission.

Rob McGinnis: Sure.

President Fanello: So, I think we'll start out with some of those questions, and see where we go from there.

Rob McGinnis: Great.

President Fanello: Because I know we've been presented a bill, and the County Attorney advised us, at that point in time, at the last meeting, let's hold that and get someone here from ES&S—

Rob McGinnis: Right.

President Fanello: –and have a discussion.

Rob McGinnis: I know Kevin has been in contact with our CFO, Tom O'Brien, they've had some discussions as well. So, we're here to answer any questions you may have, give you an update on voting, actually, as I'm sure you're aware, started in-house today.

President Fanello: Right.

Rob McGinnis: Very successfully, excuse me. We brought a unit along in case you have questions on transportation of the units out to the precinct and how they will get out, and how they'll be returned. So, I have with me also, our senior vice-president of software development, Ken Carbullido, and Linda Bennett, who is the area director for project management. So, they can give you any updates, whether it's certification or where we're at today. So, we just wanted to be here to answer any questions you may have.

President Fanello: I also spoke with a couple of individuals from the state election commission today too about some additional information. I guess, one of the first questions is, you know, why would be delivered software that is not certified, you know, in the first place?

Rob McGinnis: Sure.

President Fanello: You know, why wouldn't we be delivered a version that was certified and then you could possibly update it at a later date?

Rob McGinnis: Sure. What happened, at the time when the units were shipped, and actually to four counties, typically, Commissioner, what happens when the units are shipped out, we pull up in our data base and we check and see what is the certified version of firmware, which is the firmware is just basically just a software that's driving the device itself. What happened at the time, and I think we had this discussion in regard to the 650 as well. What happened as of July 1 of last year the state adopted new standards, meaning that all, whether they are upgrades or brand new equipment that you bring to the state, they need to meet an '02 standard, which these standards just came out federally. I believe we started in August, is that correct, Ken? As far as testing? We started at the independent testing authorities with these new '02 standards last August. We have been in the process of getting all of our upgrades certified to that standard. We have not met all of the standards yet. Neither has anyone else. So, the version in question, this version of firmware, 745, what we had done, we had applied for certification for the upgrade, along with the 650 upgrade, the problem being is they received our paperwork after that July 1 deadline. But, to get back as far as how these were shipped out, at the time that they were shipped, we saw that we had the application in for 745, and rather than shipping them out with the old version of firmware, the newer version was put on there. We found this out after the November election, we took a look at it, we have corrected the situation. We approached the state, as a matter of fact, we told the state after we found it out that we had put on 745, to which they came back and said these are your options. We sat down, we worked with the state, at the March 10th meeting what they decided on, you can use the 745, the new version of firmware for the May election, and they want us back in October for the upgrade and certification, which is where we stand today. I believe that you received a copy of a bond, they

also asked, even though reliability of 745 was not in question, they said, since it hasn't met the new '02 standard, would you be willing to put up a bond, which we did to the tune of \$10 million to cover all of the counties in case there is a claim against the county, which we have done, and I believe we are submitting, tomorrow, Ken?

Linda Barnett: The original will arrive at the state tomorrow.

Rob McGinnis: The original bond will be received by the state tomorrow.

President Fanello: Okay. I have not seen a draft of the bond.

Rob McGinnis: Kevin, did you get a copy of the—

Kevin Winternheimer: I got it late Friday, but I haven't had an opportunity to review it yet.

Rob McGinnis: Okay.

Kevin Winternheimer: I understand that was a draft as well, that that wasn't the final version. I don't know.

President Fanello: When I spoke with them today, they said it had not been, there was no signature on it yet, and had not been—

Rob McGinnis: I believe we had the final version, it just had to go through the surety agent and that has taken place, and it was Fed Ex'd for a tomorrow delivery. I believe you will certainly have a copy. If you don't have the final one, you will be receiving that.

Kevin Winternheimer: Yeah, if you could send that to me to make sure that I have the right draft, I would appreciate it.

President Fanello: Do you have a question, Commissioner Mosby?

Commissioner Mosby: Yes, I guess my question to you would be, what happens if this equipment doesn't get certified?

Rob McGinnis: Well, again, good question, point of clarification there. The equipment itself is certified. The county did not purchase anything from ES&S that was not certified. The company made a mistake on the version of firmware we loaded on your equipment, but version 6120, which is at the state and is certified, is the software that is loaded on the actual piece of hardware that is inside this case. So, everything that the county purchased was certified. Again, it was simply a mistake on our part as far as what version was loaded on. That's when we found this out at some point late in the year, we've been going through a series of talks with the state to try to get us to where we are today.

President Fanello: But, the version that is loaded on there is the 745?

Rob McGinnis: As a matter of fact, they are in the process of switching it back out, because we had to receive a letter from the state, which was sent to the counties as well saying it's okay for you to load version 745 on. I believe, Commissioner, as of today, we just got in today to start that process, and they have 200 of your 500 units already converted to the 745.

President Fanello: Why didn't they just leave them with the six, the firmware version six?

Rob McGinnis: Well, they did not have the 612 on when they were shipped. They had the 745--

President Fanello: Okay.

Rob McGinnis: --after we found that out, it's kind of confusing--

President Fanello: Okay.

Rob McGinnis: --but after we found that out, in order to get the county back in compliance, so you could receive your HAVA funding and meet several other objectives, we had to come and put 612, the certified version from the state on all of your units to get you back in compliance. Again, had nothing to do with the county itself, Commissioners, Election Board, completely our mistake that we had to correct. So, in doing so, we put 612 back on, knowing that we were going back to the state to ask that they give us the go ahead to put 745, which is what they are in the process of doing. Like I said, I think 200 of the 500 units were converted today. So, probably another day and a half and they will have all the units ready for election day.

Commissioner Mosby: Okay, I'm going to figure all this out here for a second. We bought 745--

Rob McGinnis: Well--

Commissioner Mosby: --then you came back in and put on 612?

Rob McGinnis: No, you bought 612, and we loaded the wrong version, 745, on to your units when they were shipped.

Commissioner Mosby: So, we bought six, okay, we bought 612--

Rob McGinnis: And actually, again, with the firmware and software you have a license to use it, and I think, Kevin, in the contract we don't even put version numbers, I believe the language in the contract is something along the lines of the latest certified version, it doesn't even list the number, because any upgrade we make, whether it's the change in how a screen looks, any changes that we make, changes the version. So, if we make a change from the time that you actually sign a contract, before we deliver, that's why we don't put a version number in there. So, 745 was shipped to you, 612 was put on...when did we do that, Linda?

Ken Carbullido: January.

Rob McGinnis: In January we put 612 back on to get you back in compliance. In that time, we're working with the state to allow us to put on 745. The reason being, if I could have just another minute here, I'll give you an update--

President Fanello: You're going to get quite a few.

Rob McGinnis: --of why 612, a little difference between the two, the 612 version of firmware was actually one of the original firmware versions, and the response area

was just a small box by the candidate name. It was designed to use with a pen stylus, like a rubber type pen stylus to touch that box. We changed screens, that original screen was a black and white screen, a 12". We went to a 15" screen, and a screen that was actually designed for a finger touch. So, we got rid of the stylus, and we were able to make the box larger, and make the response area anywhere on the candidate line. So, if David Mosby is on a line, now a candidate with 745 can go and touch your name itself, they can touch the box, they can touch anywhere across that whole line and it will light up your name to show that that was their selection. With that 612, they could only touch that small box with that stylus. The new screen is designed for a finger touch. We really don't want styluses used, because it's not good for the screen. Actually, it would damage the screen if they are using the stylus rather than the finger. So, there are several usability issues in why we upgraded from the 612 to 745.

President Fanello: Any other questions?

Commissioner Mosby: I have to think about it. He went a whole different direction. Yeah, I've got a question, so, we're still back to we've got the 745 or whatever?

Rob McGinnis: That's correct.

Commissioner Mosby: It's not certified, but that's what we've got?

Rob McGinnis: Well, it's certified to the 19, I can say this, it's as thoroughly tested and proven as any voting system used in the country, because it met the 1990 FEC standards, and that's all that anything in the country meets at this point.

President Fanello: Right, but it's—

Rob McGinnis: What many of the states have done, is they have given us until 2006 to meet these new '02 standards, because we just got them, and Ken can do a much better job of explaining, but the target keeps moving on the interpretation of these standards. So, we make one change and then we get a different interpretation. So, it has been certified federally, just not to that new change that took effect July 1 in the state, of '03.

Commissioner Mosby: Okay, so it's still not certified in the state?

Rob McGinnis: That's correct.

Commissioner Mosby: Okay, so, what happens, once again, if we don't get it certified by November?

Rob McGinnis: Again, I believe that is part of why they called for the bond, Commissioner, so you were covered.

Commissioner Mosby: So, does that bond cover our equipment though? I mean, if you don't get this certified, and I'll let either one of them answer it.

Rob McGinnis: Ken, have you seen the bond? I have not. Perhaps Ken can give you more information on that.

Commissioner Mosby: I mean, I'm just worried about Vanderburgh County having "x" million dollars worth of equipment here—

Rob McGinnis: Sure.

Commissioner Mosby: –and I find out before the November election that you have not been certified, and I'm holding this equipment–

Rob McGinnis: Again, that will not happen, because we do, everything you have, hardware wise, the Ivotronic is certified, and 612 is certified. So, we do–

Commissioner Mosby: But, the 745--

Rob McGinnis: Is an upgrade to it.

President Fanello: So, are you saying that if your 745 doesn't get certified by November, you're going to come load the 612 back on?

Rob McGinnis: What we're trying to do is get the '02 standard met by that date.

President Fanello: And I understand that. That's what everybody is trying to do.

Rob McGinnis: We have certified firmware and software today at the state. So, it's not a case, and I think that's your question, what if you have nothing certified by the time–

Commissioner Mosby: That's still my question.

Rob McGinnis: No, we do. We have certified software, firmware, hardware, all certified.

President Fanello: And you're going to come back and load the certified...if the 745 does not get certified, are you going to come back and load 612 on there?

Rob McGinnis: Yes.

President Fanello: Okay.

Rob McGinnis: Yes, was that the question?

President Fanello: Because, you've got to understand, I mean, this opens us up to a lot of grey area–

Rob McGinnis: Oh, I do.

President Fanello: –misinterpretation, perception–

Rob McGinnis: Sure.

President Fanello: –and, you know, I personally feel there's a trust factor that's been broken, you know, with ES&S and the Commissioners, and, you know, possibly, the Election Board.

Rob McGinnis: Well, I can say this, again, we apologize that there is that perception. We apologize for any mistakes that we've made, but they were simply that. Things in the election business, as you probably understand at this point, are changing daily. We're obviously in a big year, and the changes are coming at us so quickly

we are trying every day and night to meet the new changes and new standards. At no point during the entire process did anyone from ES&S intentionally deceive anyone involved. Again, did we make a mistake? Sure we did. Are we in the process of correcting it? Yes. Was there anything in regard to the bond, Ken?

Ken Carbullido: In terms of the bond—

President Fanello: We need for you to come to the microphone, and state your name please.

Ken Carbullido: I've seen the bond, and I've seen actually a copy and read some of that, of the final draft. It does protect the county, and I think you are now interpreting correctly, if, in fact, we don't get 745 certified, and it won't, it will be a newer version actually that gets certified to the '02 standards, then the choices would be to go back to 612, we would commit to doing that at no cost to the county. We prefer to take you to the newer versions, because there are some features that are good for the voters as well as the county officials and the poll workers. The bond does cover the county in the event that there are no good choices, or in the event that there is any litigation or liability with the use of the 745 version. We don't think there will be any problems, this version is certified in nine other states in the country, it's been in hundreds of elections already. It ran very good elections, excellent elections here in Indiana in November, and it's supported counties with totaling over seven million registered voters and ran perfect elections all around. So, we're confident, and that's why we feel comfortable with any kind of bond. We stood up and put that there for the counties, just so you would have that same kind of confidence.

Commissioner Mosby: Okay, I'll go back one more time here. I understand now that we've got the 745--

Rob McGinnis: Yes.

Commissioner Mosby: --and you could come back and load the 612--

Rob McGinnis: That's correct.

Commissioner Mosby: --if you had to, but I'm assuming that we actually bought the 745 when we bought this equipment.

Ken Carbullido: What you buy is license to use any of our versions. So, when we come out with version eight, version nine, you automatically get that. So, you always have rights to every version that we have.

Rob McGinnis: But, I--

Commissioner Mosby: I guess, my question, my thought here is that we bought the 745, because you just sat there and told me it was a much better version, you didn't have to use a stylus, you could touch the screen, so, we probably bought what is grand and great. Now, you're telling me if you don't get it certified by November, you'll come back and put the 612 on, which to me now is a cheaper version that could be damaged with the stylus. What I haven't heard you say yet is that in your bond with the state, and evidently the state felt a little uncomfortable, because they made you put a \$10 million bond down. Is my equipment covered? Am I going to get the best that is out there at no expense to the taxpayer of this community?

Rob McGinnis: Absolutely.

Commissioner Mosby: You are going to assure me—

Rob McGinnis: I think, again, to answer part of where you're going with that question, because I was asked this at the state, they said, well, what version firmware did you show when you demonstrated it. The answer, I've demonstrated all different types of versions of firmware around the state. Our intent was, obviously, for you to have 745 for your first election. We already had the federal testing, the paperwork, the only thing that happened is we had a change in state laws. Kicked in July 1, and our paperwork got there a couple of weeks late. I think part of what I was uncomfortable with, is any perception that there is a reliability issue with the 745. There absolutely is not. I've seen reports that it hasn't been tested. It's been tested as thoroughly as it can possibly be tested. More importantly, in real elections all around the country, and another issue that hasn't been brought up much are the three counties that ran, Henry, Johnson and Wayne, in November, I think if you call any of the three, they would say it's the best election they've ever run. So, reliability was not the issue. We had a mistake with paperwork, which is silly, admittedly. That has us where we are today. We're just trying to correct it.

President Fanello: Any questions Commissioner Crouch? Kevin do you have any?

Kevin Winternheimer: Yeah, bear with me, you know, we're talking all these numbers, 612, 745, then we've got the 1990 standards and 2002, and I'll be the first one to say, for a laymen it's pretty hard to keep track of all this. Let me try to just get a couple of things clear in my mind. The 612 version, is that 2002 standards certified?

Rob McGinnis: No.

Kevin Winternheimer: Okay, so it's possible that if you loaded the 612 version on for the fall election, and the state doesn't give us another waiver or certify some other version, we could be out of luck altogether.

Rob McGinnis: Well, no, what they did, anything that was certified before that July 1st date of '03 was grand fathered.

Ken Carbullido: It can still be used.

Kevin Winternheimer: In the fall election?

Ken Carbullido: Forevermore.

Rob McGinnis: Forever. That's the—

Ken Carbullido: It's just, if we make a change, or upgrade—

Rob McGinnis: Any upgrades.

Ken Carbullido: —it's got to be now to a new level.

Kevin Winternheimer: Okay. So, the 612 version could be used in the fall election and comply with, whatever federal and state standards are out there?

Rob McGinnis: Yes, because it met the '90 standards.

Ken Carbullido: And was certified by Indiana a couple of years ago.

Commissioner Mosby: Now that you've said that, I'm going to pick up right there for a second before we lose the train of thought.

Kevin Winternheimer: Sure.

Commissioner Mosby: If, and I don't know this question, the answer to this, the money we received from the state, when we accepted that money, did we not have to live up to the 2002 standard? My understanding is that it's in the grant that if you take the state money, that you have to have the certified equipment, software, whatever, and you're telling me that this equipment is not even 2002 certified.

Rob McGinnis: You actually, in that you just had to meet the requirements through HAVA, which the ADA, the accessibility issues, which the Ivotronic, as a matter of fact, your first visually impaired voter voted today unassisted today for the first time unassisted in the county on the ADA Ivotronic. Those were the portions that you had to meet in order to receive that HAVA funding, which you did, which brings us back to why it seemed a little bit silly to come back and load 6120 on, but that was part of what we had to do to get you compliant to meet the HAVA standard.

Ken Carbullido: As a matter of fact, in HAVA it allows counties to be reimbursed for equipment they implemented as early as January 2000. At that point there weren't even 2002 standards. So, there are counties being reimbursed for equipment that is definitely not 2002 standard. That is happening.

Kevin Winternheimer: I'm still trying to get all this straight. So, okay, and I don't want a technical response, but is there, other than the fact that the information was submitted after the deadline to the testing company, is there a problem with that 745 software that you're aware of?

Rob McGinnis: None.

Kevin Winternheimer: Okay, they just haven't had time between July and now to get around to testing it in other words?

Ken Carbullido: It's not so much testing, it's just really going through the Indiana state processes. 745 is thoroughly tested, it was tested by the independent testing authorities that are authorized at the federal level. That was tested and certified well over a year ago.

Kevin Winternheimer: That passed the federal testing?

Ken Carbullido: Uh-huh. That passed the federal standards.

President Fanello: That's not the way I understood it today from two election commission members.

Ken Carbullido: It passed the 1990 standards.

President Fanello: That it had not, that things were backed up at the independent authority. Are you saying this version 745 has passed the independent testing authority?

Ken Carbullido: Yes.

Rob McGinnis: For the '90 standards.

President Fanello: But, not for the 2002 standards.

Ken Carbullido: Right.

President Fanello: I don't care about the '90 standards. We're away from the '90's, we're to the 2002 standards. You know, that's, I'm going to spend three million dollars on election equipment, it's going to comply with the standards it needs to comply with.

Rob McGinnis: Again, according to the FEC, as of last week, there is nothing that meets the '02 standards yet.

President Fanello: I understand that. I wanted to make that clarification.

Rob McGinnis: Everyone is chasing it. I think it helps calling it version seven and six, because getting into the numbers, it does...we've got version seven and six, and we have a '90's and 2000 standard. It is confusing, and we are at the testing authorities, but that is correct, just so that we're all on the same page here. The 745, as a matter of fact, I believe we have 80 for the '02.

Ken Carbullido: Version eight has been already through the ITA's, we're actually beginning version nine. Vanderburgh County will get all of those versions, as the county, as they are certified, taken to the federal, then the state, and then as your administrative staff is ready to implement those. So, those are all available as what you purchase.

Rob McGinnis: Again, at no cost to the county. We do that as we continue to go through the testing authorities and take it to the state. As the state approves, we will load (inaudible) your equipment at no cost.

Kevin Winternheimer: Correct me if I'm wrong, and I may be wrong on this, but I thought that Indiana had said that you have to meet the 2002 standards period. Then what you got was a waiver to use, or whatever for us to use it this spring, but if you are required to have the 2002 standards in the fall, then you'll have to get compliant, or get another waiver, is that not the case?

Rob McGinnis: No.

Ken Carbullido: Indiana statute says that for any new submissions brought to the state election commission, any new submissions of either upgrades or brand new products, those new submissions have to be 2002 compliant. Everything else that's out there, that's in every other county in Indiana, if they don't make any changes, and they've already been certified, well, they can keep on running on that for as long as they want.

Kevin Winternheimer: Okay, then on this \$10 million bond...we're paying, what \$3 million, or whatever the number is, that's a lot of money to everybody down here, what assurance do we have that if the stuff doesn't, what happens, I know you kind of answered, but what happens if it's not certified. Do we get our money back? What happens? Does the bond cover that?

Ken Carbullido: Like, you'll have a couple of choices, one is use the 612, which we've talked about there are some down sides to that, and there's upsides to the newer versions, especially for the voter. Then the other avenue is exactly that, the assurance you have is in that bond. The bond gives the county and the other three counties in Indiana, the opportunity to use those funds to go buy other equipment, if you like; to support any cost of litigations, if there ever happens to be any because of this. So, that gives the counties the independent assurance you need, it's not ES&S, you know, we, a bond in itself separates our, you know, it sets that up, puts that pool there for you if it ever has to be called upon.

Kevin Winternheimer: So, it's an insurance company, and it sits in the nature of a performance bond then. If it doesn't perform, then we have a source to go to to recover our payments that we've made to you under the contract. Is that correct?

Ken Carbullido: Yes, sir.

Kevin Winternheimer: Okay.

Rob McGinnis: I believe, Kevin, actually the amount, the \$10 million was a couple of million dollars more than the total of the four counties. I think we had \$8 million worth of product out there and they asked for ten.

Kevin Winternheimer: Okay, do you have a target date on when you might get it certified? Or do you not have any idea yet?

Ken Carbullido: We would like to—

Kevin Winternheimer: Certified to 2002 standards and 745, or whatever.

Ken Carbullido: Yes, we're working real hard to get that done this summer. I've got teams of staff working on that now, because, you know, if that \$10 million is out there, we want to make certain that that's not required. The best thing for us to do is get certified in a hurry. So, that's what we're going to be doing.

Kevin Winternheimer: Okay.

President Fanello: Any other questions?

Commissioner Mosby: (Inaudible).

President Fanello: Do you have any further questions? Okay, Rob said he did bring us an actual voting machine, which Madelyn had asked last week if the precinct, or if the inspectors could pick the new ones up. So, here they are, I picked one up, they are heavy, but you are able to pick them up, and they do....Rob, could you do me a favor, and lift up that handle and show how they roll.

Rob McGinnis: Yes, they do have the wheels like the luggage. One of the really—

Madelyn Grayson: Rob, can you make your comments at the microphone so that we can get them on the record?

Rob McGinnis: Sure.

Madelyn Grayson: Thank you.

Rob McGinnis: One of the only differences, if you take a look at your votomatic compared to these, your old punch card, is that we put the booth, the legs, on the outside of the booth, and I don't know if you've ever set up the votomatic, but you used to have to open the votomatic, take the legs out, then close it back up in order to put those legs in here. With this, it just takes a step out of the process, they don't have to open the case to get the legs out. After that, it goes together exactly like your votomatic, legs are put in the bottom, you have the side shields that you had with the votomatic. So, as far as set up, it's identical, with the exception of taking that step out. We were asked as far as transportation, all the counties have a different feeling on that. With the exception, I believe all of our counties, at this point, have them delivered and picked up. I don't think we have two counties actually right now that have the same group of people. They either get a trucking company to do it, I'm trying to think in the various counties the different options they use, but in all cases they have been delivered. Like I said, I think it's 47 pounds when the device is inside here. Again, they build up the case, it's thicker than your old votomatic, because with the votomatic we didn't have anything that could break inside. They were just sets of pages to flip through. With this, they added some weight to the booth, so if they get beat up a little bit, we want them to be in good working condition, obviously, when they get to the precincts. But, I know, delivering the equipment and having it picked up, typically, has worked very well.

Commissioner Crouch: This may be a question you may not know the answer to, but can't those HAVA funds be used for transporting of the equipment?

Rob McGinnis: I believe that they can, yes. I believe that we have some of our counties that do use the HAVA funding to deliver the equipment.

President Fanello: I don't know that we would want to do that, because we need to cover our payment, our first year payment on the lease/purchase option. Does anybody have any questions on the—

Kevin Winternheimer: Well, there is a seal on them, isn't there? To make sure, when the inspector gets there at 6:00 in the morning, or whatever time, 5:00 in the morning that they inspect and make sure that seal isn't broken, isn't that correct?

Rob McGinnis: That is correct.

Kevin Winternheimer: Where is that on that? Is it inside the case, or is it on the outside of the case?

Rob McGinnis: It's very much like the seal on the punch card that was used, and, actually, Linda, are we going to put the seal—

Ken Carbullido: You can put it right there, and you can't open it without breaking it.

Kevin Winternheimer: Okay, it's on the outside, so, it's clearly visible.

Rob McGinnis: Some of our counties will actually put one on the inside of the device as well. Again, everyone does that differently, but, typically, you will have the numbered seal, so, when they get there they have to check to verify that the seal has not been broken, that it's the correct number. So, they will all have a numbered seal when they go out.

Kevin Winternheimer: Okay. I saw, if I may ask, a little box that goes with that, that's smaller, it's about maybe a foot by a foot.

Rob McGinnis: The communication pack.

Kevin Winternheimer: What is that?

Rob McGinnis: At the end of the evening, well, actually, at the start of the day the procedure, you'll have to print out a zero tape to show that there are no totals on any of the devices. So, if you have four of these in one of your precincts, you will actually attach that, it's just a thermal printer, Kevin, is all it is. It will attach to the last unit. It will print out a copy of all your contests and candidates and show zeros by their name, and that's kept as part of the audit log to verify that there were not totals on the unit. Then at the end of the evening, same procedure, your inspector will have one of the activators, they'll go to booth number one, pop it in, it will come up on the screen do you want to close polls, the inspector touches yes, and it uploads all of the votes from the terminal into that activator. They will go to all four booths, and now I have all of my totals on this. It will generate, again, from that communication pack your individual precinct totals, you'll know in two minutes after the close of polls, but then we need to accumulate your 138 precincts, voting precincts, I believe, so, these will be brought back to the central computer, and, where, before, as you know, we were getting all of the punch cards, getting them out of their transfer cases, putting them in the readers, and counting them, with this, this is what we're going to be looking for. As soon as this comes back in, we're going to remove this out of their kit, and we are going to pop this into the computer, and about as quick as you can pop it in and pull it back out, it then downloads that precinct total into the network for all 138 precincts, and we generate county wide totals from there.

Kevin Winternheimer: Okay, so that little thing there has the votes in it, not in the big machine?

Rob McGinnis: They actually stay on both. It's another security issue, because people ask, well, what happens if somebody loses this? We can go at any time and recollect those totals off of all the terminals. So, when the data is uploaded off a terminal, it still remains in three different areas of memory inside that device, to which we can go back and print out a hard copy of all the votes, you can do a hand count, if you prefer to do it, but it's a security issue.

President Fanello: Does anybody have any other questions for Rob?

Commissioner Mosby: Do you know how Vanderburgh County is spending the voter awareness money that they got? Are you familiar with that issue?

President Fanello: Have you talked to the election board at all about that?

Rob McGinnis: I know through demonstrations and that type of thing. I'm not real familiar with it. I can look into it and give you an update, but I know that all over the

county they have been out doing demonstrations and going to events and that type of thing is about all I know, Commissioner.

Kevin Winternheimer: Are there any special precautions we need to take when they are transported? I mean, how sensitive are they? I mean, you don't want to bounce them around like a basketball, but by the same token—

Rob McGinnis: We don't want them dropped off of trucks, that type of thing. They are pretty sturdy. That being said, we, you know, it's a touch screen. We want to take good care of them, obviously. We, in the three counties that ran in November, we had one device, total, out of three counties that did not boot up election morning. One. So, the reliability has been fantastic.

Kevin Winternheimer: I assume they've all been tested through your company before—

Rob McGinnis: Tested, tested, and retested.

Kevin Winternheimer: So, we know they work—

Rob McGinnis: Yes.

Kevin Winternheimer: —when they go out of the office.

Rob McGinnis: When they leave the building, they are in good working order, yes.

Tammy McKinney: I have a question about the, exactly, about that. What type of protection does that contain against coming in contact with like a magnetic field that could possibly erase that information?

Rob McGinnis: Ken, do you have—

Ken Carbullido: Sure. Well, this is a unique, patented device. It's built with security in mind to start with. There is a processor in here that, and it is the only thing that has access to the memory. It's, infrared is the only thing that can read in and out of here. It's not attachable to any kind of common place computer or windows based system. So, it's a, there's what they call flash memory in here, so, that even if power is lost, that it still retains the votes. Within the device itself, there are three separate memory chips. They too are protected, and you cannot access that unless it's through one of these devices, and then only one of these that's been initialized for that election will actually work with that system. So, there's significant security that's been built and designed from the ground up. As Rob mentioned, if say someone drops this, and the truck drives over it or something, you can recollect the votes, and go through it again as well.

Tammy McKinney: That was my next concern, do we have extra of those in case we get a defective one—

Ken Carbullido: Yes.

Tammy McKinney: —we can pull another one out?

Rob McGinnis: Yes, sure do.

Ken Carbullido: I think, at least, at least two go out to every precinct, just in that case. So, if somebody steps on one, well, the other one can be used as a back up, and it can continue the process.

Rob McGinnis: Again, if the master one that is used to collect at the end of the evening, if anything would happen to that, we would return a new one off the central network, and collect those totals right off the terminals again, just do a recollect.

Kevin Winterheimer: So, they'll be bringing that little thing there, as well as the terminal itself back?

Rob McGinnis: Typically, that was another question which we did not touch on. Typically all of the units are brought back the day after, through, again, delivery people, or whomever you have deliver. They usually stay out there election night.

Ken Carbullido: All we need is this for election night.

Rob McGinnis: This is, when they come in election evening, this is what we're going to want from them immediately, because as soon as we have each one of these, we're done.

Kevin Winterheimer: Is there any reason why they couldn't bring that back.

Ken Carbullido: No, they could.

Rob McGinnis: No, that's up to the county.

Ken Carbullido: I think it's really speed. Everyone wants to know by 10:00, so this is simpler.

Kevin Winterheimer: You know, yeah, I don't have any problem with that. Everybody wants to know the results, but I was just, I guess, my concern, and, you know, we're dealing electronically is security. If you leave that, you know, somewhere that somebody has access to it, you're seal has been broken, it's been set up, and in case something goes wrong with that thing, your second recourse is that. It seems like you would want the security of having that down here under lock and key in the election office, as a back up, if the little gizmo there, you know, somehow is defective.

Ken Carbullido: Sure. There are also—

Kevin Winterheimer: Not to just leave that standing in a polling place, you know, where any number of people might have access to it.

Ken Carbullido: There are also some electronic locks within the terminal. So, even to collect the votes off of it, there's a procedure to go to what they call close that terminal. Then once you close it, nobody else can enter votes on it. So, even if someone got to it, they couldn't vote on it again. It would be closed—

Kevin Winterheimer: Right.

Ken Carbullido: —and sealed electronically, if you will.

Kevin Winterheimer: It still seems like it would be a good idea to have that back at the election office, though, when they are dropping off that. So, the thing just doesn't disappear.

Rob McGinnis: Well, and another option is having them at least fold them up and putting another seal on, is another option. But, back to the security question, that is why we developed our own activator and collector. We call it a PEB, it stands for personalized electronic ballot, rather than off the shelf smart card where somebody could go in and have their own. There is no other place anyone can get these other than from us. That was the reason, was security issues. There are several different ways as far as bringing them back, that's just a procedural thing, the county will need to decide on how you want to do that.

Kevin Winterheimer: As your local rep. told me, about 44 pounds is what that weighs. Does that sound about right?

Ken Carbullido: That sounds a little heavy? Is that right.

Rob McGinnis: Linda?

Linda Bennett: I thought it was 47 or 48 pounds.

Rob McGinnis: I thought 47 pounds, Kevin.

Kevin Winterheimer: Okay, I'll give you a couple more pounds, 47.

Rob McGinnis: I thought it was 47.

Kevin Winterheimer: Which, on rollers and a handle doesn't seem that heavy. To me, it's not, you know, it resembles a heavy suitcase that you might want to take on a trip.

Rob McGinnis: Well, I think it just depends on who your inspectors are. I mean, for you and I perhaps it is not. For some of our poll workers I think it would be significant for them to, because it's not just lifting it off the ground, it's also, depending on if you have a truck, getting it into, whether it's a trunk or a truck. It's a little bit of weight for folks to lift, and if we get elderly poll workers, they would have a difficult time of doing that, Kevin.

Linda Bennett: Also the space in the car in having four per precinct.

Rob McGinnis: That's another issue, if they are taking four of them to a precinct, what type of vehicle do they have. So, there are those other issues that do come into play.

President Fanello: Well, Tammy did give us some quotes from three different moving and storage facilities. So, I mean, we're going to have to make a decision here and give the election board direction on....I'm going to assume that Kinder Moving and Storage and United Van Lines, that was just for a one way delivery. That was just a drop off, not pick up.

Tammy McKinney: Right.

President Fanello: Okay, so we'd have to double that for the pick up.

Commissioner Crouch: Tammy, do you know, since the one for Shetler is so high, would that be for both elections, primary and general? Or is that just for the primary?

Tammy McKinney: I, the memo that I sent out to them just, I didn't put anything about the fall election. I was just mainly concerned about getting through this one first.

Commissioner Crouch: That's okay.

President Fanello: Yeah, that's a real high quote.

Tammy McKinney: But, I can certainly contact them, since there price was so much higher to make sure they are just giving me a price on just this one.

Commissioner Mosby: I think, well, I don't know what Shetler's bid includes, but just looking at Geiger's bid, it says estimated five trucks for eight hours. So, my thought would be what happens when it goes over eight hours? Should the actual time be less than eight hours. I'm not sure you're going to get them all delivered in eight hours. The concern I have here is, now the inspector goes out the day before, picks up the key to the polling place, they have the key in their hand, nobody has to be there, they open it up the next morning. You now talking about somebody having to be at every polling place when they get ready to pull up with a truck to deliver these. That's not the case in a lot of these polling places. I mean, they're churches where you meet the pastor at 8:30 tonight, and he hands you the key for tomorrow morning. So, I mean, what are you going to do? Who's going to line all this up, make sure there's a person at every poll? We don't know exactly when Geiger, Shetler, whoever is going to be there. Are we going to, in turn, have these people coming back now saying, well, you know, you're paying me \$50 or \$100 to rent my building, but you're not paying me to sit here for eight hours until you drop this equipment off. I mean, what are we going to run into here? I mean, to me this is a massive deal that you don't know what to expect. I can see people cancelling out the day before saying I don't have time to meet you, you know, so, in that case just forget it, I don't want to be a polling place. I mean, what do we do in a case like that?

Rob McGinnis: I think, typically, what I've seen with all of our counties, they have a couple of precincts perhaps that they have an issue with, that special arrangements need to be made to get into a location. There are always going to be a couple. I can look into further what our other counties are doing, and then try to determine what has worked best. I know they all have a system set up to contact the locations in setting this up, and however they have done it, it's worked well in all the counties. They've been able to get into buildings, they've been able to, but you're right, there are a lot of questions as far as....how many trucks are they going to use? That would determine how many they can deliver in eight hours.

Commissioner Mosby: I work at the fire house where they vote, and we were talking about this at the fire house the other day, and the guy said, okay, if you're going to drop this off the day before and leave it sit out there in the apparatus room, what happens if we make a run tonight? We don't shut the doors. What if somebody walks in and steals all four of them? It's just point blank we don't have time to worry about shutting doors. So, I mean, the hose house is open until we get back.

Rob McGinnis: Sure. In that case we would have to send out four back up units, which we will have, I believe it's a dozen support personnel here election day from 5:00 a.m. until we print off the final reports. Whether it's an issue of if they were taken the night before, or we have to replace units, our people will be escorted by one of your local attorneys or whomever you send our people out with to correct whatever situation may pop up. In that case we would have to send out some back up terminals. Again, we would reburn activators to have them ready to use. You're correct. I mean, these are the issues that pop up. I can look into, with our other counties, what they have done, and how they've set things up and give you some ideas on it, but these are a lot of the issues that--

Commissioner Mosby: My biggest concern is having 138 people meet you to drop these off. I just don't see that happening.

President Fanello: I don't see how they are going to coordinate their schedules. The day before, these people work.

Commissioner Mosby: I mean, that means we're going to have to sit down and try to tell everybody exactly what time to be there.

Commissioner Crouch: Would there be any merit in maybe developing some kind of a form, and then a form letter that we could send out, you know, sometime, perhaps this week to the polling places asking them if they would be open, perhaps someone there that we could drop them off the day before? Do they have a secure location that they can be put in, and would they be accessible the next morning, and maybe try to get this to see exactly how many precincts we might have a problem with? Because a lot of our, not having that list before me, but a lot of our precincts are public places, where I think there's people there, you know, pretty much all day, it would be mainly coordinating that. Perhaps if we sent a form out with a letter we would get enough responses back to kind of gauge where those problems might be, to make special arrangements.

Rob McGinnis: Also, I believe in most cases the counties give a list to the trucking companies saying, you know, these are the addresses, this is the contact person, this is his phone number. If somebody is not there when you get there, after you have set that up, either call them directly or call the board so they can get in contact with that person. Bottom line is you're going to have a couple of locations that happens, guaranteed. It usually does. Then a back up procedure is used in order to get into the building. I have not heard of a case where units have been stolen, or actually even tampered with. Am I saying that it couldn't happen, no. Like you said in an open location, if there aren't people there all the time, you can't guarantee that something like that doesn't happen. All I can say is perhaps, which I think you were alluding to, is there an area that would be secure, could we lock them in a closet, and give the poll workers the information of where those would be when they get in at 5:00 the next morning. So, there are going to be some special things that you have to go through in order to make this happen. Like I said, I can give you another update after I speak with our other counties to see what they felt has worked well, and what perhaps they didn't like and they have changed. I would be happy to get with our counties and get you more information on that, if you would like.

Commissioner Mosby: I think right now, if I'm not mistaken, our procedure is, inspectors come up, pick up the equipment. We usually have community corrections or work release people here to carry it down to their vehicles, which means, at this point, they still haven't had to touch the equipment or lift the equipment. When they

get to the polls the next morning, you've got two clerks, two judges and an inspector. There is five people there. Do you think five people could get one of them out of the car?

Rob McGinnis: It depends on the precinct.

Madelyn Grayson: I've never had five people there when I show up. It's usually me, and one other person.

Commissioner Mosby: Well, I mean, there should be two clerks and two judges and an inspector.

Madelyn Grayson: They get there by 6:00.

Commissioner Mosby: I guess, my point is somebody could help regardless of the inspector's age or gender. Somebody could help get that out of the car and into the precinct. It rolls, I mean, once it's out of the car. We can get it in the car. All they have to do is get it out of the car and roll it into the precinct.

Rob McGinnis: What I meant by it depends on the precinct, I've been in a precinct where a nice little gal in Howard County said, love the equipment, but we need to do something about getting younger poll workers. I said, is that right? She said, yes, I'm 92 and I'm the youngest one in the group, and she was. So, you do have those issues. Is that the majority of your precincts? Probably not. But, again, just issues to take into consideration. But, again, I would be happy to-

Commissioner Mosby: What did the old equipment weigh?

Rob McGinnis: The votomatics? I would say the votomatics were roughly 20 pounds I would guess. Because, again there was nothing inside. There was just a few pages on the inside. There wasn't a piece of equipment, so it was really just the shell, which, like I said, we made much thinner than that because it wasn't protecting anything. So, probably right around 20 pounds I would believe the votomatics weighed.

Commissioner Mosby: I mean, I realize on the Clerk's part and the election board it was easy to say, here, this is your job, you take it from here. I mean, that was the easy way out. So, now we get to think about is there going to be 138 people there to meet us election day. I mean, can Tammy get this coordinated? You know, can we get somebody to deliver it? Can it be done in eight hours with five trucks, you know, for \$2,080. Or is it going to be more than that, and we owe four or five thousand to get them delivered, and picked back up another four or five thousand. I mean, this is all about as clear as mud. I just, I don't think we have any information to work with, and I don't think the election board or County Clerk did us any justice whatsoever. She's not even here tonight.

Rob McGinnis: Did the figures that you received, are they saying that if they run over, if it takes longer than eight hours that they would charge additionally? I would think that you could lock them in, you know the number of precincts, here's the map. You guys figure out the best way to make sure it happens in that amount of time, is what they should agree to.

Commissioner Mosby: The second one would be the closest at \$20 per stop.

Commissioner Crouch: Times two.

Commissioner Mosby: Times two, but, I guess, if nobody's there, and they leave and have to come back, that's going to be another stop. They're not going to sit there for an hour.

Commissioner Crouch: Oh, I wouldn't think so. Would there be any merit, Commissioner Mosby, to maybe coming up with a form and sending a letter out to the polling places? I presume we have labels for them or contact people. I don't know if Voter Registration has any information they can provide us that we at least can start the process.

Commissioner Mosby: We've got 30 days.

President Fanello: Well, I think we really need to make a decision by next Monday how we want to handle this because, to make sure that everybody is on the same page, and everybody is contacted. So, I think we have, you know, basically this week to come up with a solution.

Commissioner Mosby: I don't think you could get the letter out and get a response. I think there's 138 precincts, 109 stops, which means some of them are doubled up, I realize that. I don't think you could get them all back, or make contact with all of them in one week.

Tammy McKinney: Because a lot of the churches, like the secretary that gets the mail only comes in like a couple of days a week. You know, if the letter doesn't come on a day that she's there, it could be like a couple more days, you know, before she gets in.

President Fanello: Would it be faster just to call each of them, rather than send out a letter? I mean, we're going to have to make contact with them.

Tammy McKinney: Right.

President Fanello: But, I mean, is that something that could be divided up where maybe people in Voters Registration could help call?

Commissioner Crouch: I would be happy to come in and help them call.

Tammy McKinney: I mean, that's, I mean, I can do whatever.

President Fanello: Unless somebody else has a recommendation.

Linda Bennett: I don't know if you've done this already, but what you might want to do is come up with truck routes, you know, divide it up instead of letting the, just saying to one trucking company, well, here's the addresses and make a more logical route for them. Also what some counties do is divide it between a couple of different trucking companies to get the job done faster. I know it does depend on the number of trucks available and so forth. So, that might help narrow down your quote a little bit, if you dictate when and where they have to stop, and it might help with the time frame involved.

Commissioner Mosby: I guess, my other question is, if we decide to go this route, who's paying the bill?

President Fanello: Well, I'm still going to maintain that the election, they need to pay the price, because why is it different than any other election cost?

Commissioner Mosby: I mean, I would say they should have talked to these people and figured that into the cost of the election. If we have to do the footwork, that's fine, but the bill should not fall on the County Commissioners.

Commissioner Crouch: You know, I don't even remember statutorily who's responsible for all that. I would presume that if we are, then it's probably our responsibility. But, I don't know that to be the case.

President Fanello: Well, why is it different than any other election cost?

Commissioner Crouch: I don't know if we've ever had a cost in delivering, you know, machines like this.

Kevin Winternheimer: If I recall correctly, I haven't looked at it for a few days, but I was reading all this stuff trying to figure out what was going on, if I remember correctly, the statute says that the cost of this comes out of a fund, I don't know what, election day fund, I've forgotten the exact name of it. I don't know if we have such a fund. If there is no fund, it comes out of the General Fund, but it requires the County Council to appropriate the money to pay for this cost. I don't know what funds we have, if we have any designated for this type of activity or not.

Rob McGinnis: I'm not sure on that.

President Fanello: Yeah, Rob doesn't know.

Kevin Winternheimer: That, in a related item, I don't know how much calling you want to do, I've never, I've talked to Mark Foster briefly and Dennis Vowels very briefly, but I never talked to them about returning the items. I always assumed that the inspectors would be bringing them down, and that's apparently not the case. I don't know if they just made a decision or what their feeling is regarding returning them, and whether they've made that request that we're supposed to return them too. I was just wondering if it would be worthwhile contacting the inspectors who control this to say, 47 pounds, can you bring it back? If not, we'll have to make arrangements. But, perhaps there are quite a few of them that 47 pounds isn't going to be a big deal to get it into their car, if they've got someone in their board, local election board who could put it in the trunk.

Rob McGinnis: Well, and the other issue as far as delivering them back election evening, we will be using the portion where they are stored to accumulate and give you your final results. We can't, that's one thing I know, we can't have traffic coming in there in that location. We'll certainly have press to view, but we are going to have to have it set up to where, after their check in, we're finding these PEB's to get them to that network, which is in the back room where the units are stored. So, if they were to bring them back, certainly they couldn't bring them up there until we printed out your final report, or we would have kind of a mess on our hands. Just logistically it would not work well.

Linda Bennett: Yeah, you would have to have extra personnel at the county as well to take it out of the trunks and transport it back and forth as well. So, you would have—

Commissioner Mosby: But, that's the way prior elections have been. I mean, there's people down there as they're pulling up. I mean, you've been here before, right?

Rob McGinnis: Many times.

Commissioner Mosby: So, I mean, there's people down there when they pull up and they're unloading them and stacking them, and they can bring them up in the hall.

Linda Bennett: Well, certainly this issue is not unique to Vanderburgh County. You know, all over the country people have this type of equipment out in the field, whether it be with ES&S or not, and I would say it would probably be pretty unusual to have the poll workers deliver this type of equipment. To have them be responsible for it. Normally the trucking company, they usually use an alternate route. Not to say it's not possible to do that, but just with the size of that and fitting it into, you know, fitting four or however many are going to be put in each precinct, it would, you know, depending on their car, you would have to ask what kind of cars they have as well.

Commissioner Crouch: How about, you know, I can come in tomorrow, and if you give me a list of the polling places, I'll go ahead and get started and see if I can't have some help and maybe we can at least get started to see, you know, how available places would be to deliver. At least that would give us some kind of, you know, some kind of information. I would be happy to do that. What we'll check on, what I would be happy to check on is, will they be available for drop off? Are there any specific requirements or stipulations as to time? Then how would they be able to access it, the secure location, how would they be able to access it election day? Then would they be able to be in a secure place for pick up the following day? Unless you can think of any other?

President Fanello: Who would be the contact person?

Commissioner Crouch: Who would be the contact person?

Kevin Winternheimer: If they would give us the key a day ahead of time to give to the company, the trucking company?

Commissioner Crouch: Do they have a spare key? But, I would be happy to do that if the Commissioners—

Commissioner Mosby: Yeah, but I don't think, then the guy from the trucking company has got to know exactly where you're voting. I mean, you can walk in Daniel Wertz School, but you don't go in the front door, you've got to go all the way down the side, there's two of them, and one goes plum to the back. We'd have equipment scattered everywhere.

Kevin Winternheimer: That's true.

Tammy McKinney: Well, then he might put it in the janitor's closet, and no one knows that.

Commissioner Mosby: It's either that or you get the, I guess, maybe we could talk to the inspector's and see if they could go get the key a day early, and they could go over and meet them, if they want to do all that. I guess, the biggest issue is if this is the route we want to go, we need to pass this, and send it back to the election

board and tell them they need to come up with some money. Because they are going to owe, I'm going to say, roughly, anyway from reading this, \$6,000 to \$8,000 to \$10,000.

Commissioner Crouch: Well, and it seems that based upon everything that's been shared today, that this seems to probably be the safest, most comfortable way of going, and it seems like based upon the information you shared, that's what not only most counties in Indiana, but elsewhere are doing—

Rob McGinnis: That's correct.

Commissioner Crouch: —so, I think we probably ought to move in this direction. If we do that, then it just becomes a matter of making contact and trying to figure out all the stipulations and all the directions, etcetera that we need to have available for not only the trucking company, but for our election workers. So, I'll make a motion that we go ahead and perhaps before we pass or select a moving company, that, if, Tammy you can check just to make sure that this is for, well, maybe we don't even need to do that. If this is the cost for one trip, and then we've got two, then it's just going to be double the cost on these particular companies. Shetler, we have to assume that's their cost for one. Do you all feel comfortable making a decision today? Or do you want to hold this until next week?

Commissioner Mosby: I don't feel comfortable making the decision until I know there's money there. If we've got to go back to County Council and get money out of the General Fund, we don't have time to do that before election.

Commissioner Crouch: It was my understanding that those HAVA funds are available for this. While I agree that we need to, you know, have as much of that money available for our payments, those are available for us for the primary, if we need to.

President Fanello: Don't they still have to be appropriated? I mean, we received the reimbursement check, but what's the procedure for appropriating it into a line item? Won't it still need to be appropriated?

Commissioner Crouch: I don't know if that would be handled as a special fund or a cash card, or if it something that requires an appropriation by County Council.

Commissioner Mosby: When is the next election board meeting? Does anybody know?

Commissioner Crouch: I thought, and don't quote me, but I thought it was April 26th, which is a little ways off.

President Fanello: Yeah, we can't wait that long.

Commissioner Mosby: I would be, I would make a motion that we pass this information on to the election board, and let them make a decision, and come back to us and tell us what they want to do, funding wise. I think that died for lack of a second.

President Fanello: Well, I don't have a problem sending it to them, and getting them to tell us what they are going to do about funding, but since they've been less than helpful in this whole process, I'm not too confident that they are going to step up to

the plate and make any decisions. So, I'm worried about us getting it done, and making sure that we have a plan, but I have no problem sending it to them and saying, you know, they need to fund it.

Commissioner Mosby: We asked them to be here tonight.

President Fanello: Yes, we did.

Commissioner Mosby: I guess, nobody showed up.

President Fanello: Yes, we asked them to be there, and we asked the County Clerk to be here as well. This is exactly why I asked them to be here, so that we could get some decisions made. It's not very cooperative when people don't show up and we can't move forward with important decisions like this.

Commissioner Mosby: As far as I'm concerned, we've did exactly what they've asked us. They've asked us to check into how to get the equipment to the precincts. Well, here's three bids from three different companies on exactly how we can do that, we just need help now in knowing which direction they want to go, and where's the money and the funds coming from to deliver the equipment.

President Fanello: Why don't you state your motion again.

Commissioner Mosby: My motion would be to forward the three quotes to the election board, and I would say to explain to them some of the reasons that have been brought up tonight, whether they've thought of them yet or not, I don't know, on how we're going to contact somebody, have somebody at every polling place on a Monday for this equipment to be delivered. Are we going to incur overtime costs for these companies, because equipment can't be delivered, and have them come back to us with an answer on how to fund this, and which route to go, you know, before next Monday's meeting.

President Fanello: I'm going to second that motion, because the County Clerk and the election board should be involved in on this decision. So, I'm going to second that motion and ask that they respond to us by Monday morning. Are we finished with Mr. McGinnis?

Commissioner Mosby: Yeah, I was going to say, I guess, we've still got an issue as far as payment.

Kevin Winternheimer: I would like to see that bond, and I want to see the signatures, I want to see the final version of the bond. I would request that, under the rest of the issues take them under advisement as far as ES&S .

Commissioner Mosby: That's exactly what I was going to say. I would make a motion that we take it under advisement until we see the bond and see how the county is covered, equipment wise, performance wise.

Rob McGinnis: Sure, and our CFO said that he's been working with Kevin. So, it wasn't an issue from our end.

Commissioner Mosby: Okay.

President Fanello: Do I have a second on that?

Commissioner Crouch: Second.

President Fanello: So ordered.

Madelyn Grayson: May we make a tape change please?

President Fanello: Thank you, Mr. McGinnis.

Rob McGinnis: Thanks for your time.

Commissioner Mosby: Thank you very much.

Commissioner Crouch: Thank you. It was most helpful.

(Tape Change)

Madelyn Grayson: Thank you.

Manatron Contract

President Fanello: Thanks, Madelyn. The next item we have on the agenda is the Manatron contract. As I reported to you last week, I had asked for information from Matthew Henry at Manatron, and he did send me what he had in his file. I've also collected information that we've had in our file here throughout various offices, and, you know, we have the '92 original contract, we've got a '94 amendment, we've got several purchase orders that were stamped from being received in the County Assessor's office, we have a letter of authorization signed by the County Assessor to increase the number of activators, workstations, whatever. I have no problems as to, you know, what the County Assessor needs, but I think we do have an inadequate contract on file, and it would be my thought and my recommendation, after speaking with Mr. Henry at Manatron, that we go back and we negotiate a contract that is acceptable to Vanderburgh County that includes all the increases that have happened since 1992, as I've seen the quarterly payments have almost doubled since then. So, I think it would be in our best interest to negotiate a contract that is representative of what we think we need, what we want to pay, and allows for additional increases in the future.

Commissioner Mosby: Are you saying the Commissioners negotiate?

President Fanello: No, I believe, you know, this is the County Assessor's department, this is the County Assessor's software to do reassessment, so, I believe that is going to be something that the County Assessor needs to do. You know, she can work with the County Attorney to get that done.

Commissioner Crouch: The County Assessor is here, do you have any comment? Or is that agreeable with you?

Cheryl Musgrave: Well, I'm certainly willing to talk to Manatron again and again, but Vanderburgh County has the most favorable contract with Manatron in the state, perhaps in the country. I can't see that we would benefit one iota from changing one word of it.

President Fanello: Well, when our contract has doubled since 1992, and we don't have any provisions in there, and there have not been proper authorizations for increases, because there have been no amendments brought back to this board, I think it would probably be in our best interest. You even alluded to, in your e-mail that you sent me that, you know, the contract is difficult to interpret, as to whether we're being overcharged or not. So, I think it would be in our best interest to have some serious discussions with Manatron that must, you know, take place with you and the County Attorney.

Cheryl Musgrave: I would certainly welcome the opportunity to increase your understanding of our contract—

President Fanello: I don't need anymore understanding of the contract.

Cheryl Musgrave: —anytime you would like to talk about it.

President Fanello: I need to know that Vanderburgh County is paying the price we need to be paying for what we are getting.

Cheryl Musgrave: We have an outstanding contract.

President Fanello: That goes against everything you've said in the past, and even what you said to me in your e-mail, so, I'm going to....unless you have new information to offer, I'm going to make the recommendation that we look at renegotiating a contract with Manatron. That the County Assessor looks at negotiating a contract.

Commissioner Mosby: I will make a motion to have the County Assessor, along with cooperation from the County Attorney, sit down with Manatron and renegotiate the contract to clear up all the increases that have been spread out over from 1992 till present.

Commissioner Crouch: I don't, you know, have a problem renegotiating a contract. I would hope that it would be favorable to us. If what the County Assessor is stating is that the current contract is favorable for us, my concern would be that a future contract may not be as favorable to us monetarily.

President Fanello: If, you know, it's very confusing when I receive an e-mail that says a contract is difficult to interpret, and then I receive a statement that says the contract is very favorable, but yet I see a lot of unauthorized increases basically over the past ten years, and a doubling of the amount we're paying. So, I think that there needs to be some provision for increases in a contract, they need to be properly authorized, and we need to make sure we're getting the best deal. So, I think that warrants a discussion with the County Assessor and Manatron and the County Attorney.

Commissioner Crouch: I'll second.

President Fanello: So ordered.

Public Comment

President Fanello: Public comment, is there anyone—

Gerald Jones: Gerald Jones. I'm here to talk about version 3919 and 3039. That's the address of where my brother and I live on Lyle Road. As I look around this room, over the past several years I don't think there's anybody that's been here regularly as taxpayers more than my brother and I. We're trying to get Lyle Road elevated, as you well know, and this board was very, very kind last year to approve the project, but a year ago, about the only real thing that's happened, to bring you folks up to date is that late last fall, like I don't know exactly when, September, October, real late last year we did get an appraiser out there to assess the value of the land for the easements. That's all that was done last year. This easement is only about ten feet on either side of Lyle Road. 1100' long, ten feet on either side, and this is in the flood plain, so the land is not really that valuable. There are four property owners, two of them immediately, practically immediately signed off on the project and said great, you know, super. The problem is with the other two property owners, one of the properties is actually less than four acres, is owned by several parties, that's the problem. To get them to agree it's very, very difficult. I don't know what their situation is, they've had a long standing feud with the county over another issue a long time ago, it has nothing to do with this one. The other property owner lives in Chicago, Mr. Hays, and as I, talking with Kevin and John, I don't think this gentleman really has, well, it's not the most, he doesn't have both oars in the water, and it's hard for him to understand what the county wants to do. So, anyway, we're just, it's just being held up, and as I understand it, talking to Kevin, and I have not talked to Kevin or John yet this evening, but I think letters have been sent to these folks, and I believe with a deadline, I'm thinking that they told me this, I'm not sure, they can tell you, but they don't get any real response from these folks. So, it's really, it's just there. I mean, it's not going anywhere. I would like for the board to consider, if you all would, to maybe ask John or Kevin to proceed, maybe even if we have to with eminent domain. If we've given them a certain time limit and they still don't respond, because if we don't we're going to have another year to go by, and we won't get it built up again. We're not talking about a huge project, but we would like for that to be done, if that's agreeable with you. Maybe John or Kevin can share some information.

Kevin Winternheimer: We have made some progress. The one gentleman he was talking about, I anticipate that this week our paperwork will go out. Pat Seib and I met last, yeah, last week and ironed out a bunch of the issues regarding that property and the other one. We've got the descriptions and I just need to put it in the computer and mail it out. We have a price agreed with him, and we just need to get the paperwork straightened out. I've talked to him on the phone, and he seemed agreeable, and this is a situation where, and this is not a criticism of anyone, but people have died off, no estates were opened, property was just kind of handed down through the family. So, what John was doing was a lot of genealogy work last fall, but we think we've tracked everybody down, and the one gentleman, I know, I did talk to him personally, and I think he's going to sign off on it. But, he is right, on some of these others, if they ignore...some of the offers that are going on are like \$36, I mean, very minute offers, and I'm afraid that some of the people may just be, may just end up ignoring us because there is such a small amount of money involved. It's not worth their time or trouble. He's right, on some of these if they ignore us or they don't respond, we will have no choice but to file suit on them. I don't know what else to do.

Gerald Jones: What time limit would you allow them before you would do this? Are you going to send them another letter?

Kevin Winternheimer: We were talking about doing that, John, I don't know if we've done that, but we have sent, on some of them we've sent out the letters, if they've just ignored us (Inaudible), you know, I'm paraphrasing here, but, say, look fella we don't want to sue anybody, but you're leaving us no choice. We don't want to file condemnation, will you please execute the document, send them back, and we'll send you your check, whether it's \$36 or \$50, or whatever it may be.

Gerald Jones: I would be very happy to contact them and talk to them on the phone if you would like, if I knew their phone numbers.

Kevin Winternheimer: John, did you have—

John Stoll: What I was going to do was send a letter out to the remaining owners of the Taliefero property once we got the offers out. We've got three of the nine, I believe, is the number that have accepted. Now that Kevin and Pat met last week, those offers, I mean, not offers, those deeds and all the paperwork for actually making the purchase and issuing the check went out last Thursday. I was going to put a letter together for the remaining owners who have not responded as of yet, just stating that we haven't heard a counter offer, nor have we heard an acceptance, nor have we heard a rejection of the offer. Just see if they had anything that they would like to present to us. If that doesn't get the response, then the next letter would be saying, like what has previously been discussed, and that would be that we would have to proceed to condemnation on the remaining interest in the property. Haven't been wanting to jump right in on that, because it will be awfully expensive for \$36 interest in property to go out and spend probably \$3,000 for court appointed appraisers, plus Kevin's time, or whichever county attorney handles the case. So, we've been trying to avoid doing that, but at some point it may just lead to condemnation.

Kevin Winternheimer: Do you know when the bulk of them are due back that you sent out?

John Stoll: The time limit has expired. It expired some time ago, as far as how long we legally have to give them for evaluating their offer, what we wanted to do was since we had three of the nine accept an offer, we wanted to make sure we had all the paperwork signed and in our hands, get it recorded prior to sending out any other letters threatening condemnation so that way the three who have agreed won't turn around and back out on it.

Gerald Jones: I would like to say, in all the years we've been up here, my brother and I we're very patient, we've watched the debate on the jail, the safe house, Phil Lawrence gets up here with all these bids, and now the election process tonight it was interesting, but we would like to, if we could, get this little issue resolved, so you don't have to look at us anymore. Thank you.

Kevin Winternheimer: I don't know if you want to make a decision in that regard or not tonight, what he stated is our game plan, so to speak, is try to get it from them voluntarily, do everything we can, including this other round of letters, but if that's not successful, we'll have no choice but to file condemnation. I don't know if you want to make any decision in that regard now, or defer that, or what.

Commissioner Mosby: We can wait until John comes up for his report, which he's up next anyhow.

President Fanello: Is there anyone else in the public wishing to make a comment? Seeing none. John Stoll.

Commissioner Crouch: Before we go on to that, when we talked about the Manatron contract last week, you said you were waiting for a file, and I asked today had anything come yet.

President Fanello: It's not anything different than what you don't already have, but there it is.

Commissioner Crouch: We didn't get anything from Manatron?

President Fanello: That is from Manatron, but it's not different from what you have.

County Engineer

John Stoll: Do you want to discuss Lyle Road still? Or want me to go ahead—

President Fanello: Yeah, we need to make a recommendation on that.

Commissioner Mosby: I mean, I guess, what is your thought here? How much time do you think we need?

John Stoll: Does the statute basically only have to provide, what, 25 or 30 days for the offers?

Kevin Winterheimer: They have 30 days once they get—

John Stoll: 30 days.

Kevin Winterheimer: —once they get the offers to think about it. Then if they don't respond, it's considered automatic rejection.

John Stoll: Okay. Well, I had planned to send letters out to the remaining members of the Taliefero family either later this week or early next, and that will have, giving roughly a week or so for the people who have accepted to have the opportunity to fill out the paperwork, send it back, so we can get the checks in the process. If that's acceptable to you, I'll proceed down that route. If not, and you want to proceed with me sending them a letter saying that we haven't heard from you, and if we don't hear from you in "x" number of days, we'll proceed with filing eminent domain.

Commissioner Mosby: That's what I would like to see. I would like to make a motion that you maybe send letters to them by Friday, and give them one week to respond. If they don't respond then we'll—

John Stoll: Typically, on some of the other larger federal aid projects they've been given ten days to evaluate it. So, I would suggest maybe rather than just a week, let's go ten days. That's been the standard practice for all of Bernardin Lochmueller's projects.

Commissioner Mosby: That's fine. Ten days to respond.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Okay. I'll get with you, Kevin, on the format of the letter, make sure I state it properly. Next I want to make a request to make right-of-way offers on the St. George and Oak Hill project. This is for parcel one, the Benedna Corporation at \$125; parcel two owned by Arney, the amount , or the offer will be \$925; parcel four, which on the offers was listed as Olivet Presbyterian Church, but it's now owned by Schuck, that will be \$7,000; parcel six, the Open Door Fellowship Church, the offer is \$2,500; parcel seven, Engleman, which is \$1,450; parcel eight, Holder, which is \$2,700; parcel nine, Duncan, \$2,300; parcel ten, Moseley, \$3,400; and parcel 11, Faith Bible Church of Evansville, \$9,600. I would like to request that all these offers be authorized so that we can proceed on this project. This is a total of \$30,000, and we still have probably another half dozen parcels that will come back here once we get the appraisals.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I would like to make a request to go to County Council to appropriate \$125,000 into the Cumulative Bridge Contractual Account for culvert replacements on Bromm Road and Rodenberg Avenue. The culvert on Bromm Road is a large culvert that needs to be replaced prior to the County Highway's paving of that road this summer. Then on Rodenberg, that project was approved last year, but the property owners never could come to terms on granting the right-of-way, so we did not encumber the money. In hearing from one of the property owners this afternoon, they feel like they're closer to getting to the point where they will dedicate the right-of-way. So, I would like to request that the money be appropriated so we'll be ready to build the project once they do provide us right-of-way .

Commissioner Mosby: They didn't call you on April 1st and tell you that did they?

John Stoll: Nope, the 5th.

Commissioner Mosby: I mean, that project's been a long time coming.

John Stoll: I'll have to see it to believe it too.

Commissioner Mosby: But, I'll make that motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I had was I sent each of you a standard, a proposed standard for rock roads. If you have any comments on that, if you could just get back with me on what option you would like to go with, and then sometime in the next couple of Commissioners meetings, say, that would be, what's two weeks, the 19th, I would come back and we could bring a final standard in for adoption. So, if you've got anything, just let me know if you got any suggestions or recommendations on what you would like to see.

President Fanello: Then the gentleman from American Consulting Engineers will be here next Monday night.

John Stoll: Right.

President Fanello: His wife is having a baby.

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

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I just want to take a few minutes to explain to you about the paving. At the beginning of paving season I submit you a list and we put it in priority, but like John says on Bromm Road we have a culvert replacement, and a lot of times if we don't get those done, then we have to deviate from that priority that you have okayed on that list. So, if I don't get the culverts in, the road cut and the culverts in, I must deviate from that list a little bit, and I'm about to do that now, because I don't have them on Cypress Dale because the bridge crews have been called off on other culverts. So, I'll deviate from the list and I'll do a road that does not have any culverts on it, and then move back to that as soon as they get it completed. So, if you see on the list, or if you're following the list and you see I that I haven't followed that priority, that's the reason for that.

Commissioner Mosby: But, the road is still in the same area.

Dennis Hudnall: The road is in the same area, yes. I don't have, I'm trying to keep them close where I don't move my equipment all the time. That's all I have besides if you have any questions on my report, weekly.

Commissioner Mosby: I don't.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Have a good night.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Just a couple of items, with the Lyle Road, let me assure the gentlemen who come to our meetings that if we do have to condemn I will give it to an attorney and tell him it's on fast track, on the condemnation to get that going. The only other thing is that, I don't think you'll get calls, but in case you would. The cover letter and an agreement on Mill Terrace Subdivision, I delivered that to the Auditor's office this afternoon, and that will go out shortly. The property owners out there will have 30 days to decide whether or not they are going to come in and pay, and actually make payment, or execute the agreement, and choose their 10, 20, and 30 years. Additionally I've been in discussions with Scott Peck on, he's working on the paperwork for the bond issue that we'll have to do to pay for that. So, you may be getting calls from him on that with questions. We'll keep you posted on the progress of that. That is all for my report.

President Fanello: Thank you, Kevin.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to ask permission to advertise the polling places. I've already gotten that ad to Madelyn to be submitted tomorrow for the newspaper. I need to add a late pink slip, and this is subject to the physician's release, if you want to go ahead and approve that. We should be getting that release tomorrow.

President Fanello: Do I have a motion to accept those?

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered. And I need a motion to advertise the polling places.

Commissioner Mosby: Motion to advertise polling places.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Crouch: Tammy, does that also include the advertising for the handicap accessible polling places?

Tammy McKinney: We've already done the handicap.

Commissioner Crouch: You already did that? Okay.

President Fanello: Thank you, Tammy.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Yes, Gary Hohman, Burdette Park. The only thing we have other than our weekly report is a follow up on the RFI's that were submitted previously. Steve and I have been following up and requesting sample of the types of materials, products that will be used on our lazy river ride, and we'll have a good cross representation of the type of materials that has been specified.

President Fanello: Are there any questions for Gary? Thank you, Gary.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

Commissioner Mosby: I'll make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Do I have a motion to accept consent items?

Commissioner Mosby: Motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: I make a motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. We are going to have a short drainage board meeting, hopefully.

(The meeting was adjourned at 7:24 p.m.)

CONSENT ITEMS:

Jail Expenses: Integrator.com \$20,250.

Travel Requests: Health Department (6)

Employment Changes:

Superior Court (1)	Burdette Park (3)	Health Dept. (1)
Prosecutor (1)	Sheriff Dept. (1)	

Requests for Telephone Service: Center Assessor (1)

Health Department: Woodland Place WIC Clinic

Superior Court: CASA Contract.

Commissioners: Quit Claim Deed: Commissioners Sale.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Todd Hochstetler	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Dennis Woehler	Rob McGinnis
Edward Culpepper Cooper	Ken Carbullido	Linda Bennett
Cheryl Musgrave	Dave Rector	Gerald Jones
John Stoll	Dennis Hudnall	Gary Hohman
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 12, 2004**

The Vanderburgh County Board of Commissioners met in session this 12th day of April, 2004 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 Commissioner meeting, April 12th. Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; County Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of April 5, 2004 Commission Minutes

President Fanello: Do I have approval of the minutes of April 5th?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award VC-07-2004: Burdette Park T-Shirts

President Fanello: Next item is Phil Lawrence, permission to award Burdette Park t-shirts. I think we have Steve Craig going to do that.

Steve Craig: Yes, I would like to make a recommendation that we award the bid to Phoenix of Evansville. The other company had indicated they would accept a total bid only, and didn't want to separate it. They were high on a few items individually, and high total overall. Phoenix was the low bid on the t-shirts.

President Fanello: Are there any questions?

Commissioner Mosby: Motion to accept bid from Phoenix of Evansville for t-shirts.

Commissioner Crouch: Second.

President Fanello: So ordered.

Steve Craig: Thank you.

Election Equipment: Transportation Issues

President Fanello: Next item on discussion is discussion of the election equipment. I think Kevin has something for us.

Kevin Winternheimer: Yes, a couple of items in that regard. First, at President Fanello's request, I took a look at the statute in question, and I prepared a memo and I'll pass down copies of that. The statute in question provides that the county executive, the Commissioners in other words, shall provide transportation for the system, that's the election equipment, if requested to do so by the county election board. That's where we stand at this point. The county election board has asked the county executive to provide the transportation. In trying to encompass what does all that involve, in my opinion, that involves getting the equipment from the Civic Center to the polling place. The statute also provides that the county election board shall have the system delivered to the appropriate precinct, not later than 6:00 p.m. the day before the election. It's my opinion that the legislature, when they chose the words to put in the statute saying that the county executive, excuse me, county executive shall provide transportation, that's exactly what they meant, you are required to provide the transportation. Now, all the other arrangements that may be needed to have the equipment, to making arrangements with the owners of the polling place, and so forth, that is not your responsibility. Your responsibility is to get it from the Civic Center to the polling place. I talked to Mark Foster, the president of the election board, today, and he reiterated their position that they are requiring the Commissioners to provide the transportation. He saw no need to reconsider that decision. He said that the primary reason, I assumed there were more than one, but the primary reason was the age of many of the people involved in the local election boards, including the precinct, not the precinct, but the polling place inspector, because of the age of the people and the nature of the equipment, he didn't think it appropriate to consider the way we had done it in the past, which is have the inspectors deliver the election equipment. I do want to add that as in regards to last week's meeting, there was a mistake on my part. I was asked to give him a call, I thought that was about discussing the ES&S, because we were having it here. I was not aware that the Commission wanted him to come to the meeting. That was my mistake, not his. I thought we were going to discuss ES&S. I wasn't aware that a letter had gone out requesting that he be here. But, in any event, that's where we stand. They are standing by their position that they are going to require, as they may under the statute, the Commissioners to arrange for the transportation, to provide the transportation, and that's where we are.

Commissioner Crouch: So, his opinion differs from you, in that, by the statute, he's interpreting it that by us providing transportation that means that we also, the Commissioners, need to make the arrangements for the transportation?

Kevin Winternheimer: We did not discuss that. We did not get into that part of it.

Commissioner Crouch: Okay, so he wasn't aware that this is your opinion regarding all that?

Kevin Winternheimer: We did not, we did not discuss it. So, I assume he is not aware of that. I don't know what his intentions were. I didn't ask him, as to regards of the delivery of the equipment. But, it's my opinion that we have to provide the transportation, get it from here to there. Now, all the other coordination that is involved in that, that's done through the election board or the election office. Or it may be done here, if that be your decision.

Commissioner Crouch: Have you had an opportunity to speak to the election board regarding this?

Kevin Winternheimer: No. No, I haven't.

Commissioner Mosby: Were they notified of the meeting tonight? Do you know? I thought we had asked them to be here again, so we could discuss this.

President Fanello: I didn't personally ask them, but it was on the agenda, but I didn't personally ask them.

Commissioner Crouch: Well, I would like to make a motion that we award an agreement or contract to the moving company that was the lowest bidder. I don't know, I know, Tammy, you had indicated on your report that you had made contact with several of them.

Tammy McKinney: Right. I made contact with three of them. After last Monday's meeting, I sent them another message saying that I needed it for delivery and pick up. So, I wanted all the companies to know that it included not only May 3rd, but also May 5th. Then I got, they all responded back, and they were really close to each other, but Kinder was about \$100 less than Geiger. Both of those were at a not to exceed price.

Commissioner Crouch: Now, did Shetler respond? They had \$8,000, was that for the general—

Tammy McKinney: Shetler did respond, and that \$8,000 was for the primary and the general. So, that would make that \$4,000 per election.

Commissioner Crouch: So, Geiger, or Kinder was the lowest bidder?

Tammy McKinney: Kinder was low with \$3,270. Then Geiger was \$3,381.

Commissioner Crouch: And that's a fixed price?

Tammy McKinney: Right, not to exceed.

Commissioner Crouch: Okay, then that would be my motion, that we go ahead and award that to Kinder—

Tammy McKinney: Kinder.

Commissioner Crouch: —as low bidder.

Tammy McKinney: I can contact them tomorrow and get a draft contract from them, if that's your desire.

Commissioner Mosby: I still have several questions.

President Fanello: Well, what are they?

Commissioner Mosby: Well, I mean—

President Fanello: Let's get on with it.

Commissioner Mosby: The first, I mean, I guess, one question I have after listening to the guy last week sit here and tell me that that's the only back up to the little cartridge, you know, that we have for this election, you know, this equipment is going to sit at 109 different locations over night with no tags or nothing on it. I mean, the

seals are going to be broke that morning, this equipment is not going to be resealed. No way of knowing if anybody is going to tamper with it. Then, I guess, the second question is, do they think they have the capabilities of getting all this arranged before election day? I mean, I go along with the County Attorney in it's not our job to arrange for the delivery of all this. We'll provide transportation, if that's what they want. I mean, we can vote on a contract, but unless you restate your motion, I mean, I'm not going to second it. Because I would want the motion restated that we provide transportation, but this does not mean that we're going to provide, I guess, arranging delivery at 109 different locations.

Commissioner Crouch: It was for the transportation.

Commissioner Mosby: Only?

Commissioner Crouch: That's fine. I would be happy to clarify that it is for transportation only. I would be happy also, as I indicated last week to work with whomever to try to make arrangements.

Commissioner Mosby: Well, and that's the election board and the election office. So, I mean—

President Fanello: I mean, that is really not our responsibility, according to the statute. We don't have the knowledge. I think the taxpayers and voters would be better served to have the election board and the County Clerk working on that, so as to no mistakes are made for that day.

Commissioner Crouch: Again, I think Kevin's memo indicated, the wording is somewhat vague. I'm curious, having a conversation with Mr. Foster that it would have been nice if you would have asked his opinion, because we might get back into that's not their interpretation of the statute, or the state election board, etcetera. I think it's time to, you know, it's just time to move forward. My position is, I don't have a problem with working with whomever to try to make arrangements to ensure that this election goes well.

Commissioner Mosby: I totally agree with you. It's time to move forward in cooperation. You know, we've asked them last week and this week to be here, and neither week have they accepted the opportunity to come here and settle this issue. So, once again we're going to pass it by paper, or by word of mouth. I don't for one minute deny that they'll disagree. They'll probably say it's not their job to arrange all this. So, we could settle that issue here tonight, but instead, you know, like I say, I'll second your motion if you make it specific, but I don't want them coming up next week or the week after saying, well, we interpreted that you were going to take care of this, and once again the Commissioners dropped the ball. I don't want that in any way, shape, or form, because I don't think we've dropped the ball all along. They just won't take the opportunity to be here.

Commissioner Crouch: I don't want my motion to indicate that we're refusing to work with them in terms of making arrangements.

Commissioner Mosby: Me neither, and I'll vote on the transportation issue only. But, I don't want them to, in any way, think we're going to do anymore than that, and then it come back on us as the Commissioners. You know, I don't want them looking for somewhere to lay blame.

President Fanello: So, have you made your motion, Suzanne?

Commissioner Crouch: My motion is to provide the transportation. Again, I am making that motion based upon the County Attorney's opinion that we are not responsible for making arrangements. However, I personally want to indicate that I will work with whoever to make those arrangements.

Commissioner Mosby: I'll second that.

President Fanello: Okay. I'll say so ordered. I would ask that we draft a letter in the morning to the County Clerk and the election board letting them know what we have decided tonight, and asking them to follow through with their duties to get the equipment delivered no later than 6:00 p.m. the day before election day.

Madelyn Grayson: Tammy, may I get a copy of those quotes for the record later? And the memo.

President Fanello: I just want to say, I think all three of us are committed to making sure that election day runs smoothly, but we also have to be realistic about the knowledge that we have of elections versus what the election board and the County Clerk has. So, I would ask that we all work together to do that, but they do have some specific duties.

First Reading of Ordinance Updating County Anti-Harassment Policy

President Fanello: Next item is the first reading of an ordinance updating the county anti-harassment policy.

Kevin Winterheimer: Yes, I was contacted, I think in February, by Dennis Feldhaus. Our insurance carrier had asked for a copy of our personnel policy, and after they reviewed that, they asked that we make some changes in that policy. What you have before you reflects those changes. I can go through them in general, and if you have specific questions, I would be glad to do that. What they wanted was, they wanted a little more clarification, there was absolutely nothing wrong with what we had, they just wanted a little more specificity in that. For example, they wanted to make sure that if there was a complaint that we would start an investigation immediately. We said in here that we will start one not later than the next business day. That the complaints themselves should be reduced to writing by the person complaining, so we understand fully what the complaint is, so there's no misconception about the complaint itself, that's in there. They wanted to make sure that we had language in there saying that we would not retaliate against any individual who makes a report, which is the law, and that we will take prompt remedial measures to correct the situation, which may include reprimand, reassignment, or even up to and including discharge for any guilty party. Then this was the big one that they wanted, that they insisted on, which was that the policy would be reviewed by your legal counsel at least every two years. This states beginning on January 1, 2004, and then continuing on January 1 of each successive numbered year. That language is in there, so that your County Attorney, or whoever you choose will review your anti-harassment policy at least every two years to make sure that it is still in compliance with all the laws and regulations. Like I said, it did not change any of the substantive part of your policy. It was just a little more clarification, and some of them were just, quite frankly, rewording the same concepts and ideas. Dennis informed me last week that the insurance company had reviewed

this, they were fine with it, and they would request that we adopt that. That would also be my recommendation.

Commissioner Mosby: Motion to adopt.

Commissioner Crouch: Second.

President Fanello: So ordered.

Surplus Property Sale

President Fanello: Superintendent, surplus property sale.

Tammy McKinney: Yes, I ask permission to advertise another surplus property sale. We're going to have it April 28th. This is to sell, try to sell the properties that did not sell at the December sale. I want to do this for two reasons; the highway doesn't have the manpower to maintain these properties, the weeds, securing the building, and then if we had to go out for a contractor, my budget doesn't have enough contractual funds to support that. So, I have spoken with attorney Rob Faulkner on having another sale to try to get rid of more properties so we don't have to maintain them throughout the summer.

President Fanello: Do I have a motion to advertise?

Commissioner Mosby: Motion to have another sale.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Along those lines, I ask permission to hire Sohn and Associates to be the auctioneer.

Commissioner Mosby: Do we need a motion to that effect?

Tammy McKinney: Yes.

Commissioner Mosby: So ordered, or motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

Proclamation of National County Government Week

President Fanello: Next two items are proclamations. First one is for national county government week, which is next week. Just to give you an update, Patty let me know today that we do have tours scheduled on Wednesday, the 21st of April. Officeholders are going to come over on Tuesday, the 20th to set up. We have our open house Tuesday night on the 21st from 6:00 to 8:30, and the First Presbyterian choir will be there to sing. So, obviously, we want to encourage as many people to get over to the open house. I just want to say thanks to Patty for all the work that

she's done on coordinating this with schools and things, so. We do have about 75 kids coming on Wednesday the 21st so far. So, the proclamation is as follows;

"Whereas, county-owned transportation systems are a key part of the economic engine that drives this country; Whereas, county highways and roadways, bridges, airports and transit systems help move both people and products; Whereas, counties also provide public safety and offer medical and human services; Whereas, counties provide opportunities for new businesses to prosper, provide job training and technological solutions; Whereas, counties provide needed elderly services for grandmothers and grandfathers and health care to the disabled and needy; Whereas, when natural or man made disaster strikes county emergency services keep children and their families safe and informed until order can be restored; Whereas, counties provide many services that make America's communities stronger, safer places to live and raise families; Whereas, county officials and employees use their role as local leaders to encourage economic development, and therefore improve the lives of their citizens and make their communities more liveable; Whereas, counties have a long history of providing critical services; and, Whereas, 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, the Board of Commissioners of Vanderburgh County hereby proclaims April 18-24, 2004 National County Government Week in Vanderburgh County."

Commissioner Mosby: Motion to adopt resolution, or proclamation.

Commissioner Crouch: Second.

President Fanello: So ordered.

Proclamation: Tell-A-Friend Week: American Cancer Society

President Fanello: The next one is a proclamation of Tell-A-Friend week. We do have someone here to speak to that proclamation. So, Candace.

Candace Adye: Good evening. My name is Candace Adye. I'm representing the American Cancer Society, and our Tell-A-Friend cabinet. The Tell-A-Friend program is very simply a way to educate women on the importance of mammography to help earlier detect and then earlier treat breast cancer. Tell-A-Friend is a nationwide program of the American Cancer Society, and we are hoping to be able to reach 8,000 in our local community to not only provide that education, but also, if necessary, funding for them to receive that mammogram at no charge to them, if they are indigent or have other needs. So, we would appreciate the support of the Commission in doing our proclamation in order to raise awareness in our community. If so moved, we would look forward to our conference next Monday at 10:00.

President Fanello: That's going to be here in the Civic Center, right?

Candace Adye: Yes.

President Fanello: Okay. I'll go ahead and read the proclamation that Candace has provided:

"Whereas, breast cancer strikes one out of every eight women in Evansville, and; Whereas, every year in Vanderburgh County an average of an additional 140 women each year will face the disease; Whereas, the good news is that nationwide the breast cancer death rate declines significantly for the first time through early detection and new treatments; Whereas, breast cancer now has become 97% survivable if found in it's early stages and regular mammography now provides women's best defense against the disease; Whereas, our community supports many programs to increase early detection and research for new treatments and thousands of American Cancer Society volunteers have reached over 18,000 women during it's first five years to urge friends to have their annual mammograms, the Vanderburgh County Board of Commissioners hereby proclaims the week of April 18-24, 2004 as Tell-A-Friend week to push forward in saving lives through early detection of breast cancer."

Commissioner Mosby: Motion to accept proclamation on Tell-A-Friend week.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Candace.

Commissioner Mosby: Thank you.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board at this time? Seeing none.

Old Business

President Fanello: Move on to old business. Is there any old business?

New Business

President Fanello: New business? No new business.

County Engineer

President Fanello: Department head reports. County Engineer.

John Stoll: First on the agenda is a presentation from American Consulting regarding the Carpentier Creek findings to this point. Jack Lashenik from American Consulting is going to do the presentation.

President Fanello: Everybody should have in their packet information about that.

Commissioner Crouch: Congratulations. Did you have a boy or a girl?

Jack Lashenik: Oh, it was a boy. Thank you so much for accommodating me. I was supposed to be here last week. I apologize.

Madelyn Grayson: Sir, is there anyway we can...let me move the podium closer so we...we need your comments on the microphone.

Jack Lashenik: Oh, okay. I can, I'll move over here. I'll bring my remote. Good evening. My name is Jack Lashenik, and I'm a professional engineer with American Consulting. We've been contracted by the County Commissioners to investigate the west side watershed's, the drainage issues concerning the west side watershed projects. On the overhead now we're showing the three watersheds we've investigated. I'll be brief and explain exactly kind of where I'm at here. If this is Bayou Creek, Nurrenbern Road, Lloyd Expressway, and right along here would be Broadway Avenue. Basically, the three watersheds are, the Carpentier Creek watershed is shown in yellow. You have the tributary to Bayou Creek shown in green, and the unnamed northern tributary to Carpentier Creek shown in red. First of all the Carpentier Creek watershed is approximately eight square miles, and it has a flow rate of approximately 4,500 cubic feet per second. You have about 31 feet of fall over the four point mile reach length, and there's an FIS study that's published by the DNR, which we used as a base model. The unnamed tributary to Bayou Creek is shown as a two and a half approximately square mile drainage area, approximately 2,000 cubic feet per second flow rate. This has no published FIS study, therefore, we had to model our own before we could start. We had to prepare our own base model. Also, here is the northern tributary to Carpentier Creek, half a square mile drainage area, which gives the county ownership of this watershed. This is not regulated by the DNR. You have a significant amount of fall over a short reach, which means that you're going to have a significant amount of erosion problems along this creek. This also has no published FIS, which means we generated our own base model, and provided additional survey work. What we did, basically, the west side watershed project consists of two phases. You have an existing phase one, which is an existing condition, and a phase two, proposed conditions. We analyzed the existing problematic areas, and a lot of the input was given to us from the West Side Improvement Association president, Mr. Fred Padget. Also the Soil and Water Conservation District representative, Mike Wathen. Also Mr. Kelly Lawrence with the Levee Authority, along with John Stoll of the County Engineer. The first thing that we had to do was determine all of the activity that was currently being conducted and permitted within the watershed areas. This model shows exactly, this mapping shows all of the areas that have been previously studied. These areas had to be incorporated into our model. So, this was step one. The next thing was to determine the flow rates, and these are published on the IDNR's website, and we determined the flow rates using these nomographs. This is an idea of what the hydraulic software we used to model the existing tributaries. The survey information will come up with these elevations. We enter a flow rate into the model, and a water surface elevation is predicted. This is an area near Rosenberger Road. This is probably the area where Bob's Gym now sits, and one of the problematic areas we discovered was along Rosenberger Road, this culvert is under sized, and due to the heavy amounts of erosion along this creek channel, along this aerial, due to the significant amount of fall, it increased the amount of sediment along the channel, which would cause drainage problems. That's area number one. This is an area along Broadway, area number two, is the tributary to Bayou Creek. If you've driven along Broadway Avenue, there's Johnson Lane, Conspan Bridge under Rollett, and you also have the rail tie bridge near Kuester Field. Did I pronounce that right? Is it Kuester? Kuester softball field? Basically, in the aerial photograph you'll see, this is the tributary feeding across Broadway

Avenue, this channel does not have the capacity to convey the flows that are being, the 100 year flow rates. You see the rail tie bridge here, this is an undersized structure. This Conspan bridge is a more adequately sized structure, however, to accommodate 2,000 cubic feet per second, it's undersized. Therefore, you will have flow over the road. But, the most significantly undersized structure is this one here, the "Y" culvert under Johnson Lane. Here's a photo shot, I was in there with the trolls, and I took a picture of this. You can see that this structure consists of cinder block and wood and it's in deteriorating condition, and if we go back just a few here, you can see the difference in elevation that the downstream versus the upstream. It's a significant change, and most of the problems upstream of that are caused by this structure, this restriction. Here's a downstream shot, and you can see the concrete spoils causing hydraulic losses at the exit. We also have problems near Nurrenbern Road, south, near the baseball fields, the athletic fields, south of Nurrenbern Road. You also have a significant amount of sediment accumulation along this bend here, near the farmer's field. I've taken a few pictures to show you. A lot of this agricultural land is non-point source erosion, which is, basically, causing sediment along this channel and raising the elevation of the channel causing surcharges. Here's a significantly undersized culvert. I believe this is an old oil can that this farmer uses to provide for drainage. I'm not sure how much capacity that has, but I know it doesn't have the capacity to handle 6,400 cfs, which is going through that point. This is a little bit downstream. You see the vegetation, the thick vegetation, you really can't discharge 100 year flows through this. So, no matter how much you improve the upstream areas, you have to consider the downstream tail water conditions, which is here. As Kelly Lawrence and I drove south along this Bayou Creek, it just gets worse, and it continues on. I'm sure you guys have seen this many times driving down Nurrenbern Road. You'll see the athletic fields flooded. This is the culvert at Nurrenbern Road, which is significantly undersized, but with the lack of drainage south of this culvert, there is really no sense right now in upgrading it until you do some fixes downstream. Just another picture here. A couple of the areas that I wanted to pinpoint, sediment build up in the channel, this is our current model versus the FIS model. We got into the survey information, and right where that farmer's field is, if this is Red Bank Road, and this is Nurrenbern culvert, the area between there is significantly raising in elevation due to sediment build up in this area, which is just going to make the water surface elevations worse. I quickly went through the existing conditions and our results from phase one. Now, phase two focuses on, you know, how can we fix these? How much is it going to cost the county? What kind of benefits are we going to have from that? Well, basically, we came up with six recommendations. Recommendation number one is the CSX railroad improvements, and that would be right here, along Bayou Creek. Approximate construction design costs would be approximately 4.7 million dollars. What this does is it serves as a diversion structure, and it takes approximately 1,500 cfs away from going toward Burdette Park and Nurrenbern culvert. This is, I think, the first critical step that the county has to consider when trying to reduce and alleviate some of the flood elevations. Recommendation number two is a proposed regional detention facility north of Broadway Avenue near the Johnson Lane culvert. Now, we're considering this in conjunction with the Johnson Lane improvements, but we want to reduce the flow rates going south here, right here going south. In order to do so, you have to provide some sort of detention upstream to reduce the flows, and the amount of detention that we're showing will reduce the flows by 33% of what's currently going that direction. That would alleviate a lot of the flooding that's going along in these homes along here, and also reduce some of the surcharges that these upstream structures, and reduce some of the levels of flooding in these areas as well. Recommendation number three is, obviously, the up sizing of the Nurrenbern Road culvert. The approximate cost to do this is about \$300,000, or

\$277,000 is what I show here. That's basically installing two 20' by 8' box culverts in the current location. Now, the 20' by 8' box culvert sizes were chosen because that was the size that was going to be used at Johnson's lane, and I figured that, you know, in order to save the county money you can order the same type of structure. It has to be specially made. You can get a cheaper price, and these are very hydraulically efficient as well. So, this is an area that would, this would allow, 98% of this studied area flows through this culvert. So, whether you have downstream conditions that are appropriate or not, eventually this culvert is going to need to be up sized to accommodate all of this drainage area. Recommendation number four is the Johnson Lane road improvements we talked about earlier. I kind of wanted to just show a cost, an estimated cost for that. There's going to be a significant amount of road repair along here. There's a lot of concrete spoils. I don't have pictures for those, but if you drive by Broadway and Johnson Lane you can see a significant amount of concrete that needs to be repaired, and the culvert's in pretty poor condition. So, that's approximately \$401,000 to fix. Recommendation number five, and this is a pretty aggressive recommendation. In order to alleviate some of the tail water conditions, you have approximately six miles of river that would need to be dredged. That's a very expensive process. Not to even mention the fact that the environmental impacts, and, you know, that's a three year, two to three year environmental waiting period just to get permits and go through U.S. and federal and state regulations in order to get this approved. But, this is something that needs to be done. Whether it's this approach, or recommendation number six, which is an alternate to this, and a more cost effective way to alleviate tail water conditions. Which leads us to recommendation six, the diversion channel to the Ohio. We start the diversion channel near Nurrenbern Road, and therefore we don't have to mess with the existing southwest channel. You cut a path, a swath of land across the CSX railroad and also a culvert across Old Henderson Road, which eventually will lead us to the Ohio River. Now, this isn't the exact path that we have to take, we just want to show this as a schematic. I don't want the property owners to think that there's a creek going through their yard, but this is one possibility that could alleviate a lot of the downstream pressures here. Or downstream tail water conditions. The approximate construction design is five and a half million, which is significantly less than the 17 million we showed earlier. I don't even think I read that off, because it's ridiculously high, but it is something that we did want to go through and discuss. Here's a proposed cross section. It's a pretty wide channel, six feet wide, approximately five to six feet deep, with berms on each side. This would be a path cut through the farm land shown here, not exactly as shown, but somewhat similar to this with the county owning the property and having to create some type of legal drain or right-of-way to maintain the property. So, what does all this good stuff do for us? It's six recommendations. What's it mean? Well, basically, I've picked a couple of critical locations along the starting limits, and you can see here, just by, I don't know if everybody can read this, but some of the typical locations and the most significant reduction in water surface elevations is here. It's almost two feet. So, the average is about 1.25, one foot three inches for reduction if five of these six recommendations are implemented. So, what does that look like? These numbers don't mean much. Let's take a look at a map and we can show you the areas that have been removed from the 100 year flood plain. We're showing that approximately 120 acres are removed from the 100 year flood plain with five of the six implemented recommendations. The most significant are along here, along Broadway, much of that area is removed from the flood plain. Some of the houses along here are saved, and some of the flooding in this area could be controlled by the use of these proposed detention facilities. We're basically controlling where the water can go. Also, you have some alleviation down here at Burdette Park and significant south of Nurrenbern Road. These are estimates. This is a preliminary

study. So, it could be more. It may be a little less. The fact also, I wanted to point out here that, you know, these are 100 year elevations, and the fact that these improvements will help the more high probability storms, the ten year, the five year, these storm events, you're going to see a significant reduction in flood levels with these smaller storm events. These improvements are going to allow for water to get through this system a lot faster, and you'll be getting rid of that stagnant water that you see in some of those earlier pictures. With that, I was wondering if anybody had any questions? I would be happy to discuss anything I may have missed, or that somebody might want to talk about in more detail. Thank you.

President Fanello: Does anybody have any questions? Any questions, Steve?

Commissioner Mosby: I've talked to him quite a bit, so.

President Fanello: I've got one question, which we didn't talk about the other day, but as far as the recommendations, how would you prioritize? Or are they in priority order?

Jack Lashenik: They are in priority order. I think, other than recommendation number five, we can probably scratch that. I think, recommendation six supercedes five. Other than that, I think the order in which those are given are probably the most reasonable.

President Fanello: Okay.

Madelyn Grayson: Jack, do you have an extra copy of your presentation that I could have for the record, by any chance? If not, I can make a copy of one of the Commissioners.

Jack Lashenik: May I e-mail that to you?

Madelyn Grayson: Yes, that would be great.

Jack Lashenik: Okay.

President Fanello: I've got a question for John. These culvert improvements, can those, those can be done out of the Bridge Fund?

John Stoll: For Nurrenbern Road and Johnson Lane, yes.

President Fanello: Okay.

John Stoll: Johnson Lane, if the property owners ever decide on what type, how much right-of-way they'll give up, that could be underway quickly, because we've been planning on doing that, but there are pending lawsuits associated with that side as well. So, we're ready to move on that one, it's just a matter of the property owners cooperation. As far as the culvert under CSX, that's something I discussed with Kevin, I'm not sure the Cum Bridge law would allow that. The way it was worded the bridge law states vehicular traffic, and I don't know, in a legal sense, whether or not the rail traffic would constitute that. So, that's something that would have to be checked into a little bit more.

President Fanello: Okay.

John Stoll: But, for the most part, yes, the culvert projects could be taken out of the Bridge Fund.

Commissioner Crouch: Is there any federal or FEMA money that will be available for any of these projects?

John Stoll: I was at a meeting that the Building Commission notified me about, and it sounds like there's a large sum of federal money that's available, I just haven't been able to find out the details on what strings are attached to it. Whether it's 80/20 money. What determines eligibility, things like that. At the meeting, they were trying to put together an overall assessment of all the high risk areas in the county for FEMA, and one of the statements that was made to me was that if this watershed was identified as a potential hazard area, then it should be eligible for those funds. But, I have not seen any written document indicating how you would become eligible for it. That's what I was told at the meeting.

President Fanello: Do you know who we can check with on that?

John Stoll: I was going to check with Steve Fuchs, but he was on vacation all last week, so.

President Fanello: Okay.

John Stoll: I'll get some answers on that.

President Fanello: Okay.

John Stoll: What he preliminarily told me a couple of weeks ago, he said there was several hundred million available for this region. I don't know what defines the region though. Like I said, what strings are attached to it. So, I'll see what I can find out and let you know.

President Fanello: I was going to say, if we could find out as much as possible. I know our budget process will be starting here pretty shortly for next year, so.

John Stoll: Sure, I can check on that.

President Fanello: Okay. Alright, did you have anything else you wanted to give in your report, John?

John Stoll: Yeah.

President Fanello: Okay. Thank you, Jack. Good presentation.

Commissioner Mosby: Thank you very much.

John Stoll: I've got some asbestos inspection agreements for Lynch Road, section three. These are with Environmental Management Consultants. The cost of the agreement is \$1,600. The parcels that need to be inspected are located at 7473 Old Boonville Highway, 7474 Old Boonville Highway, and 7479 Old Boonville Highway, which are basically the three houses that were acquired for the next phase of Lynch Road. I would request that these agreements be approved.

Commissioner Mosby: Motion to approve agreements.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Those are, those agreements are required by INDOT in order to get the project on a letting. Next I have a request from Vectren regarding reimbursement for a utility pole relocation on the Mt. Pleasant Road project. There is one pole that is located on one of their large transmission lines, that is located within one of the Vectren easements. So, because we're forcing them to move, we have to pay the relocation. The estimated cost is \$5,121, and I would request the Commissioners okay that reimbursement.

Commissioner Mosby: Motion to relocate pole.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I would request approval to have a road removed from our inventory of accepted roads. This is University Boulevard located south of Highway 62. Basically, the portion of University Boulevard south of the USI interchange. We did some research, Pat Seib did some research in conjunction with updating our road list, plus doing some research for GASB and found that there was no signed acceptance by the Commissioners that we could ever find for this section of University Boulevard. There is no documented right-of-way for this section of University Boulevard, even though our INDOT inventory shows there's eight hundredths of a mile credited towards Vanderburgh County. As a result of all that, we contacted USI to find out if they would be willing to send us a letter stating that they would agree with us removing it from the inventory, knowing that they would be responsible for the road. They have sent that letter, and, basically, this, it's not an acceptance form, it's actually a deletion, but I would request that this form be approved by the Commissioners so we can remove this, just so we don't have any future obligations if USI makes any modifications to their road, and things like that. They have agreed to it, and what they won't maintain, INDOT does maintain.

Commissioner Mosby: Motion to remove road from the list.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a travel request for me to go to Indianapolis next Monday to attend a meeting with the Department of Natural Resources and DLZ Consulting for the Green River Road project. This would have been on the consent agenda, but I received notification about the meeting after that was already submitted. This would be in a county vehicle. The meeting is at 1:30, and I request that this be approved.

President Fanello: Did you say next Monday?

John Stoll: Yes.

Commissioner Mosby: Motion to approve travel agreement.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The final item I have is a change order on the concrete repair of Bolin Meadow West Subdivision. This was contract number VC03-12-02. This is for an increase of \$6,240.02, and primarily, \$5,300 of this is due to increased patching, concrete patching that was required. I would request that this change order be approved.

Commissioner Mosby: Motion to approve change order.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Thanks, John.

County Highway

President Fanello: County Highway.

Reggie Haskins: Reggie Haskins, County Highway Department. Dennis couldn't make it this evening. I'm sure you have his reports. I don't have any new business to present. I'm open for any questions.

President Fanello: Are there any questions? No? You're off the hook.

Reggie Haskins: Thank you.

President Fanello: Thanks, Reggie.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Just two items. First is to thank Mr. Fluty and the members of his office for helping me get out all those certified mails to the residents of Mill Terrace Subdivision. I've gotten quite a few calls, not as many as one would expect, with a lot of interesting questions. Bill, this lady may call you, she called me Friday or Saturday, and her question was one I couldn't find an answer to in the statute, and maybe you know how it works. She said if she signs the agreement for 30 years say, and she wants to make advanced payments, can she pay more than her annual payment, and how does that work? I said, well, that one's not in the statute...she does that with her mortgage, apparently pays ahead, and she wanted to know if she could do that with her Barrett Law assessment. I said, I didn't know how that worked. I don't know if you know.

Bill Fluty: I can check with Fifth Third that does that. The way it's happened in the past, they're all lumped together. So, they all owe an amount, and they actually

figure it on if everybody would pay today, what your share is. So, that may make it a little difficult for her, but I can ask that question.

Kevin Winternheimer: Okay, and then if you would get back with me, I'll get back with her. But, I did want to thank everybody with your office.

Bill Fluty: We had one pay today.

Kevin Winternheimer: I'm sorry?

Bill Fluty: We had one pay today. In cash.

Kevin Winternheimer: Good. The questions, and everybody out there has been very amicable on this. Their questions have all been very good questions. So, I would be anxious to see how many actually pay, and how many take advantage of the payment plan. But, I think they were pleased that they had so many options, that they didn't have to pay it at one time, this spring. That they could pay it over 10, 20, and 30 years. The only other thing I have is, if you have time, Tim Born is handling a case for the county, and he would like to meet to discuss that matter of pending litigation. He said it shouldn't take more than 15 minutes, if you have time next week, that would be great. So, at 5:15.

President Fanello: Do I have a motion for Executive Session?

Commissioner Mosby: Motion for Executive Session at 5:15 next week.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I have.

Commissioner Crouch: Kevin, on the agenda we have the HIPPA, is that what you addressed...you didn't, did you address that earlier with your other?

Kevin Winternheimer: Oh, no, let's see. Oh, this is, no, I didn't. Yeah, this was sent to me by Dennis Woehler. Yeah, the other Dennis. It's an agreement with the bank. It's the business associate agreeing to keep everything private, to disclose only what is necessary for the sake of the privacy of the, in our case it would be the employee insured. So, I didn't really, I would recommend approval of it. It's been a few weeks since I've looked at it. I didn't realize he sent it down for tonight, but, yeah, I would recommend approval of it. It's a pretty standard form.

Commissioner Mosby: Motion to approve agreement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add to the consent items a late pink slip from the County Highway.

Commissioner Mosby: Motion to add pink slip.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. Reno-Systems, the company that is doing the new gutters and liners at Burdette called me this morning and their crew is going to be on their way and be in town by Thursday to start the last phase of the swimming pool. So, they should be done on time as scheduled. Other than that, I don't have anything else except my weekly report.

President Fanello: Are there any questions? Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

Commissioner Mosby: Motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:24 p.m.)

CONSENT ITEMS:

Jail Expenses: James L. Shireman: \$55,000

Travel Requests: County Engineer (1) Health Department (1)

Employment Changes:
County Highway (1) Legal Aid (1) Sheriff Department (1)
Pigeon Assessor (2)

Auditor:
Submit A/P Vouchers.
Satisfaction of Barrett Law Assessments (Evergreen, Westwood,
Old State and Oak Hill)

Superior Court: Home Verification Officer Contract: Frank Lutz.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Steve Craig	Candace Adye
John Stoll	Jack Lashenik	Reggie Haskins
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 19, 2004**

The Vanderburgh County Board of Commissioners met in session this 19th day of April, 2004 at 5:33 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, April 19th. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; Recording Secretary, Madelyn Grayson. We also have two individuals from Thompkins Middle School joining us tonight as part of a job shadowing program. That is Laura Dossett and Hannah Ritchie. So, we welcome them as well. And now we will say the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of April 12, 2004 Commission Minutes

President Fanello: Do I have approval of the prior minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Second/Final Reading of Ordinance Updating the County
Anti-Harassment Policy**

President Fanello: There seem to be no bid advertisements and openings. Discussion items, County Attorney.

Kevin Winternheimer: Tonight we have for second and final approval the ordinance amending chapter 2.90 of the county code regarding the county handbook, the anti-harassment policy amendments as suggested by our insurance carrier. I have not heard any comments. I ask for your approval.

President Fanello: Do I have a motion?

Commissioner Mosby: Is there anybody that wants to speak?

President Fanello: Anybody wanting to speak to this ordinance?

Commissioner Mosby: I make a motion to accept this on second and final reading.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: We need a roll call since it's second–

Commissioner Mosby: I was going to say, we need a roll call.

President Fanello: Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

Our Times Polling Place Advertisement

President Fanello: The next item is Our Times polling place advertisement. You should have in your packet a memo from Sondra. Is there anything that you wanted to say Sondra? If everyone—

Commissioner Mosby: I think we did this in the past, didn't we?

President Fanello: We have done it in the past.

Commissioner Mosby: I'll make a motion to accept the Our Times opportunity to place the polling places in their next issue.

Commissioner Crouch: Second.

President Fanello: So ordered.

Soil and Water Job Study Application

President Fanello: Next item we have is Soil and Water job study application. Councilman Hoy asked that this be put on the agenda tonight. He had called our office last week and asked for an appropriation to be filed. I asked Ms. McKinney to hold it until we had an opportunity to look at it, because this was the first that I had heard of it. My suggestion would be that, at this point, we wait until we get the job study information back from Waggoner, Irwin and Scheele that we have contracted for.

Commissioner Mosby: I mean, I'll make a motion to hold it until we get the study back from Waggoner, Irwin and Scheele.

Commissioner Crouch: I'm not going to second that, since I didn't vote for that study. I don't think it's appropriate.

President Fanello: Okay, and I'm only saying let's wait because they are going to be reviewing job descriptions for us as part of our efficiency study. I just want to remind you that the city is also undergoing an efficiency study. So, I hate for us to get off of the track that we're on with this efficiency study, because we may find more things in there that we want to add. Norma was in on the meeting with us with Waggoner, Irwin and Scheele. So, not saying that I'm against the salary increase, just I want to wait until we get all of our information back. Make sure we're all on the same page.

Norma Duckworth: May I make a comment?

President Fanello: Uh-huh.

Norma Duckworth: Norma Duckworth, Vanderburgh County Soil and Water. Phil had said something about a synopsis of the history, and I wasn't clear on that. So, this is very brief.

President Fanello: Okay.

Norma Duckworth: I certainly understand, it makes sense to wait on this, and if it was under other circumstances, I would agree, but I do want to make the comment that when I was interviewed and hired, it was told to me in the interview, and was assumed that I was a, that the position was a PAT IV. It was several months after I was in this position that it was discovered that it had never been classified. I have filled out, I think four times now, something about ten pages thick, and for different reasons, different things have happened. But, I only feel like I'm asking right now, not for anything other than what I was actually hired in for, and to be brought up to where that I was told that I was. This is really just a correction of something that just got put aside and never got taken care of. If it wasn't for that I would agree that we would just wait, but I feel like I've waited three years to have this straightened out.

President Fanello: Did they have to go back though, you added more stuff about your job duties and, I don't know if you added any upgrades, basically, or additional information about your classification.

Norma Duckworth: They didn't give me an upgrade. I did ask for an upgrade, which is a another whole, you know, scenario, but all I'm addressing tonight is that this is not a raise or an upgrade, it is what I was hired in at, which I think the board did in all honesty believe that. Commissioner Mourdock was at my interview, and he also thought that that was the way that it was. Like I said, it was several months later they discovered that it had never, just never gone back through. So, I'm really just asking to be put where that I thought I was being hired in for.

President Fanello: Do you mind if we take this week toI have not had an opportunity to have conversation with Ms. Deig or, and I haven't had extensive dialogue with Mr. Hoy. So, do you mind if we just take this week to have conversation with those individuals and people involved, and also talk to our contractor, Waggoner, Irwin and Scheele?

Norma Duckworth: Oh, no.

President Fanello: Okay.

Norma Duckworth: I think that's a good idea.

President Fanello: Okay, thank you. I'm sorry to inconvenience you this way, but the information came to us very late.

David Ellison: Good afternoon, Commissioners, I'm David Ellison, a resident of Vanderburgh County, and I'm a newly elected president of the Soil and Water Conservation District of Vanderburgh County. I was in on that interview with Richard Mourdock, and everything that she stated is absolutely correct. I just wanted to come forward and say that. Okay?

President Fanello: Thank you, Mr. Ellison.

David Ellison: If I can help in anyway, I would be more than happy to.

President Fanello: We'll get it resolved. Commissioner Crouch did not second the motion, so I will second the motion and say so ordered. We'll continue this discussion at a later date.

National County Government Week

President Fanello: Next item is just discussion of our national county government week. Just to remind the Commissioners, open house is tomorrow night from 6:00 to 8:30. So, hopefully, we all can be in attendance to welcome any public to the Old Courthouse. Then we do have tours scheduled at 8:30 and 12:00 on Wednesday, and I believe, where's Patty, about 75 children tomorrow, or on Wednesday.

Commissioner Crouch: Commissioner Fanello, I won't be able to be there. I told Patty I would try to (Inaudible. Microphone cutting out.)

President Fanello: Well, maybe you could make it on Wednesday when we have some of the kids over there. Are there any questions?

Public Comment

President Fanello: Okay, any comment from the audience?

Susan Harp: Hi, Susan Harp, president of Oak Hill Neighborhood Association. The city is currently, in conjunction with Keep Evansville Beautiful, formerly Operation City Beautiful, working on trying to update to make an ordinance against the littering. Last Saturday 20 neighbors from the Oak Hill Neighborhood Association picked up over 100 bags, and the areas we worked were from Pigeon Creek bridge on Oak Hill just up to like Trail Drive, which only a few of the bags, I would say maybe 20 were picked up from there. The rest, and that's why I'm here for you, was from Lynch Road at Oak Hill going east, we didn't even get to the bridge, 100 bags of litter. That is, I mean, it's this way all over the whole city. So, anything that you Commissioners could do to step on board with that. I know it all falls back then on the judges, and someone has to enforce it, someone has to see the people littering, but something has to be done. Our city is being one big trash barrel. It was just everything, the best thing was at the very end, one of the neighbors, the 71 year old neighbor, picked up a box that was all crumpled up that had been there that said, it was from Operation City Beautiful, you know, Keep Evansville Beautiful. But, it's just everywhere, and everyone needs to help, and I think if we could do something with some teeth in it to enforce it, to make these people when they do get caught, do community service, get out and pick up some of the trash themselves, maybe that would put a stop to it. I don't know. But, I just wanted to let you know what a mess we found, and half of it was the city, and half of it was the county. We would wave and have a competition to see who could pick up the most. Sad to say, the county side was the worst, but I think it was the way wind blew.

President Fanello: There you go.

Susan Harp: But, anything you could do to help, I know Kayla Jerstad would be very appreciative of anything that you could do.

President Fanello: Thank you.

Susan Harp: Thank you.

President Fanello: Thank you, Susan. Thank you for your help on that.

Commissioner Mosby: Thank you, yes.

President Fanello: Kevin, is there, I mean, I know the city is looking at an ordinance like she said, is that something that the—

Kevin Winternheimer: I'll keep you posted—

President Fanello: Okay.

Kevin Winternheimer: —on what they decide they are going to do.

President Fanello: Is there any other comment from the audience? Seeing none.

Old Business

President Fanello: Old business. Any old business?

New Business

President Fanello: New business. No new business.

County Engineer

President Fanello: Department head reports, County Engineer.

Pat Seib: Good evening, Patrick Seib here for John Stoll tonight. My first item is a corrected street acceptance form. The road in question is in Woodgate Subdivision, Section 1A. The road was accepted as Longview Drive on December 4, 2000, but should have been accepted as an extension of Strawberry Hill Road.

President Fanello: So, we just need a motion to, I guess, correct that?

Commissioner Mosby: What is this for?

President Fanello: Correct it.

Commissioner Mosby: Motion to correct street acceptance in Woodgate Subdivision, Section 1A.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: My next item is an agreement with CSX Transportation covering the construction of the bridge structures for University Parkway project over the CSX railroad. The total estimate is for \$141,110.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: Then my last item is to seek approval to request the Traffic Department to incorporate left turn phases and a traffic signal on Lynch Road at Oak Hill Road.

Commissioner Mosby: I will make a motion to accept that and have the Traffic Department look at it.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: Are there any questions?

President Fanello: Thank you, Pat.

Commissioner Mosby: Thank you, Pat.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I can sympathize with the lady on the trash, how many bags we picked up 200 tires county wide and took them to amnesty day Saturday. So, I would like to keep it cleaned up. So, I understand what she's talking about. The only thing I have tonight is to ask you if we have any questions on my report, my weekly report.

President Fanello: I don't think so. Thank you, Dennis.

Dennis Hudnall: Thank you.

Commissioner Mosby: Thank you, Dennis.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: The only thing I have is to request that we reschedule the Executive Session for April 26th at 5:15, that's to discuss a couple of pending law suits. If the Commissioners can be there, I would appreciate it.

Commissioner Mosby: I'll make a motion for Executive Session, 5:15, April 26th.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winterheimer: That's all.

President Fanello: Thank you, Kevin.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late pink slip from the courts. I saw it on my desk, so I'm assuming it didn't make the packets. I just need to add that to the consent items.

Commissioner Mosby: Motion to amend consent items to add pink slip.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. I guess, first is an update on the lining of the pool and that. They are working on it as we speak. When I left the park they were going to work until dark, and if it doesn't rain for the next three or four weeks in a row, they'll have it done here within a week or so. So, everything looks good. I guess the other question was if we had any questions on the year end report.

Commissioner Mosby: I haven't gotten all the way through it yet, but I'll let you know next week.

Steve Craig: Okay.

President Fanello: Thank you, Steve.

Steve Craig: Thank you.

Soil and Water Conservation District

President Fanello: Do I have a motion to...is there anything you wanted to say, Norma, about the Soil and Water report?

Norma Duckworth: Can I have a minute?

President Fanello: Okay.

Norma Duckworth: Norma Duckworth, Soil and Water. Just briefly, I didn't have a formal report, but there were a couple of things that I wanted to mention that I thought were important. One, we had the Envirothon at the Vanderburgh County 4-H Center last week. We had about 110 area high school kids participate, and it went very well. We have at least one team that I think that's going to go to the state contest. So, that went very well. I also wanted to report, because I'm not sure that it makes sense when I write it in my weekly reports, but I have been meeting with

different engineering firms in the county for several weeks now on the storm water pollution prevention plan. Trying to get some things cleared up, and for them to get a format that I can use and that they can put together. I wanted to say that I've met with most of, I've met with two different firms today, and I've met with some of them, probably five or six others. So, I think we have, I think it's going very well at this point. I think a lot of the confusion is settling down, and I think we're getting some really good plans in. So, I just thought I would say that I think that's going a lot better.

President Fanello: Thank you, Norma.

Ozone Officer's Report

President Fanello: Do I have a motion to accept the Ozone Officer's report?

Commissioner Mosby: I'll make a motion to accept ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Before we accept the consent items, I do have the, EPA called today, we do need to declare an open burning emergency. So, I do have a public notice. I don't know if I need to read that or not. Do I need to read it, Kevin?

Kevin Winterheimer: You might just summarize what it says.

Commissioner Mosby: It's only two paragraphs.

Kevin Winterheimer: Oh, okay.

President Fanello: Yeah, it's only two paragraphs.

" 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 and open burning 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., April 26, 2004, 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 not more than \$500."

So, I do need a motion for that.

Commissioner Mosby: I make a motion to accept the open burning permit.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Then, I'll make a motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered. ¹

¹Consent items listed on page 11.

**VANDEBURGH COUNTY
REZONING BOARD
APRIL 19, 2004**

The Vanderburgh County Rezoning Board met in session this 19th day of April, 2004 during their regular Commission meeting at 5:51 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

President Fanello: We will move on into our rezoning meeting. Is there anybody here for rezonings?

**First Readings: VC-4-2004: Petitioner: Hirsch Family Limited Partnership
Address: 1501 N. Burkhardt
Request: AG to C-4**

**VC-5-2004: Petitioner: Olympus Investments LLC
Address: Hwy 57 North and Rushton
Request: C-4 to M-2**

**VC-6-2004: Petitioner: GK Development LLC
Address: 3016, 3020, and 3030 N. Green River Road
Request: AG to R-3; C-4 to R-3**

President Fanello: We do have three first readings, VC-4-2004, from A to C-4. Do I have a motion to accept first reading?

Commissioner Mosby: Motion to accept zonings on first reading.

Commissioner Crouch: Second.

President Fanello: So ordered. VC-5-2004, C-4 to M-2.

Commissioner Mosby: Motion to accept zoning.

President Fanello: First reading.

Commissioner Mosby: First reading.

Commissioner Crouch: Second.

President Fanello: So ordered. VC-6-2004, A to R-3 and C-4 to R-3.

Commissioner Mosby: Motion to accept on first reading.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Final Reading: VC-2-2004: Petitioner: Stan Newingham
Address: 8845 Vienna Road
Request: C-4 to AG**

President Fanello: We do have one final reading, VC-2-2004, C-4 change to A. Is there anyone here to speak to that rezoning? I don't see anyone. I don't think there was anything unusual about it.

Commissioner Crouch: It's a down zoning.

President Fanello: Yeah, it is a down zoning.

Commissioner Mosby: I know Bev Behme was going to be here, because I talked to her on the phone today, but I don't have a problem with it. It's a down zoning. I'll make a motion to accept VC-2-2004.

Commissioner Crouch: Second.

President Fanello: So ordered. We will need a roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. And if there's—

Commissioner Mosby: No other business, I'll make a motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 5:55 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department (3)	Auditor (1)	County Assessor (1)
Commissioners (1)	Treasurer (1)	Veterans Services (1)

Employment Changes:

County Highway (1)	Auditor (1)	Superior Court (1)
Burdette Park (6)	VCCC (1)	

Requests for Service: Treasurer (1).

Commissioners:

Release of title on totaled vehicle.
Escrow agreement: Integrator.com, Mel-Kay Electric, Williams Brothers.
Declaration of Open Burning Emergency.

Auditor: Covered bridge certification.

Treasurer: Submit monthly report for March 2004.

Health Department: Permission to request appropriation.

Those in Attendance:

Catherine Fanello
Bill Fluty
Madelyn Grayson
Susan Harp
Steve Craig

David W. Mosby
Kevin Winterheimer
Norma Duckworth
Pat Seib
Others Unidentified

Suzanne M. Crouch
Tammy McKinney
David Ellison
Dennis Hudnall
Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 26, 2004**

The Vanderburgh County Board of Commissioners met in session this 26th day of April, 2004 at 5:37p.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, April 26th. Introductions are as follows, to my right, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of April 19, 2004 Commission and Rezoning Minutes

President Fanello: Do I have approval of the April 19th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of April 26, 2004 Executive Session Summary Minutes

President Fanello: Approval of the Executive Session from this afternoon.

Commissioner Mosby: I'll make a motion to approve Executive Session summary meeting, or minutes. It started at 5:15 and ended about 5:25, and we discussed pending litigation.

Commissioner Crouch: Second.

President Fanello: So ordered.

Girls in Bloom

President Fanello: We do have some individuals in the audience, if the board doesn't mind, who would like to speak to the board before we start our regular business. Kay?

Kay Johnson: Hi, I'm Kay Johnson, and I'm here on behalf of the Girls in Bloom steering committee. We would like to thank the Commissioners office for supporting this. We've brought along a little something from the girls who participated in that day. They wrote you a thank you card. Without your support we wouldn't have been able to have this. The girls were able to demonstrate their talents, improve their skills in workshops and talk about a few relationship issues that might be coming their way. We feel like that for one day we were able to create an environment

where girls felt safe socially, emotionally, and physically, and where they were nurtured and respected, and they thank you for this.

President Fanello: We appreciate that, Kay. You did a lot of hard work as did Nancy Kovanic and Dorie LoBue and many others who served on the committee. I want to say a special thank you to Patty White from the Commissioners office for all of the hard work she did on that, because she did a lot of the organization with the rest of the committee.

Kay Johnson: We would also like to thank Affiliated Computer Services, I think they're represented here tonight too, and we have a thank you card for them also.

President Fanello: Alright, thank you. We had many wonderful sponsors. Thank you.

Commissioner Mosby: I would just like to, I would like to echo Commissioner Fanello in thanking Dorie and her group. I had the opportunity to run by there Saturday for a couple of hours. It was a very successful event. A lot of people participating, and I can't take the credit for taking the lead on that, so I'll thank Commissioner Fanello and our office help, Patty White, for all the work they did, but it looked like a very successful event. Thank you to all yourselves and your volunteers.

Resolution Supporting Crane Naval Center

President Fanello: Okay, first item on the discussion list is a resolution supporting Crane Naval Center. This was given to me by Judy Weatherholt of the Southwestern Indiana Regional Development Commission to pass on to the board. Are there any questions? Oh, we do need to make one change at the bottom where it says Board of Directors of the Southwestern Indiana Regional Development Commission, that should read Board of County Commissioners.

Commissioner Mosby: I'll make a motion for the change to Board of County Commissioners.

Commissioner Crouch: Second.

President Fanello: Do I have a motion to--

Commissioner Mosby: And I'll make a motion to support the resolution in support of Crane Naval Center.

Commissioner Crouch: Second.

President Fanello: So ordered.

Energy Savings Contract: ESG: Old Courthouse

President Fanello: Next item is the energy savings contract. Everybody should have received a copy of the energy savings contract. I did speak with Kevin before the meeting, and he has had an opportunity to review it for his changes. I did speak to him about adding another clause, and there are a couple of other changes. I spoke with Dan Dowell today on, just for the record, first one being speaking about the \$900,000 down payment, they will specify in there that that is a \$450,000 payment

for this year, and then a \$450,000 payment in next year's budget. They're also going to add a clause in there that says this system will consist of a complete and operating system once all work is completed. We need to change the allowance from \$75,000 to \$100,000, and then we're going to add a comment period clause, which will allow the architect and engineer that we chose, which was Will Fosse and PCI, to allow them about 14 days to make any comments on the final drawings that Dan from ESG, we'll get them this week. I think that is all the changes that we had. But, we would like to get approval contingent on making these changes, because we did want to lock in our interest rate of 3.95%, which is a pretty good interest rate. Dan has been keeping on top of that interest rate, and it has been rising. So, he has been able to lock that in at 3.95.

Commissioner Crouch: Have we had any conversations or dialogue with County Council regarding the funding?

President Fanello: Well, there is a non-appropriations clause in the contract, and, you know, I've spoken with some of the Councilmembers, and I know that Dan had set up a meeting and was able to meet with a couple of the Councilmembers at minimum. So, it's something that, you know, I feel is a contractual amount no different than the rent that we budget, or, you know, anything else that we budget on a yearly basis. This will get us major mechanical, electrical, plumbing improvements to the building. So, it's something that we can afford out of the Cumulative Capital Development Fund, and that the Council can consider that every year at budget time.

Commissioner Crouch: I did notice the cancellation clause. If, in fact, it's not funded, then (Inaudible. Microphone cutting out.)

President Fanello: Then it will stay in, I mean, whatever work they've done to date will be paid for.

Commissioner Crouch: I do believe that (Inaudible. Microphone cutting out.) The question I have is if, is there anyway where we don't (Inaudible) all of what (Inaudible)? Is there any kind of priority if the funding (Inaudible)?

President Fanello: Well, I think that Dan and I went down...you can come and approach the microphone, Dan, but we did talk about the priority list, but really, I mean, if you think about it, and you look at what's involved here, it makes sense, it just makes good business sense to do it all at one time and get the volume pricing. So, it would not be in our best interest or the taxpayers best interest to drag that pricing out, as it never is when you're doing a project like this. It's just not good business. Dan, did you have anything you wanted to add?

Dan Dowell: Yes, Dan Dowell, Energy Systems Group, we're an Evansville firm that specializes in guaranteed energy savings contracts. We have had our engineers in the building for about the past year, looking at all of those systems, and some of them are really at the end of their life. The electrical system is a significant life safety issue over there that needs to get addressed immediately, as is the fire system and some other systems, Commissioner Crouch. So, I think the time really to address that over there is probably past, and now it becomes, those infrastructures now become critical in nature. There were some things that aren't going to be done because the county can't afford them, but I think this takes care of the majority of the infrastructures in the building; plumbing, heating, air conditioning, the voice and data systems, fire alarm system, ADA bathrooms in there, which is for (Inaudible)

disabilities. So, this takes care of the majority of the infrastructure, there won't be much left, the windows, which you've seen the windows have deteriorated significantly over time. This takes care of most of those infrastructures, if not all.

President Fanello: I think, like....oh, I'm sorry. I was just going to add that Dan and I talked about, I mean, this will make this building a functional building for not only private lease space, but also for government offices that we want to move over there. Because, if we wanted to move government offices over there today, it would be impossible, because it's not voice and data ready, it's just not in any kind of a situation to be adding, really, anymore people over there.

Dan Dowell: Right, you have a number of co-compliant issues over there with accessibility of the bathrooms, as I've talked about, and, really, if you looked at the electrical panels that sit out there in the middle of the hallway, that's a really significant issue for vandalism, and other life safety (Inaudible).

Commissioner Crouch: I agree with you. I don't think that anyone would argue that there is a need. I guess, my concern is we have a lot of large projects (Inaudible) which are going to (Inaudible) community corrections, the health space that is going to (Inaudible), we have the jail space that is (Inaudible), you know, a large group of projects, and this is one of them. My concern is (Inaudible) projects that perhaps we aren't going (Inaudible). What I would like to see is for County Council to (Inaudible) Auditor do a five, ten year projection on future revenue. That way we'll know if we're going to have (Inaudible) to fund all these projects, because we may not have the money. We have juvenile costs that are escalating, we have insurance costs that are escalating, and our state revenues are stagnant at best. We now have (Inaudible) all our caps and (Inaudible) property tax (Inaudible) is raised. While I think we need to move forward, and I think this is a worthy project, along with (Inaudible), I'm really concerned about our ability to fund (Inaudible). I would like to (Inaudible) five and (Inaudible).

President Fanello: Well, you know, as I've said, this is being proposed out of the CCD Fund, which does take in \$1.6 million, and can only be used, per state statute, for capital developments. You know, if you remember, we, this board voted to give up two cents of our bridge tax for the Council to at least use one cent of that tax for this Cum Courthouse Fund. The Council ended up using that money to really basically save the budget. This is the first I've heard of a property tax increase for the jail, and I don't think that that can be decided at this time, since the jail debt service doesn't even start until 2006. So, the fact that you're saying that we're going to raise property taxes for the jail, I don't think really can be determined at this point. That has not been decided. But, I'm going to stick with the fact that the Cum Courthouse, or the Cumulative Capital Development Fund takes in \$1.6 million a year, and is more than sufficient to support this development.

Commissioner Crouch: I don't disagree if this was (Inaudible) that we (Inaudible) have a jail, you know, we have (Inaudible) Health Department space, (Inaudible) old jail space that's going to be (Inaudible), that is my concern, because I would like, and before we enter into any contract that is going to obligate us for ten years, I would like a (Inaudible).

President Fanello: And those can still take place, but you're talking about expenditures that are coming out of the General Fund, and that cannot be used out of the Cumulative Capital Development Fund. I mean, you can't use the debt service for the jail out of the Cum Capital Development Fund.

Commissioner Crouch: Oh, no, absolutely not. (Inaudible) you could (Inaudible).

President Fanello: If we do not improve this building, Commissioner Crouch, we might as well take a wrecking ball to it.

Commissioner Crouch: Well, I'm not, and I'm not arguing that, Commissioner Fanello. I want to be perfectly clear that I think we need to (Inaudible), go ahead and move forward with continuing to improve the Old Courthouse, I want to be sure that the money we are obligating for future payments is going to (Inaudible), and we're going to be able to meet all of our other obligations.

President Fanello: And, if I didn't think it was, I personally wouldn't be moving forward. Do you have any comments, Commissioner Mosby?

Commissioner Mosby: No, I mean, I will support this out of CCD. I'm, same as Commissioner Fanello. I know we set money aside, one penny of the Bridge Fund to support this, and then the Council asked that we put that into the budget for this year that we're in right now, and, I mean, in a bipartisan effort, I agreed with that. I met with Councilman Winnecke and Councilman Raben, and I could see their need. At that time, I know I had discussed with both of the Councilmen that we needed to move forward on the Old Courthouse, that it could not sustain anymore damage than had already been done. I mean, we're in the process of the roof, and they knew this energy savings contract was coming down. As Will Fosse said, if we don't do something to seal the building, we are doing nothing but more harm to the building. Rather than five or six million, we're going to be facing eight or ten million here in the near future. I can't see putting that burden on the taxpayer. I mean, we've got to step up to the plate, as we did with the jail, and you've got to move forward. We offered alternative funding to the Council on the jail, and I hate to hear now that they're thinking about raising taxes, because we asked them to look at the possibility of housing prisoners from state and federal, take the two million dollars bricks and mortar money, plus the income everyday to take on payment of that bond, or the debt. So, I mean, I hate to hear that they're thinking about putting it on the taxpayer now, but we have to move forward with the Old Courthouse. I don't see any way around it. If we don't move forward, I mean, the building is going to become nonusable for anybody. Right now, I think we have, what, 50% to 60% of that building leased, Tammy? I'm not sure. So, I mean, we have to respect them people's position and move forward with doing something. So, I'm going to support this that we move forward out of CCD.

President Fanello: Well, I would hate to say that we're raising property taxes for the jail. I think it's very premature to say that. If the Council is saying that at this time, then they're not exploring all of their options, their financial options. So, I would ask that they go back and take a better look at their budget, and I think that there is nothing wrong with them doing five, ten year projections. I think they need to do that, in fact, I've been preaching that ever since I've come on to this Commission, that they plan ahead five and ten years. I think that's been well documented. So, more power to them. I encourage them to do that, but I think that this is a very affordable project out of the CCD money, given the fact that the Council had to use the other one cent that we gave up from the Bridge Fund for supplementing the budget this year.

Commissioner Crouch: I'm not arguing with any of that. First of all, Council didn't propose that we pay for the jail with a property tax rate. I just know that this Commission signed a (Inaudible) pledge property taxes (Inaudible).

President Fanello: We pledge every form of available revenue that we need to pledge. There may have been, I don't even know, we may have pledged some COIT revenue as well. They look at all sources of revenue, but property taxes are the main source of the county's, the city and county's revenue, but that does not mean that there are not other options available, as many other county's, if you read the dialogue that has taken place across the state, they have, as Commissioner Mosby said, housed federal and state prisoners to pay for their jails, and they've also used COIT increases to pay for their jails. So, there are many other options available out there. But, I think the discussion tonight is the Old Courthouse, and moving forward on the energy savings contract, so.

Commissioner Mosby: I will make a motion that we move forward on the energy savings performance contract, and that our counsel will review our contracts, and if he sees everything to be in order, that we move forward.

President Fanello: Could you amend that motion to add the changes that I spoke about?

Commissioner Mosby: Yes, and I will make a motion to add the changes.

President Fanello: Okay.

Commissioner Crouch: And while I do believe that we need to move forward, I would rather have, wait a week or two (Inaudible) have projections (Inaudible) that will (Inaudible) all the other (Inaudible). I don't think waiting (Inaudible).

President Fanello: Like I said, I see no problem with the Council, you know, moving forward with projections. They should be doing that before they enter this budget cycle, and, as I said, I've been asking them to do that for three years. In fact, I've been asking for the whole county's revenue projections for, ever since I've been here. But, I encourage them to do that, and hope that they will do that, but I think that they see they, you know, there are many challenges every county faces, but CCD money is there, we take in 1.6 million, so, I'm going to second the motion on this so that we can move forward in getting that building into a condition that it needs to be in.

Madelyn Grayson: I did not get a copy of that for the record. Can I get a copy from someone?

President Fanello: Yeah, we have an extra copy in the office that you can have. Then when the changes come through, we'll get you the revised copy.

Soil & Water Job Study Application

President Fanello: Next item is the Soil and Water job study application. I did have a chance to do a little research and review. I do agree with the fact that the classification change needs to be made, but I would ask that we not approve any job study description changes until Waggoner, Irwin and Scheele reviews that, but I see no problem with the Council changing the classification of the position, as long as we don't change any job descriptions until we let our consultant review those.

Commissioner Mosby: I don't have a problem with it. I would make a motion to that effect, that we move forward with the classification, but wait until the Irwin Scheele study is in before we do anything with the job description.

Commissioner Crouch: Well, I didn't second that initially, so (Inaudible).

President Fanello: I'll second that, and I think it would probably be appropriate if we just sent a letter over to the County Council to let them know what we discussed.

ES&S Payment

President Fanello: Next item is the ES&S payment. We did not receive an original invoice from them yet, so, I'm going to ask that we defer that until after the primary, two weeks. Because I'm assuming that we're not going to have a meeting next Monday. That's been the tradition, and I don't, it's probably a good time to bring that up maybe.

Commissioner Mosby: Motion to defer ES&S payment.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Kinder Moving and Storage Contract:
Transportation of Election Equipment**

President Fanello: Next item is the Kinder Moving and Storage contract. That's for the transportation of the election equipment. I believe the County Attorney has reviewed that.

Commissioner Mosby: Are you okay with everything, Kevin?

Kevin Winternheimer: Yeah, I drafted it and sent it over to Dennis Feldhaus who had the suggestion on the insurance requirements there. They are not going to use just one truck, I think the plan is to use three. So, they need to keep the minimum amount of cargo in transit is what terminology the insurance people are saying, they need to insure it for what they carry on the truck, any one truck. So, I would recommend the agreement.

Commissioner Mosby: Do we have funding in place for this? Or is this... do we know?

President Fanello: Well, I would suggest...I know that the Election Office has a contractual account, so, I would suggest that it come out of that contractual account, since it is an election expense. If we approve it tonight, I would ask that Tammy work with that department to get a P.O. to Kinder for that amount.

Commissioner Mosby: You just said board agrees.

President Fanello: You could-

Commissioner Mosby: I'll stipulate my motion to say that I will accept the agreement for election equipment moving services, and if the fee would come out of the election board contractual account, or Election Office.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?

Alan Teeple: Alan Teeple, director of public, of computer services, I'm sorry.

President Fanello: Were you going to say public safety?

Alan Teeple: Public safety, yeah, I'm already thinking of my new position. Happy moment, sad moment, I want to introduce to the Board of Commissioners and to the public my replacement, Greg Baker, who was, let's see, let me make sure I get this right, he was born on the east side, raised on the north side, or went to school up at Evansville North, and he lives on the west side. So, he's got all the bases covered. He just started today. We've started transition, plus or minus 30 days. Like I said, it's a happy moment and a sad moment, because as most of you know it's a very personal decision on me going back to Austin. Although I was just telling Commissioner Crouch, at least in the short term, my company is going to have me being a road warrior. I'm working on a public safety project in Oklahoma City. It will be one of my first one's, and then negotiating....actually, it's negotiating that contract. I think my company decided that if I could negotiate with Commissioner Fanello, I could negotiate with anybody. So, they're going to let me do that.

President Fanello: I think ESG is echoing that sentiment.

Alan Teeple: Yeah, probably. Anyway, Greg has started downstairs, and I hope that I haven't scared him away with our first day down there. I went over the budgets, talked about some of the personalities, both on my staff and on the elected and appointed officials. Hopefully, he's going to come back tomorrow, but I'm looking forward to Greg starting here, and me getting back to, as you know, back to my son and back to my wife. It would have been nice to be here in Evansville, but I think it's the right decision personally for me, and I want to thank you all for all the, for all the battles, even though I made fun of the negotiations with you, with all the Commissioners, the battles of both the tears and the success that we've had together. I certainly have enjoyed it.

President Fanello: Just for clarification, those negotiations were tough because I made you come down on price, right?

Alan Teeple: Yeah, I know, I know. Let's put that in the record. Anyway, I'll let Greg say a few things, and just thank you.

Greg Baker: Glad to be aboard, and hope to help everybody with their job. I don't know what else to say at this time.

President Fanello: Welcome.

Greg Baker: Thank you.

Commissioner Mosby: Thank you, Greg, welcome.

Greg Baker: Thank you. See you.

President Fanello: Is there anyone else in the audience wishing to address the board?

Old Business

President Fanello: Old business. Any old business?

New Business

President Fanello: New business.

Commissioner Mosby: I have something that I want to bring up, I guess, under new business. I started to wait until Dennis came up with the County Highway department report. I have been working with one of Dennis' foremen, Chris Walsh, at the County Highway. I've really been doing this since the end of last year, but we're just now getting around to getting everything pretty much finalized. We are proposing to come up with a proactive approach to this West Nile virus. That's something we have researched, I guess, since about August of last year. There was a story out of the Indianapolis paper here January 2nd of this year that says;

"In 2003 there was 47 probably cases, with four deaths. In 2002 there was 293 probable cases, with 11 deaths."

The decrease from 2002 to 2003 was due to the fact that we had a wet and mild, cool weather in the year 2002. What it amounts to is that the Health Department has money available for this project. Chris has been working with Justin Manning in the Health Department who has some chemicals available, and has what they call a disk donut chemical available that can be dropped into pools of standing water, or wherever you might find this kind of mosquito breeding. The program will be run from the County Garage, we'll be working in conjunction with the Health Department. Chris has talked with Justin on this, the County Garage, and Dennis has the equipment available, along with a licensed person who can spray the material. We license one person every year to work with this material. The County Garage crews who go out and actually do the cleaning and the digging of the ditches, and the trouble spots, what we'll do is we'll put the disk donut on these trucks and on these mowers as we go out and cut throughout the summer. When they see problem areas lying around, we'll be able to just drop the disk in the water, and this should break up the mosquito breeding area. They will carry them on the lawnmowers. We'll try to keep areas cut that are heavily soiled and wet. If the areas are too big, that's when we'll use the spray, rather than the disk donut. I have talked with Chris about this, he intends on keeping a log of the areas that become troubled, and areas where we find a lot of debris and trash. This goes along with what Dennis and them did about two weeks ago, when we went out and picked up about 300 tires. Tires is one of the biggest breeding areas for mosquitos, and we were able to dispose of them 300 tires at the Tire Amnesty Day. So, we will continue to try to eliminate that type of problem. We will have information available to the public and to the neighborhood associations and other people where we can get this kind of material

into their hands, because it tells you in a lot of the material there is three ways to reduce the West Nile virus risk; number one being how to avoid mosquito bites, which there's information available on the type of clothing and repellent that you would use, mainly being DEET; the second thing is how to proof your home, mosquito proof your home; and then the third thing is, you know, how you can help the community in doing all this. So, we will be starting this program with the County Garage, with the ditch cutting crews and lawn mowing crews, and we would welcome the public to make us aware of any type of problem that they might know in the county. If there's areas where it's heavily with debris or tires, that's what we've been trying to do over the last....and we have a trash crew that runs everyday, so it's not hard. We can do all this in-house without adding much cost to what we're already doing, and, hopefully, this will show the community that we're taking a proactive approach to this type of, what I consider a serious, you know, West Nile virus, and it will be a win-win for the whole community. So, this is something that if you hear we're getting ready to start doing, or we're working in conjunction with the Health Department, it will show that the departments can work together. Along with Justin Manning down at the Health Department, we'll try to get as much information out as possible. I don't know if Dennis wants to add anything. I've been hit and miss with Dennis on this for the last week or two, and he's talked with Chris and Chris and him know what their plan is, so, hopefully, this will be a win-win for everybody. I just, I wanted to bring that up. If there's any questions, I'll try to answer them.

President Fanello: I don't think there are. Betty Knight-Smith, County Recorder, brought by a letter that she typed up for us today, and I think she will send it out to all the office holders. She just asked me to bring it up in the meeting. It's clarifying that, you know, county offices have to be charged a fee for making copies. That they cannot be done for free. This is the State Board of Accounts opinion, and I believe they talked about it at the Recorder's conference. I think that must have taken place some time ago. So, she just asked that I bring that to everybody's attention. I don't know if there are any questions. She just dropped it off today, so if you have any questions, you can maybe get in touch with her.

Madelyn Grayson: Commissioner Fanello?

President Fanello: Yes.

Madelyn Grayson: Did I understand that there is not a meeting next Monday?

President Fanello: That's what I, that was my next thing on new business. It's been the tradition in the past, and I didn't know if that's—

Commissioner Mosby: I would make that motion. I don't know about you two.

Commissioner Crouch: Second.

President Fanello: I'll say so ordered. I don't know if we maybe want to go ahead and reserve a possible time in case, I know two weeks is kind of a long time to go without a meeting. If we want to kind of hold open a time next week in case things come up.

Commissioner Mosby: I guess, we can make a motion to advertise, what do we need advertising?

President Fanello: I don't know, what's the time period?

Kevin Winternheimer: I was going to say, you can set any meeting for 48 hours. You are supposed to give six days notice (Inaudible), a week's notice, or six days notice of a meeting, but, technically under the notice to the media and the public, the statute says 48 hours notice of a regular, not a regular, but a non-scheduled meeting. Of course, if an emergency arrives (Inaudible). If you want to set one, you could set one and then cancel it.

President Fanello: Right, I guess that's what I was...not communicating very well, but-

Commissioner Mosby: What if we set one for Wednesday, the 5th.

President Fanello: That's fine. Does that work for you? Okay.

Commissioner Mosby: Set it for 9:00 in the morning, and then if we don't need it, we can always cancel it.

President Fanello: Okay. Alright, is there any other new business? If there's no other new business, we'll move on to department head reports, County Engineer.

County Engineer

John Stoll: The first item I have is a request for street plan approval on Cayman Ridge Subdivision. This is located on Kansas Road west of Highway 57. It's across from Windemere Farms Subdivision and adjacent to Stone Creek Subdivision. It might have gone through drainage board listed as Country View, I'm not sure if it had a name change at that point, but it's wanting to go by Cayman Ridge now. I've reviewed the plans, and the consultant has made some revisions, it meets minimum standards, so, therefore it's requested the plans be approved.

Commissioner Mosby: Motion to approve plans for Cayman Ridge.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: They didn't provide a cover sheet, so, I'll just notify them that it has been approved. On that same subdivision, the developer has requested a sidewalk waiver as well.

Commissioner Mosby: Do you have a problem with that?

John Stoll: I request that they be waived.

Commissioner Mosby: Okay. I'll make a motion to waive sidewalk request for Cayman Ridge.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The next set of plans that I have is for Havenwood Meadows, sections two and three. This is located on Hillsdale Road west of Highway 57, about a half

a mile west. You'll see it on the location map here, here's 41, here's Hillsdale. Here again, I've reviewed the plans, they meet minimum standards, so it is requested that these plans be approved as well.

Commissioner Mosby: Motion to approve plans for Havenwood Meadows, section two and three.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a cover sheet for section three of Lynch Road. This is the mylar for the design plans, and this needs the Commissioners signatures as well.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: In conjunction with that project too, I also have a Notice of Intent letter for IDEM. This just needs to be submitted in conjunction with the erosion control plans for that project. It's requested this be approved as well.

Commissioner Mosby: Motion to approve erosion control plan.

John Stoll: Notice of intent.

Commissioner Mosby: Notice of intent letter.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a claim for our share of the University Parkway project costs. This claim is for \$4,104,691.12. The reason it wasn't on the consent agenda is because the invoice just showed up today. When we figured this, we used bridge money for the entire structure over the CSX railroad, plus we used the bridge funds for the local match on all culverts, plus the local match on both bridge approaches over the CSX railroads. So, our total for the Bridge Fund was \$2,457,054.92. We also have \$1,031,000 out of the COIT Windfall; half a million out of the CCD; and then \$116,636.20 out of the Road and Street Fund.

Commissioner Mosby: Motion to approve claim for Eickhoff-Koressel.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Also on that project, last week a railroad agreement was brought to the Commissioners for approval, and at the time it was presented it was thought that the funding split would be 80% federal and 20% local. I received a phone call from INDOT on Friday, and they said that since the bridge is being built with all local funds, the railroad agreement will also have to be all local. So, instead of paying

\$28,000, we'll have to pay \$141,000 out of all local dollars. So, that would also have to come out of the bridge line item, the Cumulative Bridge line item for that project. I just wanted to make you aware of that, since it was stated last week it would be 80/20, but it will not. Next I have a revised draft of rock road standards. After speaking with each of you, we revised the detail to show a 20' rock road in a 40' right-of-way. We put a one foot shoulder on the road, and open ditches. We put the limitations on the use of that detail, and that would be that it has to be residential property, it has a maximum of three lots, and that we will not accept the road for maintenance. It would still have to be privately maintained, and that anybody who chooses to use that detail would have to follow all other applicable ordinances. So, with your approval, I will go ahead and circulate that detail to the local consultants for any comments they might have, and then bring the final one back for your signature.

Madelyn Grayson: John, do you have an extra copy of that for the record?

John Stoll: I don't have one with me, but I'll get you one.

Commissioner Mosby: I'll make a motion to accept standards for rock roads.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Once I hear from the consultants, I'll let you know if there is any additional revisions we need to make. Another thing, on our Rule 13 project, the storm water project with Clark Dietz, I spoke with Mike Feltz today, and the deadline for submittal for part B of that is next Monday. So, I won't have a copy of the part B submittal to give to you prior to another meeting. We'll have to go ahead and submit it. I just wanted your approval to go ahead and submit it that way. Part B is just a characterization of the existing streams where all of our storm water run off discharges to. It won't obligate the county for any additional spending. There are no costs associated with it. Part C is where we get hammered with all the additional costs of the project. So, with your approval, I just wanted to go ahead and submit that to IDEM so we meet the deadline.

Commissioner Mosby: Approval to submit.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last thing I had was in regard to Hornby Lane. At the last drainage board meeting for Asbury Pointe Subdivision, one of the adjacent property owners had stated that he felt that there was an existing culvert underneath Hornby Lane that was too small. We have since checked that, and right now it's a 36" corrugated metal pipe. It needs to be a 48" elliptical concrete pipe. So, we have sent that out to consultants, contractors to get price quotes submitted for next Monday's meeting. I just wanted to let you know that that is in the works to get that changed. That's all I have.

President Fanello: Any questions?

John Stoll: Thanks.

President Fanello: Thank you, John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I just wanted to add to the comment Dave made on the disk that we are going to throw into the standing water. A lot of residents that I've encountered throughout the county, on a daily basis, has made a lot of comments to my foreman and myself about their concerns about the standing water. I think that this is going to satisfy their concerns. So, and it doesn't cost us anymore resources. Therefore, we're already there, and it's a good idea to start doing this now. So, that's just another comment on it. The only other thing I have is do you have any questions on my weekly report?

President Fanello: Thank you, Dennis.

Dennis Hudnall: Have a good night.

Commissioner Mosby: Thank you and Chris for your cooperation and help.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: No report tonight.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I have a couple of late items I need to add to the consents. I have a late pink slip from the Voters Registration that I need to add. Then also today we had an escrow agreement come in the office late, and I need that also approved.

President Fanello: Is that one for the jail project?

Tammy McKinney: It's for the jail, it's from the food service equipment contractors, Great Lake Hotel Supply.

Kevin Winterheimer: I looked it over.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. The first thing that I have is if anyone of the Commissioners had any questions on the year end report. Okay. Then, did the Commissioners receive the minutes from the advisory board meeting?

President Fanello: It's in the packet.

Steve Craig: Okay, I guess, what I was wanting to discuss out of there was that we had went into depth at the meeting about the lazy river ride, and presented the advisory board with all the facts and showed them a cross section of the wall, like we did with Catherine when we came up here last week. They had made a suggestion and then passed a motion to be presented to the Commissioners, and I was wanting to know if they would want to make a motion on it, and we could proceed with it so that we can get this on the road.

Commissioner Crouch: Are you wanting to go out to bid?

Steve Craig: Yeah, the design part of it, yes.

Commissioner Mosby: I'll make a motion that, and I guess you're going to go with Northeast Aquatics?

Steve Craig: Yes, that was their suggestion. They were one of the three people that had submitted a packet when we had our RFI. From the work that we did and the people that we've talked to, they've dealt with people, they've done Walt Disney World, a lot of their projects, Busch Gardens, several other places. We thought that they had the most expertise, and the board kind of looked at all three of them, and, you know, some of them had not had any experience, but that's who they had decided to go with or suggest to you guys to go with.

Kevin Winternheimer: We have, we don't have a contract (Inaudible) you're asking to negotiate and bring back a written contract?

Steve Craig: Yes, sir.

Kevin Winternheimer: Okay, I was going to say, I didn't think (Inaudible).

Commissioner Mosby: I'll make a motion that we give Steve the okay to get with Northeast Aquatics Design to come up with a contract and a price.

Commissioner Crouch: Second.

President Fanello: So ordered.

Steve Craig: If I didn't have any other questions on our advisory board meeting minutes, if you had any questions on my weekly report. Thank you very much.

President Fanello: Thank you, Steve.

SWCD & Ozone Officer Reports

President Fanello: I don't think there is anyone here from Soil and Water or Ozone.

Commissioner Mosby: I'll make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. We will start drainage board in about five minutes.

(The meeting was adjourned at 6:25 p.m.)

CONSENT ITEMS:

Jail Expenses:

Mel-Kay Electric \$36,450.00

Williams Brothers Construction \$705,186.08

Travel Requests:

Health Department (6) Center Assessor (1)

Employment Changes:

Voters Registration (1) Circuit Court (1) Burdette Park (3)
Sheriff Department (2) Prosecutor (1) Superior Court (1)

Request for Telephone Service: County Clerk (1)

Auditor: Submit Financial Statement.

Emergency Management Agency:

First Responder Equipment Sub-Grant Agreement.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Kay Johnson	Dan Dowell
Alan Teeple	Greg Baker	John Stoll
Dennis Hudnall	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 10, 2004**

The Vanderburgh County Board of Commissioners met in session this 10th day of May, 2004 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, May 10th. Introductions are as follows, to my right, Administrative Assistant, Patty White; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of April 26, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the April 26th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Open Quotes for VC04-05-01: Hornby Lane Culvert #165
Removal and Replacement**

President Fanello: First item is bid advertisements, and we have quotes for the Hornby Lane culvert #165. Do I have permission to—

Commissioner Mosby: Motion to open bids.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Any bids from the audience? Seeing none. We have several bids here:

Company Name	Amount
Deig Brothers Lumber & Construction	\$9,245.00
CCC of Evansville, Inc.	\$11,337.86
Koberstein Trucking, Inc.	\$9,862.00
J.H. Rudolph & Company, Inc.	\$9,900.00

The first bid is from Deig Brothers Lumber and Construction Company of Evansville. I'm going to read the total price, it's an itemized, but I'll read the total. The total appears to be \$9,245. The next bid is from CCC of Evansville, Inc. Their total

appears to be \$11,337.86. The next bid is from Koberstein Trucking, Inc. of Princeton. Their total, \$9,862. One more, the next bidder is J.H. Rudolph and Company, Inc. of Evansville. Here we go, their total, \$9,900. That's all the bids we have.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Unification Study Committee Request

President Fanello: First item under discussion is the unification study committee request. Each of you have a letter in your packet from the chairman, John Dunn, and what they're wanting to do is hold a public forum over at the Centre on June 23rd, and they are asking if we would waive the rental fee for them to do that. Do I have a motion? Discussion?

Commissioner Mosby: I'll make a motion we waive the rental fee.

Commissioner Crouch: Second.

President Fanello: So ordered.

Permission to Advertise Notice to Bid Community Correction Project

President Fanello: Next item on the agenda is permission to advertise notice to bid for the community corrections project. Bids would be opened June 14th, and I think each Commissioner has had an opportunity to meet with the design team.

Commissioner Mosby: I'll make a motion to advertise.

Commissioner Crouch: And I'll second, and want to thank DLZ and United for making the (Inaudible).

President Fanello: So ordered.

Madelyn Grayson: Kevin, do you want this advertised this Friday, so that it will be in a month prior? Like the 14th and the 21st, is that when you want it advertised?

President Fanello: Kevin?

Kevin Winterheimer: What is it the 14th and 21st, and when do we need to get them back?

Madelyn Grayson: June--

President Fanello: We get them back on June 14th.

Commissioner Mosby: June 14th.

Kevin Winterheimer: Yeah, that's plenty of time.

President Fanello: Do you have what you need, Madelyn?

Madelyn Grayson: Yes, Patty e-mailed it to me today.

President Fanello: Okay.

CIO Designation

President Fanello: Next item on the agenda is the CIO designation. I think Commissioner Mosby asked that this be put on the agenda.

Commissioner Mosby: Yes, I had worked with the Mayor on this, and Friday we held a news conference saying that we were going to make Matt Arvay Chief Information Officer for Vanderburgh County and the City of Evansville to work with ACS. So, I had asked that we have this addendum written to the agreement so that we could go forward with this. The city is going to do the study on it, the job. They are going to run it through the salary administration committee over in the city. Come up with the job description.

Commissioner Crouch: So, he'll be a city employee? (Inaudible), will be 50/50?

Commissioner Mosby: Yes. It will still come through the Waterworks.

President Fanello: And this is an amendment to our agreement where we already contribute the 50% towards the GIS.

Commissioner Mosby: There is no increase in salary on this.

Commissioner Crouch: I'll make a motion to approve, and thank you for moving this forward. We've all been on record at one time or another wanting this, so, I think it's a good move for Vanderburgh County.

Commissioner Mosby: Second.

President Fanello: So ordered. I think it's a great move too. So, I'm glad we're all in agreement on that.

Agreement with County Recorder

President Fanello: Commission contracts, we have an agreement with the County Recorder. If everyone's had a chance to review that, does anybody have any questions?

Commissioner Mosby: I don't have any. I'll make a motion to the agreement with the County Recorder.

Commissioner Crouch: Second.

President Fanello: So ordered.

Annual Agreement with David Austill: Burdette Park

President Fanello: Next item is the annual agreement with David Austill.

Commissioner Mosby: I'll make a motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

Computer Services: IT Court Liaison

President Fanello: The next item is the agreement for the technology court liaison. I think Suzanne had some comments on this.

Commissioner Crouch: I just wanted to be sure that Judge Knight had reviewed this and was, you know, in approving, was approving it. At job study he made the request, and it was held, and I believe that you're of the opinion that he is in favor of this.

Alan Teeple: Yes.

Commissioner Crouch: As it's proposed?

Alan Teeple: When I went down with one of your job study members, Betty Knight-Smith, to meet with Judge Knight, this has now been three weeks ago, I believe. The week's have kind of jumbled together with the transition with Greg, but about, it was about three weeks ago. Judge Knight just needs a person down there, a qualified, let's say that, a qualified person down there. He wasn't pushing, necessarily, that it be a county employee or if ACS could come up with a qualified person, then, he was fine with that too. He did ask to delay tonight, we did get that message because he had a personal emergency, that he was at the hospital with a family member. We called back down to the Court Reporter to say, why? Is there some problem with all the things that we've discussed? The Council has already approved the funding for this position, for it to be an ACS person. What the Court Reporter said was, is that, she felt that he was concerned by not having someone from the Court of the Clerks office here tonight, and he knew that Marsha could not be here, that it might not add the right amount of muscle for you all to vote tonight. So, that's why I'm proceeding ahead with it.

Commissioner Crouch: So, you're the muscle?

Alan Teeple: Well, my last act before I walk out the door, yes. So, I would ask, it has been reviewed by Kevin, and I got the nod that the contract is fine. We did get the Council approval last Wednesday night, all seven votes for the funding. So, the funding is in place also. But, like I said up here in our private discussion, if the Commissioners want to delay, or vote pending a discussion with Judge Knight, I mean, I'm okay with that. I mean, I'm pretty confident that he needs the person, you know, and wants the person, wherever it comes from.

Commissioner Crouch: Would the Commissioners have a problem doing it contingent upon, go ahead and approving it, and then if Judge Knight has a problem (Inaudible).

Commissioner Mosby: That's fine.

Commissioner Crouch: I'll make a motion to that effect.

Commissioner Mosby: I'll second that.

President Fanello: So ordered.

Alan Teeple: Thank you.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board? Old business? New business?

Kenneth Grimes: My name is Kenneth Grimes. I live at 1702 Apt. B South Red Bank Road. I'm part of the Talifero family. I wanted to speak about the Lyle Road project, if I could. I just wanted to let you know, let the Commissioners know that I felt that a lot of things have gone on that was unfair about it. That the whole procedure was unfair, and that I don't think it's a right thing to do to have us have eminent domain proceeding and asking us to somehow sign away rights that are dear to us. It's put my family through a lot of strain, and through a lot of problems. A lot of those people are older, and it's not fair to them. So, I'm asking if somehow, somewhere all the issues that are unresolved about the property could be somehow put on the table and sorted through and come up with a fair solution to the problem. Because, as it stands now, a lot of people are just kind of put out by it.

President Fanello: What in particular, Kevin, could you kind of refresh our memories about this issue?

Kevin Winternheimer: Yeah, this is the Lyle Road project, and this is one of the last properties, as I recall, that we have to obtain. Through the title work, I believe the gentleman owns a 1/30 share of a particular tract of land.

Kenneth Grimes: There are 11 owners, but go ahead.

Kevin Winternheimer: Okay, but anyway, in his case, I believe his share, as I recall, is a 1/30 share of the tract. We've had the property appraised, and the appraiser has determined....John, was it \$36? Thirty-six dollars was the fair market value of the property. We have, I think John has had discussions with Mr. Grimes, we are just taking a narrow strip of property, an easement to build the road. It is our belief that widening this road will (1) be an improvement to the safety factor out there, (2) it may very well, in fact, improve the value of the adjoining land by having a better road than what is there now. This is a narrow strip of land....John, do you recall about how wide a strip we're taking?

John Stoll: Not off the top of my head.

Kevin Winternheimer: It's a very narrow strip, contiguous to the front of the property to widen this road. I don't know what else to do. We've had it appraised by a professional appraiser, he determined the value of the property. I think John intends to come later tonight, at his portion, and ask for your permission to institute condemnation proceedings. I think the, we are at great lengths apart in what Mr.

Grimes thinks is the value of his property, and what our appraiser thinks is the value of the property. Very, very great difference in value. That's where we stand. To my knowledge we have followed all the rules, regulations, and, you know, apparently it's an honest disagreement as to what he thinks it's worth, and what our appraiser thinks it is worth.

President Fanello: And our appraiser's value was again?

Kevin Winternheimer: For the 1/30 shares, it's \$36.

Kenneth Grimes: The problem is that, Mr. Winternheimer?

Kevin Winternheimer: Yes.

Kenneth Grimes: Wants to ignore issues that have been outstanding for 20 years or so. Other Commissions have come out there and claimed property. The Nurrenbern Road portion, and he has that on his (Inaudible). It's almost as if you sign the document that you're waiving you're rights to complain about it later. That's an unfair burden for us to put on our grandchildren or other offsprings who come along. There are existing right-of-ways that he claims that I don't find any record that there are existing right-of-ways. So, it's a mess. It's not just as he says it is. It's not just a narrow strip of land. It needs to be completely sorted out. All the old issues and all the new that he's putting on the table. It just shouldn't be, again, it shouldn't be a system or a process where we're put under eminent domain duress. I don't think that's fair to us. You can't ask us to do anything under that kind of pressure. It's almost like terrorism. It's just an unfair burden to put on us, and ask us to sign a contract or sign something away under those kind of problems.

President Fanello: Well, I think Kevin can probably speak to this, but we never go to the eminent domain process unless—

Kevin Winternheimer: Well, he's raised two issues; one, Mr. Grimes is not pleased with what was done back in the 1970's. Is that when the Nurrenbern Road project? It's been a number of years.

Kenneth Grimes: It was a very simple process.

Kevin Winternheimer: But, I mean, wasn't it back in the '70's?

Kenneth Grimes: Absolutely. There were five owners, the Commission presented the same kind of situation which we have here today, asked one person to sign the easement right-of-way, and they left off the other four owners. Now, I mean, I don't see how you legally acquired anything under those circumstances.

Kevin Winternheimer: Okay.

Kenneth Grimes: And I think it's unfair the way it was processed, the way it was done. That kind of stuff needs to be resolved. I mean, these people have been smarting from that situation for years. I mean, it's a very, very unfair situation. And calling it an existing right-of-way in your document is just wrong.

Kevin Winternheimer: What he's referring to is, he was not pleased with the way it was done back in the '70's. I don't have an exact date when the Nurrenbern Road project was done. What I've tried to explain to him is that that was a separate

project, that was 30 years ago, those are two different items. Number one, it is my belief that his complaints regarding the Nurrenbern Road project are, the statute of limitations is way beyond where he could do anything legally about it. This is a separate project, on a separate road project, I cannot, will not deal with what may or may not have been done 30 years ago on a different road project that he was not satisfied with. Apparently the Board of Commissioners, and I don't even know who was on the board way back when this project was done back in the '70's, but the County Attorney and the Board of Commissioners were satisfied at that time. But, in any event, this is a separate project, and I will not undo, or redo, or go back and deal with the Nurrenbern Road project.

Kenneth Grimes: Well, I wasn't asking you to...okay, go ahead.

Kevin Winternheimer: But, anyway, that, all I'm dealing with is Lyle Road and this current project, and, you know, we've had it appraised, that's what the appraisers numbers were, and I don't know what else to do at this point, but I will not go back 30 years to an issue that he had, or some of his relatives had with the County Commissioners back then. (Inaudible) this project.

Kenneth Grimes: This is just a simple, administrative procedure that the Commission can do without resorting to any other process. I went to court asking the court, Judge Lockyear, to give us some relief at one time, I mean, I had no choice because Commissioner Borries told me I needed a court order. So, I had to go to court to do that. That's an unfair situation. I mean, to go to court order, to do something that the Commission can resolve. I mean, all it takes is a simple look at how, at the situation and resolve it. I mean, I don't see any reason why it has to have, why it would have to go to court in order to get a situation that the Commission can resolve, resolved. I mean, it just doesn't make any sense. I mean, it's not a fair thing to do. It's just, I don't know what else to say, but it's just an unnecessary thing to do, and the power is within the Commission to do it. That's all I'm asking to do is just an opportunity to put stuff, put everything on the table, get it resolved.

President Fanello: I don't know what you mean by put everything on the table, because I think Kevin's been-

Kenneth Grimes: Well, what he's claiming is that there was an existing right-of-ways that, like he just said, he's not going to deal with the Nurrenbern situation, he's not going to deal with, at one point in time he said that there was an existing right-of-way along Lyle Road, but there's no records to prove it, you know, that they exist or exist legally, and it was the Commission that put us in that position. I mean, an old Commission, so what, I mean, it's still something, a blight on the Commission. These were public servants, I mean, it's something that this town, or this city, or this situation under no circumstances should stand for. It's just an unfair situation to put anybody in, and people who are in leadership positions shouldn't be using minorities or disadvantaged people in a situation like that.

President Fanello: I don't think anyone is doing that. I mean, we're trying to get a road project done. Two individuals you see in the back of the room have been trying to get this project done for years, and I think Kevin's only following the procedures he needs to do for us to get to that point.

Kenneth Grimes: I understand, we, listen, everybody wanted to sell, whatever we could do to sell it, to accommodate it, to do anything we could to help the project go, but to, even wanting to deliver and make this a possibility, you can't, in good

conscience, do it when somebody is using eminent domain proceedings against you. You can't, I mean, you're, and ignoring existing problems, which can be resolved, it's just, like I said, it's very difficult. I don't know what else to say.

Commissioner Mosby: Is it my understanding that we sent everybody a letter, and we were looking for responses? How many responses did we get from them? I mean, I know we sent out, I know there's what, 30 individuals or something that we're trying to work with? This is all on one piece of property, I think.

John Stoll: There were two 1/5 owners, one 2/5 owner, and then the remaining fifth was divided among six owners. We have already acquired the easement from the 2/5 owner, one of the 1/5 owners. We are pretty sure we're going to get one of the other, the other 1/5 owner. Pat Seib spoke to her today, she was wanting to have her son, who's a lawyer, take a look at the documents before she signed off on everything, but she has agreed to the purchase price, which just left the six 1/30 owners on that remaining fifth. So, on that, of the six, we had not received any counter offers. I spoke to Mr. Grimes a couple of weeks ago, and he didn't have a counter offer. We received written responses from two of the other owners saying that they did not agree to the offer amount, and there was no counter offer provided. Then the other three we didn't get any response back from at all, whether it was written or verbal.

Kenneth Grimes: Well, all I can say is that, that's a difficult process for me to accept, in good conscience I can't accept the, what's on the table at this moment. I have searched my heart, searched my brain and looked at it, and it's just not a right thing to do. It's not a fair thing to do. The offer to me is just a pittance of what it should be. I watched the process on the Eickhoff Road, and it was a lot different than it is down there. I mean, I just, you can't touch the top or bottom of it with fairness. It just seems to be completely out of line with what fairness would be. I just wanted to speak my mind. I want you to know how I felt. I felt that when I talked with Mr. Winternheimer and Mr. Stoll both, and they was just, I felt that it was necessary to come here and say what I had to say. But, I would like, if you could, possibly, open some kind of opportunity to let us resolve these issues. It seems like we're not getting anywhere, or my issues are not being heard. I just want to be fairly heard from somebody in some situation. See for yourself whether all the issues are being resolved, it's not a fair and righteous thing to do. So, if you can do that, I would appreciate it.

President Fanello: Thank you, Mr. Grimes. Does anybody have any questions? Is there any other new business? Seeing none.

County Engineer

President Fanello: We'll move on to department head reports, County Engineer.

John Stoll: Like Kevin previously said, I was going to request proceeding with condemnation on the Talifero parcel on the Lyle Road project. Based on the fact that we had not received any counter offers, and like Kevin said, to the best of my knowledge we've been following all the right procedures, just like we did on Mt. Pleasant and University Parkway and Lynch and all the other road projects. So, at this time I would just like to request that we proceed on that basis. I had originally heard from one of the 1/30 owners who last fall said that once all the family got together over the holidays, over Thanksgiving and Christmas, then something would

be resolved and we would hear a counter offer. Then I heard from that same individual a few weeks ago stating that she would like a little more time to provide a counter offer, and as of Friday, the 30th, which is when I asked her to submit something to us, we still hadn't heard anything. So, we're not hearing any counter offers, and on that basis I would still request that condemnation be authorized.

Commissioner Mosby: So, let me ask you this, John. How many is it that we haven't heard from? Or, I mean, approximately? Is it more than just three or four?

John Stoll: The six.

Commissioner Mosby: There's six that we haven't heard from?

John Stoll: Correct. Well, we've heard from three of the 1/30 owners, but none of the six have given us counter offers, or accepted the offer we had given them.

Commissioner Mosby: Do we know who all the people are involved now?

John Stoll: Yes.

Commissioner Mosby: Okay, we do now?

Kevin Winternheimer: When did the original offer letter go out, about?

John Stoll: October 1st of last year.

Kevin Winternheimer: So, they've had awhile to think about it.

Commissioner Mosby: I think what, or, I guess what my motion would be is to send them a letter, give them seven days to respond, and, if not, I make a motion that we go ahead and start condemnation.

President Fanello: Seven days to respond with a counter offer?

Commissioner Mosby: Yeah.

President Fanello: Okay.

Commissioner Mosby: I mean, they want the opportunity, so.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: It might be difficult. The last time we sent out the ten day letters that were requested, it's been several weeks ago, several of those certified letters went unclaimed. So, we'll send them regular mail, and certified again, but we got no response on several of them, and I know of at least two that came back unclaimed.

President Fanello: We'll try it one more time, but, I mean, we can't continue--

Commissioner Mosby: I guess that was my question when I said how many had you not heard from. Okay.

Kenneth Grimes: Well, I called Mr. Stoll's office probably ten times, and he wasn't available. The morning, the evening, many times I've tried to call him, and talk with him about these issues, and I never could reach him. So, I mean, the whole idea that there was no response, he would have gotten an offer from me. I would have given him one.

President Fanello: Well, we're giving you seven days now. He's going to get the letters out and everybody's got seven days to respond.

Commissioner Mosby: I mean, you can go ahead and call him tomorrow if you want, but, I mean, the letter will be coming.

President Fanello: Yeah.

John Stoll: Are verbal offers, verbal counter offers acceptable? Do you want me to bring those back in, or do you want a written response?

President Fanello: Verbal, I don't want verbal offers. I want to see something in writing from the individuals.

Kevin Winternheimer: I was just going to suggest that, if, we really need something in writing, because I think that in this particular case we may be dealing with something other than money. So, that if we think we've got a deal, we need to know exactly what they want. If it's something other than money. So, I would really like to see something in writing saying this is our counter offer, in writing, so that I have something to take to you all, and have you consider it. Because I don't want to come back with a dollar, number, and then find out that there are other conditions involved other than monetary. So, if we could get those responses in writing, it would really expedite the matter.

President Fanello: You can specify that in the letter.

John Stoll: Okay. Next I've got some additional utility relocation agreements for University Parkway. This is for relocating Vectren's electric transmission lines. The agreement amount is \$90,243, of which 20% will be our costs. I had Kevin take a look at these and he was okay with the agreement. So, it's requested that these be approved.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have three letters that need to be submitted to the SWCD for a notice of termination for construction activities on the Lynch Road-I-164 interchange, the Lynch Road extension, and the Burkhardt Road project between Morgan and Lynch. I did not realize that no letters had been submitted when these projects were originally completed, and we just need to submit these to SWCD to notify them that the project has been completed, and we no longer need Rule Five permit coverage. So, it's requested that these three letters be approved.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a change order on the Darmstadt Road bridge number 410 replacement. This was contract number VC03-12-01. This is for a net increase of \$2,897.50, and the reason for the increase this is just a total over run for 16 different items where there were under runs and over runs on various quantities. It's requested that this also be approved.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Back in March we received a request for a flashing light installations on Oak Hill Road by Oak Hill Middle School, and last Wednesday, Pat Seib and Jerry Hays from the Traffic Department and the principal of Oak Hill Middle School met out there on Oak Hill Road, and they determined two spots to put the flashing lights. One was in front of 7419 Oak Hill Road, and the other was at the north end of the turn lane into William Brooks Drive that goes into the airport. I'm just asking your approval on those two locations, and then we'll go ahead and send a work order to the Traffic Department to proceed with the installations. They have the money within their existing budgets to take care of this work this year. We originally thought it would have to carry over into next year.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request approval to use the annual bid that we have with CPI Supply for the installation of a steel bridge on Schaeffer Road. As a part of that bid they provide the design and the steel bridge package, and then we turn around and bid out the installation of the project.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, back when we were having the road paving hearings, a Mr. Marlin Goebel was asking about having Lutterbach Road paved. At the time we took a look at it, and it ended up being removed from the paving list for budgeting reasons as well as concerns about the road itself. Since then Mr. Goebel has proposed that he would pay for the paving of the road himself, if the county would allow that. I've talked that over with each of you and with Kevin, and I'm requesting your approval to go ahead and solicit price quotes for that, because the project, we've estimated it will be under \$25,000. We basically want approval to get the price quotes, and then at the time that we get the bids, the quotes back in, then I can either work with Kevin, and we can get an agreement with Mr. Goebel, or he can provide us the

money on the basis of the bids, and then eliminate the need for an agreement. But, I'm asking your approval to proceed on that basis with putting the project out for bids, and then getting Mr. Goebel to pay for it himself.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, on Mill Terrace Subdivision, back when the hearings were being held on the Barrett Law project, one of the things that the neighborhood group had was a request that the speed limit be lowered to 20 miles an hour. At the time we referred that to EUTS for a speed study. EUTS did not perform a speed study, but this has gone unresolved, and I received a call from one of the residents of that neighborhood again today. So, I shouldn't say today, it was on Friday, and I'm okay with lowering the speed limit to 20, I just wanted to request your approval to change the speed limit from 30 miles an hour to 20 miles an hour in that subdivision.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Crouch: John, do we, is that typical? I mean, do we have other subdivisions where we have a 20 mile an hour posting?

John Stoll: We get routine requests for that. Personally, I don't think it will be that effective, because people disregard 30, they'll disregard 20. It will just add 10 miles an hour and however many dollars to their ticket if they get caught. But, we can give it a try. If I had a good solution for controlling speeds, I would be more than happy to pass it on, because we get those complaints all the time. Next I would like to request approval to go to County Council to transfer \$700 from our Fischer Road culvert account, which was account 2030-4729, to the Communications account, which is 2030-3141 to cover the cost of the two additional cell phones that we got earlier this year. It looks like we'll run short, and this should cover the balance of the year with the extra \$700. We won't need the money in the Fischer Road account, because that project is completed.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is additional right-of-way offers for the St. George and Oak Hill project. This is for parcel three, owned by Folz, and the dollar amount for the offer will be \$20,000; parcel five, owned by Schuck, and that is \$12,500; parcel 12, Walker, and that's \$10,000; and parcel 13, Leisner, \$15,000. I would request that all these offer amounts be approved, and we'll get the property owners notified.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First thing, I would like to request that the Commissioners approve one of my trucks leaving the county. If you'll remember about December of last year we ordered two new tractors for cutting grass, and the tractors was bid out by Stephan's, and they got the bid on the tractors, but Deed's got the bid on mowers. So, the deal was that I would get them up, after Stephan's received the tractors and pulled maintenance on them in order to kick in the warranty, that I would get them up to Deed's, Deed's would install the mower decks, and then Deed's would bring them back to Evansville, which is going to take about a week. Stephan's informed me about a week ago that they are seven to ten days out. So, I've got truck eight, which is a semi, with a semi trailer on it that will haul these tractors. I think it will be cheaper for the county for me to send two CDL drivers up there. The turn around time would be one day. Then Deed's has the responsibility of installing the mower decks and returning them back down to the County Highway.

Commissioner Mosby: So, you just need permission to haul them up there?

Dennis Hudnall: Yes, and the trucks going out of the county. It approximately will be a three hour trip up, and a three hour trip back. Then it will take them approximately a week to install the mower decks, and that way the warranty on the tractors is there, and the warranty on the mower decks is there. Then Deed's will have the responsibility of returning them back to the County Highway.

Commissioner Mosby: I'll make a motion to give you the authority to haul them up there.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dennis Hudnall: Thank you. The only other thing I have is do you have any questions on my weekly report, or two weeks report?

President Fanello: No. Thank you, Dennis.

Commissioner Mosby: Thank you.

Dennis Hudnall: Have a good night.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: The only thing that I had to report is on Mill Terrace. You should have in front of you a copy of a report that Madelyn graciously prepared. Just to give you a little summary, there were 32 lots, the per lot price on the Barrett Law was \$8,906.25. They have collected, so far, on seven lots, for a total of \$62,343.75, leaving a balance of \$222,656.25. There were 21 lot owners who chose the 30 year payment option, one chose 20, two that selected 30, but didn't get it notarized, and one hasn't responded. Madelyn, if you'll give me the names of those last three, I'll send them another letter, notifying the two that they need to come down and get it notarized, and then try to get a response from the one who hasn't responded at all, and try to find out what the problem is there. If there's no questions on that, that's all I have to report.

Superintendent of Buildings

President Fanello: Superintendent, which is Patty tonight.

Patty White: You have Tammy's report, and you also have two late additions to the consent items, a travel request and a work report from Soil and Water.

Commissioner Mosby: Motion to add late items to the consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. In addition to our work report, the only item that I have is to inform you that Mr. Trip Nix, who is the Vice President of Northeast Aquatics is scheduled to be in town either Friday of this week, or Monday of next week. Once that date and time is confirmed, Steve and I will get back with you to ask any questions that you might have regarding the lazy river ride attraction project at Burdette.

President Fanello: Okay, which I think Kevin's got the contract to review, right?

Gary Hohman: Right.

President Fanello: Okay.

Gary Hohman: That's all I have, ma'am.

President Fanello: Thank you.

Commissioner Mosby: Thank you, Gary.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer reports?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Consent items.

Commissioner Mosby: Motion to approve consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:17 p.m.)

CONSENT ITEMS:

Jail Expenses:

United Consulting Architects and Engineers: \$34,356.63
Integrator.com: \$69,300

Travel Requests:

SWCD (5) Auditor (1) Health Department (2)

Employment Changes:

Burdette Park (12) Health Department (3) Sheriff Dept. (1)
Recorder (1) County Assessor (1) Prosecutor (2)
Coroner (1) Treasurer (1) Circuit Court (1)

County Council: Recommendation for Employee Passes to Burdette Park.

Auditor: Submit A/P Vouchers.

Voter Registration: Surplus of Computer Equipment.

County Assessor: Permission to advertise PTABOA Ads.

Area Plan Commission: Intern Agreement: Becky Fuchs.

Health Department: Contract with Corporate Design: Relocation Services

Commissioners:

(22) Mill Terrace Subdivision Barrett Law Agreements.
(34) Quit Claim Deeds: Commissioner Sale (4/28/04)

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Patty White
Madelyn Grayson	Kenneth Grimes	John Stoll
Dennis Hudnall	Gary Hohman	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING
MAY 14, 2004**

The Vanderburgh County Board of Commissioners met in special session this 14th day of May, 2004 at 10:32 a.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 May 14th. Introductions are as follows, County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

EMA: Homeland Security Grant

President Fanello: Sherman, you're up. You are the only show today.

Sherman Greer: Oh, great. Well, first of all I want to thank you for calling this meeting so that we could get this taken care of. It is a significant amount of money that the city and the county is getting under the Homeland Security grant. As far as the, I'm not going to put blame or anything, but the signature sheet was just not given to us in a timely manner to get this done, or we would have had it on one of the other meeting agendas.

President Fanello: Can you, you said the grant was for how much?

Sherman Greer: The grant total itself, combined, is for \$834,420.

President Fanello: I know, without getting too specific, because I know you want to leave some of the security issues private, or under wraps right now, but can you kind of give us a little bit of an idea as to how that money is going to be spent.

Sherman Greer: The funding is going to be going to the Evansville Police Department, the Vanderburgh County Sheriff's Department, the Evansville Fire Department. We have also community assets that we figure in there that all of the departments will be using themselves; suburban fire services, the Evansville Regional Airport, GIS department, Water and Sewer Department, AMR because they are a contracting responding agency also, the Building Commission, the American Red Cross, the items that we're getting for the American Red Cross and AMR, again, are community type assets that would spread out between all of the other departments, Board of Public Works and the Coroner's office, and then, of course, EMA.

President Fanello: Does anybody else have any questions?

Commissioner Crouch: Sherman, how was the amount determined?

Sherman Greer: There again, that was a formula that the state came up with. I asked them about that once, and they said it was too complicated for me to understand. Which, I figured if they could come up with it, I'm sure I could

understand it. I think it was on population, the census and everything for our community and the size of our community. So, that's, with the emergency responders that we have and everything else. All of those factors were thrown in there, so.

President Fanello: Any other questions? I need a motion.

Commissioner Mosby: Motion to approve grant.

Commissioner Crouch: Second.

President Fanello: So ordered.

Sherman Greer: Appreciate it, and from here on out, the first thing I'll look for is a signature sheet so that we get this taken care of immediately.

President Fanello: Thank you, Sherman.

Sherman Greer: Thank you.

President Fanello: If there's no other business, I don't think we can have any other business.

Commissioner Mosby: I'll make a motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 10:36 a.m.)

Those in Attendance:

Catherine Fanello
Bill Fluty
Sherman Greer

David W. Mosby
Kevin Winternheimer
Others Unidentified

Suzanne M. Crouch
Madelyn Grayson
Members of Media

**Vanderburgh County
Board of Commissioners
Special Meeting
May 14, 2003**

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**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 17, 2004**

The Vanderburgh County Board of Commissioners met in session this 17th day of May, 2004 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, May 17th. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of May 10, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the May 10th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of May 14, 2004 Special Commission Meeting Minutes

President Fanello: Approval of May 14th?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

WNIN Meeting Broadcast Proposal

President Fanello: Discussion items, first item, and only item on discussion, is WNIN meeting broadcast proposal. I believe it's been, a few months ago we mentioned this in the Commission meeting, and Mr. Dave Dial and I have talked extensively, and I've also talked with the Building Authority about what would need to be done here. Mr. Dial has a proposal, and I don't know if he wants to add anything, or take any questions.

Dave Dial: I did a lot of research about public television stations broadcasting governmental meetings, and I think the easiest way to do it, and the most practical way is in a robotic camera arrangement. Basically, what we would do is we would install two or more robotic cameras in the Council chambers that would be controlled by fiber optic lines going back to WNIN's headquarters, and they would be operated at WNIN. So, in any meeting in this room, or other rooms within this building, we could simply throw a switch, control the cameras, without bodies coming in and

disrupting the meeting, and the public could participate in the meetings and see what the proceedings are. It would be handled very much like a C-Span broadcast, which would show the entire meeting, and have titling before each item, and would not be edited. They would be played live as the meetings are conducted on cable channel 12, and rebroadcast at a later time on channel 9. So, virtually any member of the public would have access to the meetings.

President Fanello: And the costs proposed in here were \$41,589 for equipment, plus the cost proposal was \$200 per hour, for our, averaging a two hour meeting. You averaged that out to \$20,000. What Tammy did was go ahead and submit an appropriation, since it was due by the 15th, and she submitted an appropriation for \$45,000 for the equipment out of CCD, and \$10,500 for the contractual portion, since we're already half way into the year. Are there any questions?

Commissioner Mosby: I guess the one question I would ask, \$200 per hour and a meeting runs over, I mean, can you continue to air the meeting?

Dave Dial: We would never cut it off.

Commissioner Mosby: Okay.

Dave Dial: Yeah, I mean, unless it's a, you know, at the end of the year what we would do is we would come back and we would say, hey, you know, you did most of these meetings were three hour meetings, and we need to adjust the...some meetings may be an hour, some meetings may be three hours, and we're not going to quibble about that.

Commissioner Mosby: The reason I asked it was programming wise. I mean, I didn't know if you would have something already programmed, and then you would have to say we cut the meeting off and actually air it at a later date.

Dave Dial: We would not--

Commissioner Mosby: Okay.

Dave Dial: --cut the meetings.

Commissioner Mosby: I would just be concerned, because I think the public, if something interesting is going on, is going to want to be listening, and I would want them to get the full, you know--

Dave Dial: We're not CBS, and we're not going to cut it off in the middle of a sentence.

Commissioner Mosby: I like the fact that you're going to run them three or four times throughout the week, so that if somebody does miss something, you can always say watch Wednesday or Thursday, they are going to air it again.

Dave Dial: Yes.

Commissioner Mosby: That will give them--

President Fanello: This is just for the County Commission meetings. I guess, once we try this and see how it works, then we can look at adding Council meetings, and possibly other board meetings.

Dave Dial: Yes, the robotic equipment that we will purchase with this fund, is capable of 16 cameras, before you add additional costs to it. Now, the cameras aren't, each time you buy another camera it's about \$5,000, a little more than \$5,000, but this \$45,000 is the major cost of this. So, you could add two more cameras in another room, or three more cameras someplace else. Or you could add more cameras to this room as we move forward and not have a major cost over your head. So, this is a very flexible way to proceed, I believe.

President Fanello: Are there any other questions? I would entertain a motion.

Commissioner Mosby: First, I will just say thank you to Mr. Dial for all your work, and to Commissioner Fanello. I think it's a great step forward in making government accessible to the public. I would move that we pass this.

Commissioner Crouch: Second.

President Fanello: So ordered. So, we'll see what happens at the Council meeting, and we'll let you know.

Dave Dial: Thank you.

President Fanello: Thank you, Mr. Dial for all of your participation in this.

Public Comment

President Fanello: Anyone in the audience wishing to address the board at this time? Seeing none.

Old Business

President Fanello: Moving to old business. Do either of the Commissioners have old business?

Commissioner Mosby: Old business? I guess everybody received a letter from Mr. Fosse this week, and also, I guess, received responses from ESG? I guess, I would be prepared to discuss this tonight, if everybody else is, because I think we've got a date to meet by May 21st, or we're going to lose our interest rate. I'll just, my thinking after reading the letter from ESG and talking with ESG and talking with Jay Smith on the phone the other day for a long time, which I appreciate both of their times, and I know I kept you on the phone for a long time, but, and I think what ESG has proposed is a very good plan, keeping in mind that we only have so many dollars to spend, and the one thing that I have talked with ESG about, since talking with Mr. Smith, is the windows. I think the windows are probably one of the most critical issues here that I can see, and information that I've read from other counties, and one county stating that probably the worst decision they made was to put in replacement windows as opposed to redoing the windows in place that we have over there now. That would be the only change that I would like to see made in this contract with ESG to move forward on the energy savings. I mean, it's something that we have to do. The building has sat vacant entirely too long. I guess,

Commissioners before us, you know, didn't have the money, or whatever to take this project on. We've put a million, almost a million and a half in the roof, and I think it's time now that we move forward with the windows. I remember Mr. Fosse's first proposal, he said you need to put a roof on it, put windows in it, and seal it up. I think that's what we've started doing. I would like to see us move forward on this project with the mechanicals as stated, and doing the windows on site, is the way I would prefer to see this done. ESG has said, and they had a proposal to take the windows out, put double pane windows in, redo all the wood, replace any wood that might be bad, and stain the windows back to the original. So, my thought is, and I'm open to suggestions, that we move forward with the mechanicals and the windows, and do the windows, instead of the replacement, redo the windows on site, not ship them out.

Commissioner Crouch: I don't have my information with me. I'll have to speak from memory. What will that add to the overall cost of the project?

Commissioner Mosby: I have talked with Mr. Dowell, and I think, I don't know what other conversations he's had with others, but we had some money in the contract that we would have used for necessities, and we would take that money, along with some of the data and phone system money and transfer over to the windows, and probably add \$4,000. I think \$4,000 to the whole contract, because we had some extra money that we were looking at unforeseen expenses.

Commissioner Crouch: And Mr. Fosse, his comments were that he just could not, and I'm speaking from memory, historically, a lot of the recommendations that ESG was making were not meeting historical requirements, and those were his reservations. Is that correct?

Commissioner Mosby: The three main things that I think Mr. Fosse was, the replacement windows being number one, the tile in the bathroom being a second one, and then a third one being the drop ceilings, where he would have rather went with a bulkhead gypsum type wood around the mechanicals. That adds quite a bit of money to the project too, and is something that I've talked extensively with ESG about, and I really just don't see how we can afford to do the bulkheads. This is only in the office areas, not in the common areas. It won't be in the common areas where, when you walk into the courthouse it would be the first thing you'd see. This would be more in the office areas, to get the office areas ready to be moved into. But, the two big ones, I guess, were the bulkheads and the windows. I have to agree with Mr. Fosse and Jay Smith on the windows, that I would rather redo the windows. We can do that by adding about \$4,000 to the project.

President Fanello: I think that's a good idea, because I think what we need to do is look at the building in a couple of different ways. We want to keep as much historic as possible, which if we can keep the common areas and the courtrooms and the Wedgewood Hall, if we can redo those at a later date, in a more historical nature, I think that would be acceptable, but we really need to look at making the office space as modern as possible, so that it's rentable to either private renters or using it as government offices. So, we have to modernize it to a certain extent, but try and keep as much historic as possible, as our budget allows, I think is the most practical way to look at it. So, you're...when Dan and I spoke he did e-mail me a little, we talked about the voice and data, did you guys talk about...do you want to explain that, Dan? And just get to the net \$4,000 change.

Dan Dowell: Yes, thank you. Dan Dowell from Energy Systems Group. Thank you for the opportunity to speak tonight. We made some, as David, Commissioner Mosby talked about, we made some changes in the voice and data, so that we're basically running the laterals and the mains, at which the county moves offices into the courthouse that could then expand the voice and data out to the rest of those spaces. So, that allowed for enough savings between that and a finishes allowance, which was more toward architectural issues, I think the Commissioners probably want to address, probably at a later date. Between the savings in those two items it allowed the project to now be at a price of five million, let's see, Catherine, do you have that list?

President Fanello: Yes, it's \$5,340,799. So, it was a change of \$4,064.

Dan Dowell: Right, so that would allow for brand new heating, air conditioning and ventilation in the building. Brand new electrical system throughout in the building. New fire system, and plumbing and ADA bathrooms, as well as the windows refinished in place, would consist of the total scope.

President Fanello: For the bathrooms, which was another concern of Will Fosse, we were going to try to refinish the bathroom floors the way they—

Dan Dowell: Yeah, because of the construction in the bathroom, there are significant unknowns, or what is under these pedestals. So, what we would like to do is once we begin construction, remove those pedestals, see what the condition of the floor is underneath there, and see if there isn't some way to restore the granite floors that are there. Before we would take any action on either the restoration or application of a new floor, we would come back to the Commissioners and ask for direction based on what we see during construction.

Commissioner Mosby: And I think, Dan, correct me, if the floor is not able to be refinished, you were going to come back to us, and at that time we have an option of putting in a tile, or redoing the floor as is.

Dan Dowell: Yeah, you'd have really three options, Commissioner Mosby. You could put, less desirable would probably be to put VCT tile, vinyl tile. Second would be to try to patch what is there, and try to get it to match as close as we can. The third option then would be to put all new granite floors down to the condition that they currently are. It would be new granite floors. So, that would be the third option. But, we would come back to you at the time that we get to that point and let you give us direction on what you would like as a course of action. Now, to put new granite floors in, the estimate from the subcontractor was about \$45,000. But, we'll provide that option, and maybe when monies, new monies are available, or the historical society could raise money for those floors. Or anything like that could be done to do that, I think that would be great.

President Fanello: But, as far as the first two options, either patching or the vinyl, that cost, you've allotted for that cost, and there would be no change in that cost.

Dan Dowell: That's correct. Options one and two are included in the project.

Commissioner Mosby: I just wanted to make sure that we have it in there that you won't finish it out before you come back to us.

Dan Dowell: That's correct. Right.

Commissioner Mosby: Okay.

President Fanello: Well, are you proposing a motion.

Commissioner Mosby: If there's no other comments, I'll just say thanks to Dan and Steve and them for all they've done. Thanks to Jay and Will for all they've done. I would propose that we would move forward with the changes incorporated that we had mentioned tonight on the windows and the possibility that they come back to us on the bathroom floors before they do anything, finalize anything. If there's no other questions or comments, I'll make that in the form of a motion that we move forward with Energy Systems on the, or ESG on the energy systems contract.

Commissioner Crouch: I think it's admirable, and I agree that the fact that there's not a cost increase is a very positive, or very minor cost increase is to be (Inaudible), but I (Inaudible) second.

President Fanello: I will go ahead and second that motion. I think the windows, moving forward on that in a more historical nature will be a great benefit. We will try to continue to maintain the corridors, and, like I said, the courtrooms and the Wedgewood Hall, we'll try to look at doing those in the future as historic as possible. So, I'll second that motion, and so order.

Madelyn Grayson: David, may I make a copy of those two letters for the record?

President Fanello: Mine have got writing on them. I don't know if we've got-

Commissioner Mosby: Mine do too.

President Fanello: -clean copies. You can go ahead....is there any other old business?

New Business

President Fanello: New business? Seeing none, we'll move on to department head reports, County Engineer.

County Engineer

John Stoll: First I have some agreements between Vanderburgh County and Norfolk Southern Railroad for the Stockwell Road culvert project. This is the agreement that gives, that the railroad provides us the occupancy fee for us to occupy their right-of-way for the culverts that we need to install under their tracks. The fee that they've put in there is \$48,500. While it's excessive, there's really nothing we can do about it. They set the rates, and we have to live by it. I've had Kevin review the agreements, and from a legal perspective he was okay with them. So, I request the agreements be approved so we can proceed with the project.

Commissioner Mosby: I'll make a motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I wanted to let you know that we did send out letters to the owners of the Taliefero parcel on Lyle Road, and we requested written counter offers to be submitted to my office by this coming Friday. That's a little more than the seven days that was discussed last week, but that should give them at least seven days once they receive the letter to come up with a counter offer if they have one. So, at next Monday's meeting I'll let you know if we did receive any counter offers, or whether or not we need to proceed with condemnation. The next item I have is in regard to Green River Road. In your folders I had sent out a memo last week discussing the possibility of raising the road to the 100 year flood elevation versus widening it and keeping it down around the 10 year flood elevation. In reviewing the numbers that Catherine had given me, and combining those with the numbers that the consultant had given us on estimates, and also with the budgeting figures EUTS had programmed into the transportation improvement program, it appears that the county could fund raising the road to the 100 year flood elevation. So, on that basis, like I said in the memo, I'm requesting your approval to direct the consultant to proceed with the design that would get the road at the 100 year flood elevation.

President Fanello: Are there any questions?

Commissioner Crouch: John, the, a couple of things, on the TIF was that, those revenues, did the Auditor's office provide those?

President Fanello: I talked to Bill. I think you....revenues in that TIF district, Burkhardt TIF.

Bill Fluty: I didn't participate in putting any of these numbers together.

President Fanello: No, you didn't participate in these, but you and I talked about the Burkhardt TIF in my office several weeks ago.

Bill Fluty: We talked about TIF and that there was money in that account.

President Fanello: Right, and you gave me a figure of 2.6 million in revenues for the year.

Bill Fluty: That was an estimate.

President Fanello: Yeah.

Bill Fluty: I don't think that's 2.6. It's less than that.

President Fanello: Well, John, actually used 2.4.

John Stoll: 2.4.

President Fanello: So, we were being a little conservative.

Bill Fluty: Yes, and I, and those are contingent on payments. So, if, depending on collections (Inaudible).

Commissioner Crouch: Then there's a \$15 million difference between the 10 year and the 100 year?

John Stoll: Correct.

Commissioner Crouch: And, while I agree that if we're going to do it, we may as well do it correctly, but that is a lot of money. Within the TIF area, and roads benefitting the TIF area that TIF monies can be used for, would this be our number one priority?

John Stoll: I'm not aware of any other projects, once Lynch is off the books, that really need substantial amounts of money within, or abutting the TIF district, at this point. I don't think there's anything in the EUTS TIP that obligates large sums of federal dollars anywhere around there once Lynch is done. So, I would say, yes, it's the number one priority, because I'm not aware of any other projects we need to do out there. There's always things you could put the money towards as far as long term plans show extensions of Vogel Road, and extensions of Cross Pointe Boulevard to connect it between Oak Grove and Virginia, but those have typically been done piece by piece as development occurs out there. So, as far as major road projects that we have on the books, I would think this would be the number one.

Commissioner Crouch: Okay. Thank you.

President Fanello: Are there anymore questions?

Commissioner Mosby: I don't have any questions. I appreciate this though, John. The letter spells out everything pretty clearly, and I do agree with you, if we're going to do this project, we need to do it at the 100 year flood. With all the subdivisions and everything that are popping up, and I would much rather take care of existing problems before we go to looking into new roads in the county. So, I feel it's something that has to be done, and I agree with the 100 year flood. I would make a motion that we move forward, if there's no other questions.

Commissioner Crouch: Second.

President Fanello: Okay, we have a motion and a second. So ordered, and I would just add that as far as the TIF fund we can always look at what receipts we've taken in this year. We know we have enough money to do phase one, and we can look at what monies are available for phase two, and also combine those with Bridge Funds and Local Road and Street Funds, if we need to.

John Stoll: I agree it's an extremely high cost, but it's one of those where I'm sure we'd get criticisms, just like on the Lloyd Expressway, if we don't raise it to get it out of the 100 year flood, then we'd get the criticisms about why didn't you do it right the first time. So, I'm not looking forward to spending that kind of money, but, to me, that's the only reasonable way to pursue this project.

Commissioner Mosby: I would rather do it once than three times.

President Fanello: It cost more three times than it does one time. Do you have anything else, John?

John Stoll: Yeah, next, I would like to request approval to award contract number VC04-05-01, the Hornby Lane culvert replacement to Deig Brothers for the amount of \$9,245. They provided the low quote on this project.

Commissioner Mosby: They were the low bidder?

John Stoll: Yes.

Commissioner Mosby: I'll make a motion to approve Deig Brothers.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have two items for the Jobe's Lane water and sewer project. The first is a notice of intent that has to be filed with the state for the water main extension. I would request that the Commissioners approve this notice of intent letter.

Commissioner Mosby: Do you need a motion to approve the letter?

President Fanello: I'll second that motion, and so order.

John Stoll: Also I need the Commissioners signatures on the cover sheet for the plans.

Commissioner Mosby: How soon are we going to get this under way? Do you know?

John Stoll: The paperwork is supposed to be submitted to the state this week. As far as the sewer goes, IDEM has about a month review time, delay time associated with it. So, I'm hoping that within the next few weeks we can get it out for bid, and try to have the IDEM review time run concurrently with some of the bidding process to where we can get it awarded in June, and then have completion, I forget what we were talking about, August or September. But, get it completed yet this summer, early fall.

Commissioner Mosby: Did she second?

President Fanello: She hasn't been seconding the motions on the Jobe's Lane.

Commissioner Mosby: Oh, okay.

President Fanello: So, she refraining from it.

Commissioner Mosby: Do I need to sign it?

President Fanello: No, just the President.

John Stoll: Next, I would like to request approval to hire Congdon Engineering Associates for the Oak Hill Road and Bergdolt Road intersection project. This is the project that we sent out the RFP's on that were due back in March. I would like to request that Congdon be hired. Their proposal shows that they have the qualifications to do the project.

Commissioner Mosby: Motion to approve Congdon Engineering.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have another notice of intent letter for Lynch Road, section three. This was actually signed back in April, but the consultant has misplaced the original, so I was just asking for another notice of intent for Rule Five to be signed again.

Commissioner Mosby: Motion to re-sign.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Last I have a revised offer for parcel ten on the St. George and Oak Hill Road project. This offers remains unchanged at \$3,400, but the owners name shown on the offer is now just James C. Moseley. It previously had his wife, but his wife is deceased and an affidavit's been filed to take her name off the deeds. The consultant just wanted us to proceed with getting a signed offer with only his name on it. So, it's requested this be approved.

Commissioner Mosby: Motion to sign offer letter.

Commissioner Crouch: Second.

President Fanello: So ordered. Excuse me, is there anyone in the audience representing Dennis Owens for a rezoning over in the city?

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

Commissioner Mosby: Thank you for sending the letter out to the Taliefero parcels.

John Stoll: We've gotten the green cards back on three of the six letters. So, at least we know three of the owners have the letters in their hands. It remains to be seen whether or not we'll get a counter offer.

Commissioner Mosby: I just appreciate you giving them the extra time. I know you've dealt with it a long time.

John Stoll: If not, if we don't hear it, then we'll ask Kevin to proceed with condemnation next week. Thanks.

President Fanello: Thank you, John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. Last week I addressed the issue of sending two people to Indianapolis anticipating our tractors for cutting weeds along the highway. Those tractors have arrived, and the safety equipment has been installed, so they are ready to go. So, I scheduled the tractor and two CDL drivers to take them to Indianapolis on Wednesday the 19th. That will be a round trip, it will take about eight hours. The only other thing I have to ask you, if you have any questions on my weekly report.

President Fanello: Anybody? Thank you, Dennis.

Dennis Hudnall: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: The only thing I have tonight is on the Mill Terrace Subdivision. I am very pleased to inform you that we received the last three agreements from the people who have elected to pay over a period of time. Those are the Ivy's, Fords and Morris', and they've all elected 30 years. So, at this point we have all of them have elected 30 years, except for one who has elected 20 years. We have the agreements ready for your signature. I would like to thank the Auditor's office for working with me and giving me this information and coordinating all this. I think the people out there are to be congratulated, they were very good to work with in getting all these back. I really appreciate that.

President Fanello: Do you need a motion?

Kevin Winternheimer: Yeah, I need a motion to approve the agreements.

Commissioner Mosby: Motion to approve agreements on Mill Terrace.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I have.

President Fanello: Alright, thank you, Kevin.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to defer my Cintas agreement until next week. That's all I have.

Commissioner Mosby: Do we need a motion for that.

President Fanello: I think we did have one in the signature packet, right? A Cintas agreement? Did we have one, or did Kevin still have it reviewing it?

Madelyn Grayson: I don't have it.

President Fanello: Okay.

Madelyn Grayson: But, I did have the County Council brought down some late pink slips to my office today. Did they inform you of that?

Tammy McKinney: Yeah, I, they're on the desk.

Commissioner Mosby: I'll make a motion to add late pink slips to the consent items.

Commissioner Crouch: Second.

President Fanello: So ordered. Do we need a motion to defer the Cintas agreement, Kevin?

Kevin Winternheimer: No, I think you can just defer it.

President Fanello: Okay.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. The first thing I have is an update on the swimming pools. The one pool is completely finished, and filled and running, and looks good. Haven't had any problems with it. I was a little bit late getting here, but we had just met with Tripp Nox from Northeast Aquatics, and we were going over some of the different options that we had on the lazy river. At this time they are still out there kind of walking through the woods, and walking around the pool seeing what different ideas they can come up with. Other than that, my worksheets is all I got. Do you have any questions?

President Fanello: Anybody have any questions?

Commissioner Mosby: Thank you for the meeting this afternoon. I did go up to the pools and look at them, they look nice, they look real nice.

Steve Craig: Yep.

President Fanello: Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officers report?

Commissioner Mosby: I'll make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Before we accept the consent items, did everybody get the change on the one jail invoice for United Consulting? It was actually less. Okay.

Commissioner Mosby: Yes. I'll make a motion to accept consent items as amended, to include late pink slips.

Commissioner Crouch: Second.

President Fanello: So ordered. ¹

¹Consent items listed on page 15.

**VANDERBURGH COUNTY
REZONING BOARD
MAY 17, 2004**

The Vanderburgh County rezoning board met in session this 17th day of May, 2004 at 6:03 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The rezoning petitions were heard during the course of the regular Commission meeting.

President Fanello: We can begin the rezoning portion.

First Readings

President Fanello: We do not have any first readings.

**Final Readings: VC-3-2004: Petitioner: Jagoe Land Corporation
Address: 3015 Galaxy Drive
Request: Change from Ag to Residential PUD
Action: Approved 3-0**

President Fanello: We do have one final reading, VC-3-2004, change from A to residential PUD.

Marco Dalucio: Good evening. My name is Marco Dalucio. I'm here this evening on behalf of Jagoe Land Corporation, seeking rezoning of about a little over 20 acres off of Green River Road, kind of indirectly off of Green River Road through Galaxy and Constellation on North Green River Road. Jagoe seeks to rezone this 20 acre parcel which is currently being used, and is designated as an agricultural property to a PUD to develop a 96 unit residential subdivision. We appeared before the Plan Commission a couple of weeks ago and received a favorable recommendation by a 10-0-1 vote. We have received, I think, we've been, we've also received drainage approval, the water line approval has been granted. Erosion control approval has been granted. Jagoe, as you probably know, has done these PUD's in the past several times in Vanderburgh County, and they've been hugely successful for them. There's a market. They tend to sell them out almost as fast as they can build them. So, there's a real demand for this type of housing in the area. I would point out that the comprehensive plan also has designated this area as a residentially zoned area, so, we think this is very consistent with the comprehensive plan. With that, Bill Jagoe is here with me this evening if you have any questions, along with Scott Buedel and Ron London who are the project engineers. I would be happy to answer any questions you may have, or would request your approval of this rezoning request.

President Fanello: Are there any questions from the Commissioners? Is there anybody in the audience wishing to speak about this rezoning? I don't see anyone.

Commissioner Mosby: If there's nobody in the audience and no other questions, I'll make a motion to approve VC-3-2004, 3015 Galaxy Drive.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Now you need a roll call.

President Fanello: Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. The rezoning passes.

Marco Dalucio: Thank you very much.

President Fanello: And there is no other business on the agenda, so—

Commissioner Mosby: My kind of rezoning.

President Fanello: I would entertain a motion to adjourn.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:05 p.m.)

CONSENT ITEMS:

Jail Expenses:

James L. Shireman, Inc.: \$55,000

United Consulting Architects and Engineers: \$19,545.87

Travel Requests:

Health Department (3) County Assessor (1)

Employment Changes:

Circuit Court (3) Co-Op Extension (1) Burdette Park (3)

Health Department (1) Prosecutor (5) Treasurer (1)

VCCC (1)

County Clerk* : Submit Monthly Report for March 2004.

* Was incorrectly submitted as Treasurer's Monthly Report on Agenda.

Sheriff: Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Dave Dial	Dan Dowell
John Stoll	Dennis Hudnall	Steve Craig
Marco Dalucio	Bev Behme	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 24, 2004**

The Vanderburgh County Board of Commissioners met in session this 24th day of May, 2004 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, May 24th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of May 17, 2004 Commission and Rezoning Minutes

President Fanello: Do I have approval of the May 17th Commission and rezoning minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Advertise: APA022-2004: Computers & Copy Paper
APA020-2004: Toners; APA013-2004: Tires and Tubes;
APA041-2004: Road Salt**

President Fanello: First discussion item is permission to advertise several bids, Phil.

Phil Lawrence: President Fanello, board members, I would like your permission to advertise four bids. Do you want me to do them one at a time, or all four?

President Fanello: I think we can probably take them at one time.

Commissioner Mosby: All four, yeah.

Phil Lawrence: Okay, APA022-2004, computer and copy paper; APA020-2004, toners and cartridges; APA013-2004, tires and tubes; and APA041-2004, road salt.

Phil Lawrence: There's--

Commissioner Mosby: I'll make a motion...oh, go ahead.

Phil Lawrence: I'm sorry. Go ahead.

Commissioner Mosby: Oh, I was just going to make a motion to advertise.

Commissioner Crouch: Second.

Phil Lawrence: Good. Alright.

President Fanello: So ordered.

Phil Lawrence: Thank you.

Commissioner Mosby: Make it easy on you.

Phil Lawrence: Yeah, there you go.

President Fanello: Thank you, Phil.

Building Authority: Maintenance Agreement (Jail Project)

President Fanello: Next item is a maintenance agreement with the Building Authority regarding the new jail facility. Anybody have any questions?

Commissioner Crouch: I just have a couple of questions. You might be able to clarify this.

Dave Rector: Sure.

Commissioner Crouch: I apologize for not calling today.

Dave Rector: That's alright.

Commissioner Crouch: It was on my list, and I ran out of time, but, and I'm sure you can answer these pretty easily. Would this maintenance agreement add any additional new employees, that you know of?

Dave Rector: No, it's not adding any additional, with the possibility, we're looking at in the summertime, doing the yards and grounds, we may have to add a part time person during the summer to help with the mowing. We've got about 20 acres out there to mow. We think we can do it with our existing staff, but I'm figuring during the summer months, maybe a part time person to help with that. Other than that, we'll be using existing maintenance that we have now, and existing housekeeping.

Commissioner Crouch: Okay. One of the things that I noticed on the first page, article one, the term, it specifies that it will be for ten years, yet the dates are actually ten years and six months. Is there a reason for that?

Dave Rector: Probably something that none of us caught, I would imagine. No, there's not, Suzanne. It was probably something that none of us caught on the dates.

Commissioner Crouch: Okay. Then what would you, what would be your preference? Probably starting January 1 of 2006?

Dave Rector: Well, we will have four months next year that I'm working on the budget now. That's why we're trying to do this, of course, so we can get in for those services. Assuming the jail's done September through December of 2005.

President Fanello: Why don't you just make it—

Dave Rector: What do you think, Kevin, just extend it?

President Fanello: –June 30th.

Kevin Winterheimer: I don't have my copy. Where is this?

Commissioner Mosby: Right here. It's says July 1st, (Inaudible).

Kevin Winterheimer: I'm sorry, was the question when to put the starting date?

Dave Rector: Yeah, I think what you're–

President Fanello: Or ending date.

Commissioner Crouch: Or change the ten years.

Dave Rector: –you've got (Inaudible) July 1, 2005, 2006.

Commissioner Crouch: Change the, yeah.

Commissioner Mosby: (Inaudible) she's saying this is ten years and six months.

Kevin Winterheimer: Oh.

Dave Rector: And then the other starts January, is that what you're talking about, Suzanne?

President Fanello: Yes.

Commissioner Crouch: Correct, and the fact that it states that it will be for ten years, but it starts on July 1 and goes through December 31.

Commissioner Mosby: We'll make it ten and a half.

Commissioner Crouch: Ten and a half?

Kevin Winterheimer: You can make it ten and a half, or just take out the ten years, either way.

Commissioner Crouch: Okay, that's fine.

President Fanello: Why don't you just take out the ten years.

Dave Rector: Just show the term then.

Commissioner Crouch: Okay.

Commissioner Mosby: That's fine.

Dave Rector: Okay.

Commissioner Crouch: Let's see, on page three, under the lawn care services, I know that we currently have a position in the Sheriff's budget for mowing at the Command Post. I don't believe that's a full time position, would that be something

that perhaps we would be able to talk to them about? Utilizing that person?

Dave Rector: We've had discussions about that. Chief's here.

Eric Williams: That person is actually assigned to the training center, and lawn care is part of the firing range, and that's mostly what they do is do vehicle maintenance and work on records. That's where the archives are. We can probably do what we can to assist, but he's located at another facility, and we probably would not want to be moving him around a whole lot, unless it was to assign him at this building.

Commissioner Crouch: Okay.

Eric Williams: We have talked about sharing resources and doing what we can to help, so.

Commissioner Crouch: Okay. Then the, I think the only other, a couple of other points, on page three also would be, it's referred to when you list the costs that are included with this agreement, administrative overhead is one of the costs. Can you give me an example of what maybe that would entail?

Dave Rector: Yeah, we have that at the Centre in the agreement now, and, basically, what that is, is that's some of the management/supervision costs that would be incurred from me, or the supervisors running out there with another area facility. I think incrementally you'll find that pretty small, but it's just trying to account for time out there at the new jail, separate from this facility.

Commissioner Crouch: So, it wouldn't be additional salaries?

Dave Rector: Oh, no.

Commissioner Crouch: It's mainly some costs associated, okay. Then, I think this is the last, everything, well, this probably isn't a fair question to you, but most of the capital improvements would have a one year warranty, is that not—

Dave Rector: One year warranty, yes, generally so.

Commissioner Crouch: Okay. Then on page six there's a reference to the liability insurance for vehicles owned or leased by the Building Authority. Are you anticipating purchasing any vehicles in association with the jail?

Dave Rector: We will have to be purchasing some vehicles, just for the Building Authority, at some point. We're still driving a ton and a half dump truck from 1969 when the Building Authority was first formed. We're driving about a ten year old pickup truck. We're going to be getting a trailer to haul the mower. We'll make those vehicles last as long as we can, but any that we do replace, we'll buy. It's just a matter of how long they last for us. The one that's from 1969 is starting to get a little old.

Commissioner Crouch: Well, you've certainly gotten your money's worth out of that.

Dave Rector: It might be an antique though. It might be an asset now.

Commissioner Crouch: Then, this will add an additional, well, of course, you don't know what the budget is yet for the—

Dave Rector: We're getting a pretty good idea of it. I've been working on it for quite a while. You know we have the utility loads, we have the information on the cooling tower chemicals, on buying salt for the water softener, maintaining a lake, gasoline, what we think our maintenance and housekeeping costs are going to be. So, we're getting a pretty good idea on it. I better be, it's to you by June 15th, so.

Commissioner Crouch: Then the \$100,000 that is part of the reserves, that's not due until 2006? Is that correct?

Dave Rector: Right. Right.

Commissioner Crouch: But, now isn't next year when the Centre's depreciation reserve bumps up from \$200,000 to \$300,000?

Dave Rector: That's this year.

Commissioner Crouch: Is it—

Dave Rector: That will be 2005. That's this year.

Commissioner Crouch: Okay, for next, okay. That's all. Thank you.

Dave Rector: Okay.

President Fanello: Any other questions? Do I have a motion?

Commissioner Mosby: I'll make a motion. The first motion I'll make is under the term, to read as "the term of this maintenance agreement shall commence on July 1, 2005, ending on December 31, 2015 (unless earlier terminated as provided)." We'll change that.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Then I would make a motion to accept as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. Dave, while you're up here, would you mind giving us...I know you met with Councilmembers and judges last week about renovating the Health Department—

Dave Rector: Yes.

President Fanello: —space, or additional courtrooms. Can you give us a little, short update on that meeting?

Dave Rector: Sure, last Wednesday or Thursday I met with three of the Councilmen, four judges to discuss the bids that came in that I think we all got some information to you about on the two renovations in this building and the other building. They were at what we had thought they were going to be, about a million and a half dollars. Then with other ancillary costs for furniture, accounting how much you may or may not buy, the cost could go up to possibly two million. I believe, obviously, the

judges were in favor of it, the Councilmen present thought it was a good idea. Their quandary is where does the money come from? We debated that for quite some time, talked even further about the costs associated with the massive renovation when the old jail goes. I think the desire and focus was on how do they pay for this immediate project? A real good possibility that appears may happen with this is, as you know the bonds for this building have been defeased, that money is in there with interest, and paying that in 2006, we anticipate, and I'm going to estimate here, because we're still waiting on the exact numbers, around two million dollars coming back to the city and county. The county would get about 70% of that, the city gets 30% of that. In 1990 when the Building Authority had bought the property across the street for that parking lot, there was a commitment to pay the Building Authority back a million dollars for that project. We had discussion in our board meeting today, would they consider waiving that repayment so that the county could use that million coming in from the defeased bonds to then pay towards this project. Everybody seemed to think that was a pretty good idea, and we're going to work towards that, with your all's permission. The thought would be then that we could borrow the money to get this project moving now, with the commitment to pay that back when that money comes in 2006. Where the rest of the money is going to come from was the question. They talked about possible CCD money, but then came up again to with your courthouse project, there's a big commitment there. We talked about using Building Authority depreciation reserve money. I guess we all walked away from the meeting thinking we're closer than we've ever been so far to this thing actually starting to happen. We've got updated quotes coming in, as Suzanne had suggested last fall on bond anticipation notes from Old National and Fifth Third. So, I guess, at this point, my report would be that it appears cautiously optimistic that it may move forward. I'm supposed to get the information back to you all and the Councilmen and the judges on how much money actually will be coming back in.

President Fanello: Does anybody have any questions?

Dave Rector: Another update, while I'm here, I guess, the design is completed for both parking lot expansions, and we'll advertise for that, and, hopefully, have that bid out in the next two to three weeks. Do that, then start getting the extra parking.

President Fanello: Alright, thank you.

Dave Rector: Okay, thank you.

Commissioner Mosby: Thank you, Dave.

American General Finance Addendum
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President Fanello: Next item is an addendum for rental of some space out at Burdette Park. Does anybody have any questions?

Kevin Winternheimer: Do you want an explanation?

President Fanello: Sure.

Commissioner Mosby: Sure.

Kevin Winternheimer: Okay, real briefly, they wanted to use a different name. The name that they want on the rental agreement, what have you, is American General

Finance Management Corporation. I don't recall which, what exactly the other name was that they'd put in there. They wanted a provision that, if, for some reason, any part of the park facilities are not fully functional, that they will be given a credit, or it would be pro-rated. I talked to Steve Craig, he said that's their policy anyway. Then they wanted a force majeure clause that, if, for some reason, an act of God, what have you, that they are not able to utilize the facility at all, that we would refund their deposits, which Steve said is their policy. And, they want the ability to AGF, which is one corporate entity, to have the possibility of assigning it to another corporate name of the same company. I see no problem with this, and recommend your approval of it.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: 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 old business?

New Business

President Fanello: New business. Is either Commissioner interested in scheduling a meeting next week? We don't meet next Monday. It's a holiday.

Commissioner Mosby: I'm not.

President Fanello: It's up to you.

Commissioner Mosby: I mean, unless we want to schedule it and cancel it. I mean, if we would need to meet, we could schedule one and then—

President Fanello: Why don't you schedule it for June 2nd, that's a Wednesday at 9:00 a.m. That way if you had anything come up, you could meet.

Commissioner Mosby: Okay.

President Fanello: Do I have a motion?

Commissioner Mosby: I'll make a motion we schedule one for June 2nd, 9:00 a.m.

Commissioner Crouch: Second.

President Fanello: So ordered. Alright. Department head reports.

County Engineer

President Fanello: County Engineer.

John Stoll: The first thing I have is a request to proceed with the condemnation on the Lyle Road right-of-way, on the Taliefero parcel. The letter I put in front of you is from one of the owners who owns a 1/30 share of the property, Mr. Kenneth Grimes, he is the only owner that I received a written counter offer from. In Mr. Grimes counter offer, down at the bottom, he's got a, b, and c listed. A and b relate to the Nurrenbern Road right-of-way, which Kevin has previously said is not an issue at this point. So, c is the only really relevant dollar figure shown in there, and Mr. Grimes has asked for \$1,441 for his share of that property. That translates into the property value being over \$43,000 an acre, which is over ten times what our appraisal came back at. So, on that basis, I would request that you reject Mr. Grimes counter offer.

Commissioner Mosby: Motion to reject counter offer.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Then, in conjunction with that, I would also like to request that you authorize the County Attorney to proceed with condemnation on the Taliefero parcel. We have not received any other correspondence from any of the other owners. I did speak to one of the other owners who had told me that she had planned to get a written counter offer in, but I told her the meeting deadline, and I did not receive anything today. So, on that basis, we probably need to proceed with condemnation.

Commissioner Mosby: Motion to proceed.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The next item I have is a request for street plan approval on Clear Brook Manor subdivision. This is located off of Galaxy Drive, which is out off of Green River Road. Constellation Avenue is out here on Green River. This is about half way between Lynch Road and Morgan Avenue. This subdivision is located at the end of this cul-de-sac out here. I've reviewed the plans, it's a PUD, I'd better bring that up. Since it's a PUD, the designer and the developer have requested that the right-of-way be reduced to 41', which is basically from the back of sidewalk to back of sidewalk with no surplus room within the right-of-way. I spoke to Kevin about this some time ago, and since it's a PUD, and they established it this way from the start, that was acceptable. Other than that, the plans look acceptable, and I would request that you approve them.

Commissioner Mosby: Motion to approve plans.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The next set of street plans that I would request approval on is on section

B of Fawn Creek Subdivision. This is located off the north end of Eickhoff Road, immediately north of Ashley Place Subdivision. We previously approved, back in 2002 this portion of Fawn Creek Subdivision down in the southeast corner of the sub, and now the developer is requesting approval for the remainder of the sub, and I would request approval on this one as well.

Commissioner Mosby: Motion to approve Fawn Creek.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have the rock road standard detail that I brought before you several weeks ago. I've got the final version of it. Basically, it's unchanged, it still calls for a 20' rock road, 9" thick, and a maximum number of three residential lots. It's requested this be granted final approval.

Commissioner Mosby: Motion to approve rock road standard.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request approval from you to have EUTS do the environmental study and the signal warrant study on the Oak Hill Road and Bergdolt Road intersection project. I spoke with Rose Zigenfus at EUTS, and she said her staff could do these two tasks on that project, like they did at Green River and Millersburg. That should save us some money in regard to the consultant agreement. So, I would request that this be approved.

Commissioner Mosby: Motion to approve EUTS doing study.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request approval to advertise the notice to bidders for the Jobe's Lane water and sewer project. This notice to bidders would have the bids opened on June 21st.

Commissioner Mosby: Motion to approve notice to bidders.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: There are no signature lines on that. That was the format that's required since it's a Department of Commerce project, and it didn't have any Commissioner signature line on it. Next, I would like to request that the Commissioners accept some streets in Havenwood Meadows subdivision, section one. This is 1,579' of Havenwood Meadows Drive; 121' of Bernadette Drive; and 1,797' of Johannes Court.

Commissioner Mosby: Motion to approve streets.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have here is just a print out from a power point presentation that Clark Dietz gave me last Friday in regard to Rule 13. This basically summarizes what the county needs to do for part C of this in order to be in compliance with IDEM regulations. Our deadline on this will be in early November, and I'm working with Clark Dietz right now to come up with an agreement for their services to comply with this part C. But, this will give you an overview of what we have to do.

Commissioner Crouch: Are there any costs associated with that, John?

John Stoll: Yes.

Commissioner Mosby: Nothing's free.

John Stoll: This is the most expensive part of this program, because this is where we have to actually implement all the different IDEM mandates. All the different programs as far as the storm water, post construction storm water pollution prevention, construction programs, we have to have, I believe they call it good housekeeping, which is basically your municipal operations have to provide clean storm water run off as much as possible. We also have to do the mapping of the storm drainage system in the county. We have to have people actually out walking the ditches along county maintained roads to find if there are discharges polluting the run off, things like that. So, this will be the component of the program that will cost the county the most money. I don't have a good estimate how much, as of yet, as far as the components of that program, but the agreement with Clark Dietz, the preliminary numbers that they've given me was around \$50,000 for their services to come up with the game plan to comply with this.

Commissioner Crouch: I know that Soil and Water has spoken to all three Commissioners individually about a role that they could play. Is there some role in this perhaps with monitoring run off into ditches?

John Stoll: I think they could play some roles like that. A lot of the way that IDEM had this written, it was intended to have volunteers helping you to determine if there are pollutants entering the storm water system. Maybe they can play a role in that as far as having people walking the creeks and providing us with information regarding whether or not they find any, illicit discharges is what IDEM calls them. Or maybe other roles like that. I guess, overall the erosion control program would be transferred to all under my office, with assistance from the County Surveyor. So, I don't see a long term role for them in that aspect of it, but I would think there's some other parts they could play in it.

Commissioner Crouch: One last question, John, when are you anticipating having some kind of numbers, budget numbers?

John Stoll: We've got some draft numbers that were put in the notice of intent that we filed last November. I can get you those. I don't remember exactly what they were, but it was expensive. The way this is set up, it has a phase in period. It's a five year permit cycle, basically. So, we have different targets we have to hit in each year of the five year permit term. Clark Dietz put together some preliminary

estimates when they filed the notice of intent, but they were very preliminary, because we did not have any program that would be established through part C to actually say, okay, this component will cost "x" number of dollars, and that would be what the outcome of this part C will be. We'll have a much better handle on what the costs of implementing this program. So, I'll get you the ball park numbers, but they're rough. That's all I have, unless you have any questions on anything else.

President Fanello: Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I want to discuss and address some of the things about paving. I know at the beginning of the paving season we sent a list in, the Commissioners had okayed it, and we had set a priority on those roads that we were going to do, one through whatever. Here lately we've been having to jump around off of those because of events that happen during the day that I have to pull a crew off to repair some emergency road. Like Frontage Road caved in the other day. We had a bridge that needed the structure repaired before we could send the paver over it. And then Waterworks called up one day and said we're running a pipe a couple of miles down that road that you're paving right now, so, I had to pull them off of there. John had sent them an e-mail at the beginning of the season, and I had sent them a copy of my paving list, but evidently they overlooked it. So, some of the events that have taken place, we're kind of managing on the contingency of that morning what events are going to impede our paving. So, if you're monitoring the paving list, it's not following those priorities, but we're working to try to get back on those, on that schedule. So, if, you know, to try to save the county money, there is no sense in me paving a road that they are going to tear up, you know, in two or three months. So, I've been working closely with John and we're monitoring those now. So, it's just an oversight from Waterworks, but we've probably paved one lane of that, probably about 600' or 700' of it. But, they are going to take some of it out, but it's just one of those things that we couldn't help. The only other thing that I've got, is if you've got any questions on our weekly report.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Okay, have a good night.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: My report is real short. For the gentlemen in the audience, I've already had discussions with attorney, Jay Ziemer, he's going to be handling the Lyle Road, and he's going to get on that right away. If anybody is out there who still wants to submit a counter offer, we will, of course, consider it and bring it back to the Commissioners any reasonable counter offer. So, I still have hope, even though they missed the deadline. So, that's that matter. The second thing is I've talked to the President of the Drainage Board, and I'm going to, if it's okay with you, leave the meeting now, unless you have any questions and skip the Drainage Board meeting.

My son is participating in an academic honors program at his school tonight, and I think he would be really thrilled, I know I would if I could see him get his academic honors. So, if you don't need me anymore tonight, I would really appreciate it if I could leave now, because I could still make it.

President Fanello: Go.

Commissioner Crouch: Motion to excuse.

Commissioner Mosby: Second, see you later.

President Fanello: So ordered.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add an agreement I got today to the consent items. This agreement is the financing for the energy savings contract for the Old Courthouse. Kevin did look at it before he just got out of here. So, I ask that this be approved.

Commissioner Mosby: Motion to add to the consent items.

President Fanello: Are you going to abstain from that? I will second that.

Commissioner Mosby: Oh, okay.

President Fanello: So ordered.

Tammy McKinney: That's all I had.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. I spoke late this evening with two representatives from Northeast Aquatics regarding the contract between them and the Commissioners. They were unable to get in touch with Kevin. Kevin has their phone number and the two contact people that he will be getting in contact with first thing in the morning. The other item that I have is I have a thank you and a request, both coming from the same parties. The safety patrol, which visited the park this past Thursday would like to thank you for giving them the opportunity to come to the park, and their request was that in light of the past five years weather conditions, that you, as Commissioners, would assign another dedication ceremony. They are feeling that you brought the fine weather with you as a part of their activities there, and they do definitely appreciate the opportunity of being there. Like I said, this was the first year that the weather has been anywhere close to being conducive for them to have a full day of activities at the park.

President Fanello: It was beautiful that day.

Gary Hohman: That's all I have, unless you have any questions.

Commissioner Mosby: Thank you, Gary.

President Fanello: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Mosby: Motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. We'll start Drainage Board in about five or ten minutes.

(The meeting was adjourned at 6:05 p.m.)

CONSENT ITEMS:

Jail Expenses:

Mel-Kay Electric: \$25,302.00.
Williams Brothers Construction, Inc.: \$698,802.61
Great Lakes Hotel Supply: \$ 80,994.60

Travel Requests:

Health Department (1)	Center Assessor (1)	SWCD (1)
Knight Assessor (1)	County Clerk (1)	Auditor (1)
County Engineer (1)		

Employment Changes:

Coroner(1)	Voter Registration (1)	Sheriff Dept. (1)
County Assessor (1)	Auditor (1)	Treasurer (2)
Health Dept. (1)	Pigeon Assessor (2)	Burdette Park (4)

Auditor: Submit Financial Report.

Treasurer: Submit Monthly Report for April 2004.

Superior Court:

Home Verification Officer Agreement: Michael Collins

Sheriff Department:

Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Dave Rector
Eric Williams	John Stoll	Dennis Hudnall
Gary Hohman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 2, 2004**

The Vanderburgh County Board of Commissioners met in session this 2nd day of June, 2004 at 8:10 a.m. in Room 307 of the Civic Center Complex with Vice President David Mosby presiding.

Call to Order

Commissioner Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, June 2, 2004. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Tim Born; myself; Commissioner Crouch; Auditor, Bill Fluty; Madelyn Grayson, Recording Secretary. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of May 24, 2004 Commission Minutes

Commissioner Mosby: Motion to approve the May 24th Commission minutes?

Commissioner Crouch: So moved.

Commissioner Mosby: Second and so ordered. I don't believe there is any bid advertisements or openings, that I know of. Any discussion items? Any contracts?

State Form for Application for Construction Design Release VCCC

Commissioner Mosby: Okay, state form for application of construction design release for community corrections. I believe Mr. Born has looked at this.

Tim Born: I have. It's (Inaudible. Mic. not on.) project for community corrections, and, so, it's in appropriate form, and I would urge the Commissioners to sign it.

Commissioner Crouch: Just one question. Madelyn Grayson pointed out that if you look at the very bottom line on the front page those numbers don't add up to the total. So, I don't know if we need to correct the total.

Tim Born: That's information I think that the design professionals are supposed to fill in. What we're as a Commission doing is agreeing to take responsibility for removing and replacing any construction...I mean, the line that we're filling out, the owners certificate, is different than that material down here. So, what we ought to do, I think, Commissioners, is probably point out to the design authorities if they need to change those statements..

Commissioner Crouch: Okay.

Madelyn Grayson: Patty White is in the process of calling United right now to make sure that's correct.

Tim Born: Okay.

Commissioner Crouch: Well, I'll make a motion that we do approve the application for construction design release and notify the consultants that they need to adjust the figures at the bottom.

Commissioner Mosby: I will second that. So ordered.

Public Comment

Commissioner Mosby: Okay, any public comment?

Old Business

Commissioner Mosby: Any old business?

New Business

Commissioner Mosby: New business? Sherman is here. I was just talking with Sherman over in the office, he has asked that we would, I guess, declare a week of where the county would go out and try to help with removal of debris from county residents. Reggie's looking at me like I'm nuts, which I did inform Sherman of how much of our own stuff we still have laying around. I guess, and this is all going to be recouped, as long as we keep track of our time and equipment and everything. Sherman, you might want to go ahead and just speak to it a little bit, what we talked about.

Sherman Greer: Yes, Mr. Commissioner and Ms. Commissioner. I, we haven't gotten a Presidential declaration out of this for the state of Indiana. It takes five million dollars for application as far as declaration for FEMA to get a disaster, declared a disaster. But, with Warrick County at three million dollars, and we estimated 1.1 million dollars for the Vanderburgh County area, Marengo completely wiped off the map, and the damage done around Indianapolis and other places. Right now I gave you a report of the situation report for the state of Indiana, and it's well over ten million dollars estimated as of this time. So, I don't think it's going to be any question whether or not we're going to be declared as a disaster area. All of that, once that's done, then any type of equipment and manpower that is used can be recouped from the federal declaration. So, there again, we should be able to recoup that money to where we'll be able to not be using our tax money and everything, and we'd be able to get that money back from the feds. Now the process of that may be a little bit lengthy, but we will get it back. That's where we stand right now, and I know Reginald is quite busy as it is and everything, but as you and I discussed, if we set up something, put a public announcement out, run it through your office and see if it's okay, just fix it up for some time in the next week or so while they are cutting this and getting it ready to where that....we can also work with Scott Township Fire Department, they know the area out there. It's more or less into the Scott Township area, the Darmstadt area. Then work with them and maybe have call-ins going into them and also to our office so that we can pinpoint these and not these guys riding 600 miles of roads out there to get to where they need to go to give that assistance. I think we also discussed getting a hold of the parks or the zoo and find out if they still (Inaudible) and everything (Inaudible) it up that way (Inaudible) something of that sort. We'll look into those things for you (Inaudible). We've just got a lot of people calling in and wondering what to do with this stuff. The last couple of days I've went out through there and people are starting to burn already, and

some of those areas that's a no-no. The no burn ordinance that we have for Vanderburgh County four miles outside of the city limits, so, if we offer them something, maybe we can cut that down and stop that burning.

Commissioner Mosby: Now, do we allow any burning at, like down in the farm ground?

Sherman Greer: If it's, I was talking to Donna Bergman last night, and from what I understand it's a four mile radius outside of the city limits, there's no burning. In the incorporated city of Darmstadt, they fall under EPA state, so they can burn there, but still yet it's one of those things to where that it's only four miles out. So, anybody that's burning within that four miles is in violation. Knowing that people just went through a disaster type situation we don't want to levy fines on people that are trying to clean up their property and everything.

Commissioner Mosby: I think I was asking that more for what might happen in Union Township. I know I was down there Monday and they let everything go, so, they've lost a couple thousand acres down there.

Sherman Greer: Right.

Commissioner Mosby: I'm sure they are going to have a lot of drift. I didn't know if they were going to be allowed to burn that and get rid of it, or if Reggie had to go pick it up if they push it to the side.

Brad Ellsworth: I think farmers under the (Inaudible)--

Sherman Greer: An exemption, yeah. I think we can apply for exemptions, yeah.

Commissioner Mosby: Okay, we might talk to them about that. Because I know they are going to be under a tight restraint, once it clears they've got about a week and a half, two weeks to plant back.

Sherman Greer: Under declarations, I don't know if they've got some additional, so, we'll look into that and find out whether or not if we're under a declaration and everything maybe we can work with the EPA to (Inaudible).

Commissioner Mosby: That would be my thought just for a 48 hour period, or we work with them in some way to try and clear it off so that they can get it planted back.

Sherman Greer: Okay.

Commissioner Mosby: Alright.

Commissioner Crouch: So, Sherman, what you're asking the Commission to do today is to give approval to use county resources--

Sherman Greer: Yes, ma'am.

Commissioner Crouch: --for removal of debris when everything, all the paperwork and everything is finalized at the state and federal level. Is that correct?

Sherman Greer: Well, we really don't want to wait for the declaration. That could take a couple of weeks maybe to get a declaration. Even though the governor has

already applied for it. Yesterday he made the statements that he had applied for the federal declaration. So, it just depends upon how fast they can do that. I think what we want to go ahead with the anticipation of us being able to get the declaration, and Vanderburgh County will be named under that declaration and everything. We'll be able to keep our manpower from day one of the incident that happened, with what work they've already done, and then still be able to get recouped for that.

Commissioner Mosby: To clarify that, we're not going to go up and cut the trees out of the yard.

Sherman Greer: No.

Commissioner Mosby: They're going to have to bring it to the curb. I mean, cut it up and set it out.

Sherman Greer: Right.

Commissioner Mosby: Call Scott Township, Scott Township will take the addresses, pass them on to Reggie, so that we're not driving up and down every street.

Sherman Greer: Yeah.

Commissioner Mosby: Then he will just take a selective list that's called in and we'll go out and pick up curb side. Just the material.

Sherman Greer: We're not worried about in the confounds of Darmstadt either. I mean, they are taking care of their own.

Commissioner Mosby: Right.

Sherman Greer: If, you know, if something is right on the outskirts, we might give them a hand, or something like that, but we're not going to go in and pick up the downed garage there and different things like that. That's within their city limits that they have to deal with.

Commissioner Mosby: I just don't want people thinking that we're going to come up in their yard and cut the trees up—

Sherman Greer: Right.

Commissioner Mosby: —for them.

Sherman Greer: Exactly.

Commissioner Mosby: I mean, I know there's a lot of them down, but—

Sherman Greer: And we'll have to word some of that to make sure that it is spelled out.

Commissioner Mosby: Make sure it's stacked within sizable lengths to be picked up off the side of the road.

Sherman Greer: Right. I think that's what they want more than anything. What are we going to do with this.

Commissioner Mosby: I don't have a problem with that. I mean, I know we're busy, I feel sorry for Reggie and them, but, you know, we'll do all we can to help them.

Sherman Greer: Okay.

Commissioner Mosby: Then, I guess we need that in the form of a motion, don't we, Tim?

Tim Born: Sure do. We do.

Commissioner Crouch: I'll move that we approve county resources to work with Emergency Management Agency and other agencies to remove debris, provided it falls among the parameters that are established.

Commissioner Mosby: I'll second that. So ordered.

Sherman Greer: Thank you.

Commissioner Mosby: Thank you, Sherman. Any other new business?

County Engineer

Commissioner Mosby: Did you have, County Engineer, did you have a report? I mean, we've got your papers, but—

Pat Seib: The only thing I have to report is that—

Madelyn Grayson: Pat, will you make your comments at the Mic. please?

Pat Seib: Good morning. The only thing I have to report is that I don't have anything to report. Except to entertain any questions or comments that you would have.

Commissioner Mosby: I don't have any. Thank you. Thanks for coming.

Pat Seib: Okay, thank you.

Tim Born: Excellent report.

Commissioner Mosby: Yeah.

County Highway

Commissioner Mosby: County Highway.

Reggie Haskins: Reggie Haskins, County Highway. Dennis couldn't make it today, I'm here in his presence. I don't have any new business. I'm open for any questions.

Commissioner Mosby: I don't have any questions, but, I guess Sherman and I will be getting with you—

Reggie Haskins: Right.

Commissioner Mosby: –on how this is going to work with Scott Township and that. You're doing a great job.

Reggie Haskins: Yeah, we're doing alright. Just tired.

Commissioner Mosby: I understand. Any other questions? Thanks, Reggie.

Reggie Haskins: Thank you.

Superintendent of Buildings

Commissioner Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have a report.

Burdette Park

Commissioner Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. The only thing I've got to report, we're open and running, had a couple of good days. Had a washout on I think it was Sunday. We have been cleaning up debris and trees. We had several large trees and numerous small trees and branches that broke. Been spending most of our time cleaning the park back up to get it back to where it was a couple of weeks ago. Other than that, everything is going really good.

Commissioner Mosby: Any questions? Thanks for your help.

Steve Craig: You're welcome. Thank you.

Soil & Water Conservation District

Commissioner Mosby: Soil and Water. I don't see anybody with Soil and Water.

Commissioner Crouch: I'll move that we approve Soil and Water.

Commissioner Mosby: I have a motion to approve department head reports, Soil and Water, I will second that and so order it.

Consent Items

Commissioner Mosby: And consent items.

Commissioner Crouch: I'll make a motion that we approve the consent items as submitted.

Commissioner Mosby: I will second and so order it.

Commissioner Crouch: I'll move that we adjourn.

Commissioner Mosby: And I will second–

Scheduling of Executive Session for June 7, 2004

Tim Born: I have one matter. We need to meet in Executive next Monday, if it's convenient for the Commissioners. We have one litigated matter to discuss with you. A few minutes.

Commissioner Mosby: Do you want 15 minutes?

Tim Born: At the most.

Commissioner Mosby: At the most?

Commissioner Crouch: I'll move that we have an Executive Session next Monday at 5:15.

Commissioner Mosby: I will second that and so order it.

Commissioner Crouch: Move to adjourn.

Tim Born: Thank you.

Commissioner Mosby: I have a motion, and I will second that. We stand adjourned.

(The meeting was adjourned at 8:23 a.m.)

CONSENT ITEMS:

Travel Requests:

German Assessor (1) SWCD (2)

Employment Changes:

Prosecutor (2) Health Department (1) VCCC (1)
Burdette Park (3) Sheriff Department (3) Circuit Court (1)
Supt. Of Bldgs. (1)

Superior Court: Drug Court Grant.

Health Department: Xerox Sale/Maintenance Agreement.

Sheriff Department: Weekly Jail and Community Corrections Reports.

Those in Attendance:

David W. Mosby	Suzanne Crouch	Bill Fluty
Tim Born	Tammy McKinney	Madelyn Grayson
Sherman Greer	Pat Seib	Brad Ellsworth
Reggie Haskins	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 7, 2004**

The Vanderburgh County Board of Commissioners met in session this 7th day of June, 2004 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, June 7th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; sitting in for County Attorney, Kevin Winternheimer, is counsel, Jay Ziemer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of June 7, 2004 Executive Session Summary Minutes

President Fanello: Approval of the June 7th Executive Session.

Commissioner Mosby: I make a motion to approve the June 7th Executive Session summary minutes. The meeting was discussing litigation only.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of June 2, 2004 Commission Minutes

President Fanello: Approval of June 2nd minutes.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Quotes for VC04-06-02: Asphalt Paving of Lutterbach Road

President Fanello: First item is open quotes for VC04-06-02, asphalt paving of Lutterbach Road.

Jay Ziemer: Do you want me to just open the bids now and announce them later? We just have three bids.

President Fanello: You can go ahead and open them, and we can move on to the next item, because the Mayor may need to get to the City Council meeting. So, do I have a motion to open the bids?

Commissioner Mosby: I'll make a motion to open VC04-06-02.

Commissioner Crouch: Second.

President Fanello: So ordered.

Joint Resolution Regarding I-69

President Fanello: The first discussion item will be Mayor Weinzapfel, resolution regarding I-69.

Jonathan Weinzapfel: Thank you. I appreciate the opportunity to appear before the County Commission. This may be the first time that I've seen a mayor do it, but maybe it's not the only. This is a, I wanted to come and just talk briefly about a topic I think everyone's familiar with, and that's the coming of I-69. As, I believe the Commissioners all know, INDOT has proposed setting aside quite a bit of money to allow communities to adequately plan for I-69 in their neighborhoods. This money is to be used for land use planning and for economic development purposes so that, basically, communities along the route can maximize the potential benefit, the potential economic impact of I-69. What we've been talking about doing here locally is joining together as a region, southwestern Indiana coming together, the three counties of Warrick, Gibson and Vanderburgh counties, along with the City of Evansville and Oakland City, all five of those entities would be eligible for this grant money through the state. We think it's a good idea that if we jointly apply for this money, theoretically we could receive up to \$250,000, \$50,000 per community, that we could apply to this type of economic development and land use planning for the entire region. I think this is the route for us to go in order to make sure that we can maximize the job impact, the economic development impact of I-69. I should say the Board of Commissioners of Gibson County approved this resolution this morning. I have talked to the mayor of Oakland City, and they are prepared to sign it. I have gone ahead and signed it. Warrick County will consider it on Wednesday, but wanted to present this to the Vanderburgh County Board of Commissioners. I should mention that Commissioner Suzanne Crouch has been actively helpful in setting up some meetings, and I know both Commissioner Mosby and Commissioner Fanello have been pushing this issue also since the first of the year. So, I'm glad we've got it off the ground. I think it's a tremendous opportunity, and hope the Commission will approve it. Thank you.

President Fanello: Are there any questions?

Commissioner Crouch: I just wanted to state that I think this is a good, positive first step. Economic development has no political or physical boundaries. In order to realize maximum benefits on the I-69 corridor, I agree with the mayor that it is critical (Inaudible. Microphone cutting out.) partner in (Inaudible).

Commissioner Mosby: I'm all in favor.

President Fanello: Do I have a motion?

Commissioner Mosby: I will make a motion that we approve the resolution made by the Mayor. I think it's a good step forward.

Commissioner Crouch: Second.

President Fanello: I'll so order, and say hats off to Commissioner Crouch and the Mayor for working on this together. Thank you, Mayor, for bringing this to us. Hopefully, it will set a precedent for the counties to continue to work together, not only on I-69, but also other coordinating projects. So ordered.

Commissioner Mosby: Thank you for coming to the meeting.

Jonathan Weinzapfel: Thank you.

Commissioner Crouch: And if we come to the city, will we be first on the agenda?

Jonathan Weinzapfel: You'll have to talk to President Bagbey about that. I don't know how much influence I have over there.

Commissioner Crouch: Thank you.

Commissioner Mosby: Thank you.

Revisit Opening of Quotes VC04-06-02: Asphalt Paving of Lutterbach Rd.

President Fanello: Okay, next item, Jay, are you ready for the bids?

Jay Ziemer: Yes.

President Fanello: Okay, go ahead and read those.

John Stoll: I opened three bids for the Lutterbach Road project. The first bid was from E&B Paving, Inc. for the amount of \$33,815. We had another bid from J.H. Rudolph and Company, Inc. for thirty four dollars, four hundred and ninety six. I'm sorry, \$34,496. One from Jerry David Enterprises, Inc., \$22,950. Those were the only three bids.

Commissioner Mosby: I'll make a motion to take quotes for VC04-06-02 under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Advertise Notice of Public Hearing:
Vacation of Easement: 12100 Bridlewood Drive**

President Fanello: Next item for discussion, Ted Ziemer. Is Ted here?

Madelyn Grayson: That's simply for permission to advertise for a public hearing.

President Fanello: Are there any questions?

Commissioner Mosby: I'll make a motion to give permission to advertise notice of public hearing on the vacation of the easement at 12100 Bridlewood Drive.

Commissioner Crouch: Second.

President Fanello: So ordered.

Jobe's Lane Grant Administration Contract

President Fanello: First contract, Judy Weatherholt, Jobe's Lane grant administration contract.

Judy Weatherholt: Good evening, I'm Judy Weatherholt with the Southwestern Indiana Regional Development Commission. I just want to give you a brief update on the Jobe's Lane project. As you all know, it has gone out for bid. We did our first notice June the 4th. The second one is June the 11th, and the bid opening is scheduled for June the 21st. We will have a pre-bid conference on June the 14th. So, I've also talked to the Department of Commerce today, and we will get a second opinion on the wage decision. I requested that as of Friday, this coming Friday. So, you all have, hopefully, a copy, or the attorney has a copy of the contract. This is a contract that was brought to you all sometime last year. You all approved signing the contract, but it was contingent upon grant award. I asked for it not to be signed until after the award. So, as we are proceeding into this project, I would like for you all to go ahead and consider signing that contract now. It is for a fee of \$10,000 for the grant administration, all the paperwork that has to be completed with the Indiana Department of Commerce. So, I would present that grant...of course, the contingency clause is not applicable at this time, because of the grant award. That's what that was in there for.

Commissioner Crouch: Judy, that money would go to the Southwest Indiana Regional Development Commission?

Judy Weatherholt: Yes. We will use that, upon the board's approval, to spend for other things.

Commissioner Mosby: I'll make a motion that we go ahead and sign the contract. Thank you, Judy, for all your help.

Judy Weatherholt: Okay, you're welcome.

Commissioner Crouch: To be consistent, I will abstain.

President Fanello: I will second the motion, and say so ordered.

Judy Weatherholt: Thank you.

President Fanello: Thank you, Judy.

FEMA Cooperating Partners Memorandum of Agreement

President Fanello: Next item is Building Commission, FEMA cooperating partners memorandum of agreement.

Steve Fuchs: Good evening. This cooperating technical partnership agreement is the same one, basically, that you signed in November, but because administration has changed, and everything before FEMA got around to signing it, and they have made one change, and that is that the Indiana Department of Natural Resources is now a partner in this with us. They are there primarily because they will be doing

QA, QC on all the engineering work and the hydrology of these studies that are done in the CTP agreement. Everything else remains the same as it was before. We have already submitted the proposal for the re-study of the east side, and so you understand, we have already been told that once this is signed and goes back in and our mapping assessment statement is in, they've already set aside \$246,000 for us to do that re-study of the east side. This is something that's necessary in order for us to be able to obtain that.

Commissioner Mosby: I'll make a motion to sign the FEMA cooperating partners memorandum.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you.

Steve Fuchs: Thank you very much.

**SBC Sonet Ring Contracts:
Burdette Park, County Highway, The Centre, DADS
Health Department (not signed)**

President Fanello: Next item are the SBC sonet ring contracts. Our office did contact Matt Arvay and he has reviewed these contracts.

Gregg Baker: Gregg Baker, computer services. We have five of them; Vanderburgh County Health Department, DADS, the Centre, Burdette Park, and Vanderburgh County Highway. You asked a question beforehand about the Health Department. It actually does have a date. The contract will start on 6/30. The only one that doesn't right now is Burdette Park. I think we could probably amend the date. The concern that Bill had was that we could incur costs prior to the Health Department making their move. This is really for the move, right after the move, but (Inaudible. Mic. cutting out.) for the date on the contract.

Jay Ziemer: Yeah, there should be no problem to get the initial from the Commissioners and yourself, I would imagine.

President Fanello: I was assuming this was for the new facility.

Gregg Baker: Yes, it is.

President Fanello: Okay, and when are they expected to—

Gregg Baker: That's something I'm not sure of the date. So, I may have to go talk to the Health Department and get an expected date out of them.

President Fanello: Okay, well, before we sign that one tonight, why don't we do that, and we'll go ahead and sign the others.

Gregg Baker: Okay.

Commissioner Crouch: Commissioners Fanello and Mosby? The funding for this (Inaudible. Mic. cutting out) their share?

President Fanello: I was looking at that myself today, and the Highway, I don't know, because the Highway budget is very, very tight. We don't have...Bill's looking at me, like, yes. We don't have any extra money in there, but the Health Department, that probably would not be a problem.

Gregg Baker: DADS is a reduction in cost anyway.

President Fanello: Okay.

Gregg Baker: From \$150 to \$98.

President Fanello: So, let's, we can look at that though. I thought about that myself, but the Highway, probably out of the question at this point.

Bill Fluty: This will be a continuous cost next year. I would advise them to put that in the budgets, the Highway and the Health Department for next year. They don't (Inaudible. Mic. cutting out.).

President Fanello: Right, probably a good time to lead in. I've got appointments set up with all of our department heads, just our (Inaudible), June 21st. So, we'll (Inaudible).

Commissioner Mosby: I would make a motion to sign the contracts, except for the Health Department (Inaudible).

Commissioner Crouch: Second.

Commissioner Mosby: Are you (Inaudible)?

President Fanello: Well, maybe we could make a motion to sign it contingent upon securing the date of their move.

Commissioner Mosby: I'll make a, I'll rephrase my motion to sign all five contracts, the Health Department contingent upon a date.

Gregg Baker: I'll go get it tomorrow.

President Fanello: Okay.

Commissioner Mosby: Okay.

Commissioner Crouch: I'll amend my second.

President Fanello: So ordered.

EMA: Local Emergency Proclamation

President Fanello: Before we move on to public comment, I know that Adam is here from EMA, and has something that he wants to talk about. He's got a proclamation, I think everybody got a copy.

Adam Groupe: Thank you. Basically, this is a formality. Earlier last week the Town of Darmstadt signed one for the town limits, and later in the week the governor

actually declared Vanderburgh County a state disaster area. This is basically a formality of the Commissioners recognizing the same condition that the governor did. We are in the process of pursuing a federal declaration. Last time I heard, Warrick County has not received one yet either. The last assessment I had from Warrick County is that they had approximately three million dollars plus in damage. Did you guys get a copy of this too? This is our preliminary damage assessment, with preliminary public assistance numbers. These are addresses, type of structure, damage, and some notes on the properties. I had approximately, in personal property and buildings, and understand this is very superficial, just a preliminary, we had about \$1,260,000, approximately. Then on the pages after that, what we call public assistance, which is public owned property, government costs, we're still bringing those numbers in. I'm going to get with Dennis, we were talking outside earlier, and we might be able to find some more things we could use to seek reimbursement on from that. So, those numbers still gathered, we're still actually receiving addresses from that area too every so often.

President Fanello: Are there any questions for Adam?

Adam Groupe: If you guys choose to sign the proclamation tonight, we would ask that you file it with the County Clerk.

President Fanello: Okay.

Adam Groupe: Thank you.

Commissioner Mosby: Thank you, Adam. I would make a motion that we sign the local emergency proclamation.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Adam.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board at this time? Seeing none, moving on to old business.

Eldon Maasberg: Ma'am?

President Fanello: Yes.

Eldon Maasberg: Have you gotten to Lutterbach Road yet?

President Fanello: We've, yes, we did. Did you want—

Eldon Maasberg: I want to speak to that.

President Fanello: Okay.

Eldon Maasberg: My name is Eldon Maasberg. The last meeting in '99, 1999, I complained about Lutterbach Road not connecting from one end to the other. You, Ms. President, sitting right there at the time. So, I know, you know what I'm going to talk about. I understand you're going to blacktop it now. Back in February, the

gal that lived with me couldn't, the, passed away, and the emergency vehicles, the cops, the Coroner, and everything went in the wrong end, because the road does not connect the north end to the south end. Now, you're getting ready to blacktop private property, from what I understand, unless somebody extended the road past my knowledge. Why would we be blacktopping with tax money and taking care of it?

President Fanello: Well, we've got our County Engineer here and our County Highway Department Superintendent. John, I see you back there shaking your head no. Do you want to—

Eldon Maasberg: Yeah, I talked to him already this morning too, or afternoon.

President Fanello: —give us some insight?

Eldon Maasberg: Another thing, with the Goebel's, they've already got one road incomplete on Maasberg Road, now we're going to do another road that's incomplete? My name is Eldon Maasberg of 147 Lutterbach Road.

President Fanello: Okay.

John Stoll: The two maps that I just put in front of you are aerial photos of both ends of Lutterbach Road. The section that is proposed to be paved is the south end. What we're proposing to pave would be through the first 90 degree turn, up to the point where it splits off and goes north to a private driveway. I'll show you that here. This is the end of where we would propose to pave it through the quotes that were taken this evening. So, it would be just this north-south leg, and this east-west leg.

Eldon Maasberg: Now, where are you going?

John Stoll: Right here.

Eldon Maasberg: You're going to stop right there?

John Stoll: Yes.

Eldon Maasberg: You're going to blacktop it all the way up, and then you're going to maintain it the rest of the way?

John Stoll: No.

Eldon Maasberg: You (Inaudible) gravel already been maintaining it up to them mailboxes.

John Stoll: I would have to talk to Dennis about that. I don't know the limits of what they maintain, but, basically, the road, like Mr. Maasberg has talked about where it used to go through, you can see where they've continued on to the east, then headed north. Ultimately it came out down this line, and came in front of Mr. Maasberg's property here. But, I've never seen a record of when the last time that road actually did connect through there. It's not been in the 11 ½ years that I've worked for the county. Nobody's given me any indication of when it went through. So, we've only maintained the rock portions of the road. There were no plans to pave this, because the property owner who lives here is going to reimburse the county for the cost of this paving. So, no tax dollars are going to be used in conjunction with this paving on this south leg of Lutterbach.

Eldon Maasberg: We've already got one road over here, thanks to the Goebel's, that is not completed on Maasberg Road. Why don't we finish it too?

Commissioner Mosby: Okay, I think, and you just said, now this is being paid for by private, right? I mean, we're not putting any money in this.

John Stoll: Right. Mr. Marlin Goebel is supposed to pay for that. I put a phone call in to him today, but I did not hear back from him. Basically, the way Kevin said we would proceed, one of the ways, enter into an agreement with Mr. Goebel to where he would reimburse the county upon completion of the project. Or he would pay up front on the quoted price, and then make any final adjustments after the project would be completed. I'm not sure which way Mr. Goebel wants to go as of yet, but in the event that he would change his mind and not want to pay for the project, I would assume it would be dropped, and it would remain a gravel road.

Commissioner Mosby: Right.

Eldon Maasberg: Well, like I said in February, we had all them emergency vehicles went directly to the south end, because if you pull it up on your emergency maps, that's the direction it would send you to get to my house. I don't care whether you're talking about the Coroner, the State Police, or the County Sheriff, they all went in that direction, unless they asked for directions before they took off from base. But, if you pulled it up on your computers, you will find that the only way you're going to get there, according to your computer, is off of Boonville-New Harmony, not Baseline to Armstrong Road. That's the way it's been kind of, that's another thing, you know, thanks to Bob Willner, he's the one that kind of deleted several of these roads. If we had known that at the time that's what he'd been planning on doing, I would have been, my dad would be standing here today talking about it. Would have stopped it back when he was in office. I'm sure my dad did not want the road closed, and now this is what I'm getting out of it.

Commissioner Mosby: So, what is your question? I mean, are you wanting us to re-open the road?

Eldon Maasberg: I would appreciate it if you would. I also, last, in that December meeting I had requested to lengthen my end so that we could turn semis around. I've got 75,000 bushel of grain storage there, which means semis are going in with a lot heavier traffic than that ends got, and I get no help out of the county to service my end, to grate it, gravel it or nothing. I do most of it myself. The, here, all they've got to do is whistle, and they're out there with two loads of rock right now. I mean, that ain't right.

Commissioner Mosby: I think when we discussed this back at the road hearing, John, didn't we say that we were going to maintain what was there. I mean, if it's rock, we maintain rock. If it's asphalt, we maintain asphalt.

John Stoll: Right.

Commissioner Mosby: In this case, the property owner has come forward and put up his own money. I mean, I'm not going to reject a property owners money when he's willing to pay for what the rest of the county can benefit from, and me not have to use county taxpayer dollars.

Eldon Maasberg: My question is, down the road it sounds like, I know how it works. You're going to think because the mailbox is an eighth of a mile off the road, you're going to service or take care of the road all the way up to the mailbox, not where the line stops. The mailbox is up at the house, not where he says, but (Inaudible). So, automatically, if I was working for the county, and I went, you sent me out there to do a road service job, I would go to the mailbox, which is the house, not where the road rears off to the, the old county road.

Commissioner Mosby: Is this not county easement?

John Stoll: The east-west piece is. Once you get to the 90 degree turn, but where Mr. Maasberg is talking about, on that second north-south leg, no, it's not. I've always considered that a private driveway. I've not really discussed that part of it with Dennis, but, I could make sure that if this contract ends up being awarded, we won't be paving that. That's just a driveway as far as I'm concerned.

Eldon Maasberg: Like I said, with the mailboxes back that far, if I was a county worker in a truck and they sent me out to push snow off of it, I would go all the way to the mailbox. When they patch the road, the same thing. I think the gravel is the same. The mailboxes are back there, they think that's the county road.

Commissioner Mosby: I mean, I'm only in favor of working on county easement. I mean, we don't work off of county easement.

John Stoll: From what we've found, the only easements that exist are the sections where we'll pave, plus, if you do research on the old records, the easements run down here, even though there's no longer a road there, and then there's an easement that runs north up to here as well. This, let's see, it's roughly like that. So, easements exist in these locations. This is the private driveway portion of it right here. When we put together the specs for the paving, we stop at this point here. We didn't go north, like I said, we always just considered that to be a private driveway, because the easements don't run there. The old easement runs over here.

Eldon Maasberg: What I'm saying is, them mailboxes is, one is right here at this house, and there's another house up here, which he don't have in here. That's what, that's what I'm trying to say is, he's going to blacktop it all the way to the his houses. If I'm a county worker, and you sent me out there to push snow off that road, I'm going to go all the way to the mailbox, wouldn't you? Who's going to know—

Commissioner Mosby: Well, but we have snow routes, and I'm sure this is not going to be—

Eldon Maasberg: It's not going to be a snow route.

Commissioner Mosby: Right, it's not going to be on the snow route.

Eldon Maasberg: If you're out there patching holes in the blacktop, you're going to go all the way to the mailbox, am I right?

John Stoll: I wouldn't think so.

Commissioner Mosby: Not necessarily.

John Stoll: I mean, if a—

Eldon Maasberg: You would think a mailbox is set on a county easement, am I right?

Commissioner Mosby: Dennis has had several of them that have been questionable during this storm, and, no, we've not went off of county easement working. I mean, he's had several of them that's been questionable in the last week, and he's called John on all of them. So, it's not common sense or normal that we're just going to go out and do it. I mean, this time, I mean if the taxpayer is willing to pay for this.

John Stoll: In the event that somebody did phone in a complaint about a pothole, if it was phoned in to my office, I would send somebody out there, and if it was in this north-south leg, or up here, we would just tell the property owner they've got something that they've got to take care of on their driveway. I would assume that Dennis would do the same with his crew.

Commissioner Mosby: I guess, the other question that he is asking is that he's wanting that road brought through where it doesn't connect now. We're only going to maintain what's there, it's dirt, I guess if somebody wanted to take the initiative to put a gravel road in there, we would maintain it if it's county easement.

John Stoll: That's something that I would have to—

Commissioner Mosby: But somebody's going to have to make that initiative, the same as this gentleman is making the initiative to pave it, you know, we'll maintain it. Somebody is going to have to make that initiative.

John Stoll: I guess my question, and this is something that Kevin would have to take a look at on the legal issues on whether or not it's legally valid depending on how the road's not been there.

Commissioner Mosby: Right.

John Stoll: I don't know what kind of limitations there are on that, but like I said, the road has not been there since I've worked for the county. So, Jay can probably elaborate more, but it seems like 20 years is the magic number on a lot of those kinds of issues. There again, if it's still a legally valid easement is the first thing that would have to be determined before anybody could even consider putting a road through.

Eldon Maasberg: At least, can I at least get from, in other words, this piece here is where I live, can I at least get a little more length right there for gravel so I can turn my trucks around?

John Stoll: I spoke to Mr. Maasberg a couple of months ago, and I forgot to get with Dennis, but I did get with Dennis today, he has the aerial photo, and you might be able to speak on time frames, but (Inaudible) out there (Inaudible) what needs to be upgraded (Inaudible).

Dennis Hudnall: The reason why we hadn't maintained this part of Lutterbach is that it doesn't show up on our easement book. John and I discussed this, if it doesn't show up, I was informed by the Commissioners when I first took this job, be very careful and stay on your easement. To go off the easement you have to have an egress/ingress paper signed by the folks like if we give them dirt or so forth. When

I go out, John put this wonderful book together that shows me what our easements are, and where these roads begin and where they end. So, all you do is follow the northeast directional map that he gives you in this book, and it tells you what those easements are. Now, if the Commissioners, I have a work order on Mr. Maasberg's road, because John and I discussed it today, but this is the first that I've heard about Maasberg Road. Mr. Maasberg hadn't called out to the County Highway for gravel or anything like that. It's up to the Commissioners whether I put the gravel on or not, but it's not my, it's not on my easements as of now, so, I look at it as servicing one house that's a driveway.

John Stoll: All the repairs that are done on that section is a county maintained (Inaudible). So, I probably need to check the books and make sure that Dennis has the most updated version of the accepted road list. But, we researched this quite a bit some time ago, both legs of Lutterbach Road are county (Inaudible) road.

Commissioner Mosby: Where he's wanting a turn around, I mean, (Inaudible) county easement? It's a county (Inaudible)?

Dennis Hudnall: I did write a work order (Inaudible) work order (Inaudible).

Commissioner Mosby: What kind of time frame have you got, Dennis?

Dennis Hudnall: I mean, I could get it out. The only thing I've got to trade off, I'm cutting trees right now, there's a bunch of them. I could break a truck (Inaudible).

President Fanello: Did you have any other questions, Mr. Maasberg?

Eldon Maasberg: (Inaudible. Not at Mic.)

Madelyn Grayson: May I make a copy of the aerial map for the record?

President Fanello: We don't need it. You can have it. Is there anyone else in the audience wishing to address the board? Seeing none.

Old Business

President Fanello: Moving on to old business. Do either one of the Commissioners have any old business? I just have one thing that I want to bring up. I was out of town last week, and I understand the Council did not approve the appropriation for the broadcasting, public broadcasting of meetings. I am wanting to resubmit this, again. I did look at, I gave each of you a copy, I'll pass one down. Our equipment portion, just to recap, \$45,000, which includes a router that will equip up to 16 cameras. For the contractual portion, Dave Dial had quoted \$200 an hour, averaging two hour meetings, which probably, you know, most of our meetings really aren't running over an hour. So, I'm budgeting a little over there just to be safe. For the County Council, when I resubmit this appropriation, as I'm wanting to do, it would probably take about three cameras for the City Council chambers. I figure if the County Council wants to do that, they can do that, and, you know, we can go ahead and send a letter over to the city asking them if they would reimburse us for part of the cost of that equipment. The contractual portion you see on this spreadsheet is for County Council meetings only. They've got probably, I'm just using a six month time period here, figuring that we won't get it done probably before then, if it's approved. Twelve meetings, at an average of two hours per meeting. So, I've looked

at all of our accounts, and we could take the contractual portion, we could transfer that from the computer contractual account, but I would again say the equipment can come out of the CCD. This is a one time purchase. I looked at the last financial, and we had \$980,000 in the CCD fund. With this being a one time purchase, and possibly a portion of it being reimbursed by the city, I don't see that that would be a hardship on the county. I guess I'm a little disturbed that it did not get approved. This is really giving back the taxpayers part of their money, because this is the money that they invest in city and county government, and they ought to have the opportunity to watch what's going on in city and county government. Even though the streaming of the audio is there, that is not probably the most perfect solution. It's a solution, but it doesn't give the public a real opportunity to see what's going on. So, there are many, many cities and counties across the state of Indiana that do this, and, obviously, across the nation, and I don't know why we would want to be behind any of those cities or counties. So, I'm going to ask the Commission once again to vote to re-submit this appropriation, and, you know, let's lobby to get it approved. I can't imagine anybody not wanting to approve public broadcasting of city and county government.

Commissioner Crouch: I don't have a problem with that. If the (Inaudible) does, I think (Inaudible). Or put it in the budget.

President Fanello: Yes, so we can, and that's something we, obviously, we include for our budget next year. But, I think the money is there for the equipment this year. If we transfer the money contractually, we're not asking for any additional funds out of the General Fund. So, there's really no hardship on the county at this point to get this through.

Commissioner Mosby: So, you're asking to transfer the \$15,200 for the (Inaudible)--

President Fanello: Yeah, from Computer Contractual. I looked at their funding today, and Gregg Baker had sent me what they had spent through May 31st, and what their projected spending was for the rest of the year, and we did have enough money to transfer (Inaudible), even with (Inaudible).

Commissioner Mosby: And we're still going to take the \$63,000 from CCD?

President Fanello: I wouldn't, that would be my suggestion. I mean, CCD we've traditionally used that for Sheriff's vehicles, and other equipment, and for building infrastructure. With it being a one time purchase, to keep the hardship off of the General Fund, I would suggest that we do that. If the County Council votes to purchase the three cameras for their chambers, I mean, that is money that can be split with the City Council, and, I mean, I can't see why the city wouldn't want to help us buy the equipment for the city chambers, since they use it for their meetings. But, if the city does it, then they just set up their own contractual, we're not asking for any contractual for the city here, they can take care of that themselves with WNIN.

Commissioner Mosby: I would make a motion that we, once again, re-submit for \$63,000 out of CCD, and \$15,200 out of our computer account. The reason being there is no money coming out of the General Fund, and it can transfer, there is no new additional money. I don't see why the Council would have a problem with that. It also gives them a chance to have their meetings (Inaudible), but, I guess, (Inaudible) Dave Dial and that room is used for a lot of other reasons too. So, if we can get the equipment in both rooms, I don't see any problem, and this is not a new appropriation. So, I would make a motion that we re-submit (Inaudible).

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you.

New Business

President Fanello: New business.

County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: First I have a storm sewer acceptance request for Carrington Meadows Subdivision, section one. This is for 2,488 linear feet of pipe located outside of street rights-of-way. The developer has paid the two dollar a foot fee, for a total fee of \$4,976. It's requested these pipes be accepted.

Commissioner Mosby: Motion to accept sewers in Carrington Meadows.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I've been discussing the Mt. Pleasant Road project with the Water and Sewer Department. In trading e-mails with Herb Butler, he had asked about the possibility of the county entering into an agreement where the relocations for the Water and Sewer Department would be included in our construction contract, and then they would reimburse us once the relocations are completed. This is the same thing that we did on the Burkhardt Road project. It was done on the Fulton Avenue Bridge project. It's worked well in the past, and I would request that it be approved pursuing that option, then come back with an agreement at a later date that the Commissioners can sign off on.

Commissioner Mosby: Motion to approve pursuing contract with Waterworks for Mt. Pleasant.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have an INDOT grant application. This is for railroad crossings. EUTS has put this together. Basically, it's for pavement markings and warning signs at railroad crossings. The total application amount is \$4,392.50. This work will be done by the City/County Traffic Department, and then their costs will be reimbursed at a later date. It's requested that this be approved by the Commissioners so that it can be forwarded to INDOT and see if they'll sign off on it.

Commissioner Mosby: Motion to approve grant request.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I've got a request to go to County Council for several transfers and appropriations. First I would like to appropriate \$350,000 into the Stockwell Road Culvert Account; appropriate \$335,000 into the Mt. Pleasant Road Local Road and Street Account; appropriate \$200,000 into the Mt. Pleasant Road Bridge Account; and then transfer \$85,000 from the Lynch Road Account to the University Parkway Road and Street Account. The reason for the appropriations are due to some revised cost estimates we received in conjunction with putting together next year's budgets. Basically, the cost estimates have come in higher, and since we're getting close to, hopefully, close to getting both of those projects, Stockwell and Mt. Pleasant, out for bid, I wanted to make sure that appropriations weren't the hold up on getting contracts awarded. I received a revised cost estimate from American Consulting on the Stockwell culvert project last week, and I also received an updated cost estimate from Morley and Associates last week for Mt. Pleasant. They both showed increases, so that's why I'm asking for those appropriations. Then on the transfer, in looking at the remaining balance on the University Parkway project, there will be about \$70,000 left in the account that won't be billed under the current agreements with Bernardin Lochmueller and Associates. To get the next phase designed between Upper Mt. Vernon and Marx Road will probably cost, ball park terms, in the area of \$150,000. So, in order to have the money available to enter into some design agreement to update and redo the design for that segment, I'm requesting that we transfer \$85,000 from University Parkway. The reason I'm requesting that it come out of Lynch is because there are surplus funds in that account that won't be (Inaudible) project.

Commissioner Mosby: Motion to approve transfers.

Commissioner Crouch: Second.

President Fanello: And I'll say so ordered. I just have a question, the 350 and the 200, those are coming out of Cum Bridge, right?

John Stoll: Yes.

President Fanello: Okay, then the 335--

John Stoll: Is Local Road and Streets.

President Fanello: --is going to be Local Road and Streets. Let's talk about, I know we have a meeting sometime next week. Let's look at Riverboat and see if maybe some of that can (Inaudible).

John Stoll: Okay.

President Fanello: The Local Road and Street fund, I don't want to get too low in there.

John Stoll: I spoke to Teri over in Bill's office last week, (Inaudible) but at that time the unappropriated Road and Street was a little over \$800,000. So, this would take about half of it.

President Fanello: Yeah. I would like to see Local Road and Streets always stay at a million dollars. I think that's healthy in case of emergency, but we can look and see if we can take some from Riverboat.

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

President Fanello: Thank you, John.

Commissioner Mosby: Thank you, John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: First of all what I have is that we're collecting time and costs of all this storm damage. I was talking to Adam Groupe a while ago at Emergency Management, and he was telling me that they only want when the storm come through on the 30th, but maybe that the flood where we had to run barricades and do all those things down at the river bottoms can be added to that, because that was a direct result of that. So, I have collected all the data from approximately May the 22nd to right now on the costs that we've had to clean this all up. So, we're not paving and digging ditches and doing all those things. We're cutting trees. What we've done is, basically, cut the tree enough to get it off the road, get the road open, get the road cleaned up, push it off to the side, and go back the next day and clean them up. We do have all the roads open. We've worked extensively in the bottoms today. When all the water went down yesterday, it kind of dropped out real fast and left all the driftwood down there. So, it's pretty extensive clean up job right now. But, tomorrow we should be finished with those. So, my report, from everybody, all the roads are open. So, all we've got to do (Inaudible). If you didn't have any questions on my weekly report, that's all I've got.

Commissioner Mosby: Dennis, one thing I did want to (Inaudible) I was on Old Henderson Road (Inaudible) the 31st, the day it went under (Inaudible), they are wanting to know if we can get stripes. If we can get a hold of the Traffic Engineer and have them stripe that where you've paved.

Dennis Hudnall: I have sent the, I can't recall his last name, but his first name is Jerry.

Commissioner Mosby: Jerry Hays.

Dennis Hudnall: He's off on medical leave—

Commissioner Mosby: Medical leave.

Dennis Hudnall: —right now. I had faxed a copy of my road list 2003 back in October to him. I had it refaxed last week. Becky is taking care of that because he's off on medical leave. I didn't know he was on medical leave until I called over there and asked him why they wasn't striping that. Because I drove Old Henderson Road at night when we were cutting tree limbs, and it's difficult to see the sides of the road without the white stripe.

Commissioner Mosby: Yeah, and that's what—

Dennis Hudnall: It's not only Old Henderson Road, it was Mt. Pleasant for a long time, I think they went ahead and got that. We still have Mill Road, we still have part

of St. Joe (Inaudible). We've called them. I didn't know he was on medical leave. I thought he had everything, and he does, but Becky said he probably didn't pass that on before he went on leave. But, we're getting that straightened out.

Commissioner Mosby: I had one of the neighbors ask me, and I knew it went under water.

Dennis Hudnall: I'll follow up to make sure. It's from Dixie Flyer all the way down is what (Inaudible). Okay.

President Fanello: Thank you, Dennis.

John Stoll: (Inaudible) some work order (Inaudible) roads that (Inaudible) paved. There is a paper trail that (Inaudible).

Dennis Hudnall: I guess with the medical (Inaudible) put the paint equipment up last year a bit early, in October. We paved all the way until part of November. Old Henderson Road was the last (Inaudible). I'll follow up.

President Fanello: Alright, thank you.

County Attorney

President Fanello: County Attorney.

Jay Ziemer: Yes, during the Executive Session we were approached with a settlement agreement regarding Nicholas Ritzert, R-I-t-z-e-r-t versus the Vanderburgh County Sheriff's Department. (Inaudible) upon by the Commissioners to sign the contract for the settlement sum of \$750, primarily because of (Inaudible) would cost substantially more than that to defend the case.

Commissioner Mosby: I'll make a motion (Inaudible).

Commissioner Crouch: Second.

President Fanello: So ordered.

Madelyn Grayson: Jay, do you have that agreement?

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I attended a Health Department meeting on Thursday, and I will give you an update on what's going on with the Health Department move. They have sent out the specs and they are...this Wednesday is the pre-bid walk through for contractors. Then the 16th they are going to open the bids, and then on the 22nd they are to award the bids. The Health Department move in date is September 1st. So, that should help Gregg with his Sonet contract.

President Fanello: Thank you, Tammy.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. All we have is our work reports (Inaudible) any questions (Inaudible).

President Fanello: Thank you, Gary.

Soil & Water Conservation District

President Fanello: Soil and Water.

Norma Duckworth: Norma Duckworth from Vanderburgh County Soil and Water. The sheets I gave you are mainly informational. The first one is to do with the Barr Creek study. They did a pre-treatment study in 1994, and since that time there's been \$250,000 worth of work done by landowners with cost share money in different structures. So, this is the, they are coming back to see how much good, or if it did any good, and they'll be back in the fall to take another round of testing. So, we should be getting some data in early 2005. That's kind of a synopsis of it, and if you have any other questions (Inaudible). I went to a video conference that Extension offered the other day. Unfortunately, it was kind of, the communication didn't work out very well. We missed the entire video that you have a sheet on. So, we haven't seen it either. It's supposed to be good, and we know at least for a general audience on storm water issues. So, we're hoping to be able to get that and work with different departments and the public, but first we will have to look at it (Inaudible) the sites on there also. If there's anything on there (Inaudible). They also gave us some tools that, to do with GIS and some long term impact (Inaudible) those type of GIS web page, watershed (Inaudible). I'm hoping to get some more information on that with Darrell Rice with (Inaudible) and get back with you on that (Inaudible). Of course, they make it sound really good, but we've got to get in there and work with them and see if they really can (Inaudible). The third sheet is just an update of the Soil and Water pollution prevention plan chart. It's on the front and back. Some of it you've seen before, but (Inaudible) you will have it for any reference or questions. (Inaudible), it's going pretty well. Everybody's kind of getting used to the idea. (Inaudible), so, it's going a lot better. The last thing that I wanted to mention is that we've had ongoing issues with the new west side Wal-Mart. Spent a lot of time out there. In the last couple of months though we have been meeting and talking with Bentonville. At first we couldn't get anyone there to talk to us, and now they can't talk to us enough. They have made some changes, and they are promising cooperation. They did have some people come from Bentonville, and they met with several agencies. We tried to get the word out that they were going to be in town. So, we are hoping that they are going to address a lot of issues. Some of them are beyond just erosion issues. So, they seemed like they were willing to work with us, and work with the county. So, do you have any questions?

President Fanello: Thank you.

Ozone Officer Report

President Fanello: Do I have a motion to accept the Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Consent items.

Commissioner Mosby: Motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:27 p.m.)

CONSENT ITEMS:

Travel Requests: Auditor (1)

Employment Changes:

Public Defender (1)	Co-Op Extension (1)	Auditor (2)
Sheriff Department (1)	Prosecutor (1)	Co. Assessor (1)
Burdette Park (6)		

Requests for Telephone Service: Area Plan Commission.

County Clerk: Submit Monthly Report for April 2004.

County Commissioners: Quit Claim Deed.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Jay Ziemer	Tammy McKinney
Madelyn Grayson	Jonathan Weinzapfel	Judy Weatherholt
Steve Fuchs	Gregg Baker	Eldon Maasberg
John Stoll	Dennis Hudnall	Gary Hohman
Norma Duckworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 14, 2004**

The Vanderburgh County Board of Commissioners met in session this 14th day of June, 2004 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, June 14th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of June 7, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the June 7th minutes.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for Vanderburgh County Community Corrections Project

President Fanello: First item is to open bids for the Vanderburgh County community corrections project.

Commissioner Mosby: I will make a motion to open the bids.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Are there any bids from the audience? Seeing none. We have several bids here. The first packet is from ARC Construction Company, Inc. of Evansville. Their base bid is \$2,449,860. Let's see, under alternates, alternate number one, labeled security electronics, \$185,310. The next bid is from Empire Contractors, Inc. of Evansville. Base bid, \$2,658,950. The alternate is \$202,500. The next bid is from Peyronnin Construction Company, Inc. of Evansville. Their base bid, \$2,509,000. The alternate is \$167,500. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Base bid, \$2,565,460. The alternate, \$182,200. The next bid is from Wink Construction, Inc. of Evansville. Base bid, \$2,606,378. The alternate, \$203,076. We have one more. The last bid is from Williams Brothers Construction, Inc. of Peoria, Illinois. Their base bid, \$2,520,000. The alternate, \$190,000. That's all the bids I have.

Community Corrections Construction Project Bids

Company Name	Base Bid	Alternate Bid
ARC Construction	\$2,449,860.00	\$185,310.00
Empire Construction	\$2,658,950.00	\$202,500.00
Peyronnin Construction	\$2,509,000.00	\$167,500.00
Deig Brothers	\$2,565,460.00	\$182,200.00
Wink Construction	\$2,606,378.00	\$203,076.00
Williams Brothers	\$2,520,000.00	\$190,000.00

President Fanello: Do I have a motion to take bids under advisement?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. There are no other discussion items.

Public Comment

President Fanello: Anyone in the audience wishing to address the public at this time? Or the board at this time.

Les Shively: Madam President, members of the Board of Commissioners, my name is Les Shively. I represent the County Election Board here this evening. Bare with me for a moment, I was sort of brought into the fray here. The president is not available here this evening of the County Election Board, and the Clerk is out of town at the annual clerk's meeting in Indianapolis, so, I've sort of been pressed into service at the last minute. The concern of the County Election Board has to do with the status of payment to ES&S for the primary election. I am told that the concern that the board has is that the, any significant delay in payment may impact the smooth, shall we say, transition from the primary moving forward in preparation to conduct the general election. It was brought to my attention that one concern that was voiced, I think it was voiced by Commissioner Fanello, had to do with the extent of voter outreach. Although I could sit here and respond to it anecdotally from what I've read in the media. Of course I know I can't always trust that. No, seriously, I think the vendor, and certainly the board is somewhat surprised to hear that comment, because we heard nothing but glowing feedback from the public in general. So, what I have put together, and I don't pretend to say this is an exhaustive list, but here is a calendar of all of the appearances by the various teams that were pressed into services to do the voter outreach. It's about ten, eleven pages here starting with the February calendar through the end of April. So, I would like to give all of you a copy of that. This might help alleviate some of your concerns, I hope.

President Fanello: What Mr. Shively is referring to is that we received our invoice from ES&S, and I asked them to provide us a dollar by dollar accounting of the \$50,000 that was allocated for voter outreach. Because when I talked with ES&S before we ever signed our contract, they had promised that there was going to be public service announcements and a lot more stuff done. I'm not saying that we

didn't do a lot, but they had promised a lot more than had been done. So, before I release, how much was our equipment? About three million? Yeah, and we weren't going to pay anything until after the primary election. I think this board decided that to make sure that everything ran smoothly. So, we plan on taking care of it. But my questions are with ES&S, not the Election Board.

Les Shively: Okay, is there anything else you need from us?

President Fanello: No.

Les Shively: Okay, well, I at least wanted to....and, again, we've got more material, but I thought that would be a pretty, that would probably give you a good idea, at least from our end what voter outreach was completed.

President Fanello: I doubt that these questions will delay anything proceeding from there.

Les Shively: Great, if you need anything else, give us a shout.

President Fanello: Alright. Thank you, Les.

Madelyn Grayson: Les, do you have an extra copy for the record?

Les Shively: Yes, ma'am. I always forget you.

Commissioner Crouch: Are we planning on making the payment?

President Fanello: As soon as I'm satisfied that what we have is correct information, yes. I just wanted to make sure that we had a proper accounting of the \$50,000. I don't believe in releasing payments until we know we have a proper accounting of all the money spent. We were promised some public service announcements, and I hope that those will take place in the fall too. Is there anyone else in the audience wishing to address the board?

Old Business

President Fanello: Old business. Any old business either Commissioner has?

New Business

President Fanello: New business. If there is no new business, we'll move on to department head reports, County Engineer.

County Engineer

John Stoll: First I have a change order on the Miller Road Culvert #882 project. This is contract VC04-03-01. This change order is for a net increase of \$8,779.20. The reason for the increase was, in the end, because of the slopes we had to add a manhole on the upstream end of the project, and then add another 48" pipe that comes off of that manhole. It's requested this change order be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a change order on the Golden Rule Road Bridge #700 Removal. This was contract VC04-03-02. This change order is for an increase of \$772, and this was due to over runs on the stone that we used to backfill the pipe. It's requested this also be approved.

Commissioner Mosby: Motion to approve Golden Rule change order

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a sidewalk waiver request for section five of Windemere Farms Subdivision. This is located west of Highway 57 and south of Kansas Road. The developer is requesting a waiver of sidewalks within the subdivision. The only place that they plan to put sidewalks is along Beaumont Drive, which is where this section five abuts section four, right through this area. The remainder they are requesting a waiver. I would request that that waiver be granted.

Commissioner Mosby: Motion to approve waiver for sidewalks.

Commissioner Crouch: Second.

President Fanello: So ordered. Do you want a copy of this for the record?

John Stoll: Last week I had requested a number of transfers and appropriations. In reviewing the revenue projections for Local Road and Street I found an error on my funding numbers for University Parkway. Because of that error, we won't need the appropriation, the transfer that I had requested last week on, from Lynch Road to University Parkway. Basically, there is sufficient money in that account to cover the current contracts plus the proposed design contract for the next phase of the design. So, we don't need any money in that, but, in reviewing that, plus the Cum Bridge Account for University Parkway, I had neglected that there was a Cum Bridge portion of the construction inspection. We are short on that account. So, I would request approval to go to County Council to appropriate \$150,000 into University Parkway Bridge Account number 2030-4404. Then I'll eliminate the transfer of \$85,000 that I had requested last week.

Commissioner Mosby: Motion to approve both.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item that I have is a counter offer on the Schuck parcel on the St. George and Oak Hill project. This is parcel number five. I'll just hand this out for your review, and then I can talk to you about it later. It might be something that we'll need to discuss at an upcoming Executive Session.

President Fanello: Okay.

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

President Fanello: Are there any questions for John? Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I just want to make a comment about out at the County Highway in the last three weeks we've gained a world of experience in cutting trees and high water. So, we're becoming experts now. Besides that, all I have is if you have any questions on my report.

President Fanello: I don't.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: The only thing I have to report is that it was a great two week vacation.

President Fanello: You missed all the excitement.

Kevin Winternheimer: Yeah, apparently. I returned to 197 e-mails, to which I'm about 1/3 of the way through, and about 80% of my mail. So, if I don't get back to someone, I'll get back very shortly. The only other thing I have to report is that on the Lyle Road condemnation, that was filed last week. I can't remember which day, but I did get notice that it was filed. So, that matter is proceeding. That's all I had to report.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to, I would like to add two agreements for the Health Department's communication lines be added to the consent items. Kevin has reviewed these, and approves them.

President Fanello: Kevin, I talked with Tammy about this before the meeting. I want to know if we can make one change. The Health Department may not take actual possession until September 1st, and I know this contract says August 15th. So, I don't want us to have, I think the board probably agrees, we don't want to have to pay any earlier than we should.

Kevin Winternheimer: I think you can approve it with that change. They can contact the SBC rep and get that straightened out.

President Fanello: Okay.

Kevin Winternheimer: So, you can, if you're inclined to approve it, approve it with that condition that the date be changed.

Tammy McKinney: I've already sent her an e-mail, so she should get it first thing in the morning.

President Fanello: Okay. Do I have a motion to approve it with that change?

Commissioner Mosby: I'll make a motion that we....I guess, first I'll make a motion that we change it to September 1st, and then a motion to accept them on consent.

Commissioner Crouch: I'll second both motions.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. We finally finished cleaning up from the storms and the flooding of our company picnic parking area. We got it all cleaned and ready to go again. Attendance at the aquatic center has been up over last year with the warmer weather helping. The rain didn't help over the weekend, it put a damper on the weekend crowds, but we're still ahead of last year. The attendance at the day camp was up 10% over our last year's first session. Other than that, all I've got is my work sheets.

President Fanello: Any questions? Thank you, Steve.

Steve Craig: I do need to meet with you sometime this week, Kevin.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: I'll second that--

Building Authority: Update on Jail Damage & Clean Up

Commissioner Crouch: –but Mr. Rector is also here. Is it possible for him to give an update on where we are on the jail?

President Fanello: Yeah, sure.

Dave Rector: I sat here and dozed. I didn't think you wanted me.

President Fanello: Come on up.

Dave Rector: Dave Rector, General Manager, Evansville-Vanderburgh County Building Authority. I guess the good news is we're making progress. Optimistically, I hope we're planning on turning the jail over to the Sheriff by Saturday. The reason that may not happen hinges around the painting, trying to coordinate their efforts with the rest of the work in there, and the painting of the floor and the cure time on the floor. I still think we might be able to do it by Saturday, and that's what we're shooting for. Accounting all costs, the Building Authority costs are up over \$100,000 now. They continue to grow. I wouldn't be surprised by the time we take into account everybody's costs associated with the county, the city, the Building Authority, other agencies, that we're probably going to start pushing a half a million. As you know, we have a \$10,000 deductible on our insurance. The county's \$100,000 appears to pick up anything that we aren't going to cover. I'm trying to cover what we can under ours. Imagine this, but having some disagreement with what I think should be covered and what they think should be covered. So, that discussion is on-going, and I really don't want to say yet where that is going to shake out. But, I personally think some things ought to be that maybe they are considering shouldn't be to help you all out. I've talked with the city and advised they probably ought to talk with their insurance carrier too, to make sure there aren't some costs that don't get dropped off on the city. I want, a special thanks to all of you. The Highway Garage was a big help. The Burdette Park workers were a big help. You guys showing up helped out with me running back and forth, and your helping with your people up there. I don't know if it's been said publicly or not, but I think the Sheriff's Department, the Police Department just did an outstanding job in this situation. We all had plans on what we would do if, I know I've learned some things from it. I thought we did pretty well with a lot of things, but I think there's a lot of things that we could do better that we'll put in place if this ever comes again. We've still got people, our maintenance guys working up there around the clock, since the jail is empty, going through things on a PM kind of thing. Industrial Contractors is still up there. TRCI left Saturday. We have some electrical work left to do, some sheet metal work, the painting, and then some general clean up. As I said, we should be out of there. With that, if there's any other specific questions, I would be glad to answer them, but I think we're going to be there, and if we aren't, I'll advise the Sheriff just as soon as I know, but our goal is for Saturday to be out of there.

President Fanello: Just to clarify, when you said you had a disagreement about what things were covered, you meant covered under your policy versus what's covered under our policy.

Dave Rector: Exactly.

President Fanello: Because I think–

Dave Rector: Where the confusion seems to be is the building, obviously, is insured by the Building Authority, we own the building. The transportation costs, the housing costs, some of these ancillary costs, they're saying if it was our people, or the Building Authority incurring those costs, yes, it would be covered. But, because it's the county incurring them, it's not covered under our policy. My argument is that in order for us to do our job it has to be vacated. It should be covered under our policy because we couldn't do our job if. You guys providing the workers, that was helping us, that will be covered. So, some things they are saying are, and some aren't. The one thing we're investigating, and I hope the Sheriff feels confident he will, but we get a \$5,000 reward for ransom for arson. Upon his conviction then I think the reward should go to the Sheriff's Department. So, that was a clause in there that we didn't know.

President Fanello: Well, we hope it's covered under your policy instead of our policy. The cost.

Commissioner Crouch: This may be a question for the Sheriff's Department. The mattresses that were really burned, I know that a comment was made that they are supposed to be non-flammable. Are we pursuing that? Perhaps there would be some recoverable costs there.

Brad Ellsworth: Brad Ellsworth, Sheriff's Office. We've saved some of the mattress pieces. We're not sure if it actually went up in flames, or it melted down. Certainly it didn't just stay in tact, like, well, I don't know what flame proof or fire proof actually means, but we have been in contact with the mattress company, and they do want to see and look over the pieces we've saved. So, we'll let you know what they determine on that. I'm not sure, you know, like I said, it melted down, that may be in their specs as opposed to actually causing a flame.

President Fanello: Okay, are there any more questions for Dave?

Dave Rector: I think there's a difference between flame proof and flame retardant. So, we may look at that.

President Fanello: Any other questions? Thank you.

Dave Rector: Thank you all.

President Fanello: If there's no other business, do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 5:56 p.m.)

CONSENT ITEMS:

Travel Requests:

County Assessor (3) Center Assessor (1) Health Department (1)

Employment Changes:

Auditor (1) Burdette Park (1)

Auditor: Submit A/P Voucher.

Health Department: SBC Contracts.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Les Shively	John Stoll
Dennis Hudnall	Steve Craig	Dave Rector
Brad Ellsworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 21, 2004**

The Vanderburgh County Board of Commissioners met in session this 21st day of June, 2004 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, June 21st. Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of June 14, 2004 Commission Minutes

President Fanello: Phil Lawrence. Oh, I'm sorry. I moved over the minutes. Hold on just a minute. Approval of June 14th minutes.

Commissioner Mosby: Motion to approve the minutes.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for APA022-2004: Computer and Copy Paper

President Fanello: Now, you're up.

Phil Lawrence: Now I'm up. Thank you. I've given all the bids to Kevin to open. The first one is the paper bid, the computer and copy paper bid.

Kevin Winternheimer: Any, oh, go ahead.

Commissioner Mosby: I'll make a motion to open the computer and copy paper bids.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Any bids from the audience on the any of the items to be opened tonight? Seeing none. Starting with the computer and copy paper.

Company Name	Amount of Bid
Alpha Laser	\$79,063.20
Smith & Butterfield	\$70,449.24
Boise Office Solutions	\$76,914.15
Resource Services	Option "A" \$77,695.32 Option "B" \$82,334.28
SKH Paper & More	\$77,122.64

Kevin Winternheimer: Okay, the first bidder is Alpha Laser of Evansville. This is one of Phil's multi page, multi item bids. Let me go through here and see if they've bid every item. I'm not going to read individual lines, but the quick review, it looks like they've bid every item. Their total bid, including the bond, is \$79,063.20. The next bidder is Smith and Butterfield of Evansville. I'll read what they did not bid. They did not bid the second or third items....well, on the first page of bids, they only bid items one and four. They did not bid the rest of the items on that page. On the second page, the list of items, they bid everything except the first item, the second item, and the last two. For what they did bid, their bid is, \$70,449.24. The next vendor is Boise Office Solutions of Evansville. It appears as though they bid every item except the second item on the second page. For the items they bid, the total bid cost, including bond, \$76,914.15. I guess these are copies. The next bidder is, they handwrote it, it looks like Resource Services of Evansville. It appears as though they've bid every item on the sheets. Their total is, and I don't know what this means, they'll have to read all the material they've submitted. They have an "option A", \$77,695.32. They have "option B", whatever that is, \$82,334.28. We have one more. The last one is from, it looks like SKH Paper and More from Evansville. It appears as though they've bid every item. Their total is \$77,122.64. That's all the bids I have on the paper.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for APA020-2004: Toners
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Commissioner Mosby: Motion to open bids for toner.

Commissioner Crouch: Second.

President Fanello: So ordered.

Company Name	Amount of Bid
Alpha Laser Services	Cartridges REMO:\$37,554 Cartridges New: \$83,316.80 Ink Jet/Desk Jet Cartridges New: \$9,083.45
CDW Government, Inc.	No Bid
Laser Tech Company	No Bid
Boise Office Solutions	\$91,138.80
Smith & Butterfield	Laser cartridges OEM: \$1,510.82 Ink jet cartridges: \$295.14 Remanufactured cartridges: \$822.45
ICC Business Products	OEM price: \$92,753.38 Remanufactured price: \$40,191.20
Laser Tone, Inc.	\$38,832.00

Kevin Winternheimer: Okay, in a quick review, oh, the first bidder is, let's see, Alpha Laser Services again. It appears as though they've bid every item on the sheets. Let's see, it says total cost on laser cartridges, and they've got an abbreviation REMO something, total cost, \$37,554. Total cost on laser cartridges new, \$83,316.80. Total cost on ink jet, desk jet cartridges new, \$9,083.45. Let me see if I can find out who it was from. The next one I opened is a no bid. It's from, there's a name on here, CDW Government, Inc. from Vernon Hills, Illinois. It's a no bid. They just returned the packets to you. The next envelope I opened was from CDWG from Vernon Hills and it's a letter thanking you for the opportunity to bid, but they say they do not choose to bid. The next bidder is Laser Tech Company from Greensboro, North Carolina. They appear to have bid all the items, but did not give us any totals, that I can see. I don't see any totals. The bids are available after the meeting, if anybody wants to see them. Next set is from Boise Office Solutions of Evansville. In a quick review it appears as though they've bid every item. They are, ah, they did provide a total. Their total bid cost, including the bond, \$91,138.80. The next bidder is Smith and Butterfield of Evansville. Their total bid cost, it looks as though they've provided prices for everything. It must be a unit price price. Their total, it says total cost on laser cartridges OEM, \$1,510.82. Total cost on ink jet cartridges, \$295.14, and remanufactured cartridges, \$822.45. The next bidder is ICC Business Products. This is a division of Indiana Carbon Company, Inc. from Indianapolis. Their OEM price is \$92,753.38. Their remanufactured, I guess, is what this abbreviation stands for is \$40,191.20. Let me see if they bid everything. It appears as though they've bid everything. We have one more. The last bidder is Laser Tone, Inc. Let's see, it appears as though they've bid every item. Their total they've provided is \$38,832. That's all the bids we have for that item.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for APA041-2004: Road Salt

Commissioner Mosby: Motion to open bids on road salt.

Commissioner Crouch: Second.

President Fanello: So ordered.

Company Name	Amount of Bid
Detroit Salt Company	No Bid
Cargill	\$44.45/ton
Central Salt LLC	No Bid
North American Salt Company	\$38.59/ton
International Salt Company	No Bid
Morton Salt	\$46.28/ton

Kevin Winternheimer: Okay. I assume it's a no bid. It's from Detroit Salt Company. It says thank you for your interest in purchasing bulk rock road salt. It says Detroit Salt Company declines to bid on this product and so forth, but requests to remain on the bidder list. Okay, ah, thanks, the next bidder is Cargill, Incorporated, Deicing Technology from North Olmstead, Ohio. Their delivered price per ton, \$44.45. The next vendor is Central Salt LLC from Overland Park. It's a no bid. The next bidder is North American Salt Company from Overland Park, Kansas. Their bid is \$38.59. I assume that's per ton. Okay, the next envelope I opened was from International Salt Company from Clark Summit, Pennsylvania, and it's a no bid. The last bid is from Morton Salt from Chicago, Illinois. Their price \$46.28. That's all the bids I have on that.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

Permission to Extend APA013-2004: Tire and Tube Bid

President Fanello: Now, do you want to talk about extending the tire bid?

Phil Lawrence: Oh, yeah. I would like permission to extend the tire bid just one week. We've had a bid that went to the wrong address, and one guy called and asked if he could extend it a week.

Commissioner Mosby: I'll make a motion to extend APA013-2004, tire and tube bid.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

President Fanello: Thank you, Phil.

**Open Bids for VC04-06-01:
Jobe's Lane Water Main Extension/Sanitary Sewer Project**

President Fanello: Now we have bids for the Jobe's lane water main extension/sanitary sewer project.

Commissioner Mosby: Motion to open bids on Jobe's Lane water main.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: We have several bids.

Company Name	Amount of Bid
Deig Brothers Lumber & Construction	\$368,606.25
Koberstein Trucking	\$343,955.00
Kieffer Brothers Construction	\$380,201.23

Kevin Winternheimer: The first one is from Deig Brothers Lumber and Construction Company, Inc. I believe this is the total, items 1-41, their total, \$368,606.25. The next bid is from Koberstein Trucking, Inc. of Princeton. Their total, \$343,955. We have one more. The last bid is submitted by, I guess, it's Kieffer Brothers Construction. K-I-e-f-f-e-r, from Mount Carmel, Illinois, is their address. Their total is, \$380,201.23. That's all the bids I have.

Commissioner Mosby: Motion to take Jobe's Lane water bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Public Hearing/First Reading of Ordinance:
Vacation of Easement: 12100 Bridlewood Drive**

President Fanello: Under discussion items, first one is the first reading of an ordinance for vacation at 12100 Bridlewood Drive.

Ted Ziemer IV: Ted Ziemer. This is the same piece of property that we did an encroachment agreement that the board executed on March 17th. The buyer of the property, the encroachment didn't do everything we needed. So, we're going ahead now and doing the full vacation. I've submitted the petition and the ordinance, and all the letters from the utilities okaying the vacation. I actually have one more, one of the letters did not use the word vacation. (Inaudible. Not at mic.) I had them submit a second letter.

President Fanello: Does anybody have any questions?

Commissioner Mosby: Did you ask if there were any remonstrators?

Kevin Winternheimer: Yeah, you need to.

President Fanello: Okay, do I have a motion to—

Kevin Winternheimer: Wait a minute, we need to see if there's any remonstrators here.

President Fanello: Oh, sorry.

Kevin Winternheimer: I don't know if there are or not.

President Fanello: Are there any remonstrators in the audience?

Commissioner Mosby: I'll make a motion to approve on first reading.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Ted.

Ted Ziemer IV: Thank you. Thanks, Kevin.

Resolution Urging Corporate Community Responsibility

President Fanello: Next item is a resolution urging corporate community responsibility. I believe this resolution was also passed in the City Council, and Commissioner Mosby asked that this be placed on the agenda.

Commissioner Mosby: And this is a similar resolution to what the City Council had passed. It was brought to my attention that Wal-Mart, I think, is proposing to build two or three new stores in the City of Evansville/Vanderburgh County. They are now building on the west side of Evansville. This agreement is urging them to use local skilled labor in cases where they can. I think in cases right now that have been brought to my attention they are using several out of town contractors. I think maybe two or three contractors out there are local. I had a meeting with Wal-Mart, they called me, I didn't call them. I had urged them to use as much local labor as possible, and give back to the community what they could. I know we had also had some problems with Wal-Mart on building permits and inspections. So, at the asking, I had asked for this to be put on the agenda.

President Fanello: I'll just go ahead and read it into the record. It's fairly short.

“Whereas the Board of Commissioners of Vanderburgh County recognizes that there are numerous corporations and employers in Vanderburgh County which demonstrate responsibility and leadership, and which greatly contribute to the well being of the community. And, whereas the future of Vanderburgh County is in large part based upon the continuing prosperity of it's citizens and a sound economy, including employers which provide jobs with good wages and benefits. And, whereas members of the Board of Commissioners have been made aware that various large chain style corporations, such as Wal-Mart,

have located within Vanderburgh County, and have displaced a number of local businesses. And, whereas members of the Board of Commissioners believe that it is vital to our community and to the citizens of Vanderburgh County that such corporations employ qualified local employers and employees for their construction needs. Now, therefore, be it resolved that, section one, the Board of Commissioners of Vanderburgh County encourages Wal-Mart and all other similar corporations and chain stores to employ qualified local employers and employees for their construction needs, and in general to take positive action to develop and maintain a strong and fair business labor relationship which will strengthen Vanderburgh County. The Board of Commissioners of Vanderburgh County urges all corporate citizens to be responsible community partners, and to give due regard to economic standards and work force relationships, which have been developed and fostered by past and present employers and workers.”

President Fanello: Do I have a motion?

Commissioner Mosby: I'll make a motion to pass the resolution.

Commissioner Crouch: Second.

President Fanello: So ordered.

Building Commission: Request for Waiver of Room Rental Fees

President Fanello: Next item is Building Commission request waiver of room rental fees. I'm assuming, yeah, this is at the Centre.

Commissioner Mosby: I'll make a motion to waive fees.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award of Community Corrections Construction Bid

President Fanello: Next item is award of the community corrections bid. I believe everyone has a letter in their packet from the designers at United Consulting. The recommendation was the low bidder, which was ARC Construction.

Commissioner Mosby: I'll make a motion that we award the community corrections bid to ARC Construction.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board? Seeing none.

Old Business

President Fanello: Old business. Does either Commissioner have any old business?

Commissioner Crouch: Just a question on the budgets?

President Fanello: That was on my list to bring up. I have met with each of the department heads, and they've turned in all their information. I should have everything compiled for both of you by Wednesday afternoon so that you can review it and ask them any questions that you have. Is there any other old business?

New Business

President Fanello: New business. Okay.

County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: First I would like to request the authorization to proceed with condemnation, excuse me, on the Cornerstone Commercial parcel on the Stockwell Road culvert project. I have spoken with the right-of-way buyer, he said that things are at an impasse. He's been in communication with the property owners attorney, and they have not provided any counter offers. So, I would request that the Commissioners okay proceeding on with condemnation on that parcel.

Commissioner Mosby: Motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Also on the Stockwell Road culvert project, I would also like to request that the offer amount for the Muensterman parcel, this is parcel one, the offer be increased from \$10,350 to \$11,000. This would compensate the owner for the damage to the residue of the remainder of the parcel. He felt that that wasn't properly included in the original appraisal. They are willing to accept the \$11,000 offer.

Commissioner Mosby: Motion to move to \$11,000.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a letter from Koester Contracting for the borrow pits out on the University Parkway project. In this letter they are requesting a waiver of the 150' minimum setback that INDOT specifications require where a borrow pit abuts a public right-of-way. Here's the right-of-way line for University Parkway. Here's the right-of-way line along Hogue Road, and here is a right-of-way line along Roesner Road. They are requesting a relaxation from 150' setback to a 50' setback. This will

not hold water. Basically, they are going to regrade this, cut the top of the hill down, and it will not hold water. So, on that basis, INDOT was willing to go along with this. I see no problem with it, so I would request that the Commissioners grant the relaxation from 150' setback to a 50' setback.

Commissioner Mosby: Motion to relax setback.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: They have two other borrow pits too that we're still looking at, and working with INDOT. So, I might have some additional requests at one of the upcoming meetings. The last item I have is, I take that back, the second to last item I have is an agreement for part C of the storm water evaluation for the Rule 13 requirements. This agreement is with Clark Dietz, Incorporated, and it's for the amount of \$51,800. This would basically set up the county's storm water compliance program with all six minimum control measures that IDEM mandates. I would request the Commissioners approve this agreement so the consultant can develop our plan. The plan has to be submitted to IDEM by the first week in November. I don't remember exactly what the date is.

Commissioner Mosby: Motion to approve agreement with Clark Dietz.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is a memo that I sent to DLZ consultants last week in regard to the Green River Road project. This was a letter where I just signed off on, or concurring with their design changes that they were going to try to get done. One of, I guess, the most critical one was with changing from a retaining wall design along Green River Road to trying to put in earthen fill. Based on the elimination of the retaining wall it will save over \$400,000 of construction costs. So, if DNR will approve that as a part of the DNR permit that we have to get on the project, then we could see a substantial savings. But, this is just for your information only. That's all I have.

President Fanello: Are there any questions for John? Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have to report, I would like to keep you posted on the progress of the Emergency Management memo that went out, oh, around the 26th of May concerning the storms. We have answered all the, or responded to all the requests by Scott Township Fire Department. The Emergency Management, all the calls that the citizens called in on, we have got that completed now. All the things that was in Darmstadt, we helped them out, get some of the storm damage there too. So, that is completed as of last Friday. The only other thing I have is if you have any questions on our report.

President Fanello: Questions? Thank you, Dennis.

Dennis Hudnall: Have a good night.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: The only thing I have tonight is a letter I received, actually it was while I was on vacation, but it was within the two feet of mail that I had to open Monday when I came back. So, I didn't get it to you last Monday, but it's a letter from Les Shively representing the Election Board, and giving you notice that they will be wanting delivery of the election equipment in the November election. I'll make it a part of the board's record. That's all I have.

President Fanello: Tammy, were those prices that we had in the primary election, those prices were still going to be good for the November election too, right?

Tammy McKinney: I believe so. I would have to go back and check.

President Fanello: Alright.

Tammy McKinney: I think so.

President Fanello: You might want to check on that.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: Sherman Greer brought in this afternoon a grant close-out that needs to be signed by the Commissioners. He wanted to point out that the negative \$668 is something that we do not pay back. It's something that we did not receive. So, he just wanted to make a note about that.

President Fanello: Do I have a motion to add that to the consent items?

Commissioner Mosby: Motion to add to consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park

Gary Hohman: Gary Hohman, Burdette Park. You've previously received our minutes from the advisory board meeting. It was conducted last Wednesday, as well as our work report. If you have any questions regarding those, that's the only information we had to present to you tonight.

President Fanello: Are there any questions? Thank you.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Fanello: The last two are Soil and Water and Ozone Officer.

Commissioner Mosby: I'll make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Do I have a motion to accept consent items?

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.¹

¹Consent items listed on page 13.

**VANDERBURGH COUNTY
REZONING BOARD
JUNE 21, 2004**

The Vanderburgh County Rezoning Board met in session this 21st day of June, 2004 at 6:10 p.m in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. Rezoning petitions were heard during the course of the regular Commission meeting.

President Fanello: Now we will move into the rezoning portion of our meeting.

**First Readings: VC-7-2004: Petitioner: Arbors at Eastland
Address: 6649 Old Boonville Highway
Request: Ag to R-3**

President Fanello: We have one first reading, VC-7-2004.

Commissioner Mosby: Everybody's leaving.

President Fanello: I know.

Commissioner Mosby: It's not that long. Boy, that scared them.

President Fanello: Change from Ag to R-3. Are there any questions on the first reading?

Commissioner Mosby: Motion to accept first reading.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Final Readings: VC-5-2004: Petitioner: Olympus Investments LLC
Address: Highway 57 North
Request: Change from C-4 to M-2
Action: Approved 3-0**

President Fanello: We have one final reading, VC-5-2004, Olympus Investments LLC, change from C-4 to M-2.

Krista Lockyear : Are you ready?

Commissioner Mosby: Go ahead.

Krista Lockyear : Good evening. My name is Krista Lockyear, on behalf of Olympus Investments LLC, the landowner of the property that's located on an area bounded by Highway 57, I-164, Baseline Road, and Ruston Lane. As you probably have seen from your reports, we presented this to Area Plan Commission a few weeks ago and received a unanimous recommendation from the Planning Commission that we rezone this property to M-2 for a proposed industrial park. Olympus Investments LLC is managed by Evan Beck here locally, and his partner, Steve Kahre, is here with me tonight if you have any specific questions for them. At this point end users have not been determined, but with the location, obviously, I-164 and Highway 57 and adjacent to Vanderburgh County Industrial Park, the guys feel that this is a real good location for another industrial area. We ask for your approval tonight, and I would be happy to answer any questions you may have.

President Fanello: Are there any questions by the Commissioners? Are there any remonstrators in the audience?

Commissioner Mosby: Motion for a do pass on VC-5-2004, and call the roll.

Commissioner Crouch: Second.

President Fanello: So ordered. Roll call vote. Commissioner Crouch?

Commissioner Crouch: Aye.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes also.

Krista Lockyear : Thank you very much.

President Fanello: And there are no further rezonings.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:12 p.m.)

CONSENT ITEMS:

Jail Expenses:

Peyronnin Construction Company: \$119,660.65

James L. Shireman, Inc.: \$55,000

Vectren Energy Delivery: \$12.50

Travel Requests:

Commissioners (2) County Clerk (2) Treasurer (4)

County Assessor (1) Auditor (1) SWCD (1)

Employment Changes:

Sheriff Department (2) Burdette Park (3) Prosecutor (1)

Health Department (1) Pigeon Assessor (1) County Clerk (1)

Prosecutor: Submit Federal Annual Certification Report.

EMA: Submit Grant Close-Out Paperwork.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Ted Ziemer IV
John Stoll	Dennis Hudnall	Gary Hohman
Krista Lockyear	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 28, 2004**

The Vanderburgh County Board of Commissioners met in session this 28th day of June, 2004 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 for June 28th. Introductions are as follows, to my right, Superintendent of Buildings, Tammy McKinney; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and sitting in tonight Recording Secretary, Teri Lukeman. Now please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of June 21, 2004 Commission Minutes

President Fanello: Do I have approval of the June 21st minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open bids for APA013-2004 Tire and Tube Bid

President Fanello: The first bid item is Phil Lawrence, permission to open APA013-2004 tire and tube bid.

Commissioner Mosby: Motion to open bid.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Any bids from the audience before I start opening these? Seeing none...this is a city/county bid, obviously, because we've got bus tires I see on here. The first bidder is Southern Indiana Tire from Evansville and in a quick review of all these documents it looks like they just bid bus tires. Their total bid for bus, trolley, mini bus and some kind of other bus tires is \$47,910. And I believe that's just bus tires. The next bidder is Raben Tire of Evansville, and in a quick review of all these pages of different kinds of tires and tubes and everything else Phil asked for, I believe they bid every item, in a quick review. For their total, their total bid is \$265,712.87. The next bidder is Reis Tire Sales of Evansville and, again, in a very quick review, it appears as though they have bid every item and their total is \$242,949.02. The last bidder is Master Tire and Accessories, Inc. of Evansville. And there were several items that they did not bid. They put N/A, I guess not appropriate by that. So they may not have bid all items. They bid nearly all items. I'll let Phil work that out. The total for what they did bid is, including the

bond, \$220,563.11. And again, they may not have bid all items. That's all we have.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Phil.

<p style="text-align: center;">Second/Final Reading of Ordinance Vacation of Easement 12100 Bridlewood Drive</p>

President Fanello: The next item is Ted Ziemer, second and final reading of an ordinance for vacation of easement, 12100 Bridlewood Drive. Is there anyone here to speak to this vacation? Seeing none?

Commissioner Mosby: Do you need a motion?

President Fanello: Any remonstrators? Seeing none...

Commissioner Mosby: Motion for a do pass. Motion to adopt.

Commissioner Crouch: Second.

President Fanello: So ordered and we will need a roll call.

Kevin Winterheimer: Yeah, this is final action.

President Fanello: Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

<p style="text-align: center;">2005 Budget Proposals</p>

President Fanello: The next item on the agenda is 2005 budget proposals. Everyone has in their packet budget proposals and I just handed you a memo that Dennis Feldhaus, our insurance agent, gave us today. Are there any questions.

Commissioner Crouch: You said there is a correction?

President Fanello: There is one correction on the County Commissioners in the GIS budget. That is the full amount for the city and county, so that needs to be cut in half, and so that comes out to 192,500.

Commissioner Mosby: Do you need a motion?

President Fanello: Are there any other questions?

Commissioner Mosby: Do you need a motion?

President Fanello: Yes.

Commissioner Mosby: I'll make a motion to set it in at 192,500.

Commissioner Crouch: Second.

President Fanello: So ordered.

President Fanello: And if you want, we could just make a motion to pass these along to the Auditor. I'm sure they'll be excited to get them or Teri will, anyway.

Commissioner Mosby: I'll make a motion that we pass the 2005 budgets on to the Auditor.

Commissioner Crouch: Second.

President Fanello: So ordered.

Centre Repairs and Improvements
--

President Fanello: Dave Rector, Centre Repairs and Improvements.

Dave Rector: Dave Rector, Building Authority. I guess you all have the letter that I sent last week. We have some available excess funds in Food & Beverage. There are some needed repairs at The Centre besides some like to do things over there that SMG thinks would be an asset to their ability to attract clients in there. I'll make it simple, I guess do you have any questions about any of the items that we have identified that we'd like to do this year, and then I gave you a matrix of subsequent years, too, that we're proposing.

Commissioner Crouch: Kevin, this has been reviewed and it's a legal use of the funds?

Kevin Winterheimer: I haven't taken a personal look at it, no, but (inaudible) has.

President Fanello: Using food & beverage.

Dave Rector: Well, Bill and I have talked and then according to IC 6-9-20-8.5 and 6-9-20-8.7 we can do that with those funds. I don't think at all that we're proposing that we spend all of that. Bill gave me an updated report on what our current excess funds are and I think we all were proposing that we'd leave a generous amount in there and try to do this in increments, that's why you see the matrix of what we're looking at over the next few years. As I said, some are needing to be done. The others are what they think would be an asset to The Centre.

Bill Fluty: David, one question on that same -- the numbers I gave you are the receipts and expenditures, but we didn't have any discussion about if we could use that Food and Beverage money for these repairs and I believe you said you talked

to Joe Harrison, Jr. on that subject?

Dave Rector: Yeah, when you and I had talked a couple of months ago and I think I left you his letter to me with those codes, and to quote in there, it says, once again those Indiana Codes, "allow the county to use monies in the county Food and Beverage Fund to pay any costs associated with the financing, construction, renovation, improvement and equipping of The Centre" and then he attached the two state statutes that pertain to that.

Bill Fluty: And that answers your question?

President Fanello: Are there any other questions? Do I have a motion on how we would like Mr. Rector to -- will you be bidding these out, the --

Dave Rector: Some of them, yes, of the amount that we should do. Some of them are smaller repairs like repairing the brick wall, some painting, but you have some fairly large ones in there like some carpeting and some electrical, and hot water upgrades that we should bid out and make sure we're getting good competitive pricing on.

Commissioner Mosby: I make a motion for Mr. Rector to move forward.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dave Rector: Thank you.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?

Cathy Edrington: Yeah, Cathy Edrington, and I emailed the president and David, I believe, a few weeks ago about election, the situation with training. Do you know if that's been addressed?

President Fanello: I don't recall having your email. The only email I've received has been about the education round table. And I don't know if that's been from you or from someone else, but I've not received that email.

Cathy Edrington: Okay, I'll send it to you again.

President Fanello: It's cfanello@fanello.com.

Cathy Edrington: Okay.

President Fanello: Would you please send it to me again?

Cathy Edrington: We just are concerned that people are adequately trained for the fall, not necessarily on the machines, on how to run an election. You know, there's a difference.

President Fanello: You know, that's a very good concern. I think in a few moments we're going to share some concerns about the election ourselves.

Cathy Edrington: Anyway, I'm not sure, you know, we've tried to address that with other people and its not getting through. You know, so –

President Fanello: Do you want to go ahead and tell us what your concerns are or would you feel more comfortable emailing?

Cathy Edrington: Well, I have sort of detailed, so I don't have it with me, so I'd rather email you. But we're concerned that its not -- you know, the staff, the people, you know, we have a lot of new people this year in the spring and I assume we will again in the fall, and the concern is that they're not adequately -- you know, on how, what all needs to be done.

President Fanello: Okay, we will definitely address that. Just get me another email, I'm sorry.

Cathy Edrington: -- Crouch, and I'm sorry, I'll send it again. Maybe it didn't go through.

President Fanello: Alright, thank you. Is there anyone else in the audience wishing to address the board?

Election Equipment Payment

President Fanello: Seeing none, we'll move on to old business and we do have one bullet item under old business which is the issue of election equipment payments. As the board knows, there was an election board meeting at 7:30 this morning which County Attorney Winternheimer attended with me. We did not participate in the meeting and, in fact, left the meeting due to the fact that Mr. Winternheimer felt it to be an illegal meeting. It was not properly noticed and the reasoning behind the emergency situation that was given to him, he did not feel adequate. I have since, based upon Ms. Abell's comments when I was there, why this was an emergency, I have since contacted the State Election Division and have spoken with Joe McLain, who is the Help America Vote Act coordinator. And Joe is in charge of all of the monies that come down from the state, which the Feds pass through to the State of Indiana for reimbursement on election equipment. Quite a few facts here: first set of facts is the state has received some federal monies. Second set of facts is, they will meet about reimbursing those monies as an Election Division, they will then pass their recommendations on to the state budget committee. The state budget committee will not be meeting until August of this year. Third set of facts is that Joe gave me, was that Vanderburgh County will not be receiving any reimbursement until ES & S has its equipment certified. And that is final as far as he was concerned. He said that we received the first reimbursement in error and that we should not have received it. And had the co-directors known that Vanderburgh County was sold uncertified equipment, we would not have received that first set of reimbursement. I just want to remind everybody that ES & S signed affidavits that they said that they had -- that this equipment was certified and I do have copies of those affidavits that were turned in for our application to the state. So I think we're dealing with several different issues on the table here tonight, not only about the issue of certification, and if ES & S will become certified by the fall

election as they have promised to do. And if you remember, there was a big long state election commission meeting what, about two months ago, in which they put up the \$10,000,000 bond. I do not know how many other counties are in line for those funds. Vanderburgh County's total bill is 2.9 million dollars. So I wanted to present those facts and the reasoning for us not participating in the meeting this morning was due to the fact that it was an illegal meeting and has definitely proved to be even more illegal since the fact that there was not an emergency situation this morning as confirmed with the State Election Division. So with that, I would like to ask if there are questions regarding the information that we have given? I think every commissioner has in their possession what I was emailed from ES & S and then as far as what was given out as the second set of information that ES & S has provided regarding how dollars were spent on voter outreach.

Commissioner Mosby: And I have several questions on that point. Is there anybody here from the Election Board willing to speak? I got the resolution a while ago as I came in and it says that they are asking for us to still pay the money and before I pay the money, I'll go back to last week and I received a call from John Martin on Tuesday of last week asking me what my concerns were and was I willing to pay ES & S. At that time I told him, and I believe he put in the paper on Wednesday morning that my concern was that we didn't expend all of the money in the voter outreach program for salaries. I had Tammy, Superintendent of Buildings, email Ms Abell on two or three occasions last week and finally on Friday was given an email and told that if I wanted this information I could make myself available at 7:30 this morning at the Election Board meeting. I did not attend that meeting because I think it would have been illegal for me to attend that meeting with another Commissioner and not notify the public and I wouldn't want John to do that to me, so I didn't attend the meeting. But I guess what I'm looking at, and I received information from ES & S where they say what they have paid out in salaries, mileage, refreshments and so on, and I also have, I guess, some information that Ms. Abell provided through the County Clerk's office and still cannot get a clear clarification on what is going on. I did receive an email today that I guess was sent to Ms. Abell from Tom O'Brien at 5:18 on Friday after we had closed, clarifying that he might have made a mistake and implied that the \$55 an hour rate might not have been expended. I'm not sure. I guess, you know, the biggest question I have here and what I'm looking at is, we supposedly, and now that I can't clarify this for sure, paid out 710 hours at \$55 an hour for a total of \$39,088, and we have mileage receipts for \$1,378.06. We have refreshment receipts for \$4,920. But my biggest question to the Election Board and as I explained to Ms. Abell, and as I said to John Martin, you know, did we expend \$39,000? Seven hundred and ten hours at \$55 an hour? And if we did, I'd definitely like clarification on why we are paying excessive salaries to two people to go out and carry equipment around. We do not pay them kind of salaries to anybody that works in the Civic Center, any county employee I know. We have coordinators at Burdette Park that oversee 150 kids in a day camp that don't get \$55 an hour. So that would be one clarification and I don't think that's too much to ask.

President Fanello: I'm going to wait until we hear from the Commissioners first and then you'll have a chance to speak.

Carla Hayden: Okay. I just wanted to clarify Mr. Mosby's question.

Commissioner Mosby: She can clarify if she wants. I mean, –

President Fanello: Well, we'll wait until you get finished with your information and then Ms. Crouch may have something to say as well.

Commissioner Mosby: But anyhow, that is one clarification I would like to have. I do have the information from Ms. Abell I guess outlining what is a job description written by the office of the Clerk for the voter outreach coordinator and if you look at that job description, it tells you in the job description that anywhere from one minute to four hours will be paid out at \$100. And anything from four hours and one minute to eight hours will be paid at \$200 an hour. And it even says a half a day can consist of one appointment of much less than four hours. And I went through and I found one that caught my eye right off the bat where we sat from 12:45 to 1:30 -- 45 minutes -- that was the only thing that was done on that day and I'm sure that person received \$100. Now truthfully, we might not be paying \$55 an hour. The way I look at it, we could pay from \$25 an hour up to \$100 an hour because if that person went out and sat for 45 minutes at one stop and received \$100, then show me anybody else in the Civic Center that's making \$100 an hour. Now that is excessive and I will be the first to say I'm not going to pay them kind of salaries and yes, as a Commissioner, I have a right to sit here and look at this contract and read this contract and say yea or nay. And I will not put my name on something that is so excessive and if they want to subpoena me to an Election Board, that's fine too, because I'd be glad to discuss this with them.

President Fanello: Do you have anything to add to this?

Commissioner Crouch: You know, the only issue that I have is that the Clerk did provide documentation where it does have the primary election breakdown of expenses where she indicates that she spent a total of \$25,211.12. I would presume that that is the correct amount that was spent in light of the memo from Mr. O'Brien stating that his information that he provided us was incorrect. I'm curious to see what Ms. Hayden has, if she can respond to any of the concerns.

Carla Hayden: Carla Hayden, Chief Deputy Vanderburgh County Clerk's office. And I really hadn't come here tonight to address any of this but I heard Mr. Mosby's comments and did want to set that record straight. These people were not paid \$55 an hour; \$55 an hour, though, is what ES & S typically pays across the country for someone to do voter outreach. And when they said that, we said it won't fly in Vanderburgh County. So through some discussions and everything that were held at meetings that were initially held on Mondays here, we came to this compromise because it didn't seem fair to send someone out, make them leave their home, pack all this equipment, go out there and it end up being 45 minutes. But we also knew there were going to be times when, you know, they would do four hours or more, so that sounded like a good compromise and something that ES & S could work with rather than trying to figure out an hourly rate every time these guys went out and try to divide it out. So that's what we came up with as a compromise. And as you said, Mr. O'Brien based his figures on \$55 an hour because that is what they standardly pay. But like we said, we knew that wouldn't fly here. The new figures are –

President Fanello: I don't think the \$100 or \$200 is flying very well right now.

Carla Hayden: It may not be, but as I said, these were all discussed in meetings that were held at 4:00 on Monday at the request of Commissioner Fanello who never attended a meeting and –

President Fanello: That Ms. Tammy McKinney attended, we appointed her to attend, but Ms. Hayden, we don't have to sit there and babysit you and tell you what to pay people in the county, do we?

Carla Hayden: We paid considerably less than what is the standard rate for this job. Like I said, I did not come here, I wanted to clarify that we did not spend the 40 whatever thousand dollars that Commissioner Mosby said that we spent. About 25, which is about what we had planned to spend, half of it in the spring, half of it in the fall. But in reading that contract, there isn't anything that says how that's to be done or that if you don't like the way it got done that you don't have to pay it.

Commissioner Mosby: Well, I guess my question to you is, and I got Mr. O'Brien's FAX here and it says that it's going to be, the rate was applied in error and the actual rates are much less. I apologize for any inconvenience, please also understand that the accounting that was provided to Ms. Fanello was not an invoice. And when are we going to get the correct rate and when are we going to know what we did pay?

Carla Hayden: You just got a printout that shows what was paid.

Commissioner Mosby: So we're going to go with the printout that we received on Mr. Swaim and Mr. Farrell, yeah, Court Farrell for \$25,052.50 -- for a total of \$26,082, I guess.

Carla Hayden: Well, it's a little less than 26. The total I have is \$25,311.12.

Commissioner Mosby: Now was this paid at the \$25 an hour rate or whatever that came to be? I mean, is that how we paid? I heard in a rumor somewhere that we paid \$15 a presentation.

Carla Hayden: I believe there were two rates, one was for Mr. Swaim, which was at the \$100 for a half day and \$200. And then Mr. Farrell was paid for demonstrations that were over and above what Mr. Swaim could count and take.

Commissioner Mosby: And how much was he paid?

Carla Hayden: I don't have that actual figure. I believe I also heard that this morning but I don't have that in front of me. Like I said, I really didn't come here prepared to speak to this, I brought it with me just so I could go over it as you were going over it.

David Mosby: And the only reason I ask you that is because I tried to calculate that, too, and if Mr. Farrell was paid \$15 to do a presentation, deducting his mileage that he was paid, he still would have received \$4,313, which if you divide that by 15 would come up to 288 demonstrations and the whole list that you gave us only has 196 on it.

Carla Hayden: I don't know if that was demonstrations or hours because hours was more than a demonstration.

Commissioner Mosby: No, I've got all the demonstrations that you –

Carla Hayden: I know.

Commissioner Mosby: Everyone of them, and I totaled them up. There's 196.

Carla Hayden: That's demonstrations or hours?

Commissioner Mosby: Demonstrations.

Carla Hayden: But I don't know if his are demonstrations or hours.

Commissioner Mosby: Oh, okay. Because I heard \$15 a demonstration. If that's true, he'd had have to do 288 of them, which means he would have did 92 more than what you even have on your paper, and I don't know what Mr. Swaim did for 15,000 bucks. But still, I have a problem with paying anybody \$25 an hour. Four hours, if they did work the full four hours for 100 bucks for a half a day, who in this building makes \$25 an hour at a part-time job?

Carla Hayden: We had to make sure we had responsible people who were going to show up for these. But as I said, if we had not hired someone locally, ES & S with have done it with their people at \$55 an hour.

Commissioner Mosby: You have people standing in the Election Office every day who sit there and show people how to vote, and what are they making?

Carla Hayden: I don't know.

Commissioner Mosby: Surely you do.

Carla Hayden: I don't know, eight to ten dollars an hour, I believe. I don't know for certain.

Commissioner Mosby: Eight dollars?

Carla Hayden: That's a good –

Commissioner Mosby: These people stand there all day and show people how to vote and instruct them how to vote, and do the same thing for eight dollars an hour, and then we turn around and pay somebody else \$25 an hour, plus mileage, plus I see meals and gratuity, plus \$4,900 for refreshments. And, I mean, there's other questions on here. This list that Clerk Abell supposedly passed out to us does not even show Mr. Swaim working March 8 through March 14th. Nowhere on here does he work. But he submitted 509 miles down here on the bottom and also \$83 for meals for \$226. It don't even show him working, but he's got mileage down here. Five hundred miles in six days? You can go to Indy and back and back.

Carla Hayden: I bet that is Indy, come to think of it. I bet that is Indy because he went to testify at that hearing. I would not be surprised.

Commissioner Mosby: Why are we paying for that? You know, the same as the \$4,920 that's supposed to be refreshments for poll workers. Refreshments for poll workers should not come out of voter outreach. Voter outreach it to touch the public and make them aware of the program. Now why are we taking refreshments for poll workers for \$4,920.

Carla Hayden: That's just a standard thing.

Commissioner Mosby: Where would we have took it if we didn't have this money from ES & S?

Carla Hayden: Probably from our food budget.

Commissioner Mosby: As we have in the past?

Carla Hayden: That would be the general fund.

Commissioner Mosby: I mean, as we have in the past.

Carla Hayden: From the general fund.

Commissioner Mosby: So all of the sudden, now we find a fund to dip into, so we take the voter outreach money which is supposed to be spent on the public, then we spend it on, I guess, classes and we spend it on refreshments. And \$4,920 is a lot of refreshments.

Carla Hayden: Well, because this is The Centre and they won't let us bring anything else in, so we're stuck with their fees.

Commissioner Crouch: Excuse me, Commissioner Mosby, I don't know if its quite fair for us to address all of these questions to an employee who is not a member of the Election Board.

Carla Hayden: Right, as I said, I did not come here, I just wanted to clarify that one point that they were not paid \$55 an hour. That was what ES & S standardly pays their employees to conduct voter outreach.

Commissioner Mosby: And Ms. Crouch, I understand, and she's sitting there saying, I don't know and I don't understand it. And I don't know and I don't understand, and I guess that's why we're at this impasse because nobody here seems to know or understand.

Commissioner Crouch: Question. President Fanello, did the state recommend that we not pay the claim?

President Fanello: The state doesn't give any recommendations as far as that. He goes, I can't advise you of that. You need to speak with your County Attorney because I asked that question. He was only there to explain the fact that ES & S still does not have their equipment certified. He explained about how the reimbursement money will be dispersed over the next few months and he explained that, you know, the comment that Ms. Abell made this morning about the reimbursement dollars being expected at any minute is not factual whatsoever as far as Vanderburgh County is concerned. And that is, you know, basically, he was not going to advise us on paying the claim.

Commissioner Crouch: But he did indicate that we received that money by mistake.

President Fanello: Yes, he did.

Commissioner Crouch: I guess my question is, Kevin, can you check to see if, legally, we are able to pay that claim or if we are not legally able to pay the claim?

Kevin Winternheimer: Sure, I can look into that.

Commissioner Crouch: I think that would be an important fact to know. I guess the only two comments I have is one, I remember when an officeholder came before this board a year or two years ago, perhaps, and wanted the support of this board and their comment was that we don't want to micro manage offices. So I think we need to be careful that we aren't, in effect, doing that. While we do have responsibility to audit claims and that is what we are doing here, we need to be careful that we don't slip into that mode. And the other, I guess my other comment is, the Election Board, which is a bipartisan board, unanimously recommended that we pay the claim. We need to give that some serious consideration.

Commissioner Mosby: And I'll be the first to say that I don't want to micro manage their department. I just know that we are responsible for this contract and I know in the past when contracts have come before this board, we have been scrutinized very heavily. I mean, I sat here in 2001 and 2002 when we were scrutinized by the County Council and they looked at the contract. I don't want to micro manage their department and I want to pay for everything I get, but I don't want to pay excessive salaries. My question to you, I guess, would be do you feel comfortable paying people \$25 an hour and do you feel comfortable, that person could have went out for one hour and made \$100? Do you feel comfortable with that?

Commissioner Crouch: You know, I guess my question back is do we have any vendors that we are, in essence, paying that kind of money to, that have it built into their contracts?

Commissioner Mosby: These are not vendors. These are people that they hired.

Carla Hayden: But they were contracted through ES & S. Their contract is through ES & S. They're not Vanderburgh County employees.

Commissioner Mosby: Well then why, no, it says right here that this position description, County of Vanderburgh, Office of the Clerk, we wrote this.

Carla Hayden: We wrote it, but we did not hire them. We did not pay them. They were contracted through ES & S and paid through them.

Commissioner Mosby: You mean to tell me that ES & S come down here and interviewed people and out of the clear blue picked Court Farrell and Pete Swaim?

Carla Hayden: They hired based on our recommendation. But they entered into a contract with ES & S as an independent contractor.

Commissioner Mosby: I would have really liked to seen this be bipartisan. It didn't work that way, I understand. But truthfully, it should have been bipartisan, same as the Election Office, the board is supposedly bipartisan. Voters Registration is bipartisan. I would have liked to have seen this bipartisan. But we, I mean, on your recommendation they hired these people but we don't pay anybody else in Vanderburgh County \$25 an hour or \$100 an hour. And we could be looking at as much as \$100 an hour.

Carla Hayden: Well, that's already said and done and they've already been paid. And it was not considered excessive by ES & S's standards for what they typically

pay elsewhere throughout the country.

President Fanello: And you may not be the one to answer this question. If not, we can ask the Clerk, but what kind of training did they receive in order to be able to be qualified to receive that kind of salary? I mean, because basically, that equates to a 50 some thousand dollar salary per year.

Carla Hayden: Well, we knew they weren't going to work anything close to a year so –

President Fanello: They're going to come back and work in the fall. That's what it says –

Carla Hayden: One may, the other will not because the other one is in law school so I know that he will not be coming back to do this. But they received hands on training, one on one with other people from the ES & S who do voter outreach.

President Fanello: Did you consult the state in this? You may not be able to answer this but one of my questions would be, did anybody consult the state's plan on voter outreach? Because when I read the state's plan today, they had some very specific things about voter outreach which this was one of them, going to malls and libraries and things like that, but they also talked about commercials, they talked about direct mail, they talked about teaching people how to vote, not just learning how to use this machine but also just teaching them about the voting process in general. They talked about money going for all different sorts of things besides what we just did. Did you guys have an opportunity to discuss the many different things that could have been done instead of just spending the money on salaries?

Carla Hayden: I know there were discussions had and I know we've been commended by the Election Division on our voter outreach program. So as far as how much was weighed and all that, I don't know.

President Fanello: Are there any other questions?

Commissioner Crouch: I guess, where do we go now? Obviously, Kevin will get back with us regarding whether we legally can even pay the claim, –

President Fanello: Right, since we don't know about – this is my personal feeling and I personally do not feel it appropriate to pay a vendor that has sold us uncertified equipment. They signed two affidavits that the equipment was certified. This is not just Vanderburgh County's problem. There are several other counties across the state that ES & S was less than honest to and they have been less than honest with me on several different occasions. I do not feel comfortable releasing taxpayer dollars and specifically, they sent us a bill for almost two million dollars at this point. If we release all of our money, we have lost our leverage for making sure that that equipment becomes certified in the fall and then where are we? We are going to stand in line for that ten million dollar bond that comes down and we don't know how many other counties are in line for that money, we don't know how many other counties, what their bills are and we would be in jeopardy of this county being on the line for that money. So I would like for the County Attorney to look into the issue of the certification before we pay any bill and also if this does not become certified the fact that we will have to reimburse the state back for that money that we have already received. As far as the voter outreach program, you know, the

salaries to me are excessive. For somebody to be able to get paid \$55 an hour, I averaged it out from the new information that ES & S gave me and it came out to be \$32 an hour for one and \$16.50 for another. To me, that's still seems excessive for what they were hired to do. We don't have anybody in the county making that kind of money on a part-time basis. I can't condone whenever the County Council sits over there and says that this county is in dire straights financially, for us to just be throwing away money. And even though this is getting reimbursed from the feds and the state, this is taxpayer money all over the county. This is taxpayer money and I cannot condone us paying excessive salaries like that on something that should have been really simple and should have involved more education for the community, not just gone out in salaries. I think there should have been a little bit more responsibility with the amount paid in salaries. I think, personally, my recommendation would be the county Election Office go back to the County Council and ask for that money to be paid out of their own budget.

Commissioner Mosby: I'm not willing to make a motion at this time and I would still like to see all the corrected figures. From everything I just said, and I'm sure everybody out there is just as confused as I am by now. And even though on the paper that ES & S sent to me or sent to the Commissioners office where at one point they had 55 hours, I only could come up with 32 1/2, so I'm trying to figure out how these people were really paid. And I did that on several different occasions in here that the numbers just do not add up. I'm not willing to tell anybody out here in the community that I released payment of something that could have been anywhere from \$25 an hour to \$100 an hour. I'm not willing to do that and I still think that the voter outreach program and what we did here was great, I mean, I know there's people here that seen the machines, used the machines, and I think we could have done this at \$10 or \$12 an hour real easily and taken and spent about half of what we did, 24 - 25,000, probably could have had plenty of money left over, could have ran TV commercials, could have taken and printed a nice brochure, could have put them at the libraries, could have put them at the license bureau where people get licensed and registered to vote. We could have did a lot of things but instead we paid it out in salaries and refreshments and I just don't think that's good use of taxpayer money and regardless of if it comes from the state or the federal, we still all pay that. It's still taxpayer money no matter how you look at it. And whether its coming from the vendor and they're being reimbursed for it, you know, just because its good in one area doesn't mean it has to be done in another area. And I know we could have found people to work for \$10 - \$12 an hour. We do it every day. There's people out there every day still looking for part-time jobs. I had three of them ask me today. I can send them to you.

Carla Hayden: We know how hard it is to work with part-time people because we have them in the Election Office. I may be a little out of line on this one, when I look at this contract, it looks to me like you have an option on this \$50,000 voter awareness that is a separate payment from the other payments.

President Fanello: It could be but I'm not recommending we pay equipment expenses until we know about certification because this person on the phone just told me not less than five hours ago that we are not getting any reimbursement as long as that equipment is not certified.

Carla Hayden: I also talked to Mr. McLain today. He also said that since we have received that first money, that we are obligated to pay that to the vendor. And I think we obligated -

President Fanello: I think Ms. Crouch had a good question. If we have to give that money back to the state, I am personally not voting to pay ES & S any more money. I am not losing our leverage as a county, I am not sending them millions of dollars for uncertified equipment when it is law in the state of Indiana for that equipment to be certified. And they know that when they come in and sell it. They signed two affidavits, one of them which you sent us. I have in my file here that they said that this equipment software was certified. So I personally am not going to vote yes on that and I cannot speak for the other two Commissioners, but I am personally not going to vote to expend any monies. And if we have to send the money back to the state, then we have to send the money back to the state and they can hold it and give it back to us at another time.

Carla Hayden: Well, it would have been nice if certification had been part of the contract.

President Fanello: It does not have to be part of the contract and I'm going to defer to the County Attorney, Kevin Winternheimer, to answer that.

Kevin Winternheimer: It is part of the contract, the equipment has to be certified according to state law. It's there. It's part of the contract. It's part of their obligation. The equipment must be certified for us to use. Period. That's not an issue.

President Fanello: And it says it right on page one. This agreement shall be governed by and construed in accordance with the laws of the state of Indiana. And certification is a law in the state of Indiana.

Carla Hayden: Well, the Election Commission didn't see it that way. But anyway, we've entered into a contract. I hate for Vanderburgh County to renege on their obligations. I think that you should go ahead and pay it. I mean, its just my opinion that you should go ahead and pay this. They put up a ten million dollar bond to deal with any certification issues they may have.

President Fanello: And I think Kevin needs to look in to how many counties are in line for that, where we stand on certification at this point, and does ES & S plan to have this equipment certified by the fall? And if they do, then we don't have an issue.

Carla Hayden: The ten million dollars didn't come out of the air, it was a total based on the counties that were in line.

President Fanello: I'm sure it didn't, but let's see some documentation on that.

Carla Hayden: I just hope we have something to put on an election with this fall.

President Fanello: I don't think we're in jeopardy of that, but we have to realize that ES & S has compromised their integrity across the state and I'm very dissatisfied with the lack of truth that ES & S has provided to me, anyway, on the discussions that I've had with them.

Commissioner Crouch: Do we need a motion to ask that the County Attorney look at the legality of paying the claim and of returning the money if, in fact, we're obligated to do so?

Kevin Winterheimer: I'll do it whether you have a motion or not, you've requested it of me, so I'll do it and get back with you.

President Fanello: And I guess, let's see, we don't meet next Monday so we'll have this back on the agenda for the following meeting after that. So we will put it on the next scheduled meeting's agenda.

Teri Lukeman: Before you move to the next item, can I change the tape?

President Fanello: Sure.

(Tape changed)

President Fanello: New business? Is there any new business to come before the board?

John Stoll - County Engineer

President Fanello: Department Head reports, County Engineer.

John Stoll: First I have a request from Koester Contracting for some relaxations again on the 150 foot setbacks from right-of-way lines on borrow pits for the University Parkway project. This borrow pit B, as they have it labeled, is located at the northeast corner of the intersection of the CSX Railroad in University Parkway. And they are requesting the 150 foot setback be relaxed to 50 feet along the east right of way line of University Parkway. This borrow pit will not hold water. It will drain dry, so in talking it over with Bernardin & Lochmueller's officials who have, in turn, talked with the state, the state had no problem with the relaxation of that because it will not hold water when the project is done. This other borrow pit is at the southeast corner of the intersection of Roesner Road and the CSX tracks. Its immediately west of the University Parkway project. Here again, they are requesting relaxation down to 50 feet. They really won't get in the 50 foot along University Parkway, however, they will encroach up near Roesner Road based on what INDOT had said in regard to that, they felt that that was okay as long as the local officials were okay with it. Here on Roesner it's a low speed road, very low volume. Once you get across the tracks it only serves, I believe, one farmhouse. I'm not even sure if that's still out there but there's only one property out here, so there's really no traffic there. So I have no problem with relaxation down to 50 foot at that location as well. So based on that, I would request that you approve the relaxation of the 150 foot setbacks for both of these borrow pits.

President Fanello: Any questions for John?

Commissioner Mosby: Motion to approve relaxation.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The next item, RFP for engineering services for the Burkhardt Road/Virginia Street intersection. This is for a federal aid project that Evansville Urban Transportation Study got approval for. This project would consist of adding

dual lefts on the east and west lanes of the intersection and then lengthening the turn lanes in the north and south legs of the intersection. Construction is proposed to be funded with congestion, mitigation and air quality funds. It has been approved by the state, so we basically need to send out the RFP to get a consultant on board to begin the process of designing the project. This RFP is for design, right-of-way and construction inspection services, all three.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a set of street plans for the widening and raising of Rosenberger Avenue in conjunction with the Carpentier Creek building project. In this project, Rosenberger would be widened to provide four lanes up to the entrance of the Carpentier Creek pavilion commercial development, then it will take it back to the existing two lanes immediately north of the entrance to the subdivision. The road is also being raised to get the road above the 100 year flood elevation up to the intersection with the entrance road, and then it starts going back down to the existing grade, and then it will be back down to the existing elevation in the vicinity of this driveway here for Bob's Gym. And in working with the consultants on this project, I'll request that it be approved subject to a few conditions: first is that we would need to have a set of design plans for this culvert structure that goes underneath Rosenberger Avenue and then underneath the entrance road to the subdivision. We would like that to be designed, signed and sealed by a registered engineer licensed to practice in the state of Indiana. I also recommend that an access manhole be provided in this structure approximately halfway between the upstream end here on the west side of Rosenberger and the east end of the culvert just for access purposes. I would also request that the approval be based upon a maintenance covenant be established for this structure that requires that the owners of this property from the east right of way line, which is right here, on out to the end of the culvert, they have to maintain the culvert in a satisfactory manner to ensure that it does not obstruct the flow of water if the culvert deteriorates or becomes obstructed and this is basically to prevent the same problems that we've got out at Broadway Avenue and Johnson Lane where a similar condition exists where a culvert has been extended from the right-of-way line on across private property. But the private property owner has not maintained the structure so I just want to get something on the record that basically obligates those owners to maintain it to where it does not obstruct the flow. And then another condition would be that the designers must submit a traffic control plan for review and approval prior to closing Rosenberger Avenue when they do this reconstruction because they will have to close the road for that construction. And the final condition would be that the plans must be resubmitted for county review and approval, if the state and city review on approval necessitates any changes to the portions of the project that lie within the county. Basically the city/county line lies about right here and south of that we have the state and the city involved. I don't really see any changes that might occur that they would affect the county portions of the project, but just in case, we want to make sure that we have the right to review and approve the project. So subject to those conditions, I would recommend these plans be approved.

Commissioner Mosby: Motion to approve plans for Rosenberger and those

conditions.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a request for a street acceptance on section 1A of Cross Pointe Subdivision. This is 364 linear feet of Indiana Street and its requested this street be accepted for maintenance.

Commissioner Mosby: Motion to accept street at Cross Pointe.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have two sidewalk waivers. The first is for Eagle Ridge Estates. Eagle Ridge Estates is located west of Eagle Crossing Subdivision off of Flagstick Boulevard. The developer has requested a waiver of the sidewalks throughout the entire subdivision. However, he has said that he would basically terminate the sidewalks that exist at the intersection of Flagstick and Driver Drive with a curb ramp so that way the existing sidewalks on these two sides of Flagstick just don't go to a property line and stop. They'll make it terminate with a handicap curb ramp. So on that basis, I would request that the sidewalk waiver be approved.

Commissioner Mosby: Motion to approve sidewalk waiver.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The next sidewalk waiver request is for Heartland Crossing Subdivision. This is located off of Hogue Road west of Eickhoff Road. The developer is requesting a waiver of all sidewalks except those that lie along the east side and west side of street one as its shown here down to its intersection at Street Two, so the sidewalks will be located on lots one through four, and then thirty-six down to thirty-three, but nowhere else in the subdivision. They're only requesting that because they've already built sidewalks on one lot, so to have some continuity in that section, they are going to put sidewalks on both sides of that street, but nowhere else. And I would request this waiver be approved as well.

Commissioner Mosby: Motion to waiver sidewalks in Heartland Ridge.

Commissioner Crouch: Second.

President Fanello: So ordered. Do you want this back, John, or is that for the record?

John Stoll: Just for the record, yeah. And last, I just want to let you know that we're working on specs for the replacement of the culvert out on Kansas Road. This is located between Petersburg and Seib Road. Its adjacent to the intersection of Cayman Ridge and we're putting together the specs and we'll have quotes submitted on that project at the next meeting on July 12. That's all I have unless

you have any questions on anything else.

President Fanello: Thank you.

Dennis Hudnall - County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. Just a quick update on where we are on our paving schedule. I know this is not in my report for this week. We had a guy on vacation so we didn't put the pie chart in there. We finished Allens Lane today and we're moving to Mohr Road and that puts us at 49% completed. And when I correlate the number of miles that we plan to pave versus the budget, we are right at 50% right now. So I think we're right on target with budget in the number of miles paved. And we have been jumping around, trying to keep ahead, putting new culvert pipes in and that's why its kind of sporadic. We have to make that decision as it comes to make sure, we don't want to dig up a road after we've got it paved.

Commissioner Crouch: Dennis, did you get an opportunity to trim those trees that we had that email on?

Dennis Hudnall: Yes, on Vienna Road, Slate Road. We really didn't have the resources and we trim that lady's trees and grass every year. She writes in, she's got an RV. I noticed she said in her email that we haven't done it in five years but we do it every year for her. The resources are pretty short because of the storms and things of that nature but I did get one worker out there to, you know, kind of pacify them until I can get a bigger crew out there because we had, we were helping Darmstadt, we were helping other residents out. And we have gotten some late entries into this Emergency Management Debris Takeoff which we are still taking some of those. Like today, we had one call in for Tree Top Lane. Well, they've already shoved it on the easement, so now its mine, so I pretty well have to get it. So we're moving along, but its on the contingency of the day, what kind of calls are we going to get today. So please, you know, understand that we do not neglect any part of it on an email, its just it takes a while to assign the resources to it. That's all I have unless you have a question on my report.

President Fanello: I don't think so. Thank you, Dennis.

Kevin Winternheimer - County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: No report tonight.

Tammy McKinney - Superintendent of County Buildings

President Fanello: Superintendent of County Buildings.

Tammy McKinney: I need to add a late pink slip that I received this afternoon for the Engineer's office. I need to add that to the consent items.

Commissioner Mosby: Motion to add a late pink slip to the consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Steve Craig - Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, manager of Burdette Park. Recently the Courier & Press held the 2004 Readers Choice Award and on a more positive note than what we've had so far, Burdette won the best place for a family outing and the best place to go on a hot day and I would like to present these to the County Commissioners for them over the years having the foresight to let Burdette be what it is and I think that you guys deserve these as much as anybody and I'd like you to hang them down here in your office.

President Fanello: Thank you, Steve. Anything else?

Steve Craig: Everything at the park is going fairly smooth. When something breaks, we fix it, and the weather has been kind of helping us out a little bit. We've had a few rainy days, but last week or so, we haven't had any. Attendance is up and all I can say is we can hope for some hotter weather even though nobody else probably wants it, but I do. Other than that, all I've got is my worksheets. That's it.

President Fanello: Any questions for Steve?

Commissioner Mosby: And I'll just take the opportunity, I read the Courier & Press awards yesterday and I seen where they got the two platinums and I would commend you on the job you're doing out there.

Steve Craig: Thank you.

Commissioner Mosby: We can only do so much and you do the rest.

Steve Craig: Well, thank you.

President Fanello: Thank you, Steve.

Commissioner Mosby: Maybe I can give him a raise to \$55 an hour.

SWCD & Ozone Officer Reports

President Fanello: Do we have a motion to accept Soil & Water and Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Consent items. Do we have a motion to accept consent items?

Commissioner Mosby: Motion to accept consent items as amended with pink slip.

Commissioner Crouch: Second and was that one filed?

President Fanello: We never did get it.

Commissioner Crouch: Second.

President Fanello: I don't think it was ever talked about. So ordered. And we will start Drainage Board in about five minutes.

(The meeting was adjourned at 6:34 p.m)

CONSENT ITEMS:

Jail Expenses:

Peyronnin Construction	Integrator.com
Williams Brothers Construction, Inc.	Mel-Kay Electric

Travel Requests:

Pigeon Assessor (2)

Employment Changes:

County Engineer (1)	Circuit Court Supp. Adult (2)
Burdette Park (3)	Circuit Court (1)
Superior Court (1)	Sheriff (1)
Community Corrections (2)	County Clerk (1)
Public Defender (1)	County Assessor (1)

Other Reports & Pass-Thru Items:

Auditor - Financial statement	Treasurer - May monthly report
Auditor - Continuing Disclosure Report	

Contract Approvals From Other Departments:

Superior Court - Participant Advocate
Health Department - Public Health Preparedness & Response for Bioterrorism Grant Agreement

Those in Attendance:

Catherine Fanello	David Mosby	Suzanne Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Teri Lukeman	Phil Lawrence	David Rector
Cathy Edrington	Carla Hayden	John Stoll
Dennis Hudnall	Steve Craig	Others Unidentified
Members of the media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Teri Lukeman

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 12, 2004**

The Vanderburgh County Board of Commissioners met in session this 12th day of July, 2004 at 5:33 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 12th. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of June 28, 2004 Commission Minutes

President Fanello: Do I have approval of the June 28th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Open Quotes for VC04-07-01:
Kansas Road Culvert #269 Removal and Replacement**

President Fanello: The only bid that we have on the agenda is the Kansas Road culvert.

Kevin Winternheimer: Any bids, oh, go ahead, I'm sorry.

Commissioner Mosby: I'll make a motion to open quotes for VC04-07-01.

Commissioner Crouch: Second.

Kevin Winternheimer: Any bids from the audience? Seeing none. The first envelope is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total appears to be \$41,569. The next bid is from CCC of Evansville, Inc. Their total, \$47,772.23. The next bid is from Klenck Companies, Inc. of Evansville. Their total, \$35,460. The next one if from J.H. Rudolph and Company, Inc. of Evansville. Their total, \$36,720. The last bid is from Koberstein Trucking, Inc. of Princeton. Their total, \$36,683. That's all the bids I have.

Company Name	Total Bid
Deig Brothers Lumber & Construction	\$41,569
CCC of Evansville	\$47,772.23
Klenck Companies, Inc.	\$35,460
J.H. Rudolph and Company, Inc.	\$36,720
Koberstein Trucking, Inc.	\$36,683

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Wanda Dionne: FSSA: Business Enterprise Program

President Fanello: First discussion item is Wanda Dionne?

Wanda Dionne: Yeah.

President Fanello: From FSSA.

Wanda Dionne: I actually just want to talk to you about, I know, I understand you're building a new jail, and the division that I'm with is the Business Enterprise Program, and we provide the vending, actually in this building and other, the Safe House, currently we have a vendor there that's providing services for you. I just wanted to talk to you about that, that opportunity, and to see if...I did bring one thing for you. This is just the (Inaudible. Walked away from mic.)

President Fanello: We can go ahead and pass them out to each of us.

Madelyn Grayson: Ms. Dionne, do you have one for the record?

Wanda Dionne: I do. But, that's what I really just want to talk to you about is the vending there. What I gave you is 12-12-5-1, and that's the services that we're able to provide. It's the Indiana Code that allows us to provide these services to individuals who are in our program that are blind. It helps them gain employment, become self-sufficient.

President Fanello: Okay.

Wanda Dionne: Provides them opportunities, and to answer questions, if you have questions.

President Fanello: We probably would talk to the Sheriff or Chief Deputy, they are overseeing, basically, the construction of the new facility. Do you have anything, have you talked with Wanda before?

Wanda Dionne: I haven't. I understood that I needed to come here first.

President Fanello: Okay, that's fine.

Wanda Dionne: So, that's what I did. I haven't been anywhere yet.

President Fanello: Alright.

Wanda Dionne: Currently, like I said, we're at the Safe House.

President Fanello: Right.

Wanda Dionne: You know, Mark has a situation there that we're taking care of the machines tomorrow, moving those out, and he was the one that actually told me. Then Jim, in this building here is the one that told me about the Health Department. So, that's why I wanted to pursue, because I understand that's happening pretty quickly?

President Fanello: They should be moving this fall, I believe.

Tammy McKinney: Should be around the first of September.

Wanda Dionne: Okay, okay.

President Fanello: Alright, we will pass this information along. The Sheriff is here in the audience, so he's heard.

Brad Ellsworth: Give me a call at anytime.

Wanda Dionne: Okay, great.

President Fanello: We'll pass the information along to the Health Department as well.

Wanda Dionne: Alright.

President Fanello: Alright.

Wanda Dionne: Thank you.

President Fanello: Thank you. Does anybody have any questions for Wanda?

Election Equipment Payment

President Fanello: Next item is an update on our previous discussion of the election equipment payment. Kevin, did you have anything to add to that discussion?

Kevin Winterheimer: Yes, I'm trying to remember what's all transpired since we met last. It's been a couple of weeks. Dennis, not Dennis, Don Vowels, I'm sorry. Don Vowels, an Election Board member, and I did a conference call up to the Election Division, in the Secretary of State's Office, the gentleman's name just escapes me at this moment. He's the HAVA funds coordinator. Just to give you some information that he relayed, he had no opinion, or wanted to express no opinion on whether or not any payment should be made, but he did say that we will receive no more HAVA funds until the equipment is certified. That much was clear. Additionally, since we've met last, we've received an e-mail from Tom O'Brien with

ES&S, and I'll just, well, it says it most succinctly in his last, or second to last sentence. It says, this is from ES&S:

"It is our understanding that the County Commissioners believe payment should not occur until we have satisfied the certification requirements. We certainly respect your decision and plan to adhere to it."

You had asked for my recommendation on this matter. Certification is still an issue in that they have not yet been certified. I think the last correspondence we had, or the Election Office had is they are still in that process, and still making efforts to get their equipment certified, but, as of this moment in time it is not yet certified. On that basis, and you'd asked me for my opinion, my opinion is that we not make further payments until they get the certification in place, which they have assured us, over and over again, that they are working most diligently on, and will attempt to get it done. They will need to do that, I believe, by October 1st is the deadline the state has set for them. So, we're not that far away from October, they need to get whatever they need to do done, and, hopefully, they will, and are working toward it. But, that's a couple of new bits of information that you did not have when we talked about this a couple of weeks ago.

President Fanello: And as far as the, and I can't remember, I know I had a conversation with Mr. McClain is the gentleman's name, the HAVA...he also mentioned the fact to me that they had to be certified by October 1st. Are they going to give them a waiver? Is there any talk of a waiver like they gave them in the primary? Or, I've heard that we will have to bring in different equipment if they don't get certified.

Kevin Winternheimer: We did not ask about any waiver. And he did not give an opinion on that.

President Fanello: Okay.

Kevin Winternheimer: I think that's, if that request is to be made that's to be made by ES&S.

President Fanello: Right.

Kevin Winternheimer: I don't think that—

President Fanello: That doesn't have anything to do with us.

Kevin Winternheimer: Right, and they haven't done that as of yet. My information is that they are still working toward getting that certification—

President Fanello: Okay.

Kevin Winternheimer: —in, which is what we all hope for. Regardless of how great the equipment worked, the bottom line with the state is that equipment has to be certified.

President Fanello: Right.

Kevin Winternheimer: That's where they stand as of right now on this issue, is it must be certified.

President Fanello: Okay. I have a copy, that e-mail was actually sent to me on July 7th and went to several individuals. So, I have a copy for the record. Are there any questions from the Commissioners?

Kevin Winternheimer: What I would propose doing, if it's okay with the board, is I will acknowledge his e-mail here and tell him, you know, we are just as hopeful as they are that they get this certified, and we appreciate their statement here about seeking further payment, not seeking further payment until after it's certified.

President Fanello: Do we need to make a motion or anything to hold off on payment? Since an invoice has been submitted by them.

Kevin Winternheimer: I would, yeah, to make sure the record, so to speak, is clear that it would be appropriate, if that's your feelings to have a motion that payment not be made until after certification. We've already got their acknowledgment that that's acceptable with them. That would, I think, put the issue at rest until certification happens.

Commissioner Mosby: I'll make a motion that we not pay ES&S until certification.

Commissioner Crouch: Second.

President Fanello: So ordered.

Polling Place Changes

President Fanello: Next item is polling place changes.

Tammy McKinney: I want to ask that this be deferred until next week. I have another one that might need to be changed that I'm looking into.

Commissioner Fanello: Okay. We'll defer that until next week.

GIS Budget

President Fanello: The next item is GIS budget. Jim Cameron sent this up to me, asking to change the GIS Department budget. I'm not requesting that anything be placed in the CIO Department budget, because that is some conversation that Matt Arvay has had and thinks that things may need to come up in the future, but I think currently we have enough money in our Computer Department budget to handle any expenses related to that. So, I see no need to even set in a budget for that next year, as we've previously said. But, that's for future discussion purposes. But, as far as the GIS Department budget, the amount there he did increase, and I don't have my previous paper with me, so I can't, don't remember what the previous amount is, but it would be, 50% of that would be our cost.

Commissioner Crouch: So, the second part, the CIO Department budget—

President Fanello: That is, I'm not asking that we even entertain that thought.

Commissioner Crouch: So, his salary will stay the same?

President Fanello: Right, right. I'm assuming with the financial issues that the city is facing that they will be as tight with their budget as we're trying to be. So, I'm sure it won't be an issue for them either. So, I guess, what I need to do is get your permission to forward this on to the Auditor, and have him make that change in the GIS portion. I don't remember what, I think it was 384 something. Like I said, I don't have the other one with me. But, Jim said that the contractual services portion, they had actually picked up more contractual services last year, that really should have been a 50/50 split, and he's just asking that all the costs be 50/50 with this one.

Commissioner Mosby: Do you want a motion to accept this?

President Fanello: Uh-huh.

Commissioner Mosby: I'll make a motion to accept the proposed CIO/GIS Budget--

President Fanello: Not the CIO, just the GIS.

Commissioner Mosby: GIS.

Commissioner Crouch: Second.

President Fanello: So ordered.

Northeast Aquatic Design: Lazy River Contract: Burdette Park

President Fanello: First contract is Northeast Aquatics for the Lazy River ride. We do already have money budgeted for this, and there is one thing that I want to ask that a motion be made on, is that we cap the reimburseable costs. They've given us a possible estimate I think of around \$2,700 or something like that. I would just ask that those be capped at no more than \$3,000, that we add that.

Commissioner Mosby: Okay. I'll make a motion to accept the contract with Northeast Aquatic Design, capping expenses at \$3,000, the reimburseables.

Commissioner Crouch: Second.

President Fanello: So ordered.

Community Corrections Maintenance Agreement: Building Authority

President Fanello: Next item is the community corrections maintenance agreement.

Dave Rector: Dave Rector, Building Authority. Basically, this is the same agreement as we had for the jail maintenance agreement with some minor exceptions that there is not an elevator in the community corrections center, there's not a dock there, and the depreciation reserve funds would be \$50,000 a year instead of \$100,000 a year.

President Fanello: Are there any questions for Mr. Rector?

Commissioner Crouch: We spoke today, and this may be more of a question for the Sheriff. What do we pay now? Who does our maintenance on the office parts of the community corrections? I should know, but—

Brad Ellsworth: Actually a lot of that comes, actually the maintenance is performed by an employee at the Safe House. He's a county employee, Gary, and I can't think of, his last name escapes me, but it's out of either User Fees or General Fund money. Probably mostly User Fees.

Commissioner Crouch: Do you know approximately what that is?

Brad Ellsworth: Boy, not off the top of my head. I'm sorry, I didn't bring any numbers with me.

Commissioner Crouch: That would be eliminated, and then it would be just moving in this direction.

Brad Ellsworth: Yes.

Commissioner Crouch: Thank you.

Commissioner Mosby: I'll make a motion to accept the maintenance agreement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Court Renovations Funding Agreement: Building Authority

President Fanello: Next item is the court renovations funding agreement. And I think we, Mr. Rector spoke about this maybe a few weeks ago.

Dave Rector: We've talked about this a couple of times, and, in essence, what this is is an agreement that formulated what we've talked about for the last several months, and, fortunately, we've found some funds from the defeased bond payments from about 1990 when they did that, when that money comes in the first of 2006, this agreement says that we'll use that money to pay back a loan we would take out to do the court renovations project. If there's anything left over it would stay in a fund that we would all agree to to do any other projects maybe needing done, like the jail sally port, or whatever other projects at the time are required.

Commissioner Mosby: I'll make a motion for the court renovation funding agreement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dave Rector: Thank you. On a side note, just to let you know, and I'll be putting a memo out, we're going to start the parking lot construction project a week from today. Next Monday morning we'll start in front and knock that out first, and then move to the back probably.

Commissioner Mosby: Thank you.

Second Amendment to Lease Agreement for Safe House

President Fanello: Second amendment to lease agreement for the Safe House. Are there any questions?

Commissioner Mosby: I don't have any. I'll make a motion to accept the second amendment to the lease agreement.

Commissioner Crouch: I'll second. Will this additional, this increase be paid out of the General Fund?

President Fanello: No, it comes out of User Fees.

Commissioner Crouch: Oh, it comes out of User Fees.

President Fanello: User Fees? Okay.

Commissioner Crouch: Thank you.

President Fanello: So ordered.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board at this time.

Jerry Jones: Good afternoon, Jerry Jones, 4039 Lyle Road. The Lyle Road project has gone through the courts, or is in the process of eminent domain. Kevin had mentioned this a few months ago, and John a couple of weeks ago that the project could be put up for bids, possibly, before it gets finalized, and that way when it is done, you know, work could start sooner. So, I was wondering if I could get the board's permission, or support, tonight in a motion that we could possibly put the Lyle Road up for bids now.

President Fanello: That's something I will ask our County Engineer here, what the schedule is.

John Stoll: I spoke to Jay Ziemer, well, I didn't speak to him, I traded e-mails with him last week in regard with the right-of-way, and the property owner that's being condemned, one of the owners has filed an objection to the condemnation, and Jay didn't know when the judge would, excuse me, make a ruling on the objection. He said once the judge makes a ruling on the objection, and he suspects that the objection will be thrown out, then the judge will appoint the court appointed appraisers and give them up to 30 days to come in and take their oath and get sworn in to go do the appraising. Then they will be given 30 to 60 days to report back to the courts what the values were that they determined. So, I really couldn't see putting that project out for bid right now, because as it stands right now we have no idea when we'll get that property. Mr. Jones is correct that once we do know more specifically when the property might be the county's, then we could try to make the bid opening coincide with when we make the deposit of the money with the courts. But, not having any specific timetable, as of yet, on when that might take place, I'd be reluctant to put it out for bid until we know more specifically when that date might be. We run into problems where if we put it out for bid now, then if the contractor

can't finish the project, he might come back and file the late claims against us because we didn't have the right-of-way secured to allow him to finish the project. So, on that basis I would say let's wait until we find out when the court appointed appraisers will be due to report back, and then try to make the bid opening coincide with that date.

President Fanello: Do you have any questions?

Jerry Jones: Yeah. Is this going to, John, is this going to put the project maybe on hold for this year? I mean, here it is the middle of July, and if it's going to be 30 to 60 days—

John Stoll: It's possible. As it stands right now not knowing when the timetable for the courts will take place, it's possible that we would get it awarded this year, but not finished this year. It's hard to say at this point. It's not our intent—

President Fanello: Right.

John Stoll: —but, given the fact that we had to go to condemnation, that's the way it could play out.

President Fanello: Okay. Do we have any questions from the Commissioners? Okay, thank you, John. Anyone else in the audience wishing to address the board?

Barbara Isaac: My name is Barbara Isaac, and I live at 7972 Elna Kay Drive on the southeast side of Evansville. I'm here this evening to ask you about getting city sewers in our area. The homes of this area are 40 to 45 years old. When they were built young families moved in with children, and then now the children are grown and the families are older and they're moving out and new families with young children are moving back in. So, the septic systems are kind of wearing out. They're not meant to be, to take the place of city sewers forever, and several of the homeowners in that area have already had to replace field beds. So, one of my concerns is that the ground is getting saturated, and I just think the time has come to put in city sewers out there. I wondered what help you can give me.

President Fanello: Kevin.

Kevin Winternheimer: I didn't catch, are you outside the city limits?

Barbara Isaac: Yes, sir.

Kevin Winternheimer: How many of your neighbors, do you think, share your viewpoints?

Barbara Isaac: Okay, I tried to survey them, and it's about half. I got, about half of them want it, about a fourth of it's maybe, because they want to know how much it's going to cost, which nobody could give me a cost that I talked to, and some flat out, no, don't want it. Some I could not contact, they wouldn't answer the door, they wouldn't answer the phone. So, I have no idea whether they want it or not. But, here's some copies of the petition I sent around. This is a very bad drawing of Elna Kay with the addresses with, you know, whether they want it or maybe they don't, or whether it's known. I'm sorry, and, but, you know, that will give you some idea.

Kevin Winternheimer: Well, the only thing that I would have to add is that the county is typically not in the sewer business. We don't do sewers. Now, we have done some sewer projects through a Barrett Law type system, where the property owners have paid for them. That system, although it's on the books, it seems to only work if the property owners affected want it. If they want to fight it, they can kill the project pretty easily. We just went through a street improvement, road improvement that was in Mill Terrace, but everybody there really wanted it, and everybody cooperated, and nobody contested it along the way and all that. That was the point of my question, if your neighbors are not in agreement on doing this, it is nearly impossible to get one of these through and done if they don't want it. So, that's—

Barbara Isaac: Well, what's going to happen when the ground gets so saturated that you, it becomes almost a cesspool then? I mean, I don't know how many years this will take, but, I mean, I figure that at one point the ground is going to get saturated with all the waste that's being pumped in to it.

Kevin Winternheimer: I don't have an answer for that.

Commissioner Mosby: I guess this is something that we could turn over to the Water and Sewer Board to see if there is any interest.

Kevin Winternheimer: Yeah.

Commissioner Mosby: It would be up to the Water and Sewer Utility Board. I could not tell you what's the closest sewer to this area.

Barbara Isaac: Well, it's Peach Blossom or Meridian across Fuquay Road.

Kevin Winternheimer: You might want to talk to them, as the Commissioner suggests, and if they could just give you a round number, I mean, without going through and doing the exact engineering they can't give you a precise, but they could give you just a round number on what you're looking at. I think that would help you with your neighbors to—

Barbara Isaac: Now, who do you say I should contact?

Kevin Winternheimer: The Water and Sewer Utility.

Barbara Isaac: Well, I've kind of contacted them.

Kevin Winternheimer: Okay.

Barbara Isaac: When I started off, and they sent me to the City Engineer. The City Engineer sent me to you, they said that I needed to start with you. So, that's why I'm here.

Commissioner Mosby: Tammy, can you call Jim Cameron in the morning, and just ask him to look into this? We'll make a phone call down to the Water and Sewer Utility and ask them to look into it and see approximately how far away the nearest sewer is, and if there is any type of estimated cost they could give us, or EMC could give us, which is the company they contract with.

Barbara Isaac: I know for a fact that the sewers in those subdivisions are only five feet below the ground, which would almost make a gravity flow sewer impossible.

It would have to have a lift station to, you know, get the waste into that sewer system. So, I don't know if that's because the water table in that area is so low, or high, whichever way you want to look at it. But, it's just something that I think that needs to be looked into, and needs to be done in the very near future.

Commissioner Mosby: We'll have her contact them, and then if you'll leave your phone number with Tammy, we'll get back to you.

Barbara Isaac: Okay. Thank you, sir.

Commissioner Mosby: Thank you.

President Fanello: Thank you. Is there anyone else in the audience wishing to address the board?

Jerald Jones: Hi, Jerald Jones, I live at 3919 Lyle Road. I have a concern or a question, I guess, concerning not putting the Lyle Road project out to bid. I'm not privy to how you do the bidding process. You know, with the jail and the community corrections, you know, that's millions of dollars, and I don't know, wouldn't it be feasible or prudent to put it out for bid with the stipulation in the bidding process that all the bids, the bidders would have like six or nine months, give them a time limit when they can start, or might be able to start? You see we're just trying to save time—

President Fanello: Right.

Jerald Jones: —because this project was approved in 2003, in March of 2003. Here we're into 2004, and I was concerned this was going to happen again, you know, going to be delayed. Is it not possible to put it out for bid with a time constraint? Give the bidders six to nine months to start.

President Fanello: I was just going to say road projects do take sometimes, but, go ahead.

Commissioner Mosby: I mean, I'm just going off what John said a minute ago. Once we get a time and a date from the courts we can do it to coincide. I mean, we can work at their date, we just need to know approximately when that date is going to be, and once we get a hearing and we know it's going to be 30 or 60 days when they report back, we can try to make that coincide.

Jerald Jones: Then it is possible to put it out for bid?

President Fanello: Right.

Jerald Jones: Okay, alright, great.

Commissioner Mosby: As long as we've got a date and we know it's going to be a good date.

Jerald Jones: Okay. Alright.

Commissioner Mosby: I don't want a contractor bidding it thinking it might not happen, and shoots a high bid or something.

Jerald Jones: Yes. Kevin, do you know when, by chance, Mr. Ziemer is going to get back with the ruling from the judge on this matter?

Kevin Winternheimer: No. I'm going to call him and find out where he's at on that.

Jerald Jones: Okay.

Kevin Winternheimer: And find out when the hearing date is. Just keep encouraging everybody to move along as quickly as we can. To be quite honest, I did not anticipate one of these people filing an objection. An objection is saying the project itself is not valid. I mean, that's pretty rare in a road widening project. I don't have to tell you how bad your road needs to be widened. I don't know why he, this individual, did that, but he has that right and that prerogative, and I can't do anything about that except encourage everybody to have the hearing and get it done as quick as we can, and I'll do that.

Jerald Jones: Sure, is, you know, I'm not blaming any of you folks up here.

Kevin Winternheimer: Oh, no.

Jerald Jones: I'm just trying to maybe get it done this year, if possible.

Kevin Winternheimer: Because the interesting thing is that hearing has nothing, if the gentleman's concern is what he's being paid, that filing an objection to the project has nothing to do with the price to be paid. It's whether or not the project itself is valid, and I don't know if he realizes that or not. I think he's operating without an attorney, at least the last time I heard he was, and it's unfortunate, because it does delay the project, and it has nothing to do with the price to be paid for his property.

Jerald Jones: Okay, thank you very much.

John Stoll: I did meet with a contractor last week to see what increased costs we'd be looking at if we tried to bid the project with staying off of this one parcel. The contractor estimated it would probably add about 10% to the project costs. So, it was all on the basis of they would get so much of it done, have to pull off the job, and then come back and bring their equipment back in. So, he said, he thought it would add at least 10%, ballpark number. Since we're looking at around \$150,000 project, that would add \$15,000. So, there is a cost associated with that that we were trying to avoid. It would be possible to do it that way, it's just an unknown on when we would be able to get on that last tract of land.

President Fanello: Thank you, John. Is there anyone else in the audience wishing to address the board? Seeing none. Our next item is old business.

Old Business

President Fanello: Does either Commissioner have any old business?

Commissioner Mosby: I have a couple of questions, I see the Sheriff and his Chief Deputy in the audience. I was out of town last week, so, I come back and I was skimming through papers last night and this morning, and I see where you got rejected again on the number of deputies to be hired. I did see where they okayed two, but, I guess, turned down 34, if it was. I'm kind of wondering, where does this

leave the project, I guess, the jail project? Where are we heading? What's going to happen when we get down the road? I mean, I understand your statement not wanting to open the jail if we don't have the adequate amount of jailers or deputies to provide safety to them, of course. So, what is, I guess, what did they tell you where are we heading?

Brad Ellsworth: Well, the transition team, what I'm asking for is six correction officer positions. What they will do is they will be hired and they are brought in, and when they are adequately trained, we will replace and pull six people out of the jail and put them on the transition team to be writing policy. We'll actually have to send them to some direct supervision jails and to some training probably by the American Jail Association to get them ready to run the transition team and write policy for the new building. I was at a conference last week and I asked the presenter what's a drop dead date when he felt that you needed to have a transition team in place to transition into a new facility. He said minimum one year. So, we're looking at, by the time, I mean, they awarded two last week, and it takes 45 days to get those people hired, and then another 30 to 60 days to get them trained or to replace them, you know, we're looking at September. So, we're about at a year, a year out from the facility if I would have gotten all six. Two will give me a start. What I assume I'll do is pull the two people out, once those people are trained and make them basically captains of the transition team, who will help, if and when I get the other four, or however many that they'll help bring them along and start writing the policy. So, I'll start with two, I mean, I have no choice there. As the other employees come on, I see you have the time line there of what our proposal is for the 34 employees. You'll see that the majority of those are not to be hired until the very near months before September of next year. So, you know, right now I can't say that it's slowed the project down. What I tried to explain to the Council was that we performed a staffing analysis that said 34. Bennett and Associates did a staffing analysis that said 50 something, that you have to explain that they also talked about, in Bennett's he's saying just the jail. So, he was not taking any consideration the guards from the Safe House coming over and supplementing what we're doing. So, we feel pretty comfortable with the 34 number. What I asked the Council was that as they review the staffing analysis that they either buy into that number or are comfortable with it, that's what it's going to take to run the full blown, the full blown jail, all the beds. Understanding what the financial concerns are, that if, first do they buy into the 34? If not, and they can't afford that many employees, then I need to know that to go back to plan to see how much of the jail I can open with what we can afford to hire. If that makes any sense. I know it's kind of in circles, but that's what I'm going to need to know so that I can then provide information back and say with, let's take for instance 18 employees, I think I can run a pod and a half, and then go from there, and if that's what we can open with those employees to adequately staff that much, and then I can provide that back to you, back to the Council, and back to the public. That's kind of where we're at from Wednesday on.

President Fanello: And, let's see, back in 2001, I know we were working up financial numbers on the jail, we were kind of starting to put together preliminary staffing needs, and I know we discussed that over 2002, and we discussed it over 2003, and then you and I and Chief Williams have had how many meetings so far this year with Councilman Raben and Councilman Winnecke? At least three that I can remember.

Brad Ellsworth: I would say at least three—

President Fanello: Then how long have we had the Bennett and Associates study? We've had that for several months.

Brad Ellsworth: Probably five months, somewhere in that area, three to five.

President Fanello: Even before that, I know you handed to me, and I'm pretty sure you gave it to the Council a packet on transitioning to a new jail.

Brad Ellsworth: That's right. Our staffing analysis was done before the Bennett one.

President Fanello: Right, you even handed out one, I think you may have even handed it out at budget time last year.

Brad Ellsworth: That's a real possibility. I would have to go back and check.

President Fanello: Sometime last year, so, this is not, what concerns me is this is not new information. Whenever we started this jail project, the County Auditor at that time, Commissioner Crouch, told the Council that we could afford a \$35 million project, and they knew exactly what we were getting into and it seems to me like you've come up with a staffing analysis even, you know, more conservative than what was proposed by Bennett and Associates. I guess, my concern is, and this really isn't directed to you, but just to the Commissioners in general, we have to, you know, we have to really work with the Council and the Auditor, something needs to be done to make sure that, you know, they are buying into these staffing needs, because I'm not getting a clear understanding of exactly what they're understanding or what they are buying into. We all know what the studies say, what the numbers say, what the Auditor told us a couple of years ago. You know, exactly why is it taking so long, and why aren't we moving forward? We did our part, I feel. You know, the Commissioners did their part in providing as many financial analysis as possible, and providing the means to get a project done that had been in the making for I'll say 20 years, I guess. I guess, I'm getting concerned that they're not moving forward, and I understand that the county is in a stressed financial position, as is the city, as is the rest of the state, as is the rest of the nation, but, you know, we have to put public safety needs first, and I'm wondering if the Commissioners shouldn't be, you know, sending some kind of letter or some kind of information over to the Council that we support what the Sheriff is trying to do, and that it's really important to open up this jail on time. You know, we're not doubling the staff, we're doubling the number of people we're going to have out there as far as inmates, but it's not like you're doubling the staff. So, I feel like you're being very conservative on the staffing needs that you're asking for.

Brad Ellsworth: Well, we keep being told by the Department of Correction that they're not sure our relief factor is high enough with a 24/7 operation, but we, you know, I'm going to trust us working here and then the two guys that, you know, were instrumental in drawing this that we think we can do it. It won't give us, it won't give us direct supervision 24 hours a day, but we're trying to be conservative with the number of employees that, you know, that we're putting in there. We think we can do it with that. So, I just, I kind of need some direction, and I know Auditor Fluty was there, and the Council told us, you know, see you at budget time. I think they will have a better picture at budget time what they can afford for next year. Like I said, I think, I just, at some point say is everybody comfortable by reading our analysis that 34 is a good number? And do they think that is adequate? Or, you know, not enough or too many, and we'll go back to the drawing board. But, if they are comfortable with that, then we need to come up with a plan, and how many we can get.

Commissioner Crouch: Were they comfortable? I wouldn't ask you to speak for Council, but your impression, were they comfortable with the number? Was that the issue? Or is it the money to fund the number?

Brad Ellsworth: It sounded more like the money, but I asked that question a couple of times, you know, if you've got a problem with the number, the 34, please tell me, and I really couldn't get a real read on, I think a couple of Councilmembers said, well, I'm comfortable with it, but I couldn't get a Council-wide saying, yeah, it looks good to us. That's kind of what I was asking for, then we need to move from there on, you know, what are they going to be able to afford next year. So, you know, the more the voice was we don't know what we're going to be able to afford. So, I guess, there's two questions; what, you know, do they think I'm trying to pad this number? Believe me, more employees doesn't do me any good at all. It's probably more headaches.

Commissioner Mosby: To me it's obvious, I mean, the professionals have said 50 something, you've cut it back to 34. I mean, I'm seeing that you've probably cut it back as much as you can, and you know what is a safe number to operate at. If it's the money, then I think the Council needs to look at what this is going to cost, and they need to work back from there. I mean, to me it's obvious you have to fund these positions. I mean, why would you build a \$35 million jail and not open it? Why would you open part of it, and then still pay to house inmates outside of the county? Why would you look at jeopardizing a jailer's life and put him in that position? I guess, that's why I don't understand where they're coming from. You know, just in reading the article I couldn't get a feel for what they were asking for either. But, I mean, it's obvious to me we have a facility, it took us 20 years to get to that point to build this facility, and all of a sudden we're going to say we don't have the money to open it. Why would we keep paying to house inmates outside of this county? You know, and paying somebody else to protect them. I just, that's my question. I say resubmit it. I mean, to me you need to resubmit it. We need to find out exactly what (Inaudible. Interference on mics.)

Brad Ellsworth: As you can see, and I think everybody probably has that before them.

President Fanello: I just got this from Eric right before the meeting.

Brad Ellsworth: Okay, and if not, I'll provide some more. We brought them to Council a few weeks, a couple of weeks ago. So, it should be on their record, but as you can see, and I'm trying to go from memory, there were like 15 the month before we opened of the 34, and it goes...I'll try to count these up real quick. One, two, three...13 in the month prior to the projected opening; five in the July of that month, or before; six in June; and then three in May, and that's before the six that we've asked for this year yet for a transition team. A lot of that is how many we think that we can train at any one time, and what we're going to have the capability to get in training, and that we're going to rely on as we progress on, then hire the three and the five that they will be able to train the majority. So, bringing them on in smaller amounts, but the majority in that last month.

President Fanello: Well, Commissioner Crouch, whenever you proposed that budget to the Council, did you guys have, did you have any dialogue with the Council, and this was when you were Auditor, did you have any dialogue with them about the staffing needs? Because I know the \$35 million was, the Council agreed upon, and

you agreed upon that that's what we could do without raising taxes. Did you guys talk about staffing?

Commissioner Crouch: The staffing numbers and the staffing information started with Pittman and Crowe Chizek when they actually came and met with the Council and the Commission. Certainly a lot has changed, as you well indicated.

President Fanello: What has changed? We haven't deviated from the budget, so what has changed?

Commissioner Crouch: Well, the amount of revenues that are available. I think probably the Auditor could speak to that, the fact that the county, or the fact that the state is limiting the amount of property tax money that can be raised and be available. Jump in.

Bill Fluty: You asked what's changed. Income from COIT is the number one. It used to stair step up. With the loss of jobs, which even Vanderburgh County faced in the last three years, not as harsh as some of the other northern counties, that's a loss of COIT dollars. Instead of stair stepping up, it's stair stepping down. We need it to stair step up so we can continue goods and services and to provide those. The other issue is interest. Where the Treasurer made almost three million dollars in interest, she struggles to make a million dollars in interest. That's over the last three years. So, that's over six million that we did have at one time and we don't have now. So, what the Council's challenge is this year is 34 employees is \$1,800,000, that's putting all of that into a budget. Not totally for next year, because that's 2005, and it's a phase-in process, but that will be a challenge for 2006. Anything that you do in 2004 and 2005 will make it that much more difficult in 2006. I heard the Council, what I heard last week, they were all committed to come to the number that the Sheriff needed, but they face 40 different offices, which they have to fund. They will have to go places they haven't gone before. There will be cuts made in places they haven't made cuts. That challenge will become a little clearer when all budgets are in, we've totaled it up, and see what they can do. We're also waiting for revenue projections. So, a lot has changed. 9/11 has increased our insurance, as you've seen with Dennis Feldhaus in here. Everything has changed. Not one thing, everything has changed. The state legislature has changed. Where our maximum levy used to be 5%, it's 4.7%. It's going down to 4.4%, and they predict it may go to 3.9%. That's tax dollars we can't collect. But, our costs continue to go up. So, we're facing what every other county is. So, we may have to do some things differently, and use our money differently. So, that's our challenge, but I heard last week that the Council was committed to doing what they could with what monies they have available, but they wanted to look at the whole picture, and ask the Sheriff to wait. I think they all know, they are all aware of the timetable.

President Fanello: Okay. Well, I guess, we stay in close contact with the Council over budget time, and see what information is presented. Thank you, Bill, for that information. That's helpful.

Madelyn Grayson: Sheriff, may I have a copy of that diagram for the record?

President Fanello: Any other old business that either Commissioner has? I just have one thing. I want to ask the board's permission to resubmit the appropriation for broadcasting city and county government, because I think that, you know, we've had a lot of discussion over the past couple of years. I know that we've brought meetings over the Internet so that people can listen to them, but I think we're really in the age

where it's important that people be able to see what is happening in their government. To deny them that is basically to deny them access to government. So, once again, I'm going to ask that this Commission support broadcasting city and county government to the public. I did speak with the city today and they will definitely entertain reimbursing us if they want to use the equipment. I mean, I'm more worried about the county broadcasting their equipment, and I do think we have places we can transfer the money if the Council doesn't want to do an additional appropriation, we can find places to transfer the money, but I'm going to once again say that, you know, we need to encourage public access to government. To deny it is, basically, just to deny the public their right to even be involved in these meetings.

Commissioner Mosby: Did they say why they turned that one down?

President Fanello: I have no idea. I'm assuming, the reasoning I've heard in the past is that we don't have the money. I find it hard to believe that you can tell the taxpayers that you can collect their property taxes, but you can't give them enough money back for them to watch their own government and be participating in their own government. I mean, we had enough money three years ago to bring video streaming in, and I believe this is a one time investment for the equipment, and I think WNIN has been very conservative in the amount of money that they are asking to broadcast these meetings. I know that Dave Dial from WNIN went over and talked to the County Council. So, I'm going to keep on pushing this until the Council allows public access to government.

Commissioner Mosby: I'll make a motion to resubmit it.

Commissioner Crouch: Second.

President Fanello: So ordered.

New Business

President Fanello: New business. Any new business? Seeing none, we'll move on to department head reports.

County Engineer

John Stoll: The first item I have is a request to sign the paving agreement for Lutterbach Road. This is the agreement between Vanderburgh County and Marlin Goebel. He was the individual who was up here back during the road hearings who had requested that Lutterbach be paved. The county didn't have sufficient funding to pave the road. Then he requested that it be paved if he paid for it. So, basically, that agreement says that he will reimburse Vanderburgh County upon completion of the project. Kevin has looked at the agreement and is okay with it, so, I would recommend that it be approved.

Commissioner Mosby: Motion to approve contract.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The second item is the actual paving contract itself with Jerry David. It's for \$22,950, and I would request that it be approved.

Commissioner Mosby: Motion to approve contract with Jerry David.

Commissioner Crouch: Second. Are they doing all the work, or are we providing the labor?

John Stoll: They'll do all the work. The only thing is, if any rock is needed, the County Highway Department will provide rock, but everything else will be done by Jerry David's crews. Upon completion of the project we'll go ahead and send Mr. Goebel an invoice based on the actual quantities and materials used, and then get the reimbursement and put that back in the Road and Street Fund. Next I have a letter for additional surveying services on the Stockwell Road project. We need to have some additional right-of-way staking done out there, and American Consulting has submitted this price of \$5,400 for this additional surveying. I would request that this be approved.

Commissioner Mosby: Motion to approve additional surveying.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: And that's for right-of-way staking. The last item I have is an administrative settlement letter for parcel one on the Oak Hill Road and St. George intersection project. On parcel one the property owner was offered \$125, and he came back and requested a payment of \$500. In the end \$300 was agreed upon, and I would request that this administrative settlement be signed so that we can settle this parcel.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Thank you, John.

John Stoll: Thanks.

Commissioner Mosby: Thanks, John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. Just to keep you informed about this week, we haven't paved or dug ditches or anything like that. We've been trying to clean up from these storms. Just to give you an idea of where we're at, all this week we've worked on the west side and the southeast mainly to

clear the roads. We had the roads cleared by Tuesday evening, plus we gave a little bit of assistance to the city. We're now going back and cleaning up all of those things where we've cleaned the road, we've just basically got them open and pushed them to the side. Now we're going back and cleaning those piles. We also asked the county residents in these areas to bring their debris closer to the easement, and we would pick it up, and they have been doing that. At this time we're probably about 80% complete, but they keep bringing it up a little bit more everyday. So, you go back and there's some more. But, we are keeping ahead of them, and I would predict that by the end of this week, instead of having a tree crew, we can go back to our normal operation. We did resume paving today, because we need to keep up with the paving, because we'll probably be in December before we get it done anyway. So, that's just an update of what we've done this week. We're trying to get back to normal. We'll probably do that by the first of next week. That's all I have, unless you have any questions on my weekly report.

President Fanello: Questions? Thank you, Dennis.

Dennis Hudnall: Thanks.

Commissioner Mosby: Thanks, Dennis.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: No report tonight.

President Fanello: Thank you.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to submit a late travel request from the Health Department. JoAnne had come up to the office on Friday and mentioned that she might need a late one. She brought it to me today. So, I ask that this be added to the consent items and approved.

President Fanello: Okay.

Commissioner Mosby: Motion to add late travel request.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. Our work report is all we have to present to you tonight, unless you have any questions.

Commissioner Fanello: I don't think so. Thank you, Gary.

SWCD & Ozone Officer Reports

Commissioner Fanello: Do I have a motion to accept Soil and Water and Ozone Officer?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned 6:34 p.m.)

CONSENT ITEMS:

Jail Expenses:

United Consulting Engineers & Architects: \$27,545.53
James L. Shireman, Inc.: \$55,000

Travel Requests:

Perry Assessor (1) SWCD (1) Health Department (3)
Auditor (1)

Employment Changes:

Burdette Park (10) VCCC (1) Center Assessor (2)
County Clerk (2) Sheriff Department (4) Circuit Court (1)
Auditor (2)

Auditor:

Submit A/P Vouchers.
Submit State Board of Animal Health Contract.

Health Department:

Public Health Coordinator Grant.
Xerox Contract.

Sheriff Department:

Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Wanda Dionne	Brad Ellsworth
Dave Rector	Jerry Jones	Barbara Isaac
Jerald Jones	John Stoll	Dennis Hudnall
Gary Hohman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 19, 2004**

The Vanderburgh County Board of Commissioners met in session this 19th day of July, 2004 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 19th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of July 12, 2004 Commission Minutes

President Fanello: Do I have approval of the July 12th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. No bids, discussion items, joint department budget.

Joint Department Budget

President Fanello: This was forwarded to me by the City Controllers office. So, I would ask that the board make a motion to approve this and pass it along to the Auditor to reflect the changes in our budget.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. While we're on that subject, I have a couple more things to pass...just to make sure this gets included, because last year their seemed to be some confusion on the rent budget. So, I would ask that the board also pass this along to the Auditor to make sure that these are the correct numbers that are reflected in the budget, because one of our line items did end up short for some reason, and I don't know why, but it ended up short for this year. So, I just want to make sure that that confusion doesn't happen again. This is all based on what was submitted by the Building Authority Director, Dave Rector.

Madelyn Grayson: Catherine, may I have a copy for the record?

President Fanello: You can have mine.

Commissioner Mosby: Do you need a motion? I'll make a motion that we accept the rent.

Commissioner Crouch: Second.

President Fanello: So ordered. One more, and I apologize for this, but I spoke with Chief Eric Williams, Chief Deputy, Eric Williams through e-mail today, and I had assumed that Mr. Rector had passed this along to him to put in their budget. So, I would ask that we make a motion to pass this, and pass it along to the Auditor for discussion with the Sheriff about where exactly to include it in their budget. But, if you remember, we signed a maintenance agreement with the Building Authority for the new jail facility and for the new community corrections facility, and these are estimates, and estimates only, of those expenses that they would need to take care of the building.

Madelyn Grayson: I'll need a copy of that as well.

President Fanello: You can have my copy.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you for accepting that information.

Polling Place Changes

President Fanello: Next item is polling place change.

Tammy McKinney: I had put a memo in the packets requesting a change of this polling place. We originally had it at the Duck Inn, moved it to New Birth Christian Church, and with the daycare and the day activities, we found out it was just too crowded. So, I ask permission to move it back to where it originally was.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Question, it was my understanding that we moved it from the Duck Inn to the church because the Election Board had received complaints. In fact, someone had come and spoke to the Election Board complaining about it being at a tavern. For that reason they recommended to us that we go ahead and move it. I did check with the Election Board, they've received no complaints regarding this. I guess, that's my first point. My second point is, I was informed that there is some state statute, and, Kevin, this may be something that you can speak to where voting cannot take place where there is alcohol that is served or stored.

Kevin Winternheimer: I—

Commissioner Crouch: I know I'm springing this on you. So, I apologize for that.

Kevin Winternheimer: I'm not sure of the details on that. I would have to look into that. There's something in the back of my mind, you know, that says what you're saying is exactly right, but I would want to check on that.

President Fanello: Tammy, who, were these forwarded by Voters Registration?

Tammy McKinney: Uh-huh.

President Fanello: Okay, they were the ones receiving the complaints?

Tammy McKinney: Yes.

President Fanello: But you haven't received any?

Tammy McKinney: I haven't received any, no.

President Fanello: Okay. Would you, based upon Commissioner Crouch's comments, would you maybe get with Tony and Connie—

Tammy McKinney: Sure.

President Fanello: —and see exactly what the complaints were—

Tammy McKinney: Sure.

President Fanello: —about the church? We can defer this until next week.

Tammy McKinney: Okay.

Les Shively: Catherine?

President Fanello: Yes, sir.

Les Shively: You might want to ask—

Madelyn Grayson: Can you please come to the microphone, Les? Thanks.

Les Shively: You might want to check with the County Clerk, I recall that we got some letters, the Election Board, not just Voter Registration, but the Election Board got some letters, and they probably still have those letters, if you want to see those.

President Fanello: Okay. Alright.

Les Shively: If Tammy can get those.

President Fanello: Alright, Tammy can on those. Thank you, Mr. Shively.

Community Corrections Contract: ARC Construction

President Fanello: Okay, there are no other items under discussion or contracts listed, but today I just received in the mail the construction contract for the Community Corrections project, which we did approve their bid, and I believe, as I understand it, Kevin has already seen this.

Kevin Winterheimer: Yes.

President Fanello: Per our design team. So, if it's okay with the board, I'll just, we can pass these along to Madelyn for signature. I don't think they have to be approved since we've already approved the bid, do they?

Kevin Winterheimer: You should, yeah, you should approve signature.

President Fanello: Okay.

Kevin Winterheimer: Motion to approve signature on the agreements.

Commissioner Mosby: I'll make a motion that we approve signature on the agreement.

Commissioner Crouch: Second.

President Fanello: So ordered. I apologize for that, but I just opened my mail about a half hour ago.

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: Does either Commissioner have any old business?

New Business

President Fanello: New business. Mrs. Weatherholt dropped off something to Tammy at the office today, and as I understand it Kevin has reviewed it for the Jobe's Lane project.

Kevin Winterheimer: Yes. This is the state's required form stating that our architect/engineer that they comply with all the EEOC type requirements for hiring practices and so forth. It's nothing different, it's just a state required form stating that they are in compliance, and do comply with all the EEOC type requirements. I've looked at it, it's fine. I would recommend your approval. She said we need to approve this before the state will finally approve the money, or whatever it is that they're-

President Fanello: Probably release the money.

Kevin Winterheimer: Release the money, that's it, that's the term.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: I'll just abstain to be consistent.

President Fanello: Okay, and I'll second, and say so ordered. And that was the only document, right? That was the only letter that we had to sign? Just the letter?

Kevin Winterheimer: Yes.

President Fanello: I'm just making sure that this agreement is part of this letter.

Kevin Winterheimer: Here, is this what you have? I just want to make sure that you have the same thing.

Commissioner Mosby: It's the same.

President Fanello: Yes.

Kevin Winternheimer: The cover, okay, yeah, you sign on the second page, the board does.

President Fanello: If there's no other new business, we'll move on to department head reports, County Engineer.

County Engineer

President Fanello: Do we have anybody from the County Engineer's office?

Commissioner Mosby: Yeah, Pat's here.

Pat Seib: Good evening, Patrick Seib, Assistant County Engineer. I have several items tonight, the first is to award contract number VC04-07-01, Kansas Road culvert #269 removal and replacement. Baywood Development LLC has granted the necessary temporary right-of-way for the project. I recommend that the contract be awarded to Klenck Companies, Incorporated, the low bidder, for the amount of \$35,460.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: The second item that I have is to approve a revised street plan for Clear Brook Manor PUD. The original plans were approved on May 24th of this year. The changes to these plans stem from Jagoe's purchase agreement with the seller of the property. The seller is requiring that Jagoe provide 60' of right-of-way and a 36' wide street for road number one between the existing cul-de-sac on Galaxy Drive and the PUD, as opposed to a 29' street. Once inside the PUD road number one transitions into a 29' wide street. In addition the revised plans call for the removal of an existing curb inlet in Galaxy Drive and a subsequent installation of a new curb inlet where the widened road number one intersects Galaxy Drive. I recommend approval of these plans.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: The last item I have was to check and make sure with Commissioner Fanello that she received a letter to sign off on saying that we have an approved permit from IDEM for Jobe's Lane.

President Fanello: I don't think I....is that the letter you're referring to? Other than what Kevin brought up tonight about the Jobe's Lane project I haven't received anything else.

Pat Seib: Okay.

Kevin Winternheimer: I've seen that. It was laying around. Where is that?

Judy Weatherholt: It should have been on the letterhead that I (Inaudible. Not at Mic.)

Kevin Winternheimer: Here, it's the cover letter.

President Fanello: Okay, it's the cover letter. Yes, we do have it. We'll sign it tonight.

Kevin Winternheimer: Yeah, that's it.

Pat Seib: Do you have any other questions?

President Fanello: Thank you, Pat.

Pat Seib: Thank you.

County Highway

President Fanello: County Highway department.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. What I would like to do first is go through the events that happened last Friday, July the 16th concerning our paver. At about 12:00 to 12:30 I received a call from the paving crew foreman stating that the paver has broke down. We called the mechanics to go out and check it out to see if they could repair it while it was on the road. They called me back and they said they would have to take it back to the shop because the chain came off that pushes the material through the paver. So, I asked how many trucks of bituminous material do we have already on the trucks? My report was that I had one at Jerry David's and four setting up at the paver. Jerry David was gracious enough to take the one back, because it was still warm enough and pliable enough to take back. The other four, we only had a short period of time in getting it out of the truck before it sets up. So, I weighed the decisions I could make, I could either dump it at my yard and add cost to it later on by jack hammering it all up and hauling it off, which I still don't know where I would haul it to, because bituminous material is counted as hazardous. The other alternative was that some of the employees there said that they would allow me to dump it on their driveways or roads or whatever. Well, as a manager, what I'm looking at is what is the least cost? The least cost is me not to handle it two or three times. The least cost is to get rid of it now, cut your losses and go. I had 48 tons on the trucks, it's approximately \$30 a ton, I didn't know exactly who had volunteered to take this until after it was already done, but those folks that took it helped the county out, because we avoided probably, by the loss of the material and the added labor that would have been put into it by processing, we're adding cost to this material each time. So, I tried to do that cost avoidance analysis, and say let's get rid of it now, and I'm not adding any more cost to this, because I've already lost the material and I can't recover it. So, the decision was made to do this. I stand by that decision. That's really the only decision I felt that I had. I had a short period of time to make that decision. Right or wrong, and whether the perception is that I helped a county resident out or whatever, I can't control those perceptions. So, what I did is made the best decision for this county at the time. I stand by that decision.

President Fanello: Is the paver still in the shop?

Dennis Hudnall: No, we got it out this morning.

President Fanello: You got it out this morning.

Dennis Hudnall: It's out on Fischer Road. We got it back in commission.

President Fanello: Do either of the Commissioners have any questions?

Commissioner Crouch: I have a couple of questions, Dennis. We'd spoken this morning, I guess, about 11:00, and you, basically, what you'd shared with me at that time is what you've stated, but I do have a couple questions that might clarify for me. You had said that there were four, I guess, that you had to dispose of? Four trucks?

Dennis Hudnall: Yes.

Commissioner Crouch: I mean, the one that went back to Jerry David, but then there were four others?

Dennis Hudnall: Yes, see this material, you have a turn around period. In other words, from the time the truck is loaded, it's at 300 degrees. By the time you get to that paver, you can't wait too long to back up to the paver to unload your load and let the pavers screed it down. If you wait too long, the material is not pliable anymore, and it starts setting up, and then it makes your road really bad. So, those trucks were cooled down quite a bit, but Jerry David had just loaded this one, and he had other trucks to load, so he could still use that material. Because we do so much business with him, you know, he took it back. But the other four, I've got to look for a place to put it. I'm trying to avoid that cost as much as possible. That's what I did.

Commissioner Crouch: So, the truck at Jerry David's had not left?

Dennis Hudnall: No, it was still at Jerry David's.

Commissioner Crouch: It was still there, okay. So, the other four trucks then went to county employees homes?

Dennis Hudnall: Yeah, what we did, I didn't know exactly who they were going to go to, but the foreman said we've got some people that might want it, and they knew that we were not going to roll it out. They knew that we were just going to dump it. Because due to contrary reports that I paved somebody's driveway, I didn't have a paver to pave it. My paver was broke. So, we have to look at it in the sense that we dumped it. I have some pictures of what this looks like, and I cannot in good conscience dump any of this on a county road without paving it, because it would ruin the reputation of the folks out there of doing an excellent job. If anybody would like to see these (Inaudible. Not at Mic.) No other labor was added to it. We did spread it out for them, because I couldn't leave it in one big chunk in their driveway, but we added very little value to it, or cost.

Commissioner Crouch: You had indicated that you had gotten a call around 12:30--

Dennis Hudnall: Correct.

Commissioner Crouch: –so, the decision to go ahead and, you know, move this to other areas was around 2:00, perhaps?

Dennis Hudnall: Well, these guys, they get off at 3:00, and if I didn't make the decision quickly, I'm going to be paying time and a half trying to get this out of my trucks, because I can't leave it over the weekend, it is a Friday. So, my decision is what do I do at the least cost? I don't want to pay overtime, because I'm not going to recover any of this at all. If I'm paying overtime, now I'm losing and I keep adding...that ton of material cost \$30, if I keep handling it, it might be \$45 by the time I'm done, and I don't think that's fair to the county to spend money like that. So, I tried to avoid that.

Commissioner Crouch: The trucks that went to county employees homes, did other equipment also go there? You had said a Gradall–

Dennis Hudnall: The Gradall went, one to Old Henderson Road because the truck driver did not spread it, he just dumped it.

Commissioner Crouch: Okay.

Dennis Hudnall: Now we've got a pile of material, so he spread it out, and that was it. That's the only one that went. The rest of them, the truck came up, they spread it, and that was it.

Commissioner Crouch: So, they were all back and punched out by 3:00?

Dennis Hudnall: Yes.

Commissioner Crouch: There was no time and a half or overtime or anything like that?

Dennis Hudnall: No.

Commissioner Crouch: So, you didn't have any other options? I mean, we couldn't take this out to Burdette? Or we couldn't have laid it at the County Garage? Or, this happened at Fischer Road?

Dennis Hudnall: Uh-huh.

Commissioner Crouch: And it went to Old Henderson Road or thereabouts somewhere?

Dennis Hudnall: It went to Slate Road, which is really close. It went to Broadway, and it went to Old Henderson.

Commissioner Crouch: And it's about what, 20 miles from where you were to the furthest point perhaps?

Dennis Hudnall: Maybe 20 minutes, I don't know what the miles are, but it's probably 20 minutes. The furthest one 20 minutes. I live pretty close to Broadway out by USI and it takes me 15 minutes to get to work, so, it's 15 minutes from there. Slate Road is probably ten.

Commissioner Crouch: Could this not have been used to patch any holes? There were no—

Dennis Hudnall: No.

Commissioner Crouch: —potholes available? Or none that could be patched?

Dennis Hudnall: When we use, when we get patch material, we have to get it on a small truck because it is hand shoveled. These are in large trucks. The material is stacked five foot high throughout the bed of this truck. You lift the tailgate, it's coming out, and you just can't do it. Could I have dumped it at Burdette? Yeah, but what good is it going to do them? If you look at these driveways, it's, I mean, personally, I wouldn't want it in my driveway without rolling it, but they wanted it. So, I look at them as doing the county, really, a favor, because we avoid a cost. But, it's not a very good job. I took John Martin out to look at the road this morning, or today, and he seen the shape it was in, and I showed him how the paver, the screed, makes it real smooth, and when the roller comes by, this road is perfectly flat. None of these that we spread are flat. They look just like a gravel road would, only it's black.

Commissioner Crouch: Could we have used it on Waterworks Road to shore up, you know, the sides of the road?

Dennis Hudnall: Oh, I'm sure there are probably a dozen places we could have shored the road up if I had time to think about it.

Commissioner Crouch: We, when we pick up, and this is where I don't understand the process, but when we do pick up asphalt mix, we cannot take it back? Once we take it out of the yard, we cannot take it back? We've never done that?

Dennis Hudnall: Never have. This is the first time that I know of, or anybody that was on the paver that this has happened. Usually the mechanics can get that paver fixed pretty quick. But, the chain that's underneath it, so, they are going to have to jack it all up. By that time, the material is going to be set up.

Commissioner Crouch: Do they allow it? I mean, have we ever inquired to see if they allow us to take the mix back?

Dennis Hudnall: Well, I've never faced it, and to tell you the truth, I've never inquired in to it, but I intend to now, to try to get them to take that back. But, you're going to pay for it. Once you've crossed their scales, you're going to, they might take it back, and then they'll sell it to you tomorrow. So, you're still going to pay \$30 a ton today, and \$30 a ton tomorrow, because they are handling it also. They're not going to handle it for free.

Commissioner Crouch: You know, today when we talked you said that you figured that you saved the county \$10,000 by following this procedure. How did you arrive at that?

Dennis Hudnall: I just estimated. Here's the way I look at it. The material is \$30 a ton, you lost 48 ton. If I keep handling this, if I'd have dumped that in the yard or left it in my trucks, I'm looking at how many employees, I've got 16 on the paving crew, and all of them might be involved in getting this out of the trucks, or chipping it up to get it out of my yard. Now, it's counted as hazardous material, nobody's going to

take that free, so, plus the employees pay, plus paying per ton to get rid of it, it's probably going to cost around that much money. Now, at Crane when I worked there I had experience at this. I dug up, I had some fuel tanks, and I did away with the fuel tanks and got just in time delivery of the fuel for Crane Naval base. Upon inspection by the EPA I had contaminated soil five feet down, and I had to pay \$1.75 per cubic yard to get rid of it. That's no different than out here. I would say that someone would take it, but they're going to charge you to take it.

Commissioner Crouch: Did you speak to any Commissioners prior to making your decision?

Dennis Hudnall: No, I did not.

Commissioner Crouch: Does the, I'm sorry.

Dennis Hudnall: I feel that I have the autonomy and the support that you people have given me, and I appreciate that. I really didn't have much time to think about what I'm going to do, because what I'm looking at is that I'm going to have some very perturbed employees if that sets up in the truck, because I've got to pick somebody now to jackhammer that out. They appreciate decisions that avoid all of that. I invite you to go out and talk to anyone of these employees, anybody, and get their opinion on this decision. I don't think that you'll find one of them that will differ from the opinion that I had. Or the decision I made.

Commissioner Crouch: The personnel policy states that personal use of county facilities, vehicles, and equipment is prohibited. I guess that I would like to know from Kevin whether this would be considered personal use.

Kevin Winternheimer: Doesn't sound like it to me. I think he, it sounds like he reacted to an extraordinary situation in the most economical and most efficient manner. No, I don't consider this personal use of county equipment. He got rid of something that he needed to get rid of, and got rid of it on Friday afternoon with the clock running. No, I don't consider it a violation of the policy.

Commissioner Crouch: There's a, you know, perception is everything. I mean, it's never the reality, and we have a lot of county roads that we couldn't pave this year because we didn't have enough money to do it. Yet, people will perceive that we had enough money to pave county employees—

President Fanello: Whoa, whoa, whoa, we didn't pave county employees property. Dennis Hudnall did not pave county employees property. That paver was shut down until this morning. So, let's not put the—

Commissioner Crouch: But that would be the perception.

President Fanello: —let's not put the wrong words out there. Because what happens too often in government, and I've sat here for 3 ½ years and watched it, when something happens that needs to be addressed, and we need to develop procedure on the floor tonight for the future so that Mr. Hudnall knows how to react in the future or these situations. I'm not comfortable with what happened on Friday, and I've talked to Mr. Hudnall about that, because of things like that, but we need to develop procedure. Let's not put inaccuracies out to the public that something was done for an employee when it was not. Nobody's driveway was paved.

Commissioner Crouch: Well, then let me restate it. County asphalt that was paid for with county tax dollars was put on county employees property. So, I think that, you know, that is an issue that, you know, that the public will have a hard time with.

Dennis Hudnall: I need to qualify that a little bit. I also offered it to, my understanding the folks that was out on Slate Road offered it to Mr. Fehrenbacher also. He's a county resident. We were looking for a place to dump this material. We really didn't care where we dumped it as long as you gave us permission to dump it on your property. So, it wasn't just county employees. The only reason why county employees happened to get this is because of the time restraints that we had in making the decision. Do I poll the whole county and say who needs this material? I don't have time to do that. I'm looking for somebody now to take it, and that's the decision I made on the spur of the moment. Right or wrong, perception I cannot control. I'd like to, because I think the workers at the County Highway are excellent workers. I think they have worked very hard to change the perception that we all had at one time. I would like to say right now that I do not have an employee out there that doesn't pull his own weight. I don't want to see this hurt their perception, because they've come a long way in two years.

Commissioner Crouch: I agree and am very supportive of that. I think you have always done, at least my impression is that you've always done a very fair and good job out at the County Garage, but I do believe that this decision was a poor one and it was a bad one. I don't think we should ever, ever put anything on private property. I think to do so is abusive of taxpayers money, and of their trust.

Dennis Hudnall: If that is the policy tonight, I will adhere to that policy. Unfortunately, I didn't have that policy Friday. Like I say, perception I cannot control it. I think it was a good decision. That's my perception. You're perception is it's bad because you're an elected official, I'm not. But, I have to make them on the spur of the moment. It's very easy if I have two or three days to think about it. But give 45 minutes to think about it, and you can't weigh all the options. I done the best I could with what I had. If you want a policy, and the policy is that I don't go and do this, I'll dump that in the yard, but I'm telling you I'm going to add cost. So, there needs to be a deal made with one of these, or all of these companies that if something like this happens, we need a contingency plan or an emergency plan that they will take it back or do something with it. But they are not going to handle it free. They are a private company, they're not like Vanderburgh County. They'll do it for a price. You're still adding cost to it when you do that.

Commissioner Crouch: I think the cost to the county's reputation as a result of something like this is much greater.

Dennis Hudnall: I think the county residents are smarter than we give them credit for. That once they know the full story, which they didn't Friday, all they seen is somebody is benefitting from the county, which is not really true. I'm here, I wanted to go on record to state this. I think that they will understand that I've avoided a lot of cost for this county.

Commissioner Crouch: And I respect you for that, Dennis.

Dennis Hudnall: So, that's my stand. I don't think there's anything else I can say. The industrial standard, if you go to IMI, or if you go to M&W Concrete, they will take your name, and if you want a driveway, but you don't have the money to pay for it, what they will do if they get material that's turned down, or material left on their truck,

and they're close to your house, they will pour that driveway for you. That's an industrial standard, because they don't want to chip it out of their trucks either. So, feel free to call IMI, I deal with those guys everyday. If you want concrete, they're not selective, they will give it to anybody to get it out of their trucks. If not, they take it to the Ohio River on Lenn Road or on Old Henderson Road and they dump over the banks to retain the banks.

Commissioner Crouch: But, Dennis, you see that's the difference between that which is private and then public.

Dennis Hudnall: Yeah, but I respect them for that, because they are doing that as a loss. Because they understand that it's going to cost them more to chip it out of the truck than it is to unload that truck. You have to understand that's what I was looking at when I did it.

Commissioner Crouch: I guess, I'm sorry, I guess I would be curious if you could call the company's, you said you've never checked to see if they would take mix back.

Dennis Hudnall: I'll be glad to do that.

Commissioner Crouch: Yeah, if that is something that we can do in the future.

Dennis Hudnall: But, please understand that when I'm standing on the road at 12:30 and these trucks have already been away from the plant, lined up at this paver for an hour, or more, that I don't have much time to make that decision. I really have to, you know, give them a word one way or another. The optimistic end of the scale and the pessimistic end, I tried to get to the optimistic end, and I did that. That was the best decision I had at my hand at that time. So, right or wrong, somebody has to make them, and I make them.

President Fanello: Do you have a question?

Commissioner Mosby: Yeah, Dennis, I thought you told me that you had checked with them before, and they would not take the material back.

Dennis Hudnall: Well, once it's cooled down—

Commissioner Mosby: Right.

Dennis Hudnall: —they will not.

Commissioner Mosby: Okay.

Dennis Hudnall: Now, the mix was hot. The one that was on Nancy's truck—

Commissioner Mosby: They took it back.

Dennis Hudnall: —well, they were already at the plant. But Jerry David has trucks too that he paves with. Do you see what I mean? So, they would probably let you dump it in their yard, but then it's counted as a reclamation, and then they will mix it with the good mix and you're buying it back again.

Commissioner Mosby: But you're still going to pay for it?

Dennis Hudnall: Yes.

Commissioner Mosby: That's the point, okay, I wanted to make sure. And, I guess, to clarify one other thing, is it not county policy that when we're digging ditches or pulling shoulders that we'll dump dirt anywhere?

Dennis Hudnall: Yes, I have a long list of county residents that, well, some of them is in the city too, that request dirt, fill dirt. If I'm, the closest house to where I'm digging that ditch is where I'll deliver it. We do that on a daily basis, but they have to sign a paper, an ingress/egress paper that says I can dump this on your property. That's always been a county policy as far as I know.

Commissioner Mosby: I guess my point is, we have always tried to get rid of excess material. In this case it happened to be blacktop outside of dirt, and I realize there is a lot of people that would like to have dirt, and not too many people want blacktop spread in their yard. So, I guess my point is that we have in the past taken excess material to these places so that we don't end up with a whole yard full of them. Eventually, if we take every bit of this to the yard, you're going to have a lot of clean up to do. You're going to run out of yard. I mean, unless we want to get into the business of buying land and stock piling dirt and concrete and blacktop. I mean, I know for a fact the city does the same thing. When they are out digging and they dig up a cave-in or a pipe, that they take it to whoever wants it. You've got a place to dump fill, they'll dump it. I know the county's been doing this for years and years and years. This is nothing new. We had excess material that we could not get rid of, and he made a decision to do that. I still do not see a problem with the decision. The fact that we didn't take the paver out there, or a roller, or put any tack oil down, we spent no money outside of what was already on them trucks that we had already done bought.

Dennis Hudnall: I would be glad to take, if you want to ride to some of these locations, I will show you what I'm talking about as far as, it's not a very pretty finished job. Without the paver laying it down, really I don't even like to dump it, but these people wanted it, so, it's a rough looking job.

President Fanello: It's not very attractive. I appreciate you coming forward, Dennis, and talking about this. I know you and I spoke, and it probably would not have been the decision that I would have made, and we talked about that, but I understand that you did what you felt like you had to do in the time that you had to work with. I would like for this board to come up with a policy right now and tonight to handle future situations like this so that Mr. Hudnall has direction on how we handle these types of situations.

Commissioner Crouch: Well, I think it would be contingent upon whether the asphalt companies will accept the mix back once it leaves the yard.

Dennis Hudnall: I'll have to do the research. I can bring the subject back up next week, and maybe I can have you more information. This happened at the twelfth hour on Friday. So, I don't, and today I was kind of busy answering questions about it.

President Fanello: Well, we've probably wasted more time answering questions than getting work done. I mean, unfortunately, and you and I talked about this, perception overrules common sense in government at times. We have to do what takes on the least cost measure. How much, do you have any estimate of how much it would

have cost to, if you would have dumped that in the Highway Garage's yard? How long that would have taken to chip that away? Or if it would have hardened in the trucks, how long would it have taken to chip it?

Dennis Hudnall: I do not, this has never happened as far as I know. So, I really don't know. I put a price on it, you figure the guys make \$15 an hour, times there's a paving crew of 16 people. In order to get it out quickly, I would probably put as many on there as I could, because I've got to get it done. But you've got to understand, I've got a trade off here, if I dedicate people to chipping things out of a truck, that means I'm not cutting the grass in the county, I'm not trimming a tree, I'm not paving a road. I'm chipping things out of a truck adding cost to that material. I still think that that's a bad decision to do that. Cost avoidance is the name of the game if you're in business. IMI and M&W they all know that. They would rather dump it and lose that material than they would add that cost to it.

President Fanello: And I've spoken to several people today to ask their opinion on that, but those are people in the construction industry and they understand how those things work.

Dennis Hudnall: That's what we're in.

President Fanello: And that's true, and that's why we all need to understand what's going on, but short of the company's not taking it back, does this board have a recommendation for Mr. Hudnall to follow? Short of the companies not taking the asphalt back.

Commissioner Crouch: I might next week.

President Fanello: Okay.

Commissioner Crouch: I would like a week, you know, to consider it. I didn't, I mean, I didn't even find out about it until about 11:00 today when I called Mr. Hudnall. So, I would prefer to have a week.

Dennis Hudnall: We're going to have to get the opinion also of the EPA, what's the right thing to do. One of the guys come up and said it was past policy you can't even dump it on a gravel road, legally. That I don't know if that's a fact or not, but I intend to research that and find out what kind of policy that is. If it's an ordinance or whatever. But dumping it on a gravel road wouldn't be any answer either. I would rather see the gravel than this type of asphalt put on there without paving it with your paver. Because it is a mess. It's very unattractive. The aesthetics part of this is, I just wouldn't want it on mine, but there again, perception, they wanted it on there, I don't, so.

President Fanello: Well, let's come back next week with a recommended policy to follow in the future, and let's take a vote on that next Monday night.

Dennis Hudnall: Okay.

President Fanello: Is there anything else that you had?

Dennis Hudnall: Only if you had questions on the report. I have, I think the report reflects that I have 58% of the paving completed. I'll have Fischer Road done

probably this week. We'll move on to the next one. We're probably about 5% ahead of what we should be right now.

Commissioner Crouch: (Inaudible. Mic. not on.)

Dennis Hudnall: I'm lucky to be ahead 5% and not behind because of those storms, but those guys worked all weekend out there. The flooding in your area out around the garage and that area was tremendous. They were out there all weekend handling that.

President Fanello: Which brings me to your overtime budget. How are you doing in your overtime? Will you need to be asking for overtime money because of the--

Dennis Hudnall: No, my guys, they some of them take the overtime, some of them take the comp time, which helps me out. Most of them take the comp time.

President Fanello: Well, I was looking at our June 30th--

Dennis Hudnall: Which hurts me in the long run.

President Fanello: I just wanted to make sure. I was looking at our June 30th balance, which seemed to look okay at that time, but I know we've had some storms since then.

Dennis Hudnall: The overtime budget probably will really come into play about November. That's when it snows and things of that nature.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Okay, you all have a good night.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I have just one matter. I was approached late last week, Thursday, I think, or Friday, by Ms. Tammy Jenkins. She's a realtor in town, works with the Realty Group, and she has a client who is buying some property on Old Henderson Road, and the county owns a piece of vacant land that it appears they bought as part of the flood plain project where when property is damaged the federal government gave us money to buy it. It's basically woods now she tells me. The problem is that her clients property, which is next door, that they're attempting to buy, the property lines on our description and her property don't match. The individual who is buying the property to the south, next door, would like to buy the vacant lot from the county and understands that they could not build on the property, but they would like to buy it to straighten out their own property line. They wanted me to approach the Commissioners and see if you were interested in doing that. There is a provision in the Indiana Code on selling property that you can determine that it's most advantageous to the county, in the best interest of the county that the property be offered for sale to the abutting property owner. You still have to advertise it for sale, but you don't have to have it appraised. I don't know what they may offer for the property, but they would like to do it to straighten out their problems with their own legal description. The, to give you an example, they have a building

on the property they are buying, and the county may have part of the building within it's own description. So, in order to avoid that problem, they would just like to buy the lot. If you want to proceed on...let me give you the address, it is 18131 Old Henderson Road, tax code number is 08-030-10-061-021. I didn't know if you wanted to take a look at it, or if you wanted to go ahead and proceed, however you want to do it. I'm in no hurry, they are, you know how a sale pending goes with realtors. So, I'm hitting you cold with this, but the realtor tells me that the county owns this lot and at least two more to the north. So, the only, basically, and it borders on Old Henderson Road, so the property owner that has the most interest is the one that is trying to buy it from us.

Commissioner Crouch: Do you know, Kevin, how we acquired that property? Was it through tax sale? Or what was it?

Kevin Winternheimer: No, it was apparently through a grant by the federal government. This property is subject to flooding apparently, and this is a program, I guess, back in the 80's where the federal government put up money so that a local government could buy the property, and people couldn't rebuild so you don't have the property continuously being flooded out, you know, and all that. This is apparently part of that. If you remember, I don't know how often you get down Old Henderson Road, but there used to be, I don't know how many are currently existing, but the three brick houses that were over there by the old dam area, I think there is one left, this is just south of that. A few lots, a few hundred feet south of that. But that's how we acquired it through this federal grant, and nothing can ever be built on it, and they said they had no problem with that, and if you decide to proceed, that would be a deed restriction, that they could do nothing, they could never build any kind of structure on it. So, we don't have a problem with the flooding and federal flood insurance and all that. So, if it's your pleasure, if you want to take a look at it, however you want to do it. I don't know how familiar you are with the location.

Commissioner Crouch: Would we have to advertise?

Kevin Winternheimer: Yes, we still have to advertise and offer it for sale, and anyone can bid on it, but we would not have to have it appraised. We could save that expense. It's vacant land, you know, in a flood prone area, I don't know what, who's going to bid on it and for what purpose. Like I said, the only one that appears to me has an interest likely is the next door neighbor who wants to clear up his title problem and his property line problem, and I don't know what else you could do with the property, other than keep it woods or plant a garden, I guess, that's about it.

Commissioner Crouch: We would get some property taxes off of it.

Kevin Winternheimer: Right, the benefit to the county is that they would pay something for it, and it would go back on the property tax rolls, and this individual would have their property line problem straightened out. An alternative is, we could all end up in court, I guess, and they could try to figure out who went wrong where. Which surveyor, or whoever did the descriptions for the two properties, but she tells me that somebody went wrong somewhere. These property lines overlap apparently.

President Fanello: Do I have a motion? Do you need a motion?

Kevin Winternheimer: Do you want to proceed with the sale process, I need a motion to that effect. I'll get that started, and then also, with that motion, when we get to that point to advertise it for sale. We'll open up bids here.

Commissioner Crouch: I'll move that.

President Fanello: Do I have a second.

Commissioner Mosby: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I have.

President Fanello: Okay.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a couple of late items to the consent agenda. I have a late travel request from the Health Department that needs to be approved. And also a late pink slip from Superior Court.

President Fanello: Okay.

Commissioner Mosby: Motion to add to consent items.

Commissioner Crouch: Second.

President Fanello: So ordered. Just a point on travel requests, looking at our travel budget, it's getting low, and I'm really not intending on asking for anymore travel money, I don't know about the other Commissioners. I know that we need to tighten up travel. So, I would, anything that is out of the Commissioner budget, send it back to them, I would like for you to send it back to them and ask them if they can take it out of their own funding, or how they intend to pay for it, or if it's really pertinent, important for them to go.

Tammy McKinney: Now, all the Health ones are taken out of their grants.

President Fanello: Yeah, that's out of their own money, but while we were on that subject, I just, our travel money is getting low. So, I don't know if the other two Commissioners have a comment, or want to make that in the form of a motion. Or that would just be a suggestion that I have.

Tammy McKinney: That's all I have.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. We finally got the messes cleaned up from the several storms that have hammered us. We had several trees

down, limbs, had a mudslide come across our pavilion right before one of our picnics, which was a major clean up. We did have to close the aquatic center one day due to lack of power in the park. We can't run it without our filtration systems going on. Our RV campground was without power for three days also, but everything is up to snuff and running again, and we got everything cleaned up, so just pray that we don't have no more storms.

Commissioner Crouch: I'll make a motion to that effect.

Steve Craig: You make a motion no more storms. I'll second it.

President Fanello: Anything else, Steve?

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

President Fanello: Thank you, Steve.

Steve Craig: Thank you.

Soil & Water Conservation District

President Fanello: Do you want to speak to Soil and Water's report?

Norma Duckworth: Norma Duckworth, Vanderburgh County Soil and Water. I will make this quick. What I gave you was mentioned in our newsletter. The first, the green sheet was the annual tree sale that we have, and we wanted to make sure that you were aware of it. The second is just really for your information, a letter that went out, we've had quite a bit of phone calls and correspondence with the Red Bank commercial site, and that was just to, there were a lot of questions over whether they had a plan, when it was approved, that type of thing. So, I just, it's just really the facts and where we stood at that time, and not much has changed as of Friday. Since that letter there is still some on-going communication between our office and DNR, and the Corp of Engineers. So, other than my report and the newsletter, do you have any questions concerning that matter or anything else?

President Fanello: No. Any questions? Thank you, Norma.

Commissioner Mosby: Thank you very much.

Ozone Officer Report

President Fanello: Do I have a motion to accept Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Consent items.

Commissioner Mosby: Motion to accept consent as amended.

President Fanello: Before we do that, if you'll excuse me, I would like to hold one thing, and that is the form 144's. If we could hold that till next week.

Commissioner Mosby: Okay, motion to withdraw form 144's.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to accept consent as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. ¹

(Commission meeting resumed on page 33, after recess of rezonings.)

¹Consent items listed on page 35.

**VANDEBURGH COUNTY
REZONING BOARD
JULY 19, 2004**

The Vanderburgh County Rezoning Board met in session this 19th day of July, 2004 at 6:23 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The rezoning petitions were heard during the course of the regularly scheduled Commission meeting.

President Fanello: Now we'll move on to the rezoning portion of our meeting. As soon as I can find my agenda, Mr. Bodkin.

Approval of Minutes

President Fanello: Do I have a motion to approve the minutes of the previous meeting?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

First Readings

President Fanello: We have no first readings, and only one final reading.

**Final Readings: VC-4-2004: Petitioner: Hirsch Family Ltd. Partnership
Address: 1501 North Burkhardt Road
Request: Change from AG to C-4 with UDC
Action: Continued until 7/26/04**

President Fanello: VC-4-2004, and Mr. Bodkin is at the podium.

Tom Bodkin: I am. Good evening, ladies and gentleman. We are here on a piece of ground along Burkhardt Road. In fact, this is about the last part of Burkhardt Road frontage that's not been developed. My client, the Hirsch family, owns a large, large tract, as you know, in fact, their land goes from Burkhardt Road to the interstate. The parcel at issue here is a 47 acre tract all along the frontage of Burkhardt Road that's 700 feet deep and over 2000 feet long. We are requesting zoning it to C-4. The Plan Commission vote was six in favor, four against, and two abstentions. We have met extensively with the County Engineer with regard to the road issues on this parcel. We have given a use and development commitment, it's really a development commitment, I suppose, where we are agreeing to dedicate the necessary right-of-way for the extension of Vogel. That's one that is very critical to your long term plan, one that John was very, very interested that we do. The dedication will occur the entire width of the 700 foot strip of ground, so that Vogel begins it's process moving east. We also are dedicating the necessary right-of-way to widen Columbia, which you may recall is at the south end of this parcel, right by the Krispy Kreme donut shop, we'll be widening it. In fact, we've met with John extensively on that. Let me digress just a moment, the commitment is to dedicate the land, and that's exactly what we're going to do. As of today, or yesterday, I guess, we do have a signed purchase agreement on a two and one half acre parcel at that corner. I am not at liberty to tell you who it is, other than it's a local company

that's been here a long time. That, obviously, will now necessitate us building Columbia. We've met with John several times about what that needs to be. It looks like it will probably be five lanes wide, at that point, with appropriate turn lanes. I can tell you also that we have, attempted, perhaps is the best word, since last October, on numerous occasions, to deal with Wal-Mart with regard to their letter of credit and whatever it is they are or are not going to do on that side of Columbia. We have dealt with three different people at Wal-Mart in the last nine months. We continue, they have a new young man as of a week or so ago, we've resent the same data to him, we're going to continue dealing with Wal-Mart, but Columbia will have to now be built, because we're going to have a sale. I can tell you also that our buyer, who is going to in addition to us, my client, will build Columbia. Our buyer is then going to start the road that runs north/south. It would be the equivalent to a frontage road along Burkhardt. Both these roads to county standards, both roads at whatever the County Engineer determines they need to be. That will happen now fairly quickly. We've also agreed with the County Engineer that we will not access Burkhardt Road, in terms of crossing Burkhardt, other than at Columbia, at Vogel, when it comes time to do that, Oak Grove is at the north end of my parcel. We also agreed that we will only access Burkhardt across from Florida, and across from Waterford, but those streets will not cross, they will not be cross streets. So, we'll access in and out potentially in those locations down the road, but we will not cross. So, we're limiting the access on Burkhardt as the County Engineer and EUTS had requested. The land immediately to the north of this strip is zoned M-2. Now, that's the land north of Burkhardt Road, I think all the way to Morgan and back to the interstate, or almost all that way. Directly across from this parcel, if you were to extend Oak Grove Road, I said Burkhardt, I meant Oak Grove, extend Oak Grove Road, the land immediately across, for some distance south, is zoned C-4. We're asking for C-4 for this parcel. There's a strip of ground that's zoned C-2, and we have another strip of ground zoned C-4 right up to Vogel Road, basically, then we have more C-2, and then at the far end down by Columbia, right across from the two and half acre that we have a buyer for now, that is zoned C-4 as well. We believe, there is no question that the Master Plan calls for this entire area to go commercial. My clients own the biggest part of it, maybe not quite all of it, but a big chunk of it all the way to the interstate. At the Plan Commission meeting there was one other presentation, and I'm sure he's going to present again, but I'm going to leap on it ahead of time. I'm not sure you'd call it a remonstrance, it's kind of interesting, because you have no residential uses out here, so, we have other commercial people who want other things. One of the requests that have been made to my client that is not acceptable is that we agree to extend Columbia so that it curves down, and we pay part of the cost. That it curves down in to real estate owned by Regency. My client owns land all the way to the interstate. Columbia is going to be an extremely important road for us to access the southern part of our land as we get closer to the interstate. I can also tell you that right behind Wal-Mart, the property where there's an apartment complex built now, there is no dedication, at least as of last Friday, of any land to allow Columbia to be extended across that real estate. Columbia cannot go straight and hit the interstate from our land, because there's an apartment complex on the east end, right along the interstate, that comes up along the ditch. So, we're going to be required as we continue to develop going east to curve our road back to the north so as to provide access to our real estate. Again, Vogel, under your long term plan will go due east. I understand from EUTS they would like an overpass either there or at Columbia, probably both, none of us will be alive probably when it gets to the point of building it, but we are committing the real estate for Vogel. We also indicated to the County Engineer that as we come to the plat, which we will now do, because we have a potential buyer. Whatever studies he wants done, or whatever he wants done with regard to Columbia, for lights and such, will have to be done.

That's simply a matter of the plat. So, our use and development commitment is to give you the land, and then we're committing to extending Vogel all the way across the parcel being sought, and restricting access to Burkhardt. If you have questions, I'll try to answer them. We have received, and perhaps you did too, one other letter from an interested party, again, I'm not sure if I would use the word remonstrance or not, that was a party that did not appear at the Plan Commission who had a number of requests that my client consider with regard to making, I hate to use the word commitment, because it's not really that, it was sort of like agree to build what I want you to build so it will look like what I want it to look like. We are not interested in dealing in that kind of a mode. This is C-4 ground, or we want it to be C-4 ground. The ground across the road is C-4. The ground immediately south is C-4. There are no use commitments on any of the real estate out here. So, the C-2 ground is C-2, the C-4 ground that's already zoned is C-4, there are no limitations on it's use. My client does not choose to put limits on that use, at this point anyway. If you have questions, I would be glad to try to answer them.

President Fanello: Do either of the Commissioners have any questions? I only have one, will you be, and I sent, talked to Mr. Wischer and left him a message, will you be committing to a traffic impact study?

Tom Bodkin: Yes, but not in the use and development commitment. If I do that, I've got to go back to the Plan Commission, and I don't have time for that, I have a buyer. Our contract with our buyer requires us to build Columbia. Our discussions with John Stoll, as we've indicated here, we'll do whatever study he wants done at whichever road we're building at. Whatever needs to be done, that's what we'll have to do. That will happen at the plat, because it has to happen at the plat.

President Fanello: So, you have no problem doing the traffic impact study—

Tom Bodkin: No, ma'am.

President Fanello: —during the site review, or—

Tom Bodkin: That's correct. And that will happen at sub review probably.

President Fanello: At sub review, okay.

Tom Bodkin: Yeah, sub review.

President Fanello: Sub review, sorry.

Tom Bodkin: Correct, we do not have a problem. Whatever that requires, that's what we'll need to do.

President Fanello: Okay.

Tom Bodkin: This is kind of the opening, if you will, the opening shot (Inaudible) one of my clients with their very, very big piece of real estate. This is the front door to the rest of their real estate. There is no way they are going to develop it poorly, nor would you want to pay the money that it's going to cost to buy the land to develop it poorly. So, we're obviously not in the market of doing anything foolish to this real estate.

President Fanello: We just, we get those questions, and we just want to make sure and get them on the record.

Tom Bodkin: I understand. I can tell you at least my understanding. What we have committed to is what your engineer requested. That's why we put it in the commitments as we did.

President Fanello: Are there any remonstrators, or other interested individuals who would like to speak?

Les Shively: Madam President, members of the County Commission, my name is Les Shively, I represent Regency. First of all, before I get into specifics, I know, I'm sure Mr. Bodkin didn't do it intentionally, but he did misrepresent what my clients concerns are. You have access to the minutes from the Plan Commission meeting, and I want to make it very clear before I begin my presentation, so that there is no confusion in your minds, and, hopefully, no confusion in Mr. Bodkin's mind, that my client does not ask, does not ask that the Hirsch's or their successors in interest build anything on my clients property. That was never requested, never stated, and I'm not sure where Mr. Bodkin obtained that information. Let me first begin by making this statement, and I opened with this at the Plan Commission meeting. It's a foregone conclusion that the Comprehensive Plan calls for this area to go commercial. We're not here to debate the change in classification. But under your zoning ordinance, in particular 17.36...rather than read out the numbers I've made a copy for you.

President Fanello: Thank you.

Les Shively: It talks in terms of Commission action and commitments in conjunction with rezonings. As we get into this, I'm not going to read through all of them, but sub-paragraph (b) of 36.050 states the following: "The Area Plan Commission and the legislative body", which is this body, "shall pay reasonable regard to the following." I would call your attention to five, "reasonable development and growth". Now, this rezoning, by the petitioners spokespersons own admissions, takes a little under 50 acres which fronts Burkhardt Road, and it begins the process of changing to commercial classification all of that property that starts at Burkhardt Road, which the Hirsch's have control, that runs all the way to I-164. This is the moment in time, as you sort of light that fuse, that you should pay particular attention to your ordinance and say, hey, at the time we are going to change that classification, is everything in place to ensure reasonable and appropriate development? I would also submit to you that I think it's going to happen in my lifetime that once this property is rezoned it's not going to be too long before the rest of it takes off and we have fill out development all the way to I-164. I think we've all lived through the rapid development that has taken place in the Burkhardt Road corridor area, and I don't see any signs that things are going to slow down. The comments with regard to the use and development commitment, again, the petitioner indicates that they have done everything that John Stoll has asked them to do. Have all of you received Mr. Stoll's memo that he prepared following the Plan Commission meeting? Mr. Stoll told me that the reason that he prepared this was because of some, shall we say less than clear statements made with regards to what the County Engineer's position was or was not. So, this very detailed, single spaced memo was given to you. I'm not going to read it to you, you've already read it, but let me hit the highlights. First of all, the first thing that Mr. Stoll says that, in his opinion, any plan that is presented that does not provide for an extension of Vogel in this manner is unacceptable. Vogel and Columbia are key concerns for him. Reading through his memo, it's not

just dedicating right-of-way, which is all this use and development commitment does, it's talking about having a plan in place that sees that those roads and that appropriate traffic infrastructure is constructed. Towards the bottom of the first page of his memo he lists infrastructure improvements that he believes will be, that most likely will be necessitated by this rezoning. There's eight of them listed there. Other than dedication of a little bit of right-of-way that abuts this parcel, there is no commitment to construct anything. There's not even a commitment to do a traffic impact study. There's discussion about frontage roads, there's no commitment to build frontage roads. If you read the use and development commitment they've made very carefully, it's sort of a touchy, feely, well, you know, if it looks good, we may do it, we may not do it. There's not a commitment to do that. In short, Mr. Stoll concludes by saying that he is agreeable to this use and development commitment, with a few exceptions, but states that there must be assurances that the infrastructure improvements are able to be required through the subdivision review or site review process. Well, let me pick up on the last line of Mr. Stoll's memo, first of all, there is no guarantee and no requirement that this tract be subdivided, and go through the subdivision review process. In fact, what the petitioner has represented was quite candid at the Plan Commission meeting, he said they may subdivide, they may not. So, we have the site review process. Site review is constrained to look at that particular site. Their focus is extremely narrow. The only macro approach, in terms of impact that can be done to make sure that once this is set in motion, that everything is done properly, the infrastructure, it's not this right-of-way dedicated but actually built. We've seen what the problem is further up on Columbia Street, we've got halfway commitments. Is either through the subdivision approval process, and, again, there's no requirement that that be subdivided, or, right now, to use the power that you have, under 17.36.050. I'm going to come back in a moment and suggest to you what I think this Commission ought to do in the interest of good planning for the entire community. In so doing, let me go back, if I can, in recent history, take you down memory lane where development in this particular area, development that I was very much involved with. Crossroads is right up here at the corner, before the County Commissioners, Commissioner Borries, Commissioner Tuley and (Inaudible) approved that rezoning, they not only wanted a commitment of the roads within our tract, but a commitment that we build this portion of Virginia Street on Regency's property (Inaudible), and this portion of Cross Pointe. We had to make that commitment in order to get our rezoning approved. We did that. My clients who's family had owned this land for a long period of time just like the Hirsch's made that commitment. In fact, had to borrow close to a million dollars to build out those roads. Not just dedicate, but to build the roads within their subdivision, dedicate right-of-ways through the subdivision, and then build out over on the Regency property where right-of-way had already been dedicated. Regency built the rest. That was appropriate sharing of the burden, certainly didn't put it on the county, but it was something that we, my clients, the Hartman family land trust, was required to do. In a moment you are going to hear from the Decem Group, which is working with several families that owned property on the east side, west side of Burkhardt Road for a significant period of time, and they have been required to make similar commitments. I'll let them speak for themselves. But, what we are asking here this evening, especially with regard to roads, especially with regard to Columbia, and, again, if you look at Mr. Stoll's comments about Columbia, contrary to what Mr. Bodkin said at Plan Commission and what he said here again this evening, Columbia is going to be necessary for the Hirsch property as it develops to the east. Columbia will never cross I-164. The most important reason for the, there is no right-of-way on the other side of I-164 to pick it up. Moreover, I doubt that that is a major, high priority project for Vanderburgh County or the Indiana Department of Transportation given their laundry list of much more important projects. John Stoll

makes that clear. What Regency is committed to do, as this marketing map shows, is when Columbia gets to the point, they are going to carry Columbia the most logical place it can go, on their property, we will dedicate the right-of-way, and they are going to build Columbia. They're also going to build this little area up here, about 380' that fronts the property owned by the Hirsch's. Granted property that's not subject to this rezoning, but property that's going to be given a strong catalyst for rezoning and development. All we had requested is that in their use and development commitment, that when they do develop that property, that when they do rezone that property, assuming by that time that Regency will have already built Columbia, that they simply pay their one half share of the cost of Columbia Street. That maybe could be a year from now, it could be ten years from now, it could be 20 years from now. We're not asking for....that was the proposal we made. We are flexible, and we've been trying to work for at least a couple of months now with the representatives of the Hirsch family to work out something so that the burdens of paying for the actual construction of the roads is shared proportionately and fairly, especially when Columbia Street with all those folks doing development in that area. What we would ask for you to do tonight, we don't want to ask you to turn down the rezoning, because that would put these folks out for a year, and the land use classification is appropriate, but the plan is not appropriate. They are not sufficient commitments to build the infrastructure, as John Stoll notes in his memo. What we would ask you to do is to send this matter back to the Plan Commission to cause appropriate commitments to be placed of record to see that Columbia, and all other necessary infrastructure is done. Maybe the simple solution is to modify the use and development commitment to require the traffic study. There are many ways we can accomplish this, I've just simply suggested one because no other ideas were coming from the other side. But, it is in the best interest of this community, and in fairness of all the stakeholders in that particular area that there be more than just dedication of right-of-way, that there be commitments to build the infrastructure. The time to do it is right now, when we have before us opening up this untapped area which is going to go all the way to I-164. I would be more than happy to answer any questions you have at this time.

President Fanello: Does either Commissioner have any questions? Thank you, Mr. Shively. Do you want to go ahead and speak, and then they can—

Krista Lockyear: Good evening, Madam President, members of the Commission, my name is Krista Lockyear. I'm here tonight representing Decem Investments, a developer of the real estate along Burkhardt Road to the west of this property. Also Glenn and Fred Hessman who are owners of 21 acres that are undeveloped currently on the southwest corner of Burkhardt and Oak Grove Road. I would like to pass out some maps, just to help orient you with the properties that are owned by my clients and that have been developed by my clients.

Madelyn Grayson: Krista, do you have an extra one for the record? Is that the Waterford Park?

Krista Lockyear: Yes, I've got a record copy here. One point of clarification that I would like to make, as you can see on the maps I went ahead and just quickly hand wrote in the properties that are zoned C-4. It's not the entire parcel of property across from what is being requested to be rezoned tonight. There are four individual plots that were zoned C-4, and in just a little bit I'm going to give you some history of my clients development, and I will explain how those C-4 zonings came about. Similar to Les and his clients, my clients do not oppose this rezoning. Obviously, this property is going to end up being a commercial development, and we're very

much in favor of that. What we do oppose is unrestricted C-4 development that doesn't have any protection built in for the abutting land owners and surrounding developers. As you're obviously aware, this area is rapidly growing and I also have a copy of the map from the most recent Comprehensive Plan. I've circled this undeveloped area, and it really brings in to focus how important starting this rezoning process is, as Les pointed out for the remaining unzoned, or non-zoned commercial property that the Hirsch's currently have. Many developers in this area, including the county, have invested enormous amounts of money to cause this area to be the quality development area that it is becoming. These developers include Decem Investments, Regency, Cross Pointe, East Park Development, and Head Investments, LLC. Most of those companies constituted members that owned land out here similarly situated to the Hirsch's for years and years. It's only fair, and we're asking you to help protect the developments that these developers have installed to date, and help protect their land values so that we don't have a diminution into what has been built up to be a very nice area. We are not asking that these developers build the style building we ask them to develop. We don't care what way they make the commitments for quality control. It could be by way of use and development, it could be by way of private covenant, it could be by way of limitation on uses, although when we initially approached them, we felt that that would be more restrictive than simply asking for quality control, as opposed to limiting the uses. The history, like Les told you the history of his clients, when Decem developed most of this area that you see on the colored map that I passed out to you, came in to....and Barbara Cunningham was with the Area Plan Commission at that time, Barbara we would like to go C-4 zoning with this property, and she and the consensus of the Area Plan Commission and the Commissioners at that time, let's not bite off more than we can chew. Let's take it a step at a time, let's do it right so it is a quality development. They required Decem to come back and to rezone to C-2, at that time. Obviously, there are much, many fewer uses in C-2, the outside storage is significantly restricted in C-2, we had to restrict billboard uses, the ability to install billboard and pylon signs. All of that led to the type of development that we have out in the area at this time. When we did come up with the few C-4 uses that you see on your map, that I've pointed out, we had a particular user, and then came to Plan Commission with particular designs. The infrastructure, at that point, was already in place, under the C-2 overall development, and then asked to rezone up to C-4 grade, in order to accommodate the users, Southern Indiana Tire, Sonic, those type entities needed the C-4 zoning. Another example of a way that I keep saying quality controls can be implemented came about just recently with David Hirsch and Head Investments. David Hirsch sought to rezone a portion of the property that is at the northern end of your map, very close to Burkhardt and Florida, and wanted to go C-4 and came to our clients and said, this is what we want, can you support us? Again, we said, we're happy to support your C-4 zoning, but we want some assurances that you're going to make it as nice as we were required to make it. David Hirsch did agree, they entered into a private agreement that provided standard quality controls that you would find in a typical commercial covenant and restriction. That was perfectly agreeable to our clients and we moved forward. So, there are many methods that we can get these controls put in, but we really think it's only fair that all developers out there, in some way or another, are required to put the quality controls in. Outline of the major points we would like to see, and that's in my letter that I handed out with your packet; quality of structures, simply facade materials, some restrictions that we don't have simply concrete block buildings built; limitations on outside storage. Clearly an example that I like to think of, we have Raffi's restaurant with a nice, outside seating area. I'm not sure patrons are going to enjoy sitting there if they have to look at an outside lawn equipment storage area. It's, we want to preserve the quality and the character of this area. Limitation on billboards

and pylon signs, which Regency and Cross Pointe, as well as Decem and Head Investments have committed to. And some landscaping commitments, and we're not, again, we're pretty wide open on this, we're not dictating this much green space, this many trees, but it's the overall look and character of the area that we're after. As Les pointed out the roadway development, these developers that I mentioned earlier have installed roadways. They have made the commitments and followed through with the traffic lights, with the traffic impact studies. Whereas this is a blanket C-4 without a plan, we have gone step by step in implementing the plans and showing you the plans before we got the rezonings. The, it's kind of been alluded to and I was very familiar with it, because I helped out the developer that built the apartments behind Sam's. The exact scenario that Les outlined to you is what happened with Columbia, Wal-Mart came in for their rezoning and said we'll dedicate the right-of-way as a requirement to subdivision final platting. When my client came in to purchase that land, it was a large enough chunk of land they didn't have to follow through with the plat, so we went in to Plan Commission and Blaine Oliver said, sorry we don't need the plat filed. So, we have Columbia Street with not enough right-of-way dedicated now, and I think it's that, "we don't have to do it now because we'll catch it at the next stage of the game", mentality that led to that. Because we may not have the ability to catch it at the next stage of the game. Now you have the broad sweep, the broad view protecting abutting property values, and quality growth for the area that are both criteria that are set forth in the ordinance and in the state statutes as reasons that you can deny a rezoning. Again, I want to emphasize, we also don't want you to deny this rezoning. We're simply asking that you send a message to the developers, send this back to Plan Commission, get some written requirements that everyone can be assured will protect abutting land owners, will protect Vanderburgh County, and the development of the infrastructure in the future. I would be happy to answer any questions.

President Fanello: Are there any questions for Krista?

Commissioner Crouch: I don't know if this is a question you can answer, Krista, or maybe Bev, but if we at subdivision review, if we require construction of the roads, is that enforceable? Can we, I mean, can we—

Bev Behme: Well, during the planning of the subdivision, right-of-way and the actual construction is required. Subdivisions can be approved by Plan Commission, and this is what happened with the Glass Subdivision, it wasn't recorded. So, until that subdivision is recorded the right-of-way and the conditions are not there.

Commissioner Crouch: So, the safest way to guarantee that is through use and development?

Bev Behme: Is the use and development, because then it's here at the zoning. Then, even if it would go to site review, they would come across the use and development and say, here's what you have to do. That includes the construction of the right-of-way, and the dedication of the right-of-way. If that's in the use and development commitment, there's no question as to whether or not they would do a subdivision, or whether or not it gets approved at site review.

Krista Lockyear: The other thing I might add, at site review and subdivision approval they are very limited to the exact land they are looking at, which is, I believe Mr. Shively said that as well. Whereas in zoning, you are authorized to look at abutting properties, comprehensive growth, what this does to the area, as opposed to simply the real estate that's being rezoned.

President Fanello: Thank you, Krista. Mr. Bodkin, did you want to rebut?

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

President Fanello: Sure.

(Tape Change)

Madelyn Grayson: Thank you.

Tom Bodkin: Very briefly, the area on his big plat that shows Columbia Street dipping down into Cross Pointe's property, that's not platted, that's empty real estate that's not been platted. As I indicated at the Plan Commission, who says that's going to be Columbia Street? My people own all the land north of that. We have reason to want Columbia to lay on the property line as we get that far east, so we have access to the road. If Columbia dips down, as Mr. Shively's map would show you, my parcel, basically, doesn't have access to it, because both sides of his Columbia are in his clients real estate. That's one reason why we're not interested in sharing the cost of building a road to his real estate so that we can lose the advantage of it. Secondly, that's miles and years down the road. The piece at issue here is 700 feet wide. It doesn't even get all the way back to the apartment complex. By the way, we're dedicating the right-of-way now. There's no problem like the apartment complex. The apartment complex doesn't have any dedicated right-of-way at all, period, end of debate. We do, we're dedicating the right-of-way. As I indicated to you, we're going to have to build Columbia now because we have a buyer. So, the issue in terms of where Columbia is going to go is going to be an issue that is going to have to be decided by my client, his client, a lot of other people when we get there, but while it may not go over the interstate, and I would agree it can't go due east along my property line because it runs right into an apartment complex for which there was no dedicated right-of-way for Columbia about five years ago, let alone the other side of the interstate. It can indeed curve north with my property line and provide access to my 200 plus acres. Secondly, we are dedicating Vogel all the way across the 700 foot strip, which John was very interested in, as is EUTS, because that's the one that's going to be the big, major collector, I guess, in the middle. From what I understood from your engineer, he anticipates Cross Pointe Boulevard going due north, tying into Vogel as a way to get to Burkhardt. It's very interesting that everybody wants me to have my zoning, but only on their terms. I guess that's normal. Unfortunately, I'm not sure that's really the issue though. Let me turn to Krista's clients, Krista's clients have unrestricted C-4 properties right across the road. Now, you can talk about my C-4 use, then I might have somebody that doesn't want to look at Indiana Tire either, that's really an irrelevancy. All I heard, and all I read when I got the letter from Krista a couple three days ago was you come back to Plan Commission, let's draw restrictions on what you can do with your land, in terms of what the buildings have to look like, or what you can build, or whether you can do this or that. Across the road, in two different locations, is ground that is C-4, was rezoned C-4 by Krista's clients with no use restrictions. Now, the fact that Barbara Cunningham talked them into C-2, so be it. I don't believe there's any record that the property was ever brought to the Commissioners as a C-4 and turned down. It started as a C-2, it got a C-2. When they wanted to upgrade to a C-4, they upgraded to a C-4 with no restrictive covenants at all, none. By the way the covenant between David and one of these plaintiffs was a covenant that dealt with widening of, dealing with roads and dealing with what's going to happen when Florida Street got built. My clients own all of the land going to I-164. It is absolutely fascinating to me that somebody would suggest they're going to develop it in such

a way as to cause it to go down in value. That's absurd. The only thing that's going to happen to the land across the street, once we get started, is that's it's going to go up in value. But, there is absolutely no basis for you or the Plan Commission to require me to agree with them what my buildings will look like. It's just simply not in the ordinance, and I submit to you that's not really the purpose for zoning. This land is zoned agricultural. Your Master Plan notes it's going to be commercial. That's what we're asking for is commercial. It's in keeping with your Master Plan. We're dedicating the right-of-way that your engineer wants. I've now told you, because we now have a sale on two and a half acres, we're going to have to do the traffic study and build Columbia, and that will have to happen, because it's got to be subdivided to do it. It will be in on sub review with regard to that. As I read John's e-mail, perhaps I read it wrong, I got the impression that he basically reiterated what I just told you, if we did these things, that that was acceptable to him at this point for zoning. I would request that you grant this zoning so that we can move on with the issue. By the way, the frontage road issue, that's a word of art, the contract I now have with a buyer requires the buyer to build what...a frontage road is a road parallel to Burkhardt, alright? They are going to have to build that to county standards, and John's aware of that. That's the first opportunity to move the roads north and south parallel to Burkhardt, as well as now east and west off of Burkhardt. The restrictions we've given with regards to access to Burkhardt protect Burkhardt, protect our land too, quite frankly, and more importantly protect the people across the road. We're not going to be impacting their ability to get out of their land at, because we're only going to be crossing Burkhardt Road at Vogel, at Oak Grove, and at Columbia. Nowhere else will we cross Burkhardt Road. We're simply committing to that. I would request that you grant the zoning. If you have questions, I would be glad to try to answer them.

Commissioner Crouch: Mr. Bodkin, does the use and development commitment say that you're going to construct the road?

Tom Bodkin: The use, the development commitment says we will dedicate the right-of-way. It does not say, we did not commit to build all the roads, at this point. Only to dedicate the right-of-way.

President Fanello: Do you have anymore questions, Suzanne? Do you have any questions?

Tom Bodkin: Thank you.

President Fanello: Thank you, Mr. Bodkin. Will the, did you, will the road construction be addressed during sub review?

Bev Behme: If a subdivision is required. If, and I understand the one lot subdivision is going to be required on the first one, but that's just two and a half acres. That's not the rest of the 47. Parcelization, they do not require the dedication of roads. It has to be a subdivision. Then again, I'm not sure site review has jurisdiction to require right-of-way or the dedication or the construction of right-of-way. A subdivision would require it, but, again, it has to be a recorded subdivision. A letter of credit would be put up in the amount that John requires for the roads, but there's no guarantee, at this point, that they'll be anything other than the one lot subdivision, right now.

President Fanello: And the traffic study, is that something that you can—

Bev Behme: If a subdivision is required, and anything that would be sold in increments of five acres or less, then subdivisions are going to be required. But, if one person developed, like Lloyd Crossing, then a subdivision would not be required, and an impact study would have to be done, I guess, at site review, and I'm not sure how much leverage site review has to require an impact study.

President Fanello: Do you have a question, Commissioner Mosby? Mr. Bodkin, does your client have any problem with putting the wording about a traffic study in the use and development commitment?

Tom Bodkin: The only problem is a time one, because, again, we now have a purchase agreement. If we change the use and development commitment, which as I understand your ordinance, we have to go back to Plan Commission, which then, and then come back to you, and that's just a timing problem. At the time we're at the Plan Commission we did not have a signed purchase agreement. We do now have a signed purchase agreement.

President Fanello: In order to expedite that, can we make that a requirement of this rezoning? A traffic impact study?

Kevin Winternheimer: If you put it in the zoning and make it part of the use and development commitment.

President Fanello: But it still has to go back—

Tom Bodkin: Right, as I understand the state law, if I make a representation to you that my client is going to do x, y, or z, and they don't, then you can undo the zoning. That's my understanding of the change.

Les Shively: You only have 90 days to do that under the statute.

Tom Bodkin: Well, so in 90 days if I haven't undertaken the traffic study, if the engineer wants it, then they can come back and ask you to undo the zoning. It's a timing problem more than anything else for us.

President Fanello: And I'm not really, it depends on, I don't know what your buyer, or how your buyer is going to develop, and I don't know what's going to happen up front, but my conversations with Rose today were, I'm not so concerned about the traffic study being done up front before you know exactly what's going to go in there, it's as you develop the property. Because the traffic impacts will change.

Tom Bodkin: Correct. The use makes such a difference as to what the study would show.

President Fanello: Exactly.

Kevin Winternheimer: If I might ask a question, Tom, what does one week do to you and your sale?

Tom Bodkin: One week is not a problem.

Kevin Winternheimer: Then I ask for comments from the other attorneys that are here. I appreciate your concern for not having to bounce back to the Plan Commission and then waiting and then coming back here, those things that you

have outlined verbally, what if you reduced that to an agreement running to the County Commissioners, not part of the zoning use, but a separate agreement. That gives you time, John's not here, I don't know when John's coming back.

Commissioner Mosby: Wednesday.

Kevin Winternheimer: Wednesday. Review that with our County Engineer, and then they could just continue this rezoning until next Monday.

Tom Bodkin: I have no problem. I would be happy to do that, make it a private covenant to the county as long as Mr. Shively and Krista agree, that's reminiscent of another fight somebody had some time ago, as I recall about covenants, private covenants as opposed to being restrictive covenants, as opposed to being use and development commitments.

Les Shively: Mr. Bodkin, if you remember correctly the Court of Appeals upheld them.

Tom Bodkin: That's true they did. You're right. So, I guess, it's okay. We're happy to do that. Just want to make sure we don't get into any of that fight. I'll have it for you by Wednesday.

Kevin Winternheimer: Well, my concern is not whether you or your client will live up to their verbal commitments, my concern is that everybody understands what you're doing.

Tom Bodkin: Right.

Kevin Winternheimer: That way reduce it to writing, everybody understands what's to be done.

Tom Bodkin: We will prepare that tomorrow, fax a copy to Les and Krista, and you, and be prepared to submit it as a private covenant running with the land enforceable by Vanderburgh County, and come back and visit—

Bev Behme: (Inaudible. Mic. not on.)

Tom Bodkin: If you want to you can, but you always tell me that you don't want to.

Kevin Winternheimer: They don't build roads.

Tom Bodkin: I know. They also don't force me to either.

President Fanello: I appreciate that alternative. I don't doubt what you're saying.

Tom Bodkin: I understand.

President Fanello: It's just that—

Tom Bodkin: Be happy to do that.

President Fanello: —Kevin put it best, reducing it to writing.

Tom Bodkin: Sure.

President Fanello: That's my concern is the traffic impact study. I don't know if the other Commissioners have additional concerns.

Kevin Winternheimer: So, if you go that route, what you would be doing is continuing this rezoning, everybody would have the right to come back and say what they want at next week's meeting at 5:30.

Tom Bodkin: Would be happy to do that.

Kevin Winternheimer: Do you have any comments on that, Mr. Shively?

Les Shively: On behalf of Regency, we're certainly willing to give it a shot.

Kevin Winternheimer: Yeah, no one's committing to vote for or against it.

Les Shively: I understand. We're certainly willing to give it a shot.

Kevin Winternheimer: We're just reducing to writing what his client, and clarifying what his client is willing to do.

Les Shively: We're willing to give that a shot.

Tom Bodkin: One week from tonight?

President Fanello: Yes. Do we need a motion to continue this?

Kevin Winternheimer: Yes, we'll just continue this matter until next week's meeting at 5:30.

Commissioner Mosby: I'll make a motion that we continue the rezoning for Burkhardt Road, VC-4-2004 until next Monday night at 5:30.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tom Bodkin: Thank you.

President Fanello: Thank you, Mr. Bodkin.

(The rezoning portion of this meeting recessed at 7:11 p.m.)

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 19, 2003
(CONTINUATION OF MEETING FROM PAGE 19)**

President Fanello: If there's no further business, do I have a motion to adjourn?

Kevin Winterheimer: Wait a minute. Wait, wait, wait. I hate to interrupt you, but Sherman had a matter he said that was crucial that he bring to you tonight—

President Fanello: Oh, okay.

Kevin Winterheimer: —before you adjourn, and he didn't get it in earlier.

President Fanello: That's fine.

Kevin Winterheimer: So, we're not yet adjourned.

President Fanello: We're still open for business.

Sherman Greer: This is a preliminary damage assessment (Inaudible. Not at Mic.) What we would like to do (Inaudible) Emergency Management (Inaudible). My name is Sherman Greer, I'm the Emergency Management Director for Evansville and Vanderburgh County. The flash flooding that we had this weekend posed a lot of problems for us. On top of what we already had from the windstorms that we've had since Memorial Day, and then thereafter. The state Emergency Management Agency was here today, and I took them around to the areas out to Mill Creek trailer park. We've got over 188 reports of damage that is done as of right now of residents and their structures. 152 motor vehicles that were damaged, and then we have seven businesses also that have suffered some type of damage. So, and that list is not going to do anything but grow. After the announcement is made over the television today to contact our office for any other type of damage that has been done. So, their recommendation from the state level was for us to do a state of emergency for Vanderburgh County so that we can put ourselves in the position to be able to ask for assistance for these people, for individual assistance, either tacked on the already, well, the existing one is over with as of right now.

Adam Groupe: They've closed Memorial Day.

Sherman Greer: Yeah, they've closed the Memorial Day declaration, but there is still something pending that we may be able to get tacked on to that, or get another declaration out of this, depending upon how much other damage is done throughout the state of Indiana from those storms. So, right now we're just asking that the County Commissioners, and I talked to the Mayor's office if he was to make a declaration for a state of emergency for Vanderburgh County, then we could go on to the next step.

Commissioner Mosby: I'll make a motion that we make a state of emergency.

Commissioner Crouch: Second.

President Fanello: So ordered.

Sherman Greer: Okay.

President Fanello: Is that all you need?

Sherman Greer: That's all.

President Fanello: Alright.

Sherman Greer: Is there anything else that you need from us? You know, out at Mill Creek, they had four to five foot of water standing out there. We went out there Sunday also, and a lot of people are trying to dry out there own vehicles. Today a lot of people were having their vehicles flat bedded out of there and everything. Unfortunately, there's not anything we can do for these people right now, except for gathering the information and seeing if we can get them any type of federal assistance or SBA loans, or something like that to help out. With the trailers, it's a lot different than in the houses, because once that water gets up under those under pinnings like that, and gets into their duct systems and things of that sort, then the water just more or less wicks it's way up into the floors, into the walls, and different things like that. They could start having big problems later on. So, this is something new that we're dealing with here, seeing exactly...the engineering of that place out there, I mean, they thought of everything, they just didn't think that we were going to get eight inches of rain within one evening to be able to handle that much rain and everything. But, there is a possibility of some area further up that may be a bottleneck that we may be able to help them out in. Also, later on with the engineering study to find out whether or not we can maybe dredge it out, dig it out or something like that to make it much more accessible to drain out or something of that sort. So, that was brought up to us today, we don't know too much about it, and once we get that information we'll pass it on to the County Commissioners, and see whether or not it's something that we can help them out by maybe using backhoes or whatever we have to do to get that dug out to where we could help them out, so that this doesn't reoccur. But, that was a lot of rain. I went to bed that night, I live out behind the airport, I thought it had stopped raining, until I got the call at 5:00 in the morning to start evacuations and shelters. Of course, in the city over on Madison Avenue, we're out there again, the same spot, same thing. You know, the Mayor's task force on storm sewer water task force is meeting on Thursday, and I'm sure that the room is going to be filled up over here of people that's going to be there. But, the thing that we're looking at there is that we're almost at the point where we've got to buy those people out. Buy outs probably the best thing to happen, and just turn it into a park or something right now, because it's going to happen again next year, and the years after that. If they're three years down the road before they get anything done over there, they're going to be back in there each year. Those poor people are not going to be able to sell these places. So, it's just one of those things, that's just an alternative, something that we're looking into. Any questions?

President Fanello: Thank you, Sherman.

Sherman Greer: Thank you.

President Fanello: Is there any—

Sherman Greer: As soon as you get that signed we can get that to Indianapolis.

President Fanello: Do I have a motion to adjourn?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 7:20 p.m.)

CONSENT ITEMS:

Travel Requests:

SWCD (2) Treasurer(1) Health Department (1)

Employment Changes:

Superior Court (3) Prosecutor (2) Health Department (2)
Burdette Park (2)

Auditor: Barrett Law Lien Releases (Westwood Hills & Oak Hill)

Emergency Management Agency:

2004 Homeland Security Sub-Grant Agreement

Sheriff: Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy Mc Kinney
Madelyn Grayson	Les Shively	Pat Seib
Dennis Hudnall	Steve Craig	Norma Duckworth
Tom Bodkin	Krista Lockyear	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 26, 2004**

The Vanderburgh County Board of Commissioners met in session this 26th day of July, 2004 at 5:33 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 26th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of July 19, 2004 Commission Minutes

President Fanello: Do I have approval of the July 19th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award APA013-2004: Tires and Tubes & APA041-2004: Road Salt

President Fanello: Phil Lawrence.

Tammy McKinney: He's walking in.

President Fanello: Is he coming?

Commissioner Mosby: You're on.

Phil Lawrence: Timing in life is everything they tell me. Whew! I would like to ask the Commissioners permission to award the APA013-2004, tire and tube bid. Do you all have your tabulations? Okay.

President Fanello: Are there any questions for Phil?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: The second one is APA041-2004, road salt. The recommendation is North American Salt.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: That was easy.

Commissioner Crouch: Phil, while you're here—

Phil Lawrence: Okay.

Commissioner Crouch: —I just wanted to follow up on a conversation we had last week. I think it was last Tuesday I called to get a list of the approved vendors for surface materials for asphalt so that I could call and do some research and investigation. When I called you had indicated that we had three vendors; Gohmann Asphalt, E&B Paving, and J.H. Rudolph.

Phil Lawrence: True.

Commissioner Crouch: I asked you, you know, how come we were purchasing from Jerry David, and I believe that you had said that that was something that the County Attorney had worked out. I hope I'm not quoting you wrong. So, I did a little research, and bear with me—

Phil Lawrence: Okay.

Commissioner Crouch: —because there's a question for you at the end.

Phil Lawrence: Okay.

Commissioner Crouch: On November 17, 2003 the Commissioners opened bids for the surface materials. You stated at that meeting;

“This is a bid that was opened this morning at the Board of Public Works. I'm reporting on the findings. We had three bidders; J.H. Rudolph, E&B Paving, and Gohmann Asphalt. The pricing was down significantly.”

Then, November 24th the Commissioners awarded that contract, and you stated at the meeting, it's in the minutes;

“Did you get the information on the three bidders? We would like to make an award for all three bidders. Typically what happens is whatever side of town they are on that's who they call. We didn't, unfortunately, did not get a bid from Jerry David. We will let our esteemed counsel handle that portion of it. We don't, I called them and checked with them and they said, oops, I said, okay, thank you. So, we'll try to figure out how to get around that portion.”

A motion was then made to accept all three of the bids, and the joint city/county bid was awarded to those three vendors. In further checking the records in the Auditor's office, I found out that the following had been spent year-to-date on surface materials. We've spent \$150,000, and I'm just rounding off, \$150,000 with J.H. Rudolph; about \$35,000 with E&B Paving; \$71,000 for Gohmann; and \$231,000 for Jerry David. Furthermore, the per ton price for Jerry David was \$36.50 which is

\$7.50 more than the lowest bidder. The records for 2003 reveal the same pattern. They were opened January 6, 2003, awarded January 21, 2003. You stated at that meeting on the 21st when we were awarding them;

“That’s a bid that typically we accept four bids, there were only three this year. Because they are located in different parts of town we recommend we award to those three companies; J.H. Rudolph, Gohmann Asphalt, E&B paving for \$554,000 for the E&B Paving.”

The Auditor’s office revealed that the following was spent on surface materials in 2003; J.H. Rudolph, and I’m rounding off, \$279,000; E&B Paving, \$106,000; Gohmann Asphalt, \$558,000; Jerry David, \$197,000. So, we have purchased materials in excess of \$75,000 from a company that did not bid on the contract, which violates state law, and our county ordinance also. Worse yet, it is to a company who’s per ton price is higher than the other companies that bid on it. Had we purchased the same tonnage from the lowest bidder, we could have saved \$50,000. So, we paid \$50,000 more to a company that did not bid on the surface materials contract. So, my question to you, Phil, is did the County Attorney or any of the Commissioners approve this? Or direct you to approve this? Or did you speak to any of them regarding this matter?

Phil Lawrence: I don’t remember speaking to anyone. I spoke with Kevin, we talked about the possibility of allowing Jerry David to participate, because he was on the west side, and beyond that I don’t know what happened. But that was two bids, it was two bids in a row that he did not bid.

Commissioner Crouch: Yeah, was there, there has been a P.O. issued for purchases from Jerry David, and that P.O., obviously, was issued by the Purchasing Department. So, who authorized the issuance of that P.O.?

Phil Lawrence: Ultimately, the county.

President Fanello: Well, ultimately, the Highway. P.O.’s come from the Highway Department.

Phil Lawrence: Yeah, they come from the Highway.

Commissioner Crouch: It has to be approved by Purchasing, though.

Phil Lawrence: Yeah, we sign off, so we do anticipate that they will use the bidders that they are supposed to. We send them the tabulations, what the pricing is, and then they submit P.O.’s. Now, we get about 3,000 a year from the county, it’s about 10,000 from the city. So, how that one got by, you’ve got me. I don’t know. I don’t understand it.

President Fanello: Well, let’s, Kevin, it seems to me like I remember some discussion at a Commissioner meeting about this issue.

Kevin Winterheimer: Yeah, it’s been a while back, let me assure you that I did not authorize anything. I have no authority to authorize anything.

Phil Lawrence: Right.

Kevin Winternheimer: But, going back to your question, the county can do what's called special purchases. There's a special purchasing provision in the statute that says you can do a special purchase when it will save the taxpayers money. Now, I don't know in this particular case, some of the vendors he's mentioned, I think, are on some outlying northeastern and southeastern parts of the county. Now, if it was determined that if there was a project on the west side, and a county would, in fact, save money, because of transportation costs and otherwise. They could do a special purchase, under the purchasing laws, and it would not violate those laws. The criteria is are we saving the taxpayers money or not. I mean, just, you could theoretically get a bidder from Bloomington that would undercut your price, but that would not save taxpayer dollars if you had to go up there and drive it back. Plus there may be an issue, I don't know enough about asphalt, if you go to some of the, that one vendor, I think, was in the northeastern part of the county, and the other one was in the southeastern part, whether or not the material would, in fact, be useable by the time you got to the southwest or west part of the county. I don't know if that's an issue or not, that would be for Dennis to answer.

Phil Lawrence: So, to answer your specific question about the P.O., it, obviously, came to our office and was signed. With the city it goes to the Controller, it doesn't go to the Auditor? Would the requisition go to the Auditor and then—

Bill Fluty: The P.O. will come to our office—

Phil Lawrence: Okay.

Bill Fluty: – and we'll verify that they do have money in their budget.

President Fanello: I'm not sure I understand your question, Suzanne.

Commissioner Crouch: Well, my question is, the law, the county ordinance and state law indicates that if we have a bid over \$75,000 we have to, or we're anticipating purchasing over \$75,000 we have to bid it out. Yet two years a company did not bid, and did a significant amount of business with us.

President Fanello: Well, where are the locations of each of those companies? I think Dennis would have to go back and check, you know, where they were working at that time, and if Jerry David, like Kevin said, they would have to calculate the other costs. You're only going off the cost of the material, you're not counting transportation costs or labor costs to go pick it up from somewhere else. So, you would have to take all that into account.

Dennis Hudnall: I remember, I vaguely remember this issue. Phil and I had talked about it when we went and I asked, well, he had called me and he said that Jerry David hadn't received a bid. I think he talked to a lady out there, Jerry David's sister or something like that, and she messed up and didn't send the bid in. However, she had one constructed. So, what it did, it evolved around Phil saying I'm asking what do I do if Rudolph is not running? And I'm on the west side or the east side, and that's the closest plant. The discussion evolved around Phil and someone else, and I never got any word not to use Jerry David. So, therefore, I used all four of them. Now, if I spend more money at Gohmann's than I do at Rudolph's or Jerry David, it's because if you look at your paving chart, if I'm in the northeast of the county, I'm going to use Gohmann's. However, Gohmann's has cut me off, at this time, because they have a big job for the state, and they can't run for us and them. So, now I have to run all the way to Rudolph or to Jerry David's to get it, to pave like

Fischer Road and Mohr Road, which normally I would get from Gohmann. So, you try to evenly distribute it, but look at your chart that the Engineer's office has given you, if I pave more in the northeast of the county, Gohmann's is going to get that business. If I do it in the river bottoms or the west side, it's going to be Jerry David. East side and southeast side would be Rudolph.

Commissioner Crouch: Right, and I understand that, Dennis. I'm not questioning that, I'm just questioning why we're doing, you know, a significant amount of money with someone who didn't bid on it twice. In fact, you called them before the 2004 bid, and they didn't turn one in. Yet we're, I'm kind of curious, I'm wondering what the incentive is to have a bid process, and what's the incentive to company's that do bid?

Phil Lawrence: Those are great questions. I think I'm going to defer those to Kevin, because, I, you're right, it's, and I certainly didn't, I wasn't under the impression that he was getting more money than everyone else. Everybody else is pretty much at 30 and 28 and 29 dollars for asphalt. So, 36 is a bit high. Like I said, we tried to work it out, and maybe we didn't work it out the best way we could, or we should have. So, I don't know.

President Fanello: Well, and I think Kevin just explained that with the special purchasing needs. I mean, Dennis cannot be on the west side and drive somewhere else to get the materials. So, I mean, what's your solution? What are you trying to, what are you wanting to accomplish here?

Commissioner Crouch: I think my point would be that we do business with companies that we award contracts with.

President Fanello: Well, even, okay, and I understand that, but Kevin has just gone over a provision in the law that would allow city or county, in a special needs situation, to do business with somebody. I mean, are you asking them to spend more in transportation money and more labor costs to go somewhere out of his way to bring the material to the west side of town?

Commissioner Crouch: No, I am concerned about the process. I'm just curious how many times we use special purchases.

Phil Lawrence: Not often. I think this was really a special purchase, particularly I know the first year. The second year kind of slid by, but the first year certainly was a special purchase. How it was, Kevin would have to address how, I don't know if we...you know, it's been two years ago, so, it's kind of a little fuzzy, but I know, I remember talking to Dennis, I remember talking to Kevin about how we handle it so we could include this guy, even though he didn't bid because of the costs in bringing it from those various sides of town. Now, special purchase, I don't think that's something that happens often that we're aware of.

Commissioner Crouch: Thank you.

Commissioner Mosby: I do recall talking to Dennis and Rick both about this, and their main concern was that when they were paving in the river bottoms, as Dennis said, that a lot of times, I guess, I'm not sure where you haul out from Rudolph, but it's such a long run that the mix is cooling by the time they get there, and when it's coming out of the paver. I seen one road they did, it's not even spreading, it's just dragging. That was the problem that Rick and them was having. If Rudolph didn't,

was where they had to get it, or they had to run all the way to the north to Gohmann, they weren't getting back in time, and that's why they were concerned. They're only using Jerry David when they're in the river bottoms, I think, or far west.

Phil Lawrence: Right.

Commissioner Mosby: That's what brought all this about is that if they could use Jerry David, time wise, I mean, it was going to cost us a lot more money for the long run, and the mix was almost cool by the time they got there. I think, one time we even sub-contracted some to Rudolph down in the river bottoms because it was cooling so much in our trucks by the time we were getting there that we let Rudolph do two miles of road down there, because of the long run for us. I recall talking with Rick and them about that, and that's what the deal was.

Commissioner Crouch: Thank you, Phil.

Phil Lawrence: Okay, thank you.

**First Reading of An Ordinance Providing Indemnification for
Sheriff's Deputies While Off Duty**

President Fanello: First item under discussion is the first reading of an ordinance providing indemnification for Sheriff's deputies while off duty. Does anybody have any questions?

Kevin Winternheimer: Do you want me to review it?

Commissioner Crouch: It's similar to what the city has, isn't it, Kevin?

Kevin Winternheimer: It's similar. It goes into a little more detail on what's required, but, yeah. One thing this does that the city's doesn't, it puts a dollar cap on the potential liability per occurrence. But, yeah, it's similar.

President Fanello: So, we'll go ahead, we just need a motion to move on to second reading, right?

Kevin Winternheimer: Right. Approve on first reading, and then I would ask that it be put on for second and final reading next week.

Commissioner Mosby: I will make a motion to approve CO-07-04-004 on first reading, for second and third next week.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Sheriff Ellsworth: Discussion of Funding Sources for New Facility
(Additional Pod on New Jail)**

President Fanello: Next item is Sheriff Ellsworth, discussion of funding sources for new facility. One for the record, and one for each Commissioner.

Brad Ellsworth: Good evening, my name is Sheriff Brad Ellsworth. On Friday of last week I called a news conference in my office, I was accompanied by some County Council members. I called that news conference for a few reasons, one was that I wrote a letter on June 4, 2003 to both the Councilmembers and the Commission, and, I guess, was never really answered, officially, by the bodies, and that's okay, but it's still something, was something that I found very interesting. A couple of other things led to the news conference, one was a question by the County Council President, was were we going to be able to rent any of the current, of the beds in the new facility to recoup some of the money, similar to what we were spending outside after the fire. Another question by another Councilmember that had just asked me how we were going to pay for the new employees to the Vanderburgh County jail. Then last Thursday night at the advisory board meeting, officer Joe Reeve of the City Police asked me if we'd every considered making, building the jail a little bit bigger and renting some beds out to try to recoup some of that money. With that I said that we had been crunching some numbers, and we're looking at that, and that generated a pretty large article, and I thought at that time it would be prudent to go ahead and explain what we were talking about. With that, we put some numbers together, and, believe me, they are not definitive numbers, but we think they are pretty close on the areas we were estimating. I've provided you with that document that runs down one way, and, believe me, the thought of having 256 more inmates is not, you know, it doesn't do me any good. I don't get a per diem for however many people are in. I don't get a bonus for the number of inmates we house. There's not a lot of advantage, but when you're asked how to pay for it, this is one way that many jurisdictions are looking at this. We estimated that, and this on, like I said, this is rough, but it's what we've been told that a new pod, during construction, would cost approximately five million dollars to build a new housing pod. That gives you a total of 256 new beds. We estimated, and this is numbers that we pulled out of our hats, that if we ran that pod at 70%, that would be 178 people in there, if we divided that up with 44 federal inmates and 134 Department of Correction inmates, as you know, the Federal Marshall Service pays us \$41 a day, plus all medical expenses to house federal inmates. The Department of Correction pays us \$35 a day, plus all medical to house Department of Correction inmates. Therefore, federal income based on a year, based on 44 inmates is \$658,460. The funds generated from the Department of Correction is \$1,711,850. That's gross revenue of \$2.370 million dollars and the 310. We estimated that run another pod, based on top of the 34 new employees that we've asked the County Council for, that it would take us approximately 14 new employees to run that pod. That would cost us a year \$756,000 for those 14 new employees. The anticipated cost of \$1.13 per meal is \$220,000, and according to Dave Rector, his estimate of the utilities for that third pod would be \$50,000 a year. Basically, after those costs, our net revenue is 1.2, \$1,290,061.70 to be that you could put towards the new employees, however many we end up getting for the new jail, or the debt service, or whatever you want to spend it on. There's a couple of questions that resulted from this proposal, was how long could we count on this? That's really a number that I can't predict. That would take us up to a 700 and something bed jail, and the more we kept our numbers down, the longer we could rent that to feds. But, there's not a number to say as Vanderburgh County inmates went up, certainly, if we got past that we need them in that new pod, we would have those beds. As you all know though, in the recent past, we had 411 inmates in our current jail, and about 70 inmates beds rented out somewhere else. So, we were dangerously close to 500 there, which and we're only going to have 500 secured housing beds in the new jail. So, we're close to that capacity already, theoretically, in the new jail. Another question was how long? I can't answer that how long we could continue to rent those beds on federal and DOC. The current county jail, I got questioned about that, or at least it was proposed that week, it

something that we ought to look at, what to do with that current jail and bed space. Could we rent that? My answer to that, at this point, without, with just the weekend to think about that is that we need to run the numbers on fully staffing and running a current, I think the savings in this, and this is preliminary, is the fact that we can combine all the supervisors, the staff, the cooking, the cleaning, all those things are combined on the new side out there to fully operate another facility down here. That's why I think we need to crunch numbers if that's what the Council would like to do, and look at that, and see if that would be cost efficient to run a second facility, and continue to use the current Vanderburgh County jail for federal and DOC inmates. I don't think that's probably a bad thing, I just don't know if that's going to be cost effective or not. Another question that resulted from the news conference was the question of federal inmates being released in our city. Believe me, I don't think we need any more criminals in our town, but I think that's something that we could consult with the Federal Marshall Service and see what they think. The federal inmates that we house are usually preadjudicated also. They are waiting to go to federal trial across the street. So, if they are convicted, I would assume that they would go to a federal prison somewhere, and there's not one of those in Evansville, and it certainly wouldn't be the Vanderburgh County jail. If they are released, then, certainly, usually when a person comes to federal court in Evansville, they are from this immediate area. So, they are probably from here anyway. If they were found not guilty, or released on bond, they're going to go in this area anyway, if they come to our jail and they are housed here. Another thing about DOC inmates and federal, if they are rowdy or they act up, you have the right to refuse that inmate or send them back and get, you basically get your pick of inmates. So, you have the benefit of that. With that, like I said, it was the proposal I made on Friday. It's a proposal for the Council and the Commission to get together and think about that, run some numbers. If you all don't like it, hey, it's no skin off my back. It was just when I got asked how are we going to pay for that, that's one way to bring in some revenue. Is there a shortage of inmates out there? According to Paul Downing with the Department of Correction, there is no shortage of DOC inmates. I have not talked to the feds about the possibility of how many they think that...I know they are housing 90 in Henderson County, Kentucky, and those would be ours if, since we're across the street from the federal courthouse, if we wouldn't have gotten rid of them a few years ago. So, with that, it's a proposal, you all can think about it. If you don't want to think about it, that's fine too. I'll take any questions, I'll try to answer any questions that I can.

Commissioner Crouch: I had a question, Sheriff. What is, and there's probably not a typical federal prisoner, but what kinds of people are federal prisoners? Because that's what I've heard from people, you know, they're concerned about the type of individual that will be housed here. Can you give me some idea?

Brad Ellsworth: I think there's a variety, but, you know, it's anybody that would be arrested on federal charges. A lot of that has to do, I mean, certainly there's the bad ones, bank robberies, there's kidnaping, crossing state lines and that, but I would say the majority, and there's also federal drug charges. But, I would say the majority of those are people in our courts that go to court over in Vanderburgh County. A lot of those are the embezzlers, bank employees, people who are doing paper crimes and computer crimes also. You see probably a majority of those. That's just me. I don't have any stats to back that up, I would have to check with the Marshall Service and the federal court. But, you know, this last drug bust last week was drug charges. A lot of Evansville people, some Gibson County and I believe some Spencer County, but they are going to court right across the street from us right here. Like I said, they are being housed in Henderson County. Like I said, 20

something of those federal indites were Evansville residents. They are going to be here anyway. So, it's a mixture. I would say the majority though are probably paper and computer crimes and embezzlements. Like I said, once they are convicted, if they are sentenced to a federal prison, it would be a holding facility not sentenced to the federal, they usually go to a prison, and we don't have one of those.

President Fanello: Does anybody else have any questions?

Brad Ellsworth: Thank you.

President Fanello: Thank you, Sheriff.

Troy Tornatta: Troy Tornatta, County Council. One of the things that we wanted to look at in this proposal was obviously to find those revenues. I think that the thing that we always look at is how to cut expenditures, but we never look on the revenue side and how to generate the revenues. The one thing that I would like to say is that in this project, if we were to look at it, and I think we ought to explore it, and I've got a couple of ideas on that, but in this project we need to also look at the fact that if we did bring everybody into house, and did give everybody in Vanderburgh County, the millions we would be saving just by doing that. That's a big savings in itself. Then we also want to look at the fact that we can house DOC prisoners, and federal prisoners, as Sheriff Ellsworth said. That is going to be an economic impact to whatever we decide to do. It's forethought. It's getting out there ahead of the crowd. Right now I think that this is a problem in the United States. Obviously, we've seen that, I'm not telling you anything that you don't know. A lot of communities are taking advantage of that, and I don't want to use taking advantage lightly, but I mean it is an option and they are looking for these communities to step up and take care of this, and these communities are, because they are out there in front, they are doing real well with this procedure. So, the thing that I would like to say is we have had federal prisoners in the past, and we have made money on federal prisoners. This is nothing new to what we've done. In fact, looking back on just monies that we've had in revenues from federal prisoners and DOC prisoners, it's been over a million dollars in past years. This year we didn't even come close to seeing that amount, about \$300,000. So, we're definitely not able to do what we've done in the past, that's hurt our revenues, and we need to really look at ways that we can pick those revenues up. I would like the Commissioners to take the lead and not worry what the Council wants at this point. I think the Commissioners need to come out on a stand, you have before, but I think the Commissioners need to come out and say that we would like to pursue this project. I would like to explore it. About a year ago a Councilman on the City Council came out and said that we need to explore consolidation, of which had been voted down many times. But now we have a consolidation exploration committee that looked at it. I don't want this to be a year long process. It has to be quick. I'd say we need to know something in about 30 days to get the maximum bang for our buck out of this project. So, I would like to submit my name, Councilman Sutton, who's worked with me on these numbers with the Sheriff's office, and somebody from the Commission. Then if we find that we need some other people to step up and give us another side to it, I think we need to do that, but we need to get on the stick here and see if we can't...if they're out there building right now, we need to be out there while they're building, making this thing happen.

President Fanello: I'll let Councilman Sutton speak, and then we'll move into questions.

Royce Sutton: I just want to add a couple of points real quick. Royce Sutton, County Council. I had a chance to speak just here in the last couple days with Tom Pittman just on, just this, from Baker and Daniels, on this proposed idea. I think right now that's where it is, it's an idea that I think is worth, it merits consideration on the county's part. Given where we were at the price figure, the five million as has been discussed, in order for us to pursue this, we really would have to look at a totally new note. We couldn't take like the bond issue that we have now and piggy back on that or extend that note into making just one note. We would actually have to have a separate note to pursue this. So, in order to really get this whole process completed, it's estimated that it will take approximately, just on the financing package, somewhere in the neighborhood of about four months. Given where we are right now in the construction side, it would be very prudent for us to continue to really look into this so that we can gain the efficiencies that we hope to gather while the construction is going on, while the construction crews are on site. That's where we gain the greatest efficiencies. So, as we begin to gather our data, and looking at the bottom line, how we will either benefit the impact upon the county's bond rating, preliminary figures right now indicate that there may not be any effect on our bond rating. But, with just the total numbers of the impact, the note and what that would cost the county, we'll still need to gather some data in that regard. So, I just wanted to add that to our discussion as we go through. I think the, if we, I guess, in our discussion here and requesting that the Commission would walk with us, at least during this preliminary information and trying to gather that, and reporting back and seeing what we may be able to bring forward with this new proposal. The other thing, I don't know if Sheriff Ellsworth made mention of it is that, if you can recall back a year or so ago, the feds did have an interest in providing brick and mortar dollars to Vanderburgh County, and I think the figure was somewhere around two million dollars. So, that may help to defray this proposed five million dollar cost that's being discussed here. So, as we continue to move forward with this I think there are some obvious benefits, but we want to look at it all the way across the board, and how it may impact Vanderburgh County. Thank you.

President Fanello: Thank you, Councilman Sutton. Does anybody have any questions?

Commissioner Mosby: I guess my question would be for Troy or Royce or whoever, I mean, where do you intend to head from, where do you want to go from here? I mean, have you discussed this with the rest of the Council?

Troy Tornatta: Well, I got an initial, and I think it was documented, whether it was the press or on television or what have you, that there were three Councilmen that were in town that wanted to have nothing to do with it, one was out of town, and one said they would be happy to explore it. Royce and I, obviously, would like to explore it as well. I'm not satisfied with the answer that we don't need to explore this opportunity. So, I would like the Commission to take the lead and get a group together so that we can look at this, break down the numbers, and see if the impact is going to be favorable to Vanderburgh County. I just cannot believe that we should not look at this because we voted it down in the past. I don't really know what reasons we would vote it down before we had the numbers to present it.

Commissioner Mosby: My thought is, and I advocated this with the Sheriff back in 2001 when this was presented to the Council, and, I mean, I was all in favor at that point of building a 650 or 700 bed jail to house the inmates to draw the revenue, as we are paying today. I was questioned about this a couple of weeks ago. This was one of the solutions we gave. I mean, we had a solution at that point in time to draw

revenue off of the additional 150 or 200 beds, and I'm not opposed to it today. I mean, I don't think it should be built on the back of the taxpayer, and I would hope the Council would look at that. I'm willing to join you in an effort that, you know, would try to move this forward, but, I mean, if we're butting heads with the naysayers over there, I mean, it's obvious we're not going to get anywhere. So, I'm willing to join ranks with you if this can be looked at. I totally agree, and we said back in 2001, you know, if we can build it while they're there, it saves us money. Of course, if we could have bonded it back then, it would have saved us a lot of money. I mean, we got one of the lowest interest rates there ever were on bonds, but that didn't happen. But, I would be more than glad to look at it today.

President Fanello: Well, I would just say that Sheriff and Chief Williams and Troy, Royce both know that in 2001 Commissioner Mosby and I provided some solutions to help fund this jail. Today I'm hearing a lot of complaints from the Council majority, but I'm not hearing solutions behind those complaints. What we have to do is forget about the D's and forget about the R's, we've got a serious project on our hands here, and we need to get in a corner and we need to find a solution. Solutions were offered, we need to come up with one. The county's not going to raise any additional revenue outside of tax dollars, and we need to find other ways to raise revenue besides raising taxes. Now, I was told in 2001 that this \$35 million project was going to be able to be built without raising taxes. That's what County Auditor Crouch told us at that time, that's what the County Council told us at that time, and that is what we've tried to live with, but the reality remains that we're not even building a facility big enough to meet our needs. If you go back and look at the PMSI study, which was actually conducted by the previous Commission and Council, they were recommending at least a 500 bed jail, expandable to 200, but their recommendations were ultimately a 700 bed jail. If you take the formula that was in the PMSI study, and you look at our population today, which was 171,000, and you use the formula that they gave us, we should be building, at a minimum, a 684 bed facility. At a minimum. So, we have to find other ways to raise revenues besides property taxes. We have to start talking about solutions, and stop complaining. So, I suggest that we do get some of the Councilmembers and try to come up with a solution that is outside of just raising property taxes. I realize budgeting season is coming on here in the next couple of weeks, budget hearings will be taking place, and there will have to be cuts made in departments. There will probably be cuts in some of our departments, but we've got to find a solution outside of complaining. So, I'm willing to look at possible alternatives, because I don't see what other alternatives are being offered by anyone else at this point. We have a facility to open in 2005, September of 2005, and we've got to get staffing in place for that, and, you know, there is very limited revenue sources to do that with. So, I'm all about stopping the complaining and starting the solution.

Commissioner Mosby: I have one question for Bill. I know back when we did this in 2001 the Council had said that they were going to set aside 2.6 million a year and keep putting into that fund so that we would have monies readily available when our bond came forward. When was the last time that we put any money in that fund?

Bill Fluty: Right off hand, I don't know, David. But, I think we discussed that, I think it was two meetings ago what had changed from those early projections on the COIT. If we want to go over those, we can, but as our COIT revenues dropped, and that was due to the economy dropping, which are related to salaries and jobs lost, where our COIT didn't stair step up, but actually flattened or went down, those monies weren't available. What monies they did put away was COIT Windfall money, was money they held up there in previous years. 9/11, insurance costs,

health care costs have all changed what happened two years ago. So, we're not playing in the same arena that we were then. So, we have changes. So, those incomes have dropped. Our maximum levy has also dropped. It used to be 5%, down to 4.4 now.

Commissioner Mosby: Oh, and I understand that. But, I mean, if I recall we didn't put anything in it last year or this year.

Bill Fluty: That's correct.

Commissioner Mosby: That bothers me, I mean, that we went two years now and have not been able to put anything back.

Bill Fluty: There was no monies available, David, to put back. Surely, they would have it they could have.

Commissioner Mosby: In 2001 we were told that this could be done, and that we didn't need to look at any other type sources of revenue I'll say, and that has all changed.

Bill Fluty: Like revenue projections for the state of Indiana, many states are in the same (Inaudible) we have. Many counties can't open their jails, or are in worse shape than we are. So, things have changed.

President Fanello: Bill, I think you make the excellent point right there why we've got to come up with other solutions. I mean, that is the excellent point right there of why we have got to get together and come up with other solutions. I'm disappointed to hear that three Councilmen say that they didn't want anything to do with the idea, because I have not heard a solution proposed by those three Councilmen. I know that the Sheriff and I have been talking for over a year and a half about staffing, and I know he presented material to the Council last year. I know that I have sat in on meetings with him this year, four or five I can count off the top of my head in the first quarter of the year. So, therefore, I mean, we've got to send a message that we have got to come up with a solution and stop complaining. I'm willing to entertain an idea or a motion of how we would like to work with the Council and come up with a solution.

Commissioner Mosby: I'll make a motion that we proceed to put somebody on, I guess, a committee that would work forward with the Sheriff and the two Councilmen to see if this can become feasible.

President Fanello: And could we maybe put a time limit on that? Because I don't think that we need anymore than 30 days to get with everybody, and sit down and brainstorm and come up and see what's going to work. That's what corporations do, and we're a business, and we need to start running government like a business. So, let's do it.

Commissioner Mosby: Do you feel 30 days is enough?

Brad Ellsworth: I think we can put some, at least more concrete numbers, make the contacts, and maybe make some people comfortable from the Marshall Service and that, and get a hold of the Marshall Service about any capital funds. That's not a guarantee, the bricks and mortar money from the Marshall Service.

Commissioner Mosby: Right.

Brad Ellsworth: But, as I said in the news conference, I think this is really going to have to be a bipartisan committee. If we go with a committee, it's going to have to be bipartisan, because if one side is doing it, the other side aren't going to run with it.

Commissioner Mosby: And I am more than willing to say that on the committee we have somebody from the Council in a bipartisan effort. That is not a problem, and I would like to see it that a way. Well, there's seven, so we really can't put four people on a committee, or it would be—

Royce Sutton: Commissioner Mosby, I was just going to suggest, since we really haven't formally presented this information before the Council, which we meet this Wednesday, unfortunately, I won't be able to be at the meeting, but, Councilman Tornatta, are you going to be there? If we can advance the idea before the Council and if we can get some representatives, if a committee is formed, we can bring that from the Council for those who want to serve, those who don't want to serve, that's fine too.

Commissioner Mosby: Like I say, I would be willing to make a bipartisan effort by asking somebody from the Council to join us, or join in the committee. That's not a problem. I would limit it to 30 or 45 days so that if we come back to this body and the Council and report findings.

President Fanello: Well, and I think that also will allow the Council to go through budget hearings, and they will have a better idea of what budget is before them, and what cuts that they will need to make. So, I think a 30 to 45 day time frame is more than adequate. So, you do have a motion on the floor to—

Commissioner Mosby: Yes.

Commissioner Crouch: I'm certainly not opposed to looking at alternatives. I'm very skeptical. Over the course of a lot of years, a lot of government facilities and entities have come and told us how we're going to be able to make money, and, you know, ultimately, because there is no guarantees, things change. So, I'm, you know, I'm somewhat skeptical. Everything does change, I guess, we have, what, 35 million in the jail, and then about 2.8 or three million for community corrections, so, we're at 38 million, and now we're proposing an additional five million, which puts us to 43 million, and that's going to give us, I think, 768 beds. When the presentation was made at the joint County Council/County Commission meeting, DLZ/United indicated that for 59 million we could get 650 jail beds, 24 juvenile detention, and 300 community correction. I'm pleased that we're able to do a whole lot more for a whole lot less, but things do change. I will second your motion.

President Fanello: I'll say so ordered, and just a reminder that from the PMSI study they gave us much higher figures than that, and that they also said that there would be a 15% cost reduction if we could do as much construction with as many facilities on site as possible.

Levy Board Appointment

President Fanello: Next item is our levy board appointment. Our levy board appointment did expire. Our current appointment is John Friend.

Commissioner Mosby: I will make a motion to reappoint John to the board.

Commissioner Crouch: Second.

President Fanello: So ordered.

Madelyn Grayson: May we make a tape change please?

President Fanello: So ordered. Sure.

(Tape Change)

Madelyn Grayson: Thank you.

Public Comment

President Fanello: Is there anyone else in the audience wishing to address the board at this time? Seeing none, I will move on to old business.

Old Business

President Fanello: Any old business? New business?

Commissioner Crouch: On old business, on the election, we were going to do some research on the Duck Inn?

President Fanello: Actually, I was going to bring that up under Superintendent. If you want to go ahead and do that now, that's fine.

Tammy McKinney: Well–

President Fanello: I know you had some additional information.

Tammy McKinney: –I know Kevin was looking into the statute, what it said about election and referring to the Duck Inn with alcohol.

Kevin Winternheimer: Yeah, the statute is very short, I'll just read it. It says:

“An election may not be held in a room in which alcoholic beverages are kept or sold.”

So, if alcoholic beverages are kept there or sold in that room, you can't have it there.

President Fanello: So, Tammy, you've got some others that we're going to need to go change.

Tammy McKinney: Right. If we're going to change the Duck Inn, and I believe they vote in the family room of the Duck Inn. Is that correct, Connie?

Connie Carrier: (Inaudible, not at microphone.)

Tammy McKinney: But, if we decide that we need to change the Duck Inn, I believe we're going to have to change Hamilton's Golf Course, Fendrich Golf Course, and the VFW.

Kevin Winternheimer: I'll just reinforce it, if it's in that room. If you can find another room, and the family room, I guess, is knocked out because they do sell, I assume, alcoholic beverages there on occasion. So, if you could find in that building another room, you could use that, but not in a family room where they are also selling alcoholic beverages.

President Fanello: So, do you want to, how do you want to proceed? Do you want her to move toward changing all of those?

Commissioner Crouch: I guess we need to know if they are actually serving or storing in the particular rooms they are voting in. If they are, then, I guess, we'll need to change them.

President Fanello: Well, yeah, they would on each of those places.

Tammy McKinney: So, you want me to check in to see if, I mean, alcohol is not served there until, what, 6 p.m. or something.

Commissioner Crouch: Kevin, didn't you just say though if at any time it's stored or sold there. It doesn't matter if it's election day, but at any time.

Kevin Winternheimer: Right, because on election day nothing is sold anyway.

President Fanello: Right.

Kevin Winternheimer: But, so, I would interpret it to say if it's sold there at any time. So, what you might have to do is to check and see if they have an alternate room where they don't sell or provide alcohol or keep, store alcohol.

President Fanello: Tammy, why don't you check on that, and then if that's not the case we'll need to change all of those other places as well, and you'll need to come back with a recommendation of where we're going to move them.

Tammy McKinney: Right, because I'm sure at Fendrich's and Hamilton's they are served in the clubhouses. Unless we want to move it to the cart barn or something.

New Business

President Fanello: New business? Department head reports, County Engineer.

County Engineer

John Stoll: The first item I have is a request to award contract VC04-06-01, the Jobe's Lane water and sewer project to Koberstein Trucking for the amount of \$343,955.

Commissioner Mosby: I will make a motion to do so.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Also on that same project, I would like to request that the completion date be extended to October 30th, because of the additional delays associated with getting the paperwork from IDEM on the approval of the sewer, which in turn delayed a meeting that had to be held with the Department of Commerce in order to get the grant money. So, we've basically delayed awarding the contract by about a month. So, I would like to extend the completion date to October 30th, which would be an additional month.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is a letter from INDOT. It's a letter of understanding regarding an unofficial detour on a culvert replacement project they have on SR66 between Highway 65 and St. Joe Road. Basically what they are going to do is sign an official detour route, but they're acknowledging that an unofficial detour of Resurrection Drive, New Harmony Road and St. Joe Road will exist. By signing this letter, the Commissioners will acknowledge that that road might be used by people using it as a detour. In conjunction with that INDOT would pay for any damages that might be attributed to that extra traffic. If damages do occur, we'll have to follow this up with another agreement for INDOT to pay those costs, but, at this point, basically, the Commissioners just need to sign this letter saying that we acknowledge that that would be a potential unofficial detour route. If damages do occur, then we'll have to follow up with an agreement, and INDOT will reimburse the damage repair costs later. So, I would request that this letter be signed.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Thank you, John.

John Stoll: Thanks.

Commissioner Mosby: Thank you.

Bill Lockard: Discussion of Jobe's Lane

President Fanello: County Highway.

Commissioner Mosby: Hold it.

Bill Lockard: Bill Lockard, on Jobe's Lane. I didn't get all the information. His back was to me. If I can get a copy of who it was awarded to, then I can advise all concerned parties and we can proceed there with our bidding process.

Commissioner Mosby: Koberstein.

Bill Lockard: Koberstein. Can I get a copy? Okay. K-o-b-e-r? And that was late, or extended to October the 30th? And that is sewer and water. Thank you everybody.

Commissioner Mosby: Thank you.

President Fanello: Thank you.

County Highway

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I assume we're going to get on that sticky subject of asphalt.

President Fanello: Let's come up with a policy here.

Dennis Hudnall: Well, I've done some research, and I'm sure Commissioner Crouch has, and we've probably followed each other throughout this track. If you want to go ahead and say your procedure or whatever, because you're the one that's going to, I assume dictate that procedure through on a vote.

Commissioner Crouch: Well, I can certainly go over the research. I called the companies, and then, you know, what my policy would be, and then we can take it under advisement. In calling Jerry David, they had indicated that they could not, you could return the asphalt and they could use it, but it's a real rare occurrence, and I think they, you know, did support you that they kind of did it as a favor. You know, normally they wouldn't have jobs going on where they would be able to use it. So, I don't think, you know, that would be an exception, not the rule. They also indicated that if they had a paver that was available, it's possible that they could rent to us, but, then again, that would be dependent upon an agreement between the County Attorney and the Commissioners. That would be a very rare instance. J.H. Rudolph said that we could, J.H. Rudolph and E&B and Gohmann said that we could return it to their yards, dump it, and then they would recycle it. We would not get any credit back. There would be no charge, but we wouldn't get any credit. Rudolph said that if they had a job nearby, and....well, what he said was that if all the stars and the moon were in perfect alignment, meaning it rarely would happen, but if they had a job nearby and we hadn't been gone too long, and, you know, they would allow us to put our asphalt into one of their pavers. But, that's all, again, Commissioners and the County Attorney would have to do that. They also indicated that they could, we could rent a paver from them, if they had one available, but, then again, that was about as rare as, you know, using it on a job. E&B, basically, supported the same thing. They said, yes, you could do that, we would work with the county, but it

probably doesn't happen. In fact, Gohmann said that they could not use it on another job, that they have different specs for county than for state. The state's are more stringent, therefore, they couldn't even use ours, but we could dump it there, and he said that he would be happy to work with us and give us a paver, however, they've never had a free one. So, based upon that, you know, now knowing what we know, I guess that....now one gentleman told me that, and I think it was at E&B Paving, that if, because I said how long does the mix stay hot? He said about a half a day. He said never a full day, but you could probably use it if you used it within a half a day. So, I'm assuming that if that's correct, and it may vary just based upon, you know, different companies, etcetera, that I would hope that in the future that we would keep a list of roads that we could use it shore up the banks, and that would be our first option. Because at least we're using it for something. That would be my suggestion. Then, you know, perhaps check with the vendor to see if the stars and the moon are in perfect alignment, you know, to see if any of those other options are available to us. You know, at the very least we could dump it, you know, and not have, you know, not have a charge. I don't know if we could ever take it to the County Highway Garage, and, you know, kind of grade it out, and then maybe later come back and try to finish it off for a spot or not.

Dennis Hudnall: We have used it out there, but we have used our paver where we have trucks going over and it creates a lot of depressions in the mud. We try to keep it, like if we've got some extra we'll do that. But, we didn't have a paver, and we're not going to dump it like out here, like we did, because you've got to smooth it out some way, because it just creates more problem. Another thing is that E&B, Gohmann's, Rudolph, Jerry David, when you pave roads you're paving a binder, which is the underlayment and then your putting a surface on the top of that, which is a thin coat, that's an inch or an inch and a half. This year we've been using a lot of surface, because the roads aren't so bad that we have to build them up and so forth. So, it saves the county money for us to surface them, rather than put that binder on. So, when you do call them and say, well, do you got a paver, you've got to know what they're running. Are they running surface? Are they running binder? Due to the time restraints that you had, now, if it happens early of a morning, you can make all of those calls. But, at 1:30 you can't. You just have to make that decision and go. I have no problem with, what my goal is is to save the county as much money as I can and get it off my trucks before it solidifies. So, if we can come up with a procedure that will achieve those two things, I have no problem in doing none of them. Prior to the 16th, Friday, the 16th of July, no one had thought of this. Every place I've been, Jerry David, Jerry, I asked Jerry, or John was who I was dealing with, and he had said that you had been there, and he gave me the temperatures. He said, when I load it on your truck it's 300 degrees. It decreases as you're going down there. He said 260 is the ideal putting it on the road. He said at 242 you might as well dump it, because you're not allowed to put it on the road after that temperature. If it sets for a couple of hours, and it's taken you let's say a half hour to get there, you have a very short period of time to get it off the truck. My understanding is that it was solidifying at that time, and that's why I made the decision I did.

Commissioner Crouch: You know, that does raise something. When I went to Jerry David, I'd forgotten about this, they said that the truck had been in there and they had the ticket, and they did a pick up at 8:37 in the morning. When I asked for the ticket from when they brought it back, they didn't have a ticket, but they said, they would say it was probably be between 10:00 and 10:30. I spoke to the driver of the truck, and she said that it was somewhere between 9:30 and 10:30. So, I guess, I'm curious, if we pick it up at 8:30, how come you didn't get a call until 12:30?

Dennis Hudnall: There was two trucks. Nancy was the last one, was my understanding. I looked for the tickets, I had one ticket, that was early of a morning, but I didn't have the second ticket. So, I called Jerry David and Jerry David says well we give you credit because we took it back, and we was sorry we took it back because they transferred it to another truck, used it on their job and he said he communicated that to you that it kind of messed their job up, because it was too cool. That's why I will not dump it on a road of ours, because it reflects on the county what quality of work you do. I don't want sub-quality work associated with the County Highway, because these guys do quality work anyway. I hope you take that into consideration. I don't know the times, because, like I say, I wasn't there. I was notified late, because they were out there trying to put the chains on the paver. It took them a long time. Then they made the decision they can't do it here, and they pulled it in. My understanding, if they picked up at 9:30, that's just about right, because they was two hours trying to fix it. My call come in and they said, it's starting to solidify, we need to get it off of the trucks. So, 9:30, 11:00, at least by 11:30 they decided we're going to pull the paver in. Do you see what I mean?

Commissioner Crouch: So, you got called at 9:30?

Dennis Hudnall: They get off at 3:00 out there. They don't get off at 4:00 or 5:00.

Commissioner Crouch: So, you got called at 9:30?

Dennis Hudnall: No.

Commissioner Crouch: I guess, I'm confused. You didn't get called until 12:30?

Dennis Hudnall: I got called after 12:00. I can't tell you exactly what the time is, but I was out on the west side on a tree crew, and it was after lunch. They eat lunch at 11:00 to 11:30, and it was after that.

Commissioner Crouch: Dennis, would you agree that we could perhaps use it if we came up with a list of roads that we needed to shore up? Because I think you indicated that the private companies, the concrete companies do that, you know, with roads. Is that something we can use the asphalt for? Because everyone seemed to think that we could that I talked to.

Dennis Hudnall: The problem you have is that it's hazardous when it's pliable. I have some, I called Browning and Ferris, and here's what they told me, they handle hazardous material constantly. I talked to a Matt Sarno down there, and he told me that he would only take it in solidified form, and he would charge me \$38.50 a ton to take it. So, that means that I would have to take it back to my yard, dump the 48 tons there, let it solidify, then break it up and load it back on the trucks, and because it's not going to be a nice, neat fit, instead of using four trucks, I might have to use five, because now it's in big chunks. He's still going to charge me \$38.50, and now I'm including, I'm adding costs of two operators, two laborers, four truck drivers, and the equipment to that. That's what I'm trying to avoid. So, I think I figured it up, it's something like \$3,500, plus you've already lost your material. You already know that. Just admit it. Say I've lost \$1,500, now what do I do with it? The way I think is in economic terms. I'm trying to save the county money. Maybe I don't think in the political terms, like I should, at first. What is the political impact? What is the economic impact? Well, in my job, in the business end of it, I'm thinking economics, because that money is coming out of my budget. When I lose \$1,500 I don't get that back. At the end of the year am I going to come to this Commission and say I'm out

of money, I need some more money to pave the roads that I said I was going to pave. What we've been doing is keeping, being very vigilant on this, on our budget and trying to stretch these dollars to pave everything we said. So far we're right on track. We've finished Pollack and we were out there Thursday and you seen it, and I've got a lot of calls that people on the east side say it's a beautiful job. They should have it striped by now, but I'm not sure, I haven't been out there. They were close to the Rudolph plant, they got off almost 1,000 tons of mix in two days. They finished it that very morning after you were there, Friday morning. The closer to the plant you are, the easier it is to pave the roads. Further away, like Commissioner Mosby said, I had to contract two roads out last year that was in the bottoms, one of them was Duesner and one of them was part of Old Henderson, and one of them was Seminary, because they are too far from the plant. I don't have the trucks like Rudolph, you see, Jerry David and Rudolph teamed together, and say they have a long distance of travel, they will use each others trucks, so they can have one load after another at the paver. The most I can get is eight trucks, and I have to figure out how many loads can I get in a day.

Commissioner Crouch: Right, and, I guess, from my standpoint when you say you look at saving money and if we dumped it we would have lost that money, you know, we had 48 tons at \$30 a ton, we would have lost that money anyway. So, I would rather lose it by taking it, if we have no other options, by taking it back to the yard and letting them recycle it, as opposed to putting it on county employees property.

Dennis Hudnall: I agree. It's fine, if they don't charge me any money for that, we've lost it. You're looking at a perception part of it. You see, and I don't worry about perception. To tell you the truth, if you can save the money, that's the way I'm going to go. Perception is in somebody's mind, I can't control it. But, if you want me to take it back to the plant, I would be glad to do that.

Commissioner Crouch: Could we never use it to shore up a road?

Dennis Hudnall: Well, like I say, it's real ugly if you don't process it right. You know, really I don't have, I wouldn't know where to dump it. How do you dump it and then have all your laborers and truck drivers out there shoveling it for dikes for water out on Waterworks Road or whatever. You're adding so much cost to something that you're not gaining no utility from at all. Now, if I could dump it on a road, which I don't know if it's legal or not, I know I called some other superintendents, and I'll get to that in a minute, one of them said that they dump in on the road and they grade it. But the aesthetics of the thing is not too pretty, but they live in, you know, way in the boondocks up in the part of the state, you know, they very seldom travel them. I, and if that's what you want, I'll dump them on there, but I don't want these residents to say, boy, that county really does, you know, a terrible job on paving roads. I would hate to get that reputation, because they do do a good job.

Commissioner Crouch: I think it was the gentleman from J.H. Rudolph that said, they don't even take their mix, if something like that happens, and put it, they would never even put it on an employee's road, because it's a bad reflection on their reputation. So, you know, I just would, I would rather that we do anything with it, rather than put it on county employees. You know what, they are good people, and I think you're a good person, but good people sometimes make bad decisions. I just want to make sure that we make good decisions.

Dennis Hudnall: Well, like I say, I made the decision based on economics. The information that I had at hand, in the short period of time, I made the best one I had.

Prior to the 16th, would Rudolph take it? Nobody knows that. Would Jerry David? Jerry David said, probably not. Gohmann's had cut us off, so they're not even in the picture any more. I'm not going to get any mix from them the rest of the year, because they've got a state job. E&B I don't buy a whole lot from them because they are so far away, unless I am over by that side on Telephone Road to get it. So, your main users of this, now Gohmann is up in the northeast and northwest parts of Vanderburgh County, and then Jerry David and Rudolph. So, those three are your main one's, and if any one of those...like Rudolph called me up one day and said we're cutting you off, we've got our trucks lined up and we don't, so, I had to divert all of my trucks over to Jerry David. Well, then I called the plant, Bruce Kline, and I said, well, if you're going to do that to me, from my planning perspective, what we need to do, if you're going to do that, I don't even want to schedule you of a morning. I want to go to the plant where I get it all the time, because I can't be diverting the trucks. It hurts my timing. Then you've got people sitting on the pavers and the rollers waiting for these trucks to come. They agreed that they would never do that again, and they haven't. So, it's just a matter of communicating with each one of these plants. Now, prior to the 16th I don't think that they would have taken it back for free. But, I had talked to them, and they said, you know what, we never thought of it, but we'll help you out. I think, I have to give them credit. They do a lot of business with the county and they are willing to help us. So, they said that it's never happened before, so nobody had ever thought of it. So, I think it's going to come out real well. If you want me to take it back to the plants, I'll be glad to. If I had had that information on the 16th, I would have taken it to one of them. One of my foreman, I have to tell you, here's what, and this is a quote, according to Rick Dickerson, the paving foreman out at the shop, "I spoke with Chris at the plant, and he stated that they were really busy and had a lot of trucks lined up and he didn't have time to mess with it." Now, if we're going to do this, I want a letter of agreement with every one of them that in an emergency situation, this letter of agreement has to state, and I will construct that and run it through Kevin, because I don't want to stand up here and we make this policy and agree on it, and then I'm in that same situation again, and I go out there and they say, no, I'm not going to take it. Then I'm running around here, because Rudolph is not going to take Gohmann's, Gohmann is not going to take, wherever you get it from the plant, and we know Jerry David is not going to take it. So, we need a letter of agreement between all of them. Now, I don't know if Jerry David, maybe we can make a deal with Rudolph, since they're the closest and say, well, if you take this, because they were going to charge me 35% of the cost to take it back. In other words, they are probably the cheapest one, which is, Bruce Kline told me that. He said, they would give me a refund, you know, because they recycle, they are allowed to use 25% of this in a recycled, it's 75% new, 25% old, and they can use that. But, the state standard says they can't, so, they have to be doing a county road or something like that. So, I think we can work it out, but I need that letter of agreement that each one of them will do it, because I don't want to face it once I get out on the road again.

Commissioner Crouch: Well, I'll make a motion to that effect, that you draft up a letter, if it's agreeable with the Commissioners, and have Kevin review it, and then bring it back to us for approval.

Commissioner Mosby: Second.

President Fanello: So ordered. Thanks, Dennis, for—

Dennis Hudnall: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: The only thing I have for you tonight, and I thought you might find this interesting. I went to a seminar this morning, and so did Phil Lawrence, and it was put on by the Indiana Association of Cities and Towns, and a private company called Ecuity. You may have read about this, there's a new state law that just took effect this month, and it allows for a reverse auction type situation for certain high ticket purchases. It's not for construction or for services, but for like buying construction equipment, dump trucks, cars, you name it. They said they use a rule of thumb that they don't recommend it for anything where the total cost is under \$20,000, but for your higher expensive items it's a new option that's available to the county, and I'll hand out, I even have one for Madelyn. It's a brochure they put together, I thought you might find it interesting reading. Not to take any of your time on this, but, essentially just to give you, when you're reading this to make sense, what you do is you advertise to vendors saying between a certain period of time you can submit a bid electronically, and during the bid process you have a secret security code number, and then by that number you are told your ranking. Up until the end of the bid time, you can submit a new price, and then you'll find your ranking again, and when time runs out, whoever was number one, and the lowest bidder, then would be considered the lowest bidder, and would in all probability be awarded the contract. I say probability because if for some reason they are not qualified, or their product isn't up to specs you could always not award it. But, they would be the low bidder. They claim, during the hearings in front of the state legislature, when they passed the bill this year they claimed that communities could claim roughly about 10% if you did this, based on experience in other states. But, here's some information about it, before we could start the process to ever try this, the Commission would have to pass a resolution authorizing that as one of your bidding options. Phil would come in and say that he was going to buy 20 new Sheriff's cars or something, he would ask permission to do it by this method. It's just a new option that you have. They, he, the company representative claimed they tried it with busses with 15 school corporations in and around Indianapolis just earlier this month, and they claimed they saved a considerable amount of money by doing that. So, it's just a new option in these tight times of trying to save every penny that you can, it's another option that you may have available. So, and that's all I have.

President Fanello: Thank you, Kevin.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I have a late travel request from Soil and Water that I need to submit to the consent items.

Commissioner Mosby: Motion to amend.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: That's all I have.

President Fanello: Then I know that you got a copy of the polling place accessibility survey.

Tammy McKinney: Right.

President Fanello: So, Tammy will be going over those and coming up, working with everybody to come up with some recommendations. I don't think we can change every polling place in here, but maybe some of them with-

Tammy McKinney: What I was going to do with that, I know Tony and Connie when we first did the polling places have a kind of a check sheet that they went by, and I was just going to kind of compare the two and see what we could possibly do to make it more handicap accessible.

President Fanello: Okay.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. I'm happy to report that our wandering reptile has returned to it's home. I would like to thank the news media for their assistance in making the public aware of our plight, which I feel speeded the process or the recovery up considerably. I've also compared, have some comparison figures for you for the first six months of this year versus the first six months of last year. Just sort of a brief synopsis, this will be in a complete report form for you next meeting. The concession stand receipts comparing the first six months of last year versus this year, we are up \$12,407; the float stand/gift shop receipts are up \$6,631; in fact, every line item in our receipt category is up considerably; pool receipts is up \$38,683; our rentals is up \$13,000; and overall for the six months comparison period we're up somewhere in the neighborhood of \$74,000. Like I say, this will be in a complete report for you at the next meeting. So, that's all I have unless you have some questions.

President Fanello: Anybody have any questions? Thank you, Gary.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer reports?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. ¹

¹Consent items listed on page 37.

**VANDEBURGH COUNTY
REZONING BOARD
JULY 26, 2004
(Continued from July 19, 2004)**

The Vanderburgh County Rezoning Board resumed their continued meeting from July 19, 2004 at 6:51 p.m. on July 26, 2004 in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The rezoning petitions were heard during the course of the regularly scheduled Commission meeting.

**Final Reading: VC-4-2004
Petitioner: Hirsch Family Limited Partnership
Address: 1501 North Burkhardt Road
Request: Change from AG to C-4 with UDC
Action: Continued until 8/2/04**

President Fanello: Rezoning, final reading for VC-4-2004.

Chris Wischer: Good evening, Chris Wischer here from Bamberger, Foreman, Oswald and Hahn. I'm here on behalf of the petitioner, the Hirsch family limited partnership. I'm here with David Hirsch who is a partner in that family limited partnership. This is a continuation of last week's rezoning meeting. You recall last week we came before you with a petition that included a use and development commitment. To remind you, that commitment, by that commitment our client committed to limit access to the 40 acre parcel that we plan to rezone to, directly from three locations, that being, when I say access, I mean access to Burkhardt Road, that being Florida Street, Vogel Road and Waterford Boulevard. In addition, of course, the real estate would be accessible from Oak Grove Road and Columbia Street extended. In addition, that use and development commitment called for the dedication of right-of-way for an extension of Vogel Road, the route and width to be determined at the time of site review or subdivision, but in the event of any subdivision or parcelization, that commitment preserves the extension of Vogel Road, as was required by your County Engineer. In addition that use and development commitment committed to dedicate such right-of-way as was necessary for an extension of Columbia Street along the southern border of the property to be rezoned. We also made a commitment regarding drainage, I don't believe that commitments been an issue. Concerns were raised during last week's meeting about, even though our client had committed the right-of-way, they had made no real commitment to pay for the road, and there was concern expressed about the need for traffic studies, if and when that was necessary during the development of the property. The meeting was continued so that we could craft a private covenant, which we did, and we provided copies of that covenant last Friday to each Commissioner, to the County Attorney, to the County Engineer. I've provided copies to counsel for Regency who was here that night, and counsel for Decem Investments who was here that night. I have additional copies, unless you have a copy of the actual covenant.

President Fanello: I have my copy. Does everyone have a copy?

Kevin Winternheimer: I would like a copy.

Madelyn Grayson: I'll need one for the record also, Chris.

Chris Wischer: Essentially this covenant does three things, two things, however you want to look at it. It's an attempt to address the concerns raised by the County Commission last week. With respect to Vogel Road the commitment provides that

at the time Vogel Road is built, whether it's because the property is parcelized or subdivided, the property owners abutting Vogel Road, as extended, will be responsible for the cost of putting in the road. It doesn't give a date or a time that Vogel Road is going to be built, because as we said last week, we don't know when that's going to be, it's going to be dictated by the timetable of development for the entire parcel. But, when coupled with the use and development commitment, at the time the property is developed, right-of-way will be dedicated, and the property owners, whether that be our client or whoever, it is going to run with the land, whoever owns the property is going to be responsible for the construction of the road. Same holds true with Columbia Street, that's paragraph two of the covenant, as such time as Columbia Street is built, those property owners abutting Columbia Street will be responsible for the cost of extending Columbia Street. Essentially, when it's built, my client or whoever comes after my client in the ownership of the property will pay for the construction of those roads. With regard to the traffic study, the covenant basically provides that at such time as the property is either subdivided or parcelized, either one, whether it comes to sub review or site review, a traffic study, if required by the County Engineer, will be conducted. Speaking with the County Engineer, and I had the opportunity to speak with him today, after he got back from vacation and was able to review the covenant, we don't know yet whether a traffic study is really going to be required. It depends on the use, it depends on the layout, it depends on the plat, what we're platting at the time. Obviously, the first lot we plat on Columbia Street, you know, it maybe will require a traffic study. If John Stoll believes it needs a traffic study, then we're going to have to do a traffic study. Now, when we plot lot number two right next to that lot, who's to, you know, we may or may not need an additional traffic study. So, you know, we've given a little bit of power here to John, you know, if he says we need one every time, then, by God, we're going to have to do it every time, but we're hopeful that we can sit down with him during the site review process, sub review process and really determine what's needed, and once the traffic study is done we'll be armed with that information to determine what improvements need to be done with the property. So, I think that addresses the specific concern of Commissioner Fanello about a traffic study. I would also like to comment, you may note that one of the remonstrators from last week, Decem Investments, is not present tonight. Following last week's meeting I've had several conversations with Krista Lockyear, their counsel, who was here last week. I, you will recall that Decem's concerns related to use commitments and restrictions they would like to see on the property relating to things such as outside storage and building materials and other kinds of more aesthetic kind of concerns. Through our discussions, I assured Krista and her client that their concern, which primarily related to property values and preservation of property values, was shared by our client. Essentially, our client, the Hirsch family limited partnership, has approximately, you know, 190-200 acres left after this rezoning and this development. They certainly share the same concern that Decem Investments did in preserving property values for the remainder of their development, and in no way intend to do anything with their development that is going to damage property values for Decem Investments. Essentially, I assured Krista simply that our client intends to do it right, she conferred with her client and was satisfied and did not appear tonight. She asked me to make those comments on the record, and so I have done so. In a nutshell, that's where we are. We've done our best to address the concerns that were specifically raised by Commissioner Crouch with regard to construction of the road, and from Commissioner Fanello with regard to the traffic study. I believe we've done that. Certainly we've come a long way since we initially filed this with no commitment, and left the county in a better position, I think, for it. So, with that, we request your approval.

President Fanello: Are there any remonstrators here?

Les Shively: Madam President, members of the Board of Commissioners, my name is Les Shively, representing Regency Properties. Let me just, and I'm not going to rehash what we talked about last week, but let me remind you all, this is 50 acres for a carte blanche C-4 with no limitation on uses, something that's very rare in this community anymore, since we started utilizing the tool of use and development commitments. Fifty acres that will start opening up this entire section that has been undeveloped, starting to the east. Your County Highway Engineer, who you rely upon, and rightly so, in looking at traffic, infrastructure and needs for traffic, gave you a very lengthy memo. I'm not going to read it to you, but I'm going to hit the highlights. He goes;

“Finally it was noted that during the APC meeting that the use and development commitment only states that right-of-way will be dedicated for Vogel Road and for Columbia Street. It does not mention construction of either of these roads.”

Final line in that memo, from Mr. Stoll is:

“I'm agreeable to this so long as all applicable infrastructure improvements are able to be required through the subdivision review/site review process.”

In other words, what Mr. Stoll, and he can speak for himself, if he's still here, the point he's making is, I'm fine so long as there's something in the system that sees that these roads get built. Let me tell you what my client has already done, and this was also, I'm sure inadvertently misrepresented last week, but let's clear the record, Columbia Street within Cross Pointe, part of which goes into Cross Pointe has already been dedicated to the county, and a letter of credit has already been posted. Here is the section (Inaudible).

Madelyn Grayson: Les, I'll need one for the record also.

Les Shively: Madelyn, I didn't forget you. We not only have dedicated it, which as Mr. Stoll says is half the equation, the other half is guarantee that it gets built. There's a letter of credit. We've got to build it. We've got to build within a certain period of time, or that letter of credit goes to the county, the county will have the money to put it in. Regency doesn't work that way, we will build it. That's why we dedicated it, that's why we posted the letter of credit. Wal-Mart has already posted their letter of credit for Columbia. Let me also make it clear that last week I heard Commissioner Fanello, as well as Commissioner Crouch say, we want to see a commitment for a traffic study. I didn't hear you say, we want to see a commitment if some third party wants a traffic study. You wanted to see a commitment for a traffic study, and you wanted to see them work up some private agreements and disseminate it to the parties of interest. Now, I didn't get my draft e-mailed until 9:00 this morning, and my office got it, and I was in trial in Warrick County. I called Mr. Wischer on Friday morning, reminding him of the fact that I had not received anything, and that I would like to have an opportunity to review it. He indicated to me that there would be no way that he would be able to get it to me today, that day, on Friday. The best he could do was sometime Monday. I explained to him again my dilemma. Apparently he stated here this evening that other parties received copies on Friday. Be that as it may, I've had an opportunity to review this, and this covenant commits the Hirsch's to do nothing. It basically says as to Vogel and

Columbia, when we build Columbia, we will build Columbia. It's nonsense. It's sarcastic. What needs to happen, there needs to be a commitment that says we will build this road. There will be a commitment to build that road, that part of the road within the right-of-way that we're dedicating that runs along our property. It doesn't say that. It says that;

“As such time as the extension of Columbia is actually constructed”

Constructed by whom? They ought to have a commitment to do the construction now. The traffic study, here's what it says, it says, basically, on number three that they are going to do a traffic study. It doesn't say that they are bound by the traffic study, they're just going to have a traffic, what the use is a traffic study if they are not going to be bound by the recommendations of that study. This private covenant does absolutely nothing. Now, you heard last week that time is of the essence for them. Do you know why time is of the essence? Because they had the audacity, after the Plan Commission failed to give them a do pass recommendation, they had the audacity, assuming you would just rubber stamp and give them approval, they had the audacity to go out after that meeting and sell a part of this property. Now, they say they've got to hurry up and close, and you've got to hurry up and make a commitment that this community is going to have to live with for years to come. They haven't done what they said they were going to do. I don't know about the Decem folks, my conversation with the Decem folks during my lunch break today was not that they were happy, that they were very unhappy, but that the Hirsch's were unwilling to go any further to address the issues that were of concern to them, and that's why they wouldn't be here this evening. I don't think they're just shot in the you know what with this particular project, but they understand that what you asked to be addressed in these new commitments did not go into the aesthetics, and I think that's why they're not here this evening. This agreement does not answer the question, and I know...still, as much as I feel they're giving everybody here the run around, and I feel very frustrated, and I feel very frustrated that your time is being wasted, I still don't want to see them being shot down on this rezoning. I just want to see it be done right. This is the time to do it. When this community commits to change from agricultural 50 acres to C-4 and set the wheels in motion for this development to run all the way to I-164, the time to do it is now. If it takes another week to get this thing right, let's get it right. But, it's not right, and it's just words on paper that are absolutely meaningless. We ask that you delay voting on this until we get it right.

President Fanello: Thank you, Mr. Shively. Chris, did you have anything that you wanted to add?

Chris Wischer: I can. I disagree. With all due respect to Mr. Shively, this commitment does do something that our prior covenant didn't do. It obligates, whoever those owners are when that road is built to pay for the construction of the road. It obligates them to do a traffic study, if the County Engineer wants one done. I've had discussions today with Danny Leek who's the engineer on this property about the traffic study, and you all have dealt with traffic studies before, traffic studies are somewhat arbitrary in that they look at a proposed development with a lot of assumptions and fact to come up with recommendations about what that person doing the study thinks will be necessary. It's, I understand where Les is coming from, but I certainly am not going to advise my client to obligate him to do everything that a traffic study says. That traffic study is going to come back, and it's going to say, based on what we know about the use, these are the things that are recommended. Everybody, all the planning folks at the site review, sub review are

going to have that information, our client is going to have that information. That will arm us to be able to sit down with the County Engineer and the other entities involved, and really look at what needs to be done. We hadn't committed to do that before, we've committed to do it now. I don't think that it needs to be done, quite possibly, every time we plat a lot. So, our thought, was we'll let the County Engineer say, when he has concerns about the proposed use, he can say when we do a traffic study. If he says we need to do a traffic study, we're going to have to do it. He may say it on every lot, then we'll have to do it. It's an expensive undertaking, but it's certainly worth it if it's important, if it's necessary for that development to ascertain what improvements need to be done. With regard to when the covenants were sent, I apologize to Les. You all will see on your e-mail it came from Tom Bodkin. I happened, I was in the office early on Friday, but I left and spent the day with my family, and had been told that it would probably be Monday, because John was gone, that we would send it, that it would be done, and the e-mail was sent, and I got in this morning and sent it to Les and to Krista. That gave them a day to review it, which isn't a lot more time than you all had, but with that being said, I apologize to Les for that. I don't think that should have any bearing on whether you act tonight. I don't think your time is being wasted. I think, I take umbrage at that comment. Put simply, let's just look from a practical standpoint, we've obligated that no access will be on Burkhardt Road, no access, except at three distinct locations. It's quite, my understanding, and John Stoll is here and he can speak to these issues, that Waterford and Florida will likely not be direct extensions of those streets, but simply entrance points, right turn lane only more likely than not. With this buyer that we have, and we're platting a small lot on the corner of Columbia and Burkhardt, we have no choice but to build Columbia. How else are they going to get to that property? It's simply a practical necessity that we build Columbia. And we're going to build it, it's in our contract that we have to build it. So, I want you to be assured that our client intends to do this right, we've done our best to give assurances where we could that we'll build those roads, and that's what we've done. Again, with that, we request your approval. I can answer any other questions.

President Fanello: John....does anybody have any questions for Chris? John, did you have anything that you wanted to add about the private covenant?

John Stoll: I can't really address what was said last week, since I wasn't here, but my understanding was that the traffic study was an issue. In that regard, like I said in the e-mail that I sent out, sometimes developers don't want to do those because of time and expense, and I've had one engineer for a developer say tell me what I need to build and we'll go build it, and get my project moving faster. Likewise, one's like Wal-Mart on the west side, for example, everything they did out there is the direct result of a traffic study. So, either way, as long as we can get the infrastructure improvements, I'm okay with it. Like Chris Wischer said, an individual lot may not warrant it, but as far as when the remainder of that property starts developing, if it's in groups of lots, or large, single developments, then it may warrant a traffic study at that point. Based on what's been done out there on previous developments, existing developments that are out there right now, I could give you a pretty good list of what I think is going to have to happen, and a lot of that was in that e-mail as well, as far as traffic signal modifications, turn lane extensions, road extensions, you name it. I think I could give a pretty good list of what would need to be done right now without a traffic study. However, a developer may dispute that and want to do a traffic study to say, no, I don't want to do those things. So, either way, a traffic study or not, as long as we can get the infrastructure improvements, I'm okay with this, and the original use and development commitment implied that the site review or sub review process would be the point where we could mandate

the improvements. So, I didn't see anything that made it impossible for us to get the improvements. Like I told Mr. Wischer this morning, the original proposal did not have a use and development commitment, and when that was provided it was a step better. With this private covenant, I think it's a step better still. I don't know if there's any legal loopholes, I don't know if you saw anything like that, Kevin, that would prevent the county from being able to mandate the improvements, but short of that, I was okay with it.

Kevin Winternheimer: I guess, the bottom line is, John, the county will not build a road. So, if somebody wants to develop on a lot, somebody's going to have to pay for it, but it's not going to be the county. The county will not build a new road for these people.

John Stoll: Right. It will need to be built to handle the traffic generated by that development.

Commissioner Crouch: Bev, is Area Plan also satisfied with the changes that were made?

Bev Behme: On the private covenant? We actually (Inaudible, microphone not on) the Commissioners and John. We can the use and development commitment, but not this private covenant.

President Fanello: I am just going to ask Chris one question. I think Mr. Shively does bring up a good point, after I re-read that paragraph, can you explain the wording of that, "at such time as the extension of Vogel road is actually constructed", I'm not-

Chris Wischer: Well, I guess, when it's built, they'll pay for it, is what it says.

President Fanello: Okay, well, it almost assumes that there's someone else-

Chris Wischer: Well, here's, let me tell you, and this has been, we've been up front with John Stoll in our conversations with him about, you know, this could be a long time in developing. You know, the, it may be the Hirsch's that own the property, it may be somebody else that's developing the property, and what that paragraph does is say that when the road is built, those property owners along Vogel Road or Columbia Street will be responsible for building that road.

President Fanello: But, it almost makes it sound like the road's constructed before their responsible for building the road.

Chris Wischer: Well, they're responsible for the cost. They're certainly not going to pay for it, they're responsible, I can see what you're saying. I think it's-

President Fanello: It's a little confusing.

Chris Wischer: I think it's a matter of semantics, and I think the key point is that the county is not responsible for the cost of the road. As Mr. Winternheimer says, the county is not going to build it. Whoever develops it is going to have to build it. Again, practically, it's got to be built. There's really not going to be anyway around it.

President Fanello: Kevin, do you have any...is it-

Kevin Winternheimer: I mean, I don't have anything to add other than that point, that when it's to be built, it's not going to be the county, it's going to be the people who are trying to develop behind, I guess behind would be the term, behind your client there, if it's not, in fact, your client. They are going to have to put that road in.

Chris Wischer: Right.

Kevin Winternheimer: Otherwise, they're going to have a piece of dirt there and that's it.

Chris Wischer: To go through the process, the use and development commitment says when we develop it, sub review/site review will dedicate the right-of-way. This goes a step forward, and it just says, at such time as the extension is contemplated by the dedication of the right-of-way, which is in the use and development commitment, at such time as that right-of-way is dedicated, as such time as the road within that right-of-way is constructed, it's going to be those property owners responsibilities to pay for it. That's what it says.

President Fanello: I think you could read it a couple of different ways.

Kevin Winternheimer: But, it's your intent, and you're drafting this, that either your client or your client's purchasers will pay for that road, is that right?

Chris Wischer: Absolutely. I don't know that I have a, what do you call it, a provision that says that the writing is the writing and that's all it is, is not in there, so in extent these representations could be incorporated into that bargain, or that covenant, you know, in the future if that needs to be implied, so be it. But, absolutely, our client, or successors, will pay for any construction of any road that we've set forth in here, Columbia or Vogel.

Commissioner Crouch: And you'll do so when the County Engineer deems, or site review or sub review deem that it's necessary?

Chris Wischer: To build it?

Commissioner Crouch: Uh-huh.

Chris Wischer: Certainly at the time it's developed it's going to have to be built. So, at the time, you know, I can't put a...development, I can't put a timetable on at what point, when we start breaking ground, then so many days after that we've got to build the road. I mean, we haven't thought, we don't know when that's going to be built. So, we've not put those timetables in there, but that's the intent.

Commissioner Crouch: Can we enforce intent?

Kevin Winternheimer: I'm sorry?

Commissioner Crouch: Can we enforce intent?

Kevin Winternheimer: Sure. I just want to clarify, in case it's on the record and this record is kept forever, so, when neither I nor you nor he are sitting here—

Chris Wischer: That's right.

Kevin Winterheimer: –at the time when this comes up to be built, they are on the record for what they intended that to mean.

Chris Wischer: That's right. Absolutely, it's our clients, and/or it's successors, as property owners along that extension responsibility to pay for that road.

President Fanello: Is there anyone else in the audience wishing to address the board?

Commissioner Crouch: I was going to ask your opinion.

Bill Jeffers: I'm not sure I'm going to express my opinion. I just have a question. I would like to play the devil's advocate and point out a situation, having been on the site review committee for several years, and the subdivision review committee for several years and seen how it's played out, and wiggled, and so forth, and how various applicants come up with their legal and engineering consultants and say, the code doesn't require us to do this. Area Plan Commission is saying, we don't enforce private covenants, and so forth. So, I'm just going to ask for someone's opinion on one example. What happens, as Mr. Wischer points out when the property is developed along one of these extensions of one of these roads that's not built yet, and the right-of-way is dedicated, but the clients on the north half of that right-of-way, on the north side of that right-of-ways says I only have to build half the road. Now, this has already happened. When Wal-Mart dedicated their half of Columbia Street, correct, Bev?

Bev Behme: That's right.

Bill Jeffers: They put up a letter of credit for their half of Columbia Street, but they wouldn't build it, because the other half lay on the Hirsch's property, and the Hirsch's wouldn't put up a letter of credit for the other half. So, that letter of credit languishes there as the price of construction, you saw the prices of asphalt go up year by year, earlier in the meeting, the prices of concrete do the same. The price of the labor does the same. So, when Wal-Mart goes to build, or when someone goes to build Columbia Street with the Wal-Mart letter of credit, I don't know just how far they are going to build it. But, my question is what happens when a buyer of a parcel of the Hirsch's property says, okay, here's my plan, but I only want to build half the street, because that's the half that serves me. The other half hasn't been sold yet, it still remains a part of the Hirsch's property. Who builds the other half of the street? It's not just the street, it's what lies under the street in the form of drainage infrastructures. I only want to put in my side of the drainage curb inlets and pipes. I don't want to have to make the connection to the rest of the system, because that's on somebody else's half of the right-of-way.

President Fanello: Thank you, Bill. Is there anyone else in the audience wishing to address the board?

John Stoll: I was going to say in regard to what Bill's talking about, he's exactly right, that is what's happened out there on Sam's Club. To carry that further, the lot behind Sam's, immediately east of Sam's, was parcelized rather than being included as part of the subdivision, because the subdivision, basically, expired. So, that was the reason why I was looking for a trigger in the use and development commitment that allowed the site review process to mandate infrastructure improvements. Which, my concern was, this same parcel of ground could be parcelized just like that was, then we would lose all leverage to try to get any kind of improvements. So, I

think the use and development commitment at least addressed that. In regard to the streets being built half at a time, if that same situation occurs on this one, I guess, the only leverage I could say that I would have would be I wouldn't sign the permit until a plan was presented to build the entire road. Whether or not that would be enforceable, and if it went all the way to court, remains to be seen, but that would be the leverage if somebody on the south side of Vogel came in and said I want to come in and develop this lot, and the person who owns the north side was not willing to participate, then I wouldn't sign their site review permit. Obviously, I wouldn't be able to bring a set of street plans in here. Short of that, I don't know what other mechanism we would have in place that would prevent the same problem we've got with Sam's from occurring again.

President Fanello: Thank you, John.

Commissioner Crouch: So, John, what you're saying is there's nothing we can do that could prevent that from happening. Is that what you're saying?

John Stoll: Going back on the wording of the private covenant, I don't know if that would give us the grounds to force both parties to participate, because the way the wording is in the covenant, to me it indicated that they would have to come to the table and build the road, because it says abutting and adjoining. If that was sufficient to force them, there again, I don't know how you'd force them to ante up and pay their share of it though.

Kevin Winternheimer: Well, you can always go to court to enforce the agreement, is the bottom line. I'm not familiar, totally familiar with the Wal-Mart situation, but it sounds like there are some different, factual differences, between that situation and this. In this situation, is the dedicated right-of-way all on their property?

John Stoll: Right, in this case.

Kevin Winternheimer: It sounds like Wal-Mart was a little bit different. It sounds like half was on one parcel, and half on another.

John Stoll: Correct.

Kevin Winternheimer: Therein was the dispute. Where I think that could be an important difference between that situation and this situation. But, yeah, we have a lot of leverage on the permit process to enforce this. The bottom line is we're not building the road, period. They are going to have to come to you and the Commissioners for various permits to get it done. We could stop them there. If that doesn't get the job done, then we could always resort to court for it.

John Stoll: And there may be some other loophole that I haven't thought of, or Bill, or anybody else on some way that somebody could find a way to go around the process and not build those roads. I couldn't think of it off the top of my head, but it could be out there. Like Bill said, we've seen many variations on how these things occur. In reviewing both the use and development commitment and the private covenant, I was looking at it from the perspective of trying to cover the county, but, likewise, work with the developer and their attorneys to give them the flexibility to develop the ground as they see fit. Usually, what the developers want and what the county wants, don't necessarily coincide. So, that's where it got to be a problem on trying to get it specific enough to cover the county's interests. Likewise, to give them their flexibility in how they want to develop their property.

President Fanello: Thank you, John.

Bill Jeffers: Very briefly, one more scenario. In other subdivisions where the developer builds the entire road and drainage infrastructure and then sells the individual lots. In this case, what if he sells a lot or two beyond what's been built? Then that developer of that lot comes in and says, well, the road hasn't been extended to the lot that I bought, and I'm ready to build, but the people that way from me haven't built the road yet, but the county entered into an agreement that prohibits my access. You know, inhibits my ability to access my lot. So, I want somebody to build that road. Somebody is responsible for giving me access to that parcel I bought so I can go ahead and develop now.

Kevin Winternheimer: This should be in his chain of title. I assume the legal description covers the entire parcel.

Chris Wischer: Right.

Kevin Winternheimer: So, when they bought that, he's on notice that the, as a sub-purchaser, he's responsible for it, that the county is not going to build him a road. That's not what we do.

Chris Wischer: Just to expand on that. The access limitation is in the use and development commitment, not the private covenant. Either way, whether it's in one document or the other, it's going to be in the chain of title, just as Mr. Winternheimer said. Any person who buys is obviously subject to those things that are in their chain of title, those restrictions. They're going to be on notice of that access restriction, and I think they would be hard pressed to claim that they didn't have reason to know about that access restriction. I would also like to, just one point I think I would like to clarify, when we were here last week, let me back up, the most likely scenario for this property is that it's subdivided. Through that subdivision process, certainly there are, letters of credit have to be posted, the roads will have to be built, they are all going to be internal, our client owns the entire property. Okay? What we tried to do was to assist the planners in the event that somebody would buy a larger portion and parcelize, which there was no protection. There's no protection in the ordinance for a parcelization. Even in the case of a parcelization, which would not be otherwise required by your ordinance, there will be right-of-way dedicated, and the party abutting the road will be responsible for its cost. There are always going to be scenarios we could think of that would come up that may put this to the test, but the more likely case is that we subdivide it. The reason we put these covenants in here was to give the extra protection, that even in the case of a parcelization and site review, the traffic study is going to be done, which otherwise wouldn't have happened, and that it's clear who's responsible for paying for the road. Because Mr. Winternheimer has said the county is not going to build it, somebody is going to have to build it. They are going to have to come to the table, or they have no road.

President Fanello: Thank you, Chris. If there are no more questions or comments—

Les Shively: One more comment.

President Fanello: Okay.

Les Shively: You know, I went to law school to learn how to draft documents so that they are clear and unambiguous and lay people know what their rights are. Not to create ambiguities that can later ripen into law suits. Why not get it right the first

time? Why do we have to have all this nuance on the record about what the intent is, what...say it in good old English what the commitment is so it's in the...right now it says we will build it when we build it. That's no commitment. Let's get it right. All this nonsense about these minutes, you know, these are outside the four corners of the instrument. Yes, maybe they can be used in court cases, but why create a situation that is going to invite interpretation five, ten, twenty years from now? Let's get it right the first time. Again, I don't want to see this rezoning defeated, I just want to see this document be placed of record to do what it was represented to do. Very simple.

President Fanello: Thank you, Mr. Shively. Chair would entertain a motion.

Commissioner Mosby: I will make a motion to accept VC-04-2004 with use and development and private covenant, and call the roll.

Commissioner Crouch: No.

President Fanello: I need for you to second it to get it on the floor, and then I'll roll call vote.

Commissioner Crouch: Second.

President Fanello: Okay. Roll call vote. Commissioner Crouch?

Commissioner Crouch: No.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: Are you sure you don't want to go back and do some rewording?

Chris Wischer: Obviously, if the Commission were to require some rewording, then we would take that time, and avoid a denial, then, certainly, we would have to do that. Otherwise, obviously, we would be barred for a year from bringing it back.

President Fanello: Well, and that's what I...Commissioner Crouch, if they came back with rewording on the construction of the road are you concerned with that?

Commissioner Crouch: Yes. I think the Surveyor raised a couple of good points. You know, we ought to look to avoid law suits, not invite them.

President Fanello: I don't want to have, for you to have to wait for a year, but if I go further, you're going to have to wait for a year.

Chris Wischer: Okay, well, that's fine. Absolutely.

President Fanello: I don't know, can I stop the—

Kevin Winternheimer: Well, they can rescind their motion and second, and have a new motion to hold it again. We're not in the 90 day window, or whatever?

Bev Behme: No, we're okay.

Kevin Winternheimer: We're okay on that?

Bev Behme: The Plan Commission voted July 7th, so we have plenty of time.

Kevin Winternheimer: Okay, we're good. We have time.

President Fanello: Because I don't think anybody's intention here is for you to be defeated for a year. I would hate to see that happen.

Chris Wischer: We don't want to be defeated.

President Fanello: Would—

Kevin Winternheimer: I forgot who made the motion.

President Fanello: Mr. Mosby made the motion to get it on the floor. Would you entertain rescinding that motion?

Commissioner Mosby: Sure.

Commissioner Crouch: Second.

President Fanello: So ordered. Why don't you tighten up the language on the construction of the road, and we'll put it back on for next week.

Chris Wischer: Okay.

Kevin Winternheimer: For the record, anyone who's interested here, we'll be back next week—

Chris Wischer: Next week.

Kevin Winternheimer: —at the regular Commission meeting.

Chris Wischer: Okay.

Kevin Winternheimer: So, we don't have to readvertise.

Chris Wischer: Just to clarify, so that I understand, we're talking about construction of the road.

President Fanello: We're talking about construction of the road.

Chris Wischer: Making sure that it gets built.

President Fanello: Yes.

Les Shively: I will assure the Commission, if we get that language agreed to, I won't be here next Monday evening, because we will have something that we've already signed off on (Inaudible).

President Fanello: Well, I think there's some good points raised here tonight. I really do, and, but I don't want to see you defeated for a year.

Chris Wischer: No. Again—

President Fanello: I don't think that's necessary.

Chris Wischer: It's always been our client's intention to develop this property right, and if we need to take a week, put some harder language in there to assure you that that's, you know, give you comfort that is our intent, then we'll do so.

President Fanello: Okay. Thank you, Mr. Wischer.

Chris Wischer: Thank you.

(The rezoning portion of the meeting was recessed at 7:32 p.m.)

President Fanello: Do I have a motion to adjourn the Commissioners meeting?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The Commission meeting was adjourned at 7:33 p.m.)

CONSENT ITEMS:

Jail Expenses:

United Consulting Engineers: \$20,832.79

Vectren Energy Delivery: \$17.59

Williams Brothers Construction: \$1,153,030.48

Great Lakes Hotel Supply: \$16,975.80

Peyronnin Construction Company: \$116,329.05

Mel-Kay Electric Company, Inc.: \$32,400

integrator.com: \$3,800

Travel Requests:

Health Department (1) SWCD (1)

Employment Changes:

Knight Township Assessor (1) Circuit Court (2) Burdette Park (2)

Voters Registration (1)

Requests for Telephone Service:

Weights & Measures (1) Circuit Court (1)

Treasurer: Submit Monthly Report for June 2004.

Auditor: Submit Financial Statement.

County Clerk: Submit Monthly Report for May 2004.

EMA: Indiana Citizen Corp Council Grant Agreement

Sheriff: Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Brad Ellsworth
Troy Tornatta	Royce Sutton	Bill Lockard
John Stoll	Dennis Hudnall	Gary Hohman
Chris Wischer	Les Shively	Bill Jeffers
Bev Behme	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 2, 2004**

The Vanderburgh County Board of Commissioners met in session this 2nd day of August, 2004 at 5:38 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 2nd. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; sitting in is Chief Deputy Auditor, Todd Hochstetler; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of July 26, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the July 26th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award APA020-2004: Toner and Ink Jet Cartridges

President Fanello: First bid advertisement and opening is APA020-2004, toner and ink jet cartridges.

Phil Lawrence: Good evening. I would like to, if you've got your...it's the legal sheets. Our recommendation is that we award the bid to Alpha Laser for both the cartridges and the ink jet, desk jet cartridges. They are not the low bidder, but they are the responsive bidder. Laser Tech, which is from North Carolina, was the low bidder, but we have a problem getting the empties back to North Carolina, and that would cause a major upheaval in my office and in several offices to have to mail them back. Now they are dumped in a drum downstairs, they come pick them up, it makes it a lot easier.

President Fanello: Are there any questions for Phil? Do I have a motion to approve his recommendation?

Commissioner Mosby: Motion to approve the recommendation.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award APA022-2004: Computer and Copy Paper

President Fanello: The next one is computer and copy paper.

Phil Lawrence: Yes, and I think we split that bid between Boise and Alpha Laser. Alpha Laser was the supplier last year. Boise was low on the regular 8 1/2" by 11", and Alpha Laser was low on the other paper. The recommended award is \$39,551 for Boise, and \$36,730 for Alpha Laser.

President Fanello: Any questions?

Commissioner Mosby: Motion to approve recommendation.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Phil.

Phil Lawrence: Thank you.

**Open RFP's for Engineering Services for Improvements
to Burkhardt Road-Virginia Street Intersection**

President Fanello: Next item is County Attorney, he'll be opening RFP's for engineering services for improvements to Burkhardt Road and Virginia Street intersection.

Commissioner Mosby: Motion to open.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Any proposals or bids from the audience? Seeing none. The first package is from American Consulting, Inc., and let's see where their address is, Indianapolis, Indiana. Am I looking for a price also? Just statements of interest, and experience and all that? Okay, so, I can just read them off, good. The next one is from the Schneider Corporation, and let's see, their address is also Indianapolis, Indiana. The next envelope is from Clark Dietz, Inc. of Evansville. The next one is from R.W. Armstrong, and their address is also Indianapolis. The next one is from Strand Associates, Inc., and let's see where they're from. They are from all over, the closest is Indianapolis, Indiana. The next one is from the Corradino Group, and their address is Evansville, Indiana. The next one is WTH Engineering, and they're from Indianapolis, Indiana. We've got one more. The last one is from Bernardin Lochmueller and Associates from Evansville. That's all we have.

Commissioner Mosby: Motion to take under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Final Reading of an Ordinance Providing Indemnification
for Sheriff's Deputies While Off Duty**

President Fanello: Next item is final reading of ordinance providing indemnification for Sheriff's deputies while off duty. Are there any questions?

Kevin Winterheimer: I just have one, you should have, hopefully, gotten an amended version. The only change was the numbering, thanks to Madelyn and her careful reading. I had a typo. It was changed to chapter 2.42. That was the only change. I did not change any of the textual language.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. I'll need a roll call vote on that, right?

Kevin Winterheimer: Right.

President Fanello: Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

Madelyn Grayson: I just had one additional question. Kevin, is it necessary to record this document?

Kevin Winterheimer: No, it's purely administrative. It's not necessary. We don't have to advertise it either, since it's purely administrative.

Discussion of Legal Aid Department Moving to C.K. Newsome Center

President Fanello: We do have one thing to add to the discussion items that was not on the agenda, and that is Sue Hartig's request to be here tonight to speak to the Commissioners. Susie?

Sue Hartig: Good evening. I'm Sue Ann Hartig, and I'm the Director of the Legal Aid Society. I've held that position since 1986. Here with me tonight, with the exception of one person who's on vacation is our entire staff. I would like to introduce them, since you've probably not met some of them. Garvin Senn, Karen Paulin, Vicki Boerner, Sonia Keepes. Also present are several of our board members, and I would like to turn the podium over to J.D. Strouth, who's currently our board president. He's a Commission appointment. After he speaks, David Kent, who's a Bar Association appointment, and David Guerrettaz, who's also an Evansville Bar Association appointment would like to speak. Also present who will not necessarily speak, unless you have questions are, Kelly Lonnerberg, Bowers Harrison; Karen Heard; Sheila Corcoran with Berger and Berger; Brett Elpers with Harding and Shymanski; and I there's no one that snuck in that I didn't see. Gregg Baker, one

of our Mayoral appointments is not here tonight because his mother passed away. Cathy Nestrick, a Bar appointment; Linda Williams, the Commissioners appointment; Wendy McCormick, a Mayoral appointment; and Alan Jones, a Commissioners appointment are not able to be with us tonight. So, I would like to turn the podium over to J.D.

J.D. Strouth: My name is J.D. Strouth, and I did want to address you all concerning a letter that you all should have received along about a week ago from the Legal Aid Society. I wanted to express the sentiment of the board of directors, a unanimous sentiment, that we are very concerned about the consideration of a possible relocation of the Legal Aid Society away from the Civic Center to the C.K. Newsome Community Center. We feel that it would not solve problems, and I know the original consideration would be to try to solve or alleviate our problems, instead it would actually create much larger problems. So, anyway, I wanted to come before you and express the unanimous sentiment of the board that we are very concerned about any consideration towards moving to the C.K. Newsome Community Center, and we'll have a little bit more specific discussion of that. Following up next is David Kent.

David Kent: Good evening. I'm David Kent, I'm a board member for the Legal Aid Society. I was also an attorney for Legal Aid the first two years of my legal career. I had the opportunity to speak with several Superior Court judges, as well as Judge Carl Heldt today regarding this issue. We just want to stress to the board, we know no major decision has been made, nothing is set in stone yet. We just really want to bring it to your attention that we, as our board, and the judicial staff believe it is necessary that Legal Aid remain in this facility. For a couple of reasons, number one being the Court View; number two, if you ever look at our statistics, I mean, the county provides a third of our funding. The amount of trips that we make to court as a society each year is amazing. That cannot be done moving to another facility. It's not to say that the C.K. Newsome Center isn't a fine facility, but for the projects that we do, for the work that we do for this community, it's imperative that we be close by, so that we can effectuate our mission, that is basically provided one third by this county. Therefore, we just really want to stress it to you all, and tell you once again that not only is it ourselves, the Bar Association, the judicial officers of this court believe that it's necessary that we remain close by. I'm going to let David Guerrettaz finish this up. We don't want to waste too much of your time. We greatly appreciate you giving us the opportunity to speak with you all tonight.

David Guerrettaz: Thank you. My name is David Guerrettaz. I am a partner with the firm Ziemer, Stayman, Weitzel and Shoulders. I'm very proud to be here on behalf of these people behind me, on behalf of the Legal Aid Society. My firm over the past 20 years has been a part of Legal Aid, in that one of our members of the firm, at some point in time over the past 20 years, has either been a member of the board, or has been president of the board. I currently am secretary of the board of directors, and have been on the board for the past two years. From a practical standpoint we learned about this impending move, or the recommendation, if you will, from the Building Authority, that perhaps Legal Aid Society should move to the C.K. Newsome Center, just last week. I know I speak on behalf of the rest of the board, and we were, to be quite frank, shocked when we heard about that, because the Legal Aid Society is an organization which is very tightly interwoven with many of the other agencies, not just here in the Civic Center, specifically the Prosecutor's office, but also the Clerk's office and the courts. To add some points to what David Kent had said, the law library as well. In order for the Legal Aid Society, which is run on a very tight, thin budget, a part of which we receive from the county, we are also a United Way funded organization. As you all can appreciate, we operate on very

finite, limited dollars. We have a very small staff, three attorneys, three legal secretaries, which last year handled over, as is commented in the letter you all received, over 800 cases. Part of the reason why they've been able to handle so many cases is because, as a practical matter, they're so close to the courthouse. They don't spend a lot of time in having to travel to and from the court. To prepare their case, they have the legal library right here. So, from a practical standpoint, we're very concerned that if this move goes through, by pulling the Legal Aid Society out of this building, and putting them over there in the C.K. Newsome Center, you're going to interfere, or their practice will be interfered with, and their costs are going to increase, necessarily, not just with respect to the moving costs, but with respect to changing their computers. David mentioned Court View, they have direct access to Court View, which means they can have direct access to the docket sheets, cases that are on file with the courts. Because they are on a limited budget, they have a lot of direct access, which helps, their direct access helps them in fulfilling the needs of legal services to the poor, and the underprivileged in this community. Unlike many other agencies, not all, but unlike a lot of other agencies here, United, the Legal Aid Society is connected with a lot of other agencies, and they depend upon their close relationship, not just in knowing each other, but in close physical proximity, the Prosecutor's office, the courts, the Clerk's office, library to get their job done on an efficient manner and as cheap a manner as possible. We're really concerned that if this move goes through, we're going to increase our costs, our overhead, which if we do that, given the finite dollars we get from Legal Aid, that's going to be a less amount that we're going to have to provide legal services to the poor and underprivileged. David had mentioned that the Evansville Bar Association is concerned. I spoke with Brian Williams, our president of the Bar Association, and although the Bar Association has not yet had a chance to convene their board to discuss this issue, they obviously are very closely involved and connected with the Legal Aid Society. He commented to me his concern, and strong reservations about the potential move, and asked me to ask the board. We don't know where this decision stands, we're hoping that it's still in the discussion stage, and not, you know, a foregone conclusion. If it's not, we would ask that some time be given for further study and look at this to see if perhaps there might be another agency, another program here that could make the move that would not adversely impact their budget, the services they provide, the quality of the services they provide, as much as it would Legal Aid. So, on behalf of the Bar Association, he's asked me to ask the Commission if we could have some more time to look at this and study it. On behalf of the United Way, I've spoken with it's Executive Director, Carol Braden-Clarke, today, she, likewise, because we receive a substantial amount of our funding from the United Way, is also likewise very concerned, has reservations about this. She made the point that in order for us to provide the services in an efficient, cost effective way as possible, we need to be as close as possible to the courts, Prosecutor's office, the law library and what not. So, I ask you to help us in at least reconsidering wherever this decision is, and help us to try to keep the Legal Aid right where they are, so they can keep doing the fine work that Susie and her other attorneys are doing. I appreciate very much your time in listening to us this afternoon. Thank you.

President Fanello: Thank you. Just to confirm, it is in discussion stages.

David Guerrettaz: Great.

President Fanello: This discussion came about because with the Health Department moving, we kind of have a little bit of a domino effect with a lot of offices around here. The city is trying to move some offices around, and we're trying to move

offices. So, it's discussions between the city and county. So, no final decisions have been made. When they are, they'll be final decisions by the board and the Mayor.

David Guerrettaz: Great. Thank you.

President Fanello: I encourage you to express your opinions to the Mayor as well.

David Guerrettaz: I appreciate that. That's encouraging. We will do that. All of us will. Thank you so much for your time. Appreciate it.

President Fanello: Sue, did you have anything else that you wanted to add?

Sue Hartig: No.

President Fanello: Okay.

Sue Hartig: Unless you have questions for us. I appreciate the time.

President Fanello: You're welcome.

Sue Hartig: Thank you.

President Fanello: Thank you.

Public Comment

President Fanello: Is there anyone else in the audience wishing to address the board at this time?

Bill Nix: Good afternoon, my name is Bill Nix. I guess, I'm representing the taxpayers of Vanderburgh County. With the recent talk of an additional pod added to the construction of the new jail facility, it is imperative that we get a handle on the current costs of the jail project. I sent you a letter this week outlining my concerns, actually it was last week. I'm not implying that there are any costs or schedule implications, but at this time I don't think myself or any of the taxpayers of Vanderburgh County have information to base a credible conclusion otherwise. I guess, I'm just here today to ask that these projects, and not necessarily the jail project, but the community correction project, the Eickhoff Road extension, any future projects be brought to this board, either on a bi-weekly or a monthly basis. I guess, the concern I have right now, and being in the construction industry, I realize there are change orders, there's things that happen during projects, and that's not unusual at all. I just think that as those change orders happen, as these things happen on these projects, they need to be put in front of the Commissioners. I don't know if you've got a copy of that letter in front of you.

President Fanello: I read your letter last week, and was actually going to respond.

Bill Nix: Okay.

President Fanello: This is a little bit of an awkward situation since you are running for office.

Bill Nix: I understand, right.

President Fanello: I don't want to say anything...I do think--

Bill Nix: The reason, let me, the reason why I sent the letter, I didn't want to come here cold.

President Fanello: Right.

Bill Nix: I wanted you all to be prepared to answer what questions we've got. I don't think it would be unusual at all to make sure that this information is presented to the Commissioners on a bi-weekly format, so that you all as Commissioners really should be on top of these projects to begin with. You should have answers to what's going on out there. I know that from time to time all three of you have committed time to go out to the job site for progress meetings and that, but, once again, it needs to be, in my opinion, and this is my opinion only, it needs to be presented in these meetings. I would like some input from you on that.

President Fanello: I would just say the progress meetings minutes are given to each Commissioner. Now, whether we were to have somebody from the construction site actually come out here, you're in the construction business, and you know that their time is money. I'm not sure that their time would be well spent in a meeting on Monday night.

Bill Nix: Have they been asked to do that? I'm not, once again, not necessarily just the jail project, but also the Eickhoff Road extension, any of the projects that we've got.

President Fanello: The only person speaking would be the Construction Manager, Mark Shireman.

Bill Nix: Okay.

President Fanello: Because he is overseeing the project on behalf of the Board of Commissioners per the contract signed.

Bill Nix: Has the question been asked?

President Fanello: We could ask the question, but, like I said, he does submit minutes after every meeting, and those are given to each Commissioner. I believe, I'm not, they may be put in the packet for the media as well, I'm not sure. They are put in the boxes, Patty White is confirming that they are put in the boxes and the media as well. So, they are more than free to publish those minutes at any time. Then, just to answer your question about the financial information, you know, the bids were opened last fall on the jail project, so, obviously, those are the prices of the project. As far as I can tell, I think we're about 30% to 35% into the project at this point--

Bill Nix: Okay.

President Fanello: --just based on discussion with the Construction Manager. I was out there about three weeks ago and spent about three hours out there.

Bill Nix: Okay.

President Fanello: But, you know, I guess, it's up to this board how they would like to treat that information. You know, we do get the minutes, so, I'm not sure what additional information—

Bill Nix: I guess, really, along with that, and I know you're not at liberty, or not necessarily at liberty, but you probably don't know exactly all the details as far as the scheduling, and I think that's important that everybody be abreast of the schedule on all these projects. Plus, the big thing that we find out in our business, is that change orders are important. There are change orders that are directed by the owner, and I understand that. There are change orders that are caused by design deficiencies, and I understand that, but those things need to be taken aside and made sure that there's a running total so that if you're using contingency money for change orders, that the job's 60% or 70% complete, and you're out of contingency money, you come back to the Council for more money at the end, what are they going to ask? So, that's the reason for, I think this needs to be put out in the open on every project.

President Fanello: I agree with you, and if there are any change orders, they will be brought to this board and approved. That's, as far as I understand it, that's the law. We can't change the contract price without change orders being brought to this board. You know, as far as the budget, there is contingency money set aside, as when we gave out the financial information, when we went through all this with the Council, there is contingency money set aside for the project. So, no change orders have been submitted to this board to date. If they were, they would be part of a public meeting.

Bill Nix: Could that be possible that change orders are done internally out there, and that you would not be aware of that?

President Fanello: There are no change orders done internally. I do know that when the project was bid out last year, there were allowances in each contract, as is a normal practice.

Bill Nix: But you should be, you should be brought up to date on those issues as they come about.

President Fanello: I think those issues have been addressed, if there are any, have been addressed in the construction progress minutes.

Bill Nix: Okay. I appreciate your time.

President Fanello: As far as I know.

Commissioner Crouch: Just a comment. I believe in March of this past year I did raise this issue that we perhaps have a representative come and give us reports like we did with the Centre, that we have that kind of schedule posted. At that time I was informed that there are meetings out at the trailer, the construction site, and I did go to a construction meeting that was very crowded, and my concern would be the liability to the public if they do go on a construction site. I think it's important that we give the appearance of being open and being public, and I certainly wouldn't object whatsoever to the Construction Manager coming on a bi-weekly basis, monthly basis and giving us a kind of an update. I would put that, if that helps the public, raises their comfort level, then, you know, I'm all for it.

President Fanello: I don't have a problem with that. What I would suggest is, because I don't know if the Construction Manager can get here, you know, what his schedule is, because they are on the job site. So, we would be asking them to come off on his own personal time, basically. But, if we could read the minutes as they are given to us, and maybe even go over them in the meeting, and if there are questions, we ask them to come and address specific questions. Because I think we're all aware that the project is on schedule, and it is scheduled to open in the fall of 2005. But, I just don't want to, I don't think there's anything wrong with reading the minutes in the meetings and talking about them, and if we have specific questions to ask them to come and address those questions to the board.

Bill Nix: Like I say, not just this project, but even the Eickhoff Road extension, now that it's underway. I mean, to make sure that those things are public, and that they stay in the public's eye. I think it's important. Thank you very much for your time.

President Fanello: Thank you, Mr. Nix.

Madelyn Grayson: Mr. Nix, do you have a copy of your letter, for the record, with you by any chance?

Bill Nix: The one that I sent to the Commissioners?

Madelyn Grayson: Yes.

President Fanello: Is there anyone else in the audience wishing to address the board? Seeing none. Moving on to old business.

Old Business

Commissioner Mosby: Do you have any old business? Yes, in light of what was brought up last week, and I know we've read about it in the newspaper this week with the new Jerry David purchases on the asphalt. There's a few points that I want to make here, and then I have one suggestion that I want to make. First of all, this administration, unlike others previous to this administration, did adopt purchasing guidelines for this county in 2002. This county should not be buying from a non-bidder, unless it is formally approved in a Commissioners meeting. Even though the County Attorney finds that there are exceptions to the general rule, the county should still make sure they're getting the best price possible. Further, the Purchasing Department and the Auditor's office may need to implement some additional controls in the future, to make sure purchase orders are not issued to non-bidders, and that bills are not paid or processed. The Board of Commissioners should be immediately alerted to these situations, if they occur. The Commissioners need an audit of contracts and material supplies to make sure all county departments are following the county purchasing policy that took effect in 2002. I'm not accusing anyone of any wrong doing, but I am concerned that this may be happening in other departments without our knowledge, and we need to know and correct the situation immediately. My goal in requesting this audit is to make sure that county departments are following the purchasing guidelines adopted by this board. I would suggest that we would do this in all the departments. What we need, I think, as a board, we need to come up with a checklist of purchasing policy guidelines. I would say that we do that as such, has the contract been signed by the board? Making sure it's legally signed and adopted. Did the expenditures exceed the contract amount? If so, were the amendments or change orders approved by the board? So,

that might answer one of your questions. Also on the materials and supplies, I would say that we make a checklist, and that it would be that the supply bought was from an approved bidder, and that it was purchased at an approved bid price. If it wasn't, then why not? I have went back and looked over the past week, and we did have Jerry David on the bid list from about 1996 all the way up until 2003. For what reason, he didn't bid in 2003, I'm not sure. As I say, I'm not accusing anybody of doing anything wrong. I don't think the County Garage or anybody else intended to do anything wrong, you know, in looking at the prior history. So, I did get the e-mail from Dennis Hudnall this week where he had went back and pulled a lot of information. I know Dennis had a medical situation today, and I had talked with him over the weekend again, and he couldn't be here tonight, but, you know, in light of what has happened, I think we do need to talk with Purchasing, and I think we need to talk with the Auditor's office too. We need to see that there are P.O.'s, and if it's not on a bid, why did the P.O. get purchased, and why did we pay the bill?

Commissioner Crouch: I think, I agree that we do need to look at those issues. I agree with you, Commissioner Mosby. You know, in the course of the conversation last week it was mentioned that we have special purchasing provisions in the statute that allows us to make purchases when it saves taxpayers money. In light of that I did speak to the Attorney General's office, and requested their opinion regarding special purchases, and they cited IC5-22-10-3, which states that;

"A purchasing agent shall maintain the contract records for a special purchase in a separate file. The purchasing agent shall include in the contract file"--

And this is what they really stressed;

"--a written determination of the basis for the special purchase and the selection of a particular contractor."

So, I agree with you in that there needs to be an audit. In order to ensure that we're following the law properly, I will make a motion that the State Board of Accounts audit our records regarding the purchase of asphalt materials for 2003 and 2004, and recommend any policy changes to us.

President Fanello: Well, I don't disagree with your motion entirely, but the State Board of Accounts already has audited us, and we've paid over how many thousands of dollars each year for them to audit us? We've never had an opinion on that. What I think Commissioner Mosby's suggesting is that we as a board, and I think that's what we should do, all three Commissioners should go and audit every department in this county. Because that is under our statutory authority to do so. So, in order to save the county money, instead of having the State Board of Accounts do it, why don't we do it? We do the checklist, like Mr. Mosby suggested.

Commissioner Crouch: Well, and certainly we can do that, but I think that if we ask the State Board of Accounts to look at this specifically, it will be an issue that they do look at specifically. We are paying them money, and we may as well get their opinion. They are bi-partisan, they aren't a political board, and I certainly agree that they would look at it and render a decision to us in terms of whether we're following the law, and what we need to do differently in the future.

President Fanello: Probably part of my question to the State Board of Accounts would be why have they not caught this in the past? Commissioner Mosby

mentioned that this had, you know, Jerry David had been an approved bidder since '96, and, I guess, I would like to know why they had not caught it? I mean, that's an interesting question, because we did pay them, I think, about \$10,000-\$13,000 to do our county audits each year. I've sat in on every audit meeting when you were Auditor, and sat in on the last one with Bill Fluty, and there has never been an audit opinion of this by the State Board of Accounts. I have no problem with them looking at it, but I do want each Commissioner to look at it also. I want each Commissioner to audit not only the asphalt, I want every department audited.

Commissioner Crouch: Is that a second to my motion?

President Fanello: If you amend it to say that each Commissioner will audit every department in the county in the next 60 days, then, I will second your motion, but I want an audit of every department.

Commissioner Crouch: How do you propose going about doing that?

President Fanello: I think Mr. Mosby proposed it quite well, coming up with a checklist.

Commissioner Mosby: I would say that we come up with a checklist, and we just start looking at all the contracts and all the supplies and materials. We'll have a checklist and make sure that everything is being followed down the line. If it's supplies and materials, then we'll make sure, you know, that we are using an approved bidder, and that we are paying the approved price. If we're not paying the approved price, then why? I don't think it would be that complicated.

Commissioner Crouch: I don't have a problem with that. Because I do think this whole conversation and discussion begs the question of who authorized.

President Fanello: I think that's exactly correct. Since purchase orders are issued by the Purchasing Department, and bills are paid by the Auditor's office, there is an inherent responsibility in both of those departments to issue P.O.'s to only bidders. There's an inherent responsibility in the Auditor's office to only pay claims to those who are approved bidders or approved suppliers of the county. So, we may need, as Commissioner Mosby said in his comments, we may need to implement additional controls in the county to make sure these things aren't happening. But, my suggestion is that we just start in alphabetical order, and, you know, not picking on the Assessor because she's in the audience, but starting with the A's and working all the way down to the T's, the Treasurer, and audit every department in the county.

Commissioner Mosby: Mine's a motion.

President Fanello: Your's is?

Commissioner Mosby: Yeah.

Commissioner Crouch: And that includes State Board of Accounts?

Commissioner Mosby: No. I'm saying that we do it. I think it's something that we need to take the time to do.

Commissioner Crouch: I would be happy to second your motion, and then I would like to have my motion voted on also.

President Fanello: Have you checked with them on a price to do this?

Commissioner Crouch: Oh, I think, if we request it in writing, they will take a look at it.

President Fanello: They will take a look at it at no charge? Okay.

Commissioner Mosby: At no charge, I would go along with that.

President Fanello: Yeah, as long as it's at no charge.

Commissioner Crouch: Well, we're paying for them to audit our books.

President Fanello: I know we've already paid them to audit 2002 and 2003, and I'm concerned that the taxpayers have already spent \$10,000 to \$13,000 each year to audit our books. Are they going to charge us, because they didn't write an opinion on this in 2002 and 2003, I do not want us paying any additional money. As long as they will do it free of charge, I think it's an excellent idea.

Commissioner Crouch: I think that they will do it free of charge for 2004, and they will probably look at 2003 in the process, but I think that we should stipulate that if there's going to be an additional charge for the 2003 that we won't pay that, and just have them look at 2004.

Commissioner Mosby: That's fine. I mean, we can make them aware, and when they do the 2004 audit, but I'm saying we still need to look at it so that it doesn't happen again. I mean, the County Garage knows not to buy any material from Jerry David at this point. I mean, we have corrected that situation as soon as it was brought to our attention. Why they were buying there, I don't know, but why did Purchasing or the Auditor's office not stop it? I guess, that's the one question I still have, and maybe that's where we need to implement some guidelines. For some reason these are slipping through.

Commissioner Crouch: You know, I brought up the whole issue when Mr. Lawrence was here last week. I wish we would have had him stay to at least have some input on this.

Commissioner Mosby: Like I say, the only thing I can think is that they've been purchasing from them since '96, maybe Purchasing never told them to stop buying, I don't know, but that's what we need to find out. As I said, I'm not accusing anyone of doing anything wrong. It's just we've caught it, it needs to be corrected, and I totally agree with that. I know the Garage would like to correct it right away. So, I just say that we sit down and look at it and see what we come up with.

President Fanello: How far are you wanting to come back in doing your checklist?

Commissioner Mosby: I would say we go back to 2002 when we enstated the county policy.

President Fanello: That's probably a good idea.

Commissioner Mosby: I mean we started in 2002, I mean, this Commission set up the purchasing policy in August, and we need to go back probably to 2002 and go to present, and make sure that, you know, everything has been—

President Fanello: So, you have seconded his motion. You still have a motion on the table. I'm making sure we've got all the motions taken care of.

Commissioner Mosby: I will second hers as long as there is no cost.

Commissioner Crouch: Additional cost.

Commissioner Mosby: Additional cost to the taxpayers of this community.

President Fanello: Okay. Would you like us to write a letter to the State Board of Accounts as a whole? The board? Okay. Why don't we, Patty White is in the audience, why don't we have her draft a letter and she can send it to all of us for approval. I'll say so ordered on both motions. I think it's an excellent idea for us to go back and check our policies and procedures. Is there any additional old business?

New Business

President Fanello: New business? Seeing none, moving on to department head reports. County Engineer.

County Engineer

John Stoll: First I have an electric line and gas pipeline easement on the jail property. This is for Vectren to have utility access for the community corrections building. I ran this past Bernardin Lochmueller and they were okay with it as far as the location of the easement. So, I would request that the easement be approved.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request that on parcel eight on the Oak Hill and St. George project, that the offer amount be increased by \$1,500 to a total of \$4,200. This is on the Keith Wayne Holder property. The reason for the increase is to address the removal of a large tree. I would recommend that this be approved.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is a request from the YMCA to use Waterworks Road for a 10K walk/run on September 11th. This is the same basic request that they submit every year for their annual walk/run, and they will submit a certificate of insurance, and they will work with the Sheriff's Department for traffic control. So, I would request that this be approved.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Reggie Haskins: Reggie Haskings, County Highway. As you know, Dennis couldn't make it for medical reasons. I don't have any new business to present. I'm open for any questions.

Commissioner Crouch: This isn't probably a question for you, Reggie, but, Kevin, did Dennis get to you a copy of a letter? Remember we had talked about a letter that he was going to draft up and get to you to send to the companies, the asphalt companies asking if they would dispose of the asphalt if we had extra in case of an emergency?

Kevin Winternheimer: I haven't seen it. It could be in my faxed file to go through, but I haven't seen it yet. So, if he's sent it--

Reggie Haskins: He's working on that.

Kevin Winternheimer: He's working on it? Okay.

President Fanello: Are there any other questions for Reggie? Thank you, Reggie.

Reggie Haskins: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: I just have one matter. About a week or two, I guess, two weeks ago I came to you involving a, I'd been contacted by a realtor to have an individual purchase a piece of property down Old Henderson Road. It's come to my attention since that time, that that same individual, not the realtor, but the client, the county has sued over an issue of doing work on their building without building permits. I would ask for, I didn't realize we were one in the same, well, actually, that issue came up after I had gotten permission to sell, to start the process. I would like to hold up on the process. In talking to the Building Commissioner, and I don't want to get into the facts of the case, but this individual is doing work, and just doesn't seem at all interested in doing what the Building Commissioner told him he needed to do, and get the desired permits and so forth. So, since we're in litigation with him, I don't really see any need to do him any favors at this point. I would just like to put that whole process of selling the property on hold until we get the other issue, of him doing the work on his house without any permits resolved. We tried to work that

issue out, and there was no working it out, he left us no choice but to file suit. The Building Commissioner has also issued a stop work order, and he totally ignored that. So, with your permission, I would like to just put the issue of selling the property on Old Henderson Road, I've forgotten the address, on Old Henderson Road, just put it on hold until we resolve this other matter. That's the only issue I have.

Commissioner Mosby: Do you need a motion?

Kevin Winterheimer: Yeah, I think that would be appropriate.

Commissioner Mosby: I'll make a motion to put it on hold.

Commissioner Crouch: Second.

President Fanello: So ordered.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late pink slip to the consent items. I got it today from the Co-Op office.

Commissioner Mosby: Motion to add pink slip.

Commissioner Crouch: Second.

President Fanello: So ordered. Is that all that you have?

Tammy McKinney: Yeah, that's all.

President Fanello: Did everybody see the memo in there about the polling places?

Tammy McKinney: I just wanted to give everyone an update on what I talked to, and (Inaudible).

President Fanello: So, we probably need to make a final decision at some point in time.

Tammy McKinney: Right, and I would like to defer that, because we're still kind of--

President Fanello: Still gathering some information?

Tammy McKinney: Uh-huh.

President Fanello: Okay.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. Our Discovery Lodge, our camp and day camp ended last Friday. That was the last day for the kids this

summer. The aquatic center will be open until next Tuesday, daily, then we will be shut down then, and just open on weekends for the rest of the summer through Labor Day, due to the short school, or summer that the school schedule leaves us. Other than that right now, I don't have anything other than my work sheets that I turned in.

President Fanello: Are there any questions for Steve? Thank you, Steve.

Steve Craig: Thank you.

President Fanello: We seem to be having technical difficulties here.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer reports?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: And a motion to accept consent, amended consent items?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. ¹

¹Consent items listed on page 19.

**VANDEBURGH COUNTY
REZONING BOARD
AUGUST 2, 2004**

The Vanderburgh County Rezoning Board met in session this 2nd day of August, 2004 at 6:24 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The continuation of rezoning petitions from July 26, 2004 were resumed during the course of the regularly scheduled Commission meeting.

**Final Reading: VC-4-2004
Petitioner: Hirsch Family Limited Partnership
Address: 1501 North Burkhardt Road
Request: Ag to C-4 with UDC and Private Covenant
Action: Approved 3-0**

President Fanello: We'll move on to our continued rezoning, VC-4-2004.

Chris Wischer: Good evening, Chris Wischer, Bamberger, Foreman, Oswald and Hahn here on behalf of the petitioner, the Hirsch family limited partnership. David Hirsch, of the Hirsch family limited partnership is here with me tonight. You will recall that last week we were here, we continued the meeting for us to do some more work on our private covenant, which we have done. We've circulated that this morning. I sent a copy to the County Attorney, to each Commissioner, to the County Engineer, to the two remonstrators who've appeared, to their counsel, Les Shively and Krista Lockyear. I believe that we've reached, we've come to you with a covenant tonight that everyone is happy with, or at least can live with. I want to go through with you briefly what's different about this covenant than what was before you previously. I have additional copies, if anybody needs a copy.

President Fanello: Can you go ahead...I don't have mine in front of me. I didn't bring it. Thank you.

Chris Wischer: I would like to say too, the language with regard to the road construction, both Vogel Road and Columbia, which are paragraphs one and two, do contain some language that does incorporate, to some extent, some language by Mr. Shively, and I think he'll speak after I'm finished and tell you that his client is happy with the way that this covenant is now. The main difference, I think, that you'll find is we've added language to the covenant that requires, in addition to the dedication of the right-of-way, that it does provide that the property owners along the extension will build, will construct or cause to be constructed the road, as opposed to simply saying they will pay for it. In addition, we had put in that the road will be constructed to county standards, such that it would be accepted for maintenance by Vanderburgh County. I think the most important line that was added is the final sentence of each paragraph, which essentially provides that no lot or parcel along those extensions or that requires those extensions for access to the property will be put to commercial use until such time as the road is built. That answers the question about when is the road going to be built. Essentially, the client can't use the property, at least the portions there that would be serviced by those roads until such time as they are built. So, it requires, ultimately, that they be built. Traffic study, one addition there, we still have it that a traffic study would be required if deemed necessary by the County Engineer. In addition, any recommendations in the traffic study will be implemented to the extent reasonably required by the County Engineer. So, essentially, I think that will assure that if the traffic study does put forth reasonable recommendations, and your County Engineer says that they need to be done, we're going to be in a position where they have to be done. That's, in a

nutshell, the difference in the covenant. We've really, I believe, worked hard to come up with a covenant that will satisfy the county's concerns as well as the concerns of Mr. Shively's client in particular. I would like to say too, on the record, that I did speak with Krista Lockyear, their position has not changed since last meeting. With that, we request your approval.

President Fanello: Thank you, Chris. Mr. Shively, would you—

Les Shively: Just briefly, on behalf of Regency, you know, you don't always get everything you ask for, but this is pretty darn close. This is consistent with the spirit that we think needs to happen out there. We really applaud the Hirsch family for being patient and allowing this to happen. We thank you all for giving us the time to do that. We ask, we wish the best of luck to the Hirsch family and their development, because everybody wins out there when things move forward and they're done correctly. I just wanted to add that I think procedurally, whatever motion you make this evening, not to be presumptuous, but assuming that it is a motion to adopt, that it be subject to the use and development commission, commitment, as it came out of the Plan Commission, and also subject to the private covenant. I would make sure that the record reflects that.

President Fanello: Are there any other, or, I shouldn't say any other. Are there any remonstrators in the audience? Okay, seeing none.

Commissioner Mosby: I will make a motion to adopt VC-4-2004 with use and development commitment and private covenant signed by this body.

Commissioner Crouch: Second.

President Fanello: So ordered. Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. Rezoning passes.

Madelyn Grayson: Commissioner Fanello?

President Fanello: Yes.

Madelyn Grayson: Is it the Commission's desire that I record the private covenant in conjunction with the ordinance? Because I don't have enough recording money.

Les Shively: Mr. Wischer and I were discussing that, and (Inaudible) Mr. Winternheimer that there's a time period that pertains to the (Inaudible) expires (Inaudible). So, that being 30 days from today. So, you can go ahead with the ordinance, but the covenant—

Kevin Winternheimer: Well, there were no remonstrators.

Les Shively: Well, I understand that.

Kevin Winterheimer: We can talk, I'll let you know.

Les Shively: We'll work on it.

Chris Wischer: We'll work with the County Attorney on—

President Fanello: Do you have a final copy of this?

Chris Wischer: For the record, our pledge is...it is executed, I have the executed copy.

Madelyn Grayson: I don't have a copy of that. I've got a copy that doesn't have any signatures on it.

Chris Wischer: I've got a signed copy. It needs to be notarized.

President Fanello: Okay.

Chris Wischer: We plan on recording it. We thought 30 days, we'll talk to the County Attorney about that, but you have our representation that it will be recorded.

Les Shively: I will make sure it's recorded.

President Fanello: You know, I have no doubt about that. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:33 p.m.)

CONSENT ITEMS:

Travel Requests: SWCD (1)

Employment Changes:

Sheriff Department (6)

Co-Op Extension (1)

VCCC (1)

Burdette Park (3)

Superior Court (1)

Commissioners: Jobe's Lane Semi-Annual Report.

Superior Court: Juvenile Accountability Block Grant Agreement.

Sheriff: Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello
Bill Fluty
Madelyn Grayson
J.D. Strouth
Bill Nix
Steve Craig
Bev Behme

David W. Mosby
Kevin Winternheimer
Phil Lawrence
David Kent
John Stoll
Chris Wischer
Others Unidentified

Suzanne M. Crouch
Tammy McKinney
Sue Hartig
David Guerrettaz
Reggie Haskins
Les Shively
Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 9, 2004**

The Vanderburgh County Board of Commissioners met in session this 9th day of August, 2004 at 5:35 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 August 9th. Introductions are as follows: to my right, Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, County Attorney; Commissioner Mosby; to my left, Commissioner Crouch; Auditor Bill Fluty; and Recording Secretary Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Fanello: We have some Boy Scouts that are going to be here tonight, so we may have to say the Pledge again. Good evening, I would like to welcome our Boy Scout Troop 399 from Sacred Heart. We had started the meeting already, but we're going to start again for your benefit just so that you can kind of get an idea of how we call to order our meeting. So, I'll call to order Board of Commissioner meeting, August 9th. Introductions: Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, County Attorney; Commissioner Mosby; to my left Commissioner Crouch; Auditor Bill Fluty; and Recording Secretary Madelyn Grayson. Would one of you like to lead us in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of August 2, 2004 Commission Minutes

President Fanello: The first item that we have is the approval of the August 2, 2004 minutes.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. We don't have any bid advertisements or openings.

Association of Indiana Counties Conference

President Fanello: Our first discussion item is the Association of Indiana Counties conference. As both Commissioners probably know, you probably received the registration flyer in the mail, but I have been sitting in on the host committee and Patty and I have been going to the meetings and I have a couple of things that I would like to enlist both of the Commissioners' help on. I'm sure you probably both had planned on being there, but we do need to get volunteers for that week starting Monday, October 4th through...what is that? Through Wednesday, October 6th. They've given me an idea of when we need volunteers. The one question that arose this afternoon was were we going to let county employees, if they volunteer to work at the conference, off from work. So, I guess, I just need some input from the board. But that comment had been made by one of the other county offices, and I just want to make sure that we pass that as a county policy, so that nobody gets in trouble.

The conference is pretty big and we're bringing a lot of people here to Vanderburgh County.

Commissioner Crouch: How many volunteers are you talking about?

President Fanello: She's asked...well, between all of us, everybody that's on the host committee, Patty, do you have a total number? I know my commitment is to find 17 volunteers. Yeah, we've got...Marsha Abell is on the committee and Z. Tuley. I did not go through here and count every one of them. I want to say no less than 50 or 60, but they are at times during the day, sometimes in the evening. So, I guess, it is up to us how we want to handle it, but I just want to make sure that everybody is following the same policy so that everybody is okay. I just...Patty got this in the mail and I read it and I about had a heart attack, because that's the week of the fall festival also.

Commissioner Crouch: Do we know what other counties have done in the past?

President Fanello: They have always just retired or I don't know about the employee issue, if they have let employees off work. We can check. Patty tried to call Kelly Tingle who is charge of the marketing for the AIC and she did not answer her cell phone or office phone and Patty is going to try her again in the morning. So that is a question we can ask if we want to wait and vote on it after we find out the answer to that question.

Commissioner Crouch: That might be helpful. What if...I guess the other question is what if we do allow county employees to have time off to work there and we have 400 that want to work?

President Fanello: Well, I don't think we're going to have that many, but I mean this is the number of employees or volunteers they need. So, I don't think they need that many, but it still is an issue. The other issue that Patty and I were a little surprised about was that they put in here that the volunteers who sign up also need to register for the conference. Well, I know that people do not have enough money to register for the conference and neither does the county. So, I think that is not going to fly, with me anyway, but we were going to check with Kelly on that as well because I can't see how we could afford that.

Commissioner Mosby: No, I wouldn't agree to that. As far as I guess volunteers, they only need so many. So, I mean, once we had our quota filled it wouldn't be like there would be two or three hundred people wandering around. I would like to see what other counties have done in the past or what we've did in the past when we've had the convention. I don't even know. I don't remember the last time the county convention was here.

President Fanello: It has been a while since AIC has been here. In fact, somebody reminded me that the county actually gave them money at one time and I don't think we have the money to do that either. But Patty can certainly call the other counties and find out what they've done. It happened so late in the day that she tried Kelly, but she couldn't get her.

Commissioner Crouch: I guess that is probably what we ought to know. Is there any kind of a legal issue, Kevin?

Kevin Winternheimer: No, not as long as the Commissioners authorize it. Of course, you make it subject to the department heads' approval. They can't lose key personnel and that's too bad, no matter who is requesting it. But, no, if you approve it, I don't see any problems, if you add that the department head says it's fine.

Commissioner Crouch: I hate to put you on the spot, Bill, but as an officeholder with a large office would you see it as being a problem in terms of us getting people? Or if they were to volunteer you allowing employees off?

Bill Fluty: I guess, being a larger office, I guess, I could afford to have a couple off.

President Fanello: It's like in three and two and a half hour increments it looks like.

Bill Fluty: I think that might be difficult in smaller offices who had two or three, but I guess we can run it by and see if we have any volunteers.

President Fanello: Right, we may not even get any volunteers.

Bill Fluty: Madelyn is interested if you'll have a Commissioners' meeting that night, if she is planning on volunteering.

President Fanello: Well, that is another issue. That's another issue I wanted to bring up because that is...I believe that is welcome and I am sure all the Commissioners want to be at the welcome reception. So, that was another issue that came up, were we going to cancel our meeting.

Commissioner Crouch: I'd say we probably should.

Commissioner Mosby: Yeah, I would say we try to get everything in the week before that we know is coming. If not tell them it would be held to the next week.

President Fanello: You want to go ahead and make a motion to cancel that meeting that night? That is Monday, October 4th.

Commissioner Crouch: I'll make a motion to that effect.

Commissioner Mosby: Second.

President Fanello: So ordered. Like I said, I'll have Patty check on the volunteers and then once we come back next week and find out the answer to our question if each of us could look for volunteers or ask different offices or we'll put a feeler out to all the offices and see if they are interested. Patty and Tammy could also work on that. The other thing they wanted me to make everybody aware of is the golf outing that day. I think it came with the flyer, but she gave me some extras to hand out. So I'll just make sure...and then she did give me a sign in sheet for the people who are going to volunteer, what day they are volunteering and for how long. I think that's all I have on that. Oh, one more thing. Let's see, the door prizes. She has asked us to get door prizes. I was assigned eight door prizes for our counties, so if either one of you could help, twenty dollars or more. Gift certificates or anything that might be a nice little handout at the conference, but she has asked all the host committee people to try and get door prizes.

Commissioner Crouch: So the Commissioners need eight?

President Fanello: Yeah, total of eight.

Commissioner Crouch: Twenty dollars?

President Fanello: Yeah, valued at least twenty dollars to kind of make it worthwhile. We asked her about gift certificates at the restaurants here because a lot of these people may not be coming back to Evansville, so she thought that was still okay that some of them would, you know, use them while they were here or come back or whatever. So whatever you can find for twenty dollars or more. I think that's all on that. As soon as Patty finds out she can email all of us what is going on.

Purchasing Policy Audit Questionnaire

President Fanello: The next item on the agenda is the purchasing policy audit questionnaire. I had put that together last week after all our discussion on Monday night about auditing the different departments for our purchasing policy ordinance, specifically auditing for contract compliance and also for materials and supplies. Hopefully looking for things...well, not hopefully. Hopefully we don't have any situations, but looking for things that might have got through the system and looking to see where we might need to place additional controls on maybe...or ask the Purchasing Department and Auditor's Office to maybe place some additional control so we don't lose track of things that happened last week with the non bidding situation. Does anybody have any questions or anything they would like to add to the questionnaire?

Commissioner Mosby: I don't.

President Fanello: I did speak with Phil Lawrence last week and he assured me that from this point forward...I really stressed to him that I thought that they should on their requisition make sure that they know whether this was an approved bid or a special bids as a supply situation. So he is going to implement that procedure in his office to make sure that something like this doesn't happen again.

Commissioner Mosby: Do you need a motion to approve?

President Fanello: I think we should, and I think as we get the information to audit, Patty has requested a disk and the Auditor's has sent up a disk with all those years' information on it. So, what we can do is go through these specific types of line items and pull information, and I think just each Commissioner should look at the information and sign off on the checklist that it met county purchasing policy requirements.

Commissioner Mosby: I'll make a motion to approve the questionnaire.

Commissioner Crouch: Second.

President Fanello: So ordered.

Contract and Agreement Checklist

President Fanello: The next item is the contract agreement checklist. Commissioner Crouch had submitted this for the agenda.

Commissioner Crouch: While we were talking about what we do to catch things after they leave here, you know, this was something that I thought perhaps might be helpful for offices when they submit an agreement or contract for our approval. It could be something that we can either send out to them or it's something that we can give them when they bring it to fill out. I don't believe that we need to put any extra work on the Commission office, and certainly if there are any other thoughts, suggestions, changes, etc.

President Fanello: I think it is probably going in the right direction. I just don't want it to become...I want to make sure everybody continues to read the contracts. I guess I would have a question for Bill Fluty. Would this be helpful for your office in order to initiate a filing system of some sort. I don't know how you keep them right now and how easy it is to pull them out when you need them.

Bill Fluty: I think this would be very helpful, even though we do keep track of them at this time, this just goes through all the procedures and all the things that we need answered on in this document. So you can go to this document and see...shop one place and look at this and tell what you have. So I think it is going to be very helpful.

President Fanello: Okay. Do you have any comments or questions? I don't have a problem using this. I think you're right. This should not be something that the Commission fills out. This should be something that the department head fills out. I just want to make sure the Commissioners are still going to read the contracts, so this is not in place of reading the contract, but as long as it is helpful to the Auditor's Office in filing, I don't have a problem with it.

Commissioner Crouch: I'll make a motion to approve the contract agreement checklist.

Commissioner Mosby: Second.

President Fanello: So ordered.

Waiver of Centre Rental Fee - Terrorism Scenario Workshop

President Fanello: The next item is the waiver of the Centre rental fee for the Terrorism Scenario Workshop. Southwestern Indiana Disaster Resistant had submitted a request for a waiver for room rental fees at the Centre. Any questions?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pigeon Creek Greenway

President Fanello: Then there is also a request from Shirley James from the Greenway project. Shirley stopped by and was in the office last week and I told her it would probably be better if she wrote the Commissioners a letter requesting...she wanted to request that money that we had given them last year, I think was specifically of construction of some sort, she wanted to be able to use it for whatever they needed it for, whether it be design fees or office expenses or whatever and I told her it would probably be better to get that approved by the board. So any thoughts?

Commissioner Crouch: She makes, and part of it may not be clear to me, you may know the answer. She speaks or references former designer and then current designers. Is she asking to use a specific designer? I don't even know who their contract-

President Fanello: Their contract was with Storrow and Kinsella, and I think now she mentioned when she was in the office that Bernardin Lochmueller was working on the project. But I'm not exactly sure if they, if they are the designers. She made reference that they weren't the same type of designers and Storrow and Kinsella. So I'm not sure. I know that was discussed with the city and the Parks Department, but I'm not sure what resolution they came to as far as who was the new designer.

Commissioner Crouch: So this is not asking for us to endorse spending money with one contractor or another?

Commissioner Mosby: No.

President Fanello: No, she's asking for discretion to use the money as they see fit.

Commissioner Mosby: I talked with her on the phone for probably 30 or 45 minutes and what it is is they have had some land donated to them and they're wanting to jump ahead and try to get a design on this so that they can keep things moving and be ahead of the game. We gave them this money and they just want to be able to use it. I think she did mention Bernardin Lochmueller as one of their designers, so I think that's what she needs. Evidently our money is earmarked for something specific right now and she wanted to be able to use this. I don't have a problem with it. I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So order.

Appointment - Southwestern Indiana Mental Health

President Fanello: The next item is the Southwestern Indiana Mental Health board appointment. Suzanne, you have served on that. Do you want to continue to serve on that board? Okay.

Commissioner Mosby: I'll make a motion to reappoint Commissioner Crouch.

Commissioner Crouch: Second.

President Fanello: So order.

ACS - Supplemental Service Agreement

President Fanello: The next item under Commission contracts is the supplemental service agreement for the Judicial System Technologist. If you'll remember we kind of held that until we made sure that the judges signed off on that and I think each of you have a letter in there from Judge Knight. Were there any questions?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Sure.

(Tape Change)

Public Comment

President Fanello: Okay, now we come to public comment. Is there anyone in the audience wishing to address the board at this time? Seeing none, we'll move on to old business.

Old Business

President Fanello: Do either Commissioner have any old business?

Commissioner Mosby: I had an opportunity to talk with Les Smith out at the jail project last week, and told him that we would like for him to come in and make a presentation. Not only Mr. Smith with the jail project, but I think with Eickhoff-Koressel moving forward, some of the other projects, the Old Courthouse, that we have going, and he said that he didn't mind at any point coming before the board to make a presentation on how things were developing, and how progress was going. He asked me if it was going to be on a Monday night, I told him I thought maybe a different day, outside of Monday would be better so that we could dedicate the time to that specific project, or just for upgrades or information purposes on how projects were moving along. So, I would propose that we would do a Thursday. I asked Les if he would be available week after next, and he said that would be fine with him. Do it like at 2:00 in the afternoon, when they are still working, department heads are still here. So, if nobody disagrees with that, I would like to see us move forward on doing project updates about every other week, and we would do them on Thursdays here at the Civic Center in this room, and have all the either architects, engineers, project managers, whoever is doing the inspections, you know, road projects, whatever, come in and just make a presentation and have Mr. Stoll present.

President Fanello: So, a public meeting in here—

Commissioner Mosby: Yes, and we would have to advertise it.

President Fanello: Okay.

Commissioner Crouch: Just something to consider, I believe budgets are still going on, and I know that probably the Auditor's office, I know that being that they are the recording secretary is probably just going to be mired down in everything. Would there be any thought given to putting that off another week just to...or is that something you feel like August 19th is really when we need to go ahead and start? I'm just trying to look at—

President Fanello: Well, let's ask Bill how—

Commissioner Crouch: Jump in.

Bill Fluty: Well, I guess, that would be a busy week. Starting tomorrow we meet in the morning, and the following week we meet in the afternoon from 12:00 until the end of the day. I expect the following week would be the toughest week. In that time frame as we prepare what happened the day before, we're also typing the minutes. So, it is probably the busiest two weeks. So, that would be difficult for us. I have Madelyn who's going to help with budget hearings, and any budget related requests. So, it's a tough time.

President Fanello: Is it possible to have your Chief Deputy maybe come in here, and maybe have somebody other than Madelyn?

Bill Fluty: Well, the meetings are three hours long, and they try to finish those tapes up, if anybody has any requests to review. So, it's kind of an on-going time. We have, even people in Bookkeeping will be transcribing minutes. So, the whole office is helping out through this time. So, it is a busy time.

President Fanello: Well, what about our, Patty or Tammy? As far as helping out.

Commissioner Crouch: Well, if we have it on the 19th, perhaps what we could do, the two weeks, if you're going to do this every two weeks, the following two weeks, perhaps we shouldn't require the Auditor's office to have the minutes, I mean, they would have them if, you know—

President Fanello: Oh, you mean transcribe them?

Commissioner Crouch: With all they've got...right—

President Fanello: They'll still be on verbatim.

Commissioner Crouch: They would be posted on the Internet.

President Fanello: Well, maybe you could go back and transcribe them at a later date, when you have time.

Madelyn Grayson: This would be in addition to the Monday night meeting?

President Fanello: This would be in addition to the Monday night meeting.

Bill Fluty: Well, if you could hold off until the, I guess, that's the 26th, that would be helpful. That would be after budget hearings.

President Fanello: It's just, I think we probably have had so much requests for information, and, you know, everybody is requesting information on the jail project, but we've got another major project going on right now and that's right over at the Old Courthouse. We've been getting the minutes to those progress meetings in here, and nobody's mentioned that project. So, I mean, there are a lot of big projects going on that probably would be helpful for Council to know some of the updates on these as we do go through budget hearings, so they can kind of see where we're at.

Bill Fluty: On that date they wouldn't be able to participate.

President Fanello: Well, they don't have to, but they would know that we've had discussion. I'm sure they'll, you know, hear about our discussions.

Commissioner Crouch: I would make a motion that we go ahead and have it on the 19th, but let's make an exception and not require the verbatim minutes for that two weeks prior. I mean, they will be posted on the Internet, and when the Auditor could go ahead and get those to us, they would. Would that be agreeable?

President Fanello: Is that okay, Kevin?

Kevin Winternheimer: Yeah, you're not required to have verbatim minutes, but for your own rule. What you need to do is keep track of when the meeting started, when it ended, officials in attendance and you can just do, they can be as brief as the general topics that were discussed, and then record any votes. I doubt there will be any votes taken, but should there be any votes, motions and votes and who voted. That's all that's required by the law. You're not required to have verbatim minutes. I have another question though. I assume you won't necessarily need a lawyer there. I have an existing obligation that starts at 1:30, and sometimes that is not done by 2:00. I would come as soon as I could be available, but it may be 2:15 or 2:30 before I could show up. That's not a problem is it? I assume you aren't going to have any legal issues. If you do, I would be there eventually, but I couldn't always promise to be there at 2:00.

Commissioner Mosby: I don't know that we need tape.

Commissioner Crouch: Bye.

President Fanello: Good-bye. Thank you for joining us tonight.

Commissioner Mosby: Thanks. I don't know that we're going to be taking any votes. I mean, this is more informational purposes. I mean, there's been people that have requested information on some of these projects. So, to me it's more informational purposes than anything.

Commissioner Crouch: Well, then maybe we don't even need for those meetings, and in to the future, verbatim minutes. You could just post them on to the Internet,

and have them, just like Kevin suggested, the brief, you know, minutes for us to approve. They would be on the audio, because they would be there forever.

President Fanello: Well, but really, I mean I understand the plight with the August 19th deal, that's fine, I understand, but, I think if it's going to be of any service to the public who wants to come and look up those minutes or anything, I think they really do need to be verbatim. Just like we do everything else. But, I don't have a problem foregoing that until the Auditor's office can catch up.

Kevin Winternheimer: How often are you going to have these? Weekly or monthly?

President Fanello: I think, didn't you say bi-weekly?

Kevin Winternheimer: Every two weeks.

Commissioner Mosby: Maybe bi-weekly. Unless there's something that really progresses that we might want to inform somebody, then we could do them, you know, in between, but bi-weekly just a day that is good, or should be good, or hopefully good for everybody. No certain day of the week. I just picked Thursday.

President Fanello: That's fine with me.

Commissioner Mosby: I'll second her motion.

President Fanello: Okay.

Commissioner Crouch: Could I amend my motion to not include verbatim minutes for the first meeting.

President Fanello: Okay.

Commissioner Mosby: That's fine. I'll second that.

President Fanello: I'll say so ordered.

Madelyn Grayson: I had a question about advertising. How soon, is that something that we advertise like one time, like the resolution at the beginning of the year? Or will we advertise it before every meeting?

Kevin Winternheimer: No, no, no. You would have to give notice to the media at least 48 hours. You can e-mail them, a letter, whatever is your customary notice. As far as advertising, you're talking about advertising it in the paper?

Madelyn Grayson: We don't need to do that?

Kevin Winternheimer: Okay.

Madelyn Grayson: Is that what you're saying?

Kevin Winternheimer: Don't worry about it, yeah. The main thing is notice to the media, time, date and place. So, I guess this is for the rest of the year then? At least for 2004? Every two weeks?

President Fanello: Is that what you're proposing?

Kevin Winternheimer: Or twice a month?

President Fanello: Is that what you're proposing, Commissioner Mosby?

Commissioner Mosby: As long as we can keep the people's interest.

President Fanello: Well, I mean—

Commissioner Mosby: I'm not sure the interest won't die at some point.

Kevin Winternheimer: You can always cancel a meeting. So, in your notice, is it starting on the 19th, and then every two weeks after that?

Commissioner Mosby: Yeah, that's the first one I was proposing. Then a couple of weeks later just do another one. Bi-weekly starting out.

Kevin Winternheimer: Okay.

President Fanello: So, maybe we could just send out a general notice right now for the rest of the year, and then if we need to change that, we can change it.

Kevin Winternheimer: You can always cancel them, that's true.

President Fanello: I guess, we'll discuss, I think everybody got on their desk, we can discuss that at next week's meeting. Is there any other old business?

New Business

President Fanello: I put a memo from Dennis Feldhaus on everybody's desk, and a memo to Council for budget hearings tomorrow. Are there any questions on that? Does everybody approve of the memo? It was things that we've discussed, and one additional item that came up last week from Computer Services.

Bill Fluty: Thank you.

President Fanello: If everybody approves, I would like a motion so that I can take that to the meeting tomorrow.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Any other new business? Seeing none, we'll move on to department head reports.

County Engineer

John Stoll: The first item I have is a request for an amendment to some street plans for section two of Crowne Ridge Subdivision. This is located at the northwest corner of Kansas and Green River. Basically, the only change will be additional

pipe will be run underneath this road identified as road five. Instead of the previous plan which called for the detention basin to outlet through this pipe that ran east into the Green River Road road side ditch, now there will be a pipe that will run north and in a ditch on the north boundary of the subdivision. That's the only change to the plans. This is in accordance with the plan that was presented at Drainage Board at the last meeting. I would request this plan be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I would like to request that the counter offer that we received on the Schuck parcel on the Oak Hill and St. George project be rejected. Mr. Schuck has requested, has provided a counter offer of \$32,682. Our original offer was \$12,500, and due to the drastic cost increase, I would request that this be rejected.

Commissioner Mosby: Motion to reject.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a notice of intent letter to send to IDEM for the Lyle Road project. We also have to advertise a notice of construction activity on this project. These are associated with the erosion control plan, and we're in the process of finalizing that to get that to SWCD, but I would request that the notice of intent be signed by the Commissioners, and that the notice of construction activity be approved for advertising.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a grant agreement between the county and INDOT for railroad crossing work. This is for signs and striping on various crossings identified by the Evansville Urban Transportation Study. This grant is for \$4,392.50, and it's set up as a reimbursable grant, that once the signs and striping have been completed by the Traffic Department, then we can submit for reimbursements. I've had Kevin review the agreement, and he was okay with it, so I would request it be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Last, I would like to request approval to transfer the county's obligations on the Jobe's Lane project to an account that will be set up specifically for the

Jobe's Lane sewer. Basically, in order to track the funds, in conjunction with the department, the Water and Sewer Department reimbursements, plus the Department of Commerce reimbursements. We, Bill Fluty and I met with Judy Weatherholt, and the best way to track that would be set up one account for all the money that will be going in, plus going out to our contractor. So, since our current money is in the Riverboat account, we need to transfer from the Riverboat account to a Jobe's Lane account. So, I would like to request approval to make that transfer. I don't have the exact amount as of yet, because I need to make sure we deduct all the current expenses we've already paid off the county's original obligation, but once I have that number, then I'll file it and let you know the specific number next week.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: I'll second, but is that, will that have to go through Council? Or is that something that you can take care of just by—

John Stoll: Talking to Bill, he felt that we probably should just go through Council, and I don't have a problem with that. We can get it filed before the 15th, if we get it filed yet this week.

Bill Fluty: The 12th.

John Stoll: The 12th, okay. We'll still make it.

President Fanello: Is that a second? Okay, so ordered.

John Stoll: That's all I have.

President Fanello: Alright, thank you, John.

John Stoll: Thanks.

President Fanello: County Highway.

Bill Fluty: Excuse me a minute. Question for Kevin, the bond for the Jobe's Lane, the timing on that. I have to bill those...or not the Jobe's Lane, I'm sorry. I've got two things on my mind. For the Mill Terrace. I've got to have the call.

Kevin Winterheimer: Okay. I talked to Scott Peck a couple of weeks ago, and he was in the process of contacting some of the local banks, particularly Old National Bank, because we do a lot of business with them. I haven't heard back, but I can contact him, remind him that we need to get that finalized.

Bill Fluty: Just two issues that we will, we normally bill them at the November 10th, and we send out the bills late October, so they have a month to take care of that. I'm sure that's going to be a substantial amount. So, it will give them some time.

Kevin Winterheimer: Yeah, I'll get with him and get back with you.

Bill Fluty: I also had a call from Bill Nicholson, and he did the design work on the Mill Terrace, and he was concerned about his payment.

Kevin Winternheimer: Yeah, he called me too. I said when we get the money, he'll get paid. It should be soon.

Bill Fluty: There is \$62,000 in that account right now that people paid up front. I don't know if using that would have any bearing on his payment.

Kevin Winternheimer: I hadn't even thought about that. You're right, yeah, there were...is John still here? What do you think about that? About Mr. Nicholson, because he did call me too and said he's been very patient to get paid, about using that \$62,000 that people have paid in, rather than going the 30 years, how about using that to pay Nicholson? Do you have any problem with that?

John Stoll: I'm not aware of any problems with it.

Kevin Winternheimer: I would go ahead and process the paperwork then and get that done then. I don't know... the Commission...I hadn't thought about that, but, yeah--

Bill Fluty: Well, he just asked me. I didn't offer it to him, but I thought it was a Commission decision. That money was paid in by people who have paid the full amount.

Kevin Winternheimer: I would say why not, if you don't have a problem with it.

Commissioner Mosby: I don't have a problem with it.

Kevin Winternheimer: So, why don't you process the paperwork then and get that paid out of the--

John Stoll: The only thing I wouldn't know how to do is how to actually process the claims. Since we don't really have a contract with Nicholson. He was hired by the neighborhood group.

Kevin Winternheimer: But we were going to pay it though, weren't we? Wasn't that part of--

John Stoll: I just wouldn't have a contract to attach to a claim or anything like that. I've got a copy of his invoice, but we didn't actually sign the design agreement. We, the neighborhood group did, and then we would reimburse. So, if it's okay to just attach his invoice to a claim, if that's alright with you, I could go ahead and do it that way. It's just that we don't have a contract with him.

Kevin Winternheimer: I don't have any problem with it.

Commissioner Mosby: I would make a motion--

Commissioner Crouch: The attorney doesn't have a problem with it?

Kevin Winternheimer: No, I don't have any problem with doing it that way, because the invoice, I assume, I haven't seen it, but I assume it describes the project and the amount, has some sort of amount for the work that he did, and what he did, which was design work. So, you know, I think that's good enough. The work's been performed--

John Stoll: Right.

Kevin Winternheimer: –there's no question about that.

John Stoll: I can do it that way. That's not a problem. I just wanted to make sure that was okay with everybody.

Commissioner Crouch: Maybe attach a copy of these minutes, so five years down the road–

Kevin Winternheimer: Yeah, that's fine.

President Fanello: Or attach a copy of the....I mean, because we opened the bid in this meeting, right?

John Stoll: Yeah, that was Koberstein's contract though.

President Fanello: Oh, that's not his. That's right.

John Stoll: For the street construction.

President Fanello: I was thinking of construction.

John Stoll: The Barrett Law is only set up where the neighborhood group hires the consultant.

President Fanello: Right, do you think they might give us a copy just for reference?

John Stoll: I don't know who you could contact at this point. I can try to find something.

President Fanello: If not–

John Stoll: Well, Bill Nicholson might have something.

Kevin Winternheimer: I was going to say, Nicholson probably has a copy. Tell him this ought to speed up things, and he might rush right out.

President Fanello: Yeah, tell him, I'm sure he wouldn't mind getting us a copy. I would just feel better if there was something attached to it.

John Stoll: I'll see if he's got anything. If so, I'll attach that to the claim as well.

Commissioner Crouch: John, did you have a chance to check on the Ashmore Estates, the concrete work? Remember I had gotten a request?

John Stoll: I did forget to talk to Dennis about that. The issue was whether or not we had concrete crews. I know that you were looking to do concrete work after your asphalt work, but is that still the game plan?

Dennis Hudnall: Yeah, I was asked to try to do concrete and asphalt at the same time. Which, after we analyzed what we had and researched what we had, we couldn't do both at the same time. So, what we were trying to do was get our

asphalt done and then put a crew together, or two crews together to do nothing but concrete. So, we were going to do concrete in the winter time, and just put the additives to it, upon John's recommendation, the calcium, because in the winter concrete compositions a little different than it is in the summertime. So, if we can get some specs from John on the concrete, we can still do it in the winter.

Commissioner Crouch: I just got a call from a gentleman that lives out there. He was inquiring as to when that was scheduled. If it was still going to be scheduled this year? Is it safe to tell them this year? Or should I tell them sometime—

Dennis Hudnall: Well, on our paving list, there was also some recommendations for concrete work that John had made. So, if you want to add it to that, that's fine. What we were going to do is get with John and see what the priorities were on those, on the list that you already approved. So, I think there's four or five subdivisions that requested we pave them.

John Stoll: I would think if you got out there, Ashmore Estates would be pretty easy, because there's not a whole lot that needs to be done in the area where the complaint came to Suzanne. It's around (Inaudible), there's some concrete breaking up, things like that. So, I can get with you about that though for specifics.

Commissioner Crouch: Thank you.

President Fanello: Thanks.

County Highway

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all about a month or so ago I requested that I go out and get some quotes for a water truck that we use for paving. I finally received all of those. Now, what we were going to do on this is not only use it for a water truck as we were paving, we were going to try to use it as a dual purpose of snow removal from subdivisions in the wintertime. Because as we collect, as John recommends that we accept more and more of these subdivisions each week, it kind of taxes our fleet, and then we can't use our large trucks in these subdivisions. So, we'll use this as a water truck in the summertime for our paving crew and our roller, and then in the wintertime convert it over to a plow and salt truck to use in the subdivisions. So, when I went out for quotes on it, I had them to quote a spreader, a plow, and a truck with drop sides. What I found is the components, some of them were cheaper on some components than the other, the plow and the spreader. It's like Tri-State was cheaper on the plow and the spreader than the other two, but Elpers was cheaper by \$300 on the truck. So, I totaled them all up, and Tri-State is \$1,000 cheaper than Elpers and \$2,000 cheaper than Mills. So, therefore, my recommendation was to go to Tri-State and get all three components, and that way my warranty won't be so mixed up. I can take it, if I have a problem with any of this equipment, I can take it to one place. The spread on that is Elpers bid \$45,853; Mills was \$46,966; and Tri-State was \$44,483.48. So, my recommendation, upon your approval, to purchase this truck, the plow, and the spreader would be Tri-State Utility.

Kevin Winterheimer: What is this? A kind of proposed cost? So, you're in the mid 40's, is that what you're at?

Dennis Hudnall: Correct. Tri-State, on the plow, on the spreader, and on the truck, they bid \$44,483. Then Elpers came in second with \$45,853, and then Mills came in third with \$46,966.

Kevin Winterheimer: When you were here before, I thought you were just going to go out and get some general prices. I didn't know you were going to get that specific.

Dennis Hudnall: Well, that's what, I mean, this could act as either way. These are quotes for these three items. Because you don't know exactly what they're going to cost.

Kevin Winterheimer: Right, what I was going to suggest is would there be any merit to, now that you know a price range, and I assume you have the budget for it, is go through Phil Lawrence's office and actually get the real formal quotes. You know, send out the specifications, now that you know, you know what the truck, you know, the kind of truck you can afford, and what attachments, generally, and see whether that's in your budget. Then have Phil do the formal quote type thing where he gets quotes back from at least these people and anybody else in the county that does business.

Dennis Hudnall: These are the only one's that wanted to really quote you on it.

Kevin Winterheimer: Okay.

Dennis Hudnall: So, this is really not a bid. It was a quote to get you the prices.

Kevin Winterheimer: Right, to see...I assume to see whether you can afford it in your budget.

Dennis Hudnall: Yeah.

Kevin Winterheimer: Now, if the Commissioners want to proceed, that's what I would suggest. You decide what kind of attachments you want on this kind of a truck, and then have the Purchasing Department go through the quote. (Inaudible) sends the quotes out to the vendors, and then they submit a price, and we'll open it up here at the board meeting. Well, I don't know how long it's going to take Phil to put together the actual specifications, but open it up a week or two after that.

Dennis Hudnall: I already have them put together.

Kevin Winterheimer: Okay.

Dennis Hudnall: The specs. What I usually do is put the specs together on what we want, that way we get a uniform bid on everything.

Kevin Winterheimer: So, then Phil just has to put his formal boiler plate stuff, attach it to that. If the Commissioners want to proceed, then perhaps get the bids back in a couple of weeks.

Dennis Hudnall: Sure.

Kevin Winternheimer: Does that sound good? Phil ought to have enough time to put it together. The minimum requirement is that you mail them out a week before they're to be in. So, if you give him two weeks, that should be more than enough. It sounds like they've already looked at some of this, and know what you're looking for. So, when they get the formal specs, he can, it should be an easy match.

Dennis Hudnall: What they would like to do is they'll give you options when they're giving you these quotes, like the lights and everything—

Kevin Winternheimer: I understand.

Dennis Hudnall: It's kind of one of those things where you've got to really weed through it to—

Kevin Winternheimer: Sure.

Dennis Hudnall: —say, do I need it, or don't I need it?

Kevin Winternheimer: Right.

Dennis Hudnall: The reason why it took so long to get these in, is because we had to do that, and then we sent them back and said well, we don't need this, we don't even need it as an option. My understanding is the truck is coming from the same place, but it's got three different prices on it. So, I don't, you see, so I don't know how that works. I just asked for a quote.

Kevin Winternheimer: Well, yeah, well, you just specify whatever the size, horsepower, whatever the other things that you need for it.

Dennis Hudnall: Okay.

Kevin Winternheimer: Put those all in the specifications, and then let them try to give us the best price.

Dennis Hudnall: Okay, should I turn that in to Phil Lawrence and get that in the works tomorrow?

Kevin Winternheimer: If they want to proceed.

President Fanello: Do I have a motion from the Commission?

Commissioner Mosby: I make a motion to do it.

Commissioner Crouch: That it be moved on to Purchasing?

Commissioner Mosby: Yes.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dennis Hudnall: Second, I have a draft, Reggie was at the meeting for me last week, and you asked if I had sent out the e-mails to each of the asphalt companies

talking about what do we do with the asphalt if we run into an emergency. I have a draft, I've been negotiating with them right now. Jerry David does not want to take it back. But Rudolph has agreed, in an emergency situation, they will take Jerry David's asphalt back, but they will not give any credit whatsoever on it. Gohmann's will not give credit, they'll just give you a place to dump it, and so will E&B. So, I just spoke with Bruce Kline from Rudolph just before I came to this meeting, I didn't have a chance to put it in here, but I did type up a draft letter of agreement. I want Kevin's approval on it, and I would like to give you each a copy of it, as a draft, just to see if it's the right format that you want. This is simply just an agreement with Rudolph that says, in the event that this happens, this is the action that I'm going to take. Now, Gohmann's will not let me, will not take anybody else's asphalt, and neither will E&B. Rudolph and Jerry David work close together because they both haul out of the same plants, so, they will help each other out. So, I didn't write that in there because it's just a draft, and I just want to see if that's the correct format.

Commissioner Crouch: Are you going to have Kevin take a look at it?

President Fanello: Right, and then we can bring it and put it back on for next week.

Dennis Hudnall: Last, I just wanted to give you an update on the paving. We have \$307,960 left in the paving budget. We projected it out to what we had planned on paving this year, and it's going to come out really, really close. So, we're right on target with it. If asphalt don't go up, we're in good shape. So, and that's all I have, if you have any questions.

Commissioner Crouch: Dennis, I got a call from someone that lives out on Maasberg Road, and they said it appeared that someone had taken the gravel off the middle of the road. They wanted to know if we were going to pave it. I said I didn't think so, but I would see if you could check. Do we need more gravel? Or do we know what happened to it?

Dennis Hudnall: I meant to check that out. I had a few medical problems last week, and I didn't make it out there, but I've got a note on my desk and I'll check it out.

Commissioner Crouch: You'll report back?

Dennis Hudnall: Yeah. But, as far as I can find out, it wasn't us that took any gravel off. I don't know who did.

Commissioner Crouch: Then on the consent items we have some claims for Jerry David. Those were, I assume, for work prior to, you know, when this issue came up. We aren't really purchasing anymore from Jerry David at this point are we?

Dennis Hudnall: No.

Commissioner Crouch: Okay.

Dennis Hudnall: But you have to understand the way this works, when we certify for payment, say we get all the invoices, and we send it to the Auditor's office, it lags behind some...and if they don't get the invoices, sometimes it could be as much as two months. So, when I wrote you the e-mail to give you the percentages from 2002, 2003, and 2004....see, like in 2003, or 2004, Jerry David was at 33%, but at one time that was 100%, and now that we've moved up into your area, up in the

northeast and the northwest, Gohmann's is going to benefit from that, because I can't travel so far. Now, Gohmann's cut us off for the last month and a half because they had a big contract and they couldn't support us. So, we had to travel all the way to Rudolph's, so that's why we've been switching roads. Now Mike up at Gohmann's informed me that they're ready to go again, and we have been buying some asphalt from them. So, the percentages will fluctuate, it's according to what section that we're working in.

Commissioner Crouch: We aren't purchasing anymore from Jerry David at this point?

Dennis Hudnall: No. I already talked to John David about that, until we can get this straightened out.

Commissioner Crouch: Thank you.

Dennis Hudnall: Is there any other questions?

Commissioner Crouch: I guess this may be a question for John, did you all get the letter or the e-mail Patty forwarded us from the lady with the speed limit on Elmridge?

President Fanello: Yes.

Commissioner Crouch: Have we moved that on? Did someone get that?

President Fanello: Did you get a copy of that e-mail? We'll make sure you get it, but I remember that e-mail. We'll make sure you get forwarded a copy.

Madelyn Grayson: May we make a tape change please?

President Fanello: Sure.

(Tape Change)

Kevin Winternheimer - County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Just a couple of quick items. The first is that a few weeks ago, or a couple weeks ago I mentioned how there was a Mr. Rice who wanted to buy some property on Old Henderson Road. I found out today from the realtor that he has withdrawn his offer to buy the adjoining parcel. So, he is no longer interested in that. However, the current owner may be interested in that, and in a related subject I was contacted by Adam Groupe with EMA who was questioning whether or not we could sell that property at all under that grant program. Unfortunately, I haven't been able to locate a copy of that grant agreement. I don't know, Bill, if I talked to you or if you could possibly have somebody in your office, you're my last resort. We think it was probably in 1997. There is a 90 percent chance it was '97 because there was a big flood that year that triggered this program, but if not '97 it may have been 1995 because that was also a big flood year. I don't remember, but I trust those people who deal in that kind of stuff. What it would have been something to the effect of a flood hazard mitigation grant agreement between the state and/or feds and the

county and it may have the answer in there. I've been calling around the state and I have exhausted my sources in the state to find it, get a copy or find someone who was around then. Now I am with FEMA's regional office in Chicago and I've got a call into them to see if someone may recall this, 1997 doesn't seem like that long ago to me, but in those agencies that was an eternity as far as keeping records. Apparently no one says they have records going back that far in the state.

Bill Fluty: Kevin, I believe I remember that. I worked with Joe Coleman in DMD actually as the money came in and went out and it went through our books, if we're talking about the same thing.

Kevin Winternheimer: Yeah.

Bill Fluty: Homes that we purchased in Union Township because they were in the flood plain?

Kevin Winternheimer: Right.

Bill Fluty: I think we might find something on that.

Kevin Winternheimer: Okay. The answer to my question or Adam's concern about whether or not it may be in that grant is the reason I'm still trying to work with FEMA on that and I'll let you know what we find out. The only other thing while some of the department heads are there, since this new program or policy, on me initially, don't send me the originals the first time around. Continue to fax me or email me or whatever a copy, and then I'll initial the original. If you send me the original and they get lost, you wouldn't believe the amount of documents and stuff I get in the course of a day. So, don't send me your original contract, send me a copy first. I'll make changes, and if it is fine, I'll initial it here at the meeting, or whatever, after I have previously reviewed it. That's all I have.

Tammy McKinney - Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a couple of late consent items to the agenda. I have a request for service from the Treasurer's Office that I need to have approved and then also a late pink slip.

Commissioner Mosby: Motion to amend consent.

Commissioner Crouch: Second.

President Fanello: So ordered. Is that all you have?

Tammy McKinney: That's all I have and I just want to let you know I do have a contract in for the fall craft show. I have met with all the contractors and sub-contractors and they will be able to accommodate the craft show.

President Fanello: So do we need to pass that agreement tonight? Has Kevin reviewed it?

Kevin Winternheimer: Yeah.

President Fanello: Okay.

Kevin Winterheimer: Yeah, I have looked at it. It's the same as you've seen in the past. The only thing I can...it's just the dates were changed was the only difference.

President Fanello: Right, do I have a motion to approve the craft show?

Commissioner Mosby: Approve to add to consent.

President Fanello: You can just approve it right here.

Tammy McKinney: Right, and Madelyn has one for you to sign in the signature file.

Commissioner Mosby: Motion to approve contract.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Crouch: Tammy, question. I got some calls this past week about Building Authority employees and county employees that were taking furniture from the building here and also from the court's building, that they had been okayed to take furniture that normally we would surplus and I said I would follow up on that. You know, I don't know if we have had surplus sale recently, but it is my understanding that all that is really county furniture until it has been sold at a surplus sale, but that's the call I got. The Building Authority approved for county Building Authority employees and county employees to take furniture that we normally –

Tammy McKinney: As far as I know the only furniture that has been moved is from office to office. I don't know of any...do you mean for personal use?

Commissioner Crouch: Uh-huh.

Tammy McKinney: Oh. That I don't know about.

Commissioner Crouch: You might want to follow up on that.

Tammy McKinney: Okay.

Commissioner Crouch: I understand there was a remodeling of a jury room last week and the chairs were actually...the employees were told to take them and someone–

Tammy McKinney: A jury room over in the courts building?

Commissioner Crouch: Yes, uh-huh.

President Fanello: Who told them to take them?

Commissioner Crouch: It's my understanding that Dave Rector okayed them to take them. In fact, he actually loaded them for an employee.

President Fanello: Well, we need to address this question to Dave Rector then.

Tammy McKinney: Yeah, I will.

President Fanello: And let him know that the county's policy...he may not be aware of the county's policy, but we need to make him aware of that and see what is happening.

Tammy McKinney: Okay, I'll check on it.

President Fanello: When was your last surplus sale?

Tammy McKinney: We haven't had one since I've been here. So I know Dave was trying to get a vendor just to come in and give him a price for everything so that we're not selling a chair for dollar.

President Fanello: I thought we've had one since you've been here.

Tammy McKinney: Not on a equipment. Now I have one every year on the autos, surplus vehicles and on properties, but not on like computers and desks and furniture type items.

President Fanello: Where is it being stored at?

Tammy McKinney: Out at the highway garage.

President Fanello: How full is it?

Tammy McKinney: I think it is pretty full.

President Fanello: Then we probably should be looking at having one.

Commissioner Crouch: I know we used to store it downstairs also.

Tammy McKinney: Right, and some is stored downstairs, right.

President Fanello: Why don't you look into having one. That brings up a good issue, but let's look at having one if we've got that much stuff sitting out there.

Tammy McKinney: Okay.

President Fanello: And then check into this issue with Dave Rector.

Tammy McKinney: Okay.

President Fanello: I had not heard that.

Tammy McKinney: I hadn't heard that either until just now.

President Fanello: It seems like we're going to have to start micro managing everybody.

Gary Hohman - Burdette Park

President Fanello: Burdette Park.

Gary Hohman: I didn't do it. The only item that we have other than our work report is to inform you that tomorrow will be the last day that the aquatic center will be open on a weekly basis. With the school system starting back up on Wednesday we will only be open on weekends through the Labor Day holiday.

President Fanello: Okay. Any questions for Gary? Thank you.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to approve Soil & Water and Ozone officer?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered

Consent Items

Commissioner Mosby: Motion to approve consents as amended.

President Fanello: I'm going to stop you right there, because I have one I would like to pull. I should have brought it up when we talked about the purchasing policy audit. The AP voucher, and, Bill, I'm not picking on you because it's budget time, but in the past we have always signed the docket and we've always assumed that everything came through the Purchasing Department okay and everything came through the Auditor's department okay. I'm really wondering since this issue came up with the asphalt over the past two or three weeks if what we're signing in there...this is not a criticism it's more constructive advice on how to carry on in the future, but how do we make sure that everything in there is okay that we're signing? Because apparently, you know, those dockets have come through and we've all signed the docket with Jerry David bills in it. So how do we make sure that things are okay in there before we sign it?

Bill Fluty: The docket you sign is actually for claims that we've had for either services or goods.

President Fanello: Uh-huh.

Bill Fluty: On the blue claim, it is signed by the officeholder, who is actually, in this case on asphalt, has said that he has received so much asphalt. His accounts payable person would move that to us. As you can see, I really don't know if he received the asphalt or not. I know that we have an invoice, we have all the backup to that claim to say that this service or goods were provided and this is the dollar amount. We will check through that, that it's all okay, and then we'll move that through. If there is money involved, it's coming out of the proper line item and those issues. Most of what starts, it starts with the department head. They know where the bids are and it's mostly—

President Fanello: I'm going to argue—

Bill Fluty: Well, that's a good place—

President Fanello: The Purchasing Department needs to—

Bill Fluty: Let me say that's a good place for it to start, department heads know who the bidders are. There were four bids...actually, in November of 2003 three bids were sent in. At that same time Phil Lawrence said we wanted four. We got three, what do we do now? He turned that over to Kevin in those same minutes and the minutes reflect that. That never came back up in another meeting. So what maybe should of happened, and we wouldn't be talking about the subject right now, is that they would discuss that at the next meeting that we didn't get what we want, what do we do now? I think that would have been a...and we wouldn't of had this discussion.

President Fanello: Well—

Bill Fluty: Please let me finish. You asked this question—

President Fanello: But I feel you're getting a little bit hostile here and this is not—

Bill Fluty: I will take a deep breath.

President Fanello: Okay, because—

Bill Fluty: But let me finish. That's what I think should of happened. But I will do anything I can to help to make sure that we have those goods and services.

President Fanello: Well, like I said this is not criticism towards anybody. This is more or less trying to figure out...you know, I'm a CPA. I deal with this. Auditing is my specialty. I deal with this stuff all the time and I look at different businesses and we try to give them recommendations on internal control procedures and, you know, so take this as criticism. This is more how do we go about in the future to make sure there are proper controls in place so these things don't happen. You can't expect every department to know everything all the time. It just doesn't happen. It doesn't happen in corporate America, it doesn't happen in government across 50 states in the United States of America. It does not happen. What we need to do is to make sure that we've got controls in place, in the Purchasing Department, Auditor's department and hopefully the Commissioners' department, Hopefully, this has opened our eyes to come up with some different procedures, not only for ourselves, but for every department. But, you know, if a bill can go...if a requisition can go through the Purchasing Department and get approved and the Purchasing Department should not be approving any purchase orders to an unapproved bidder. There should be, like Phil and I talked about last week, a place where they check off that, yes, this person is an approved bidder and I'm letting this purchase order go. I think the Auditor's office has an inherent responsibility to check the bills to make sure they conform to the purchasing policy ordinance because the bill should be in conformity with the policies and procedures that we have set in place.

Bill Fluty: With that said, the purchase order req comes to us and it's maybe a blanket PO. At that time, whether it be Jerry David or Rudolph, we're looking to see if the money is in place and that's what we do.

President Fanello: Uh-huh.

Bill Fluty: Is there money available to set that purchase order aside? That money aside, because many vendors require a purchase order because they want to know there is money available and they'll get paid. That's what we're doing at that time. A blanket PO does not tell if it's asphalt. It doesn't tell if it is concrete. It doesn't say it's an approved vendor. Now, I'm not saying those things can't be in place, but they weren't before and we're looking for the department head to know who they buy from. In most offices we're buying supplies, there isn't an approved vendor for supplies. We get our price checks, we're under \$500, we move through the system. The bigger offices with money with bigger budgets actually are looking at the bid list. You can see there is several bid lists that go to Reis Tire or they go to Raben Tire. Some are for smaller tires or for big tires. When those come through do I know that's a valid purchase. Well, I don't at that time. I've talked to Phil, too, on how I would help the process. He didn't see that I had a way to do it, but I'm not saying there isn't.

President Fanello: Well, and I think that's—

Bill Fluty: And I would be glad to do so.

President Fanello: —what I am asking for us to look at. Just because something has always been done that way doesn't mean we continue to do it that way in the future. I think, you know, everybody in here has probably got into a habit of how things have always been done, but apparently, you know, this could have saved the county money if, you know, if we would have used the approved bidder. So, it's a little disturbing, you know, especially with the Council complaining about not having enough money all the time. So, what I am trying to figure out is I don't feel comfortable just signing a docket like that anymore. I'm signing a docket assuming that every bill in there...you know, you're only telling me that you're checking for money to be in the account, but to me somewhere there needs to be some kind of procedure where somebody has checked to make sure it conforms with the purchasing policy because you've got a lot of people working in these different departments, not just in our departments, but you have a lot of people working in departments that don't understand financial information. You know, they're busy working trying to get their job done, but they don't always understand. Phil Lawrence brought up a good point last week, he is going to try to have another training session on the purchasing policy ordinance. I told him I thought that was a good idea. He wanted to do city and county, and I said, well, you better compare the policies and make sure city and county are the same. If they're different you might want to segregate the county and just have a working session with them. I'm looking for ways to improve so this doesn't happen again. You know, it's not good enough just to bring this issue up one time in what is an election year and then not work forward to try and improve the process, and the process needs improvement.

Commissioner Crouch: Is there...just a thought as you were talking and I think the point is well taken. If we can't come up with something that's better, then we're not moving forward. When the actual...you know, when Phil Lawrence actually brings his recommendation for contracts we don't sign off on a piece of paper or sign off on those contracts, do we? I mean, I don't recall that.

President Fanello: No, we don't actually sign the bidder's contract.

Commissioner Crouch: I wonder if perhaps when he brings the sheet saying this is the recommendation perhaps there is a signature place that we can sign and then it goes to that department or office that has been awarded the contract and start

there. Not that we can't do other things, but had that gone to the department head or goes to a department head then it becomes kind of their responsibility to make sure that that's who they are buying from. I mean, that's kind of where it starts and we just have to ensure that people know who they can buy from and who they can't buy from also, you know, in terms of a contract.

President Fanello: Well, it's not only who they can buy from, but it's just following the policy altogether. You know, are we signing every contract in the county? If I had to sit here today, I bet you there is somebody out there who has probably signed a contract on their own that we haven't seen. You know, I'm just trying to figure out ways of how we can be more accountable. Don't take it as criticism, Bill, I know you do very good work and you try very hard at your job, but I'm just trying to find different ways that we can provide more accountability. I'm not sure, I mean, that's a starting point, but that's not going to get us to the end resolution where, you know, we don't see all the claims that go even from our departments to the Auditor's Office, and maybe that is where we start. But I just don't feel comfortable with signing off. I'm just signing off on a blank check for every department in the county and I have no idea if those claims met the purchasing policy ordinance.

Commissioner Crouch: You know, and I guess our role is when we do sign that paper voucher we're authorizing the payment of claims.

President Fanello: Uh-huh. Yeah, but you're taking an inherent responsibility that you also say those claims are correct and that's what you did when you signed the Jerry David ones. I mean, we all three signed that docket that included Jerry David claims. So you are taking responsibility that you approved that that's an approved vendor.

Commissioner Crouch: That's correct, and you know I don't know if you can ever foolproof a system, unfortunately.

President Fanello: That's why I'm just trying to find better ways to do things.

Dennis Hudnall: I have one comment. Dennis Hudnall, County Highway. On the way we award contracts through Purchasing or whatever the communication is not too good for the outlying buildings like County Highway. I don't get the information that I need right away and then when there is a glitch, you know, you're going to do business as usual until further notice, and then all of a sudden further notice doesn't come. Well, that's the communication problem, but there is another problem with awarding a contract like there was a bid let on culvert pipes through Phil Lawrence's office and no one asked anyone for any specs. Well, the company that got that bid or got that contract would only give you pipes in 40 foot lengths, no sections, no cuts. The delivery time was three weeks and sometimes longer and the County Highway can't operate that way because John Stoll is giving, you know, all the time information about where we should put a culvert and we need to get those quicker. So what we need to do is ask maybe the department heads on some of these bids what are the requirements that you need, and I don't think that is happening.

Commissioner Crouch: So you aren't having any input into the specs that Purchasing puts out for?

Dennis Hudnall: I have been here two years and I haven't, no.

Commissioner Crouch: Well, and I think that probably...I think that is a good suggestion, Dennis. I mean, and you all probably your department ought to probably review bids that, you know, are going to be awarded that's going to effect work that you do.

Dennis Hudnall: Because the time delays, you know, we just can't operate on those time delays. We have to have a just in time delivery of a lot of these things and if you buy it from Missouri and it takes three weeks to get here it's not helping us out any. That's just a suggestion. Thank you.

President Fanello: Thank you, Dennis.

President Fanello: I mean, I don't know. If I signed that voucher tonight, I mean, I'm going to attach a phrase to it that says that I don't attest to the correctness of what is in there. I mean, I hate to hold people's bills up. I mean, one point I don't want to sign it because I want some additional procedures put in place to assure that when it comes here that we know for sure that as much as we can know that the bills are correct and that they follow the county's purchasing policy ordinance and all the internal procedures that we've put in place.

Commissioner Crouch: Do you have any suggestions?

President Fanello: That's why...you know, I'm not going to sit here and try to make suggestions for Bill. I'm more than happy to sit down and work with him, but I guess these are the things that I'm bringing up. How can we fix them in the future and I think Bill and Phil all have to have some input into this because I don't know all how Bill runs his office, so I don't know what would be the best flow for information.

Bill Fluty: As we do thoroughly go through every claim submitted from every office we have a person that does that on a daily basis. That's her job. They are moved to another one on accounts payable to see that the money is there and see that it is the proper line item and see that it's purchased out of, if it is computers it is purchased out of computers. We believe that computer has arrived and that officeholder took possession of that and used that. We believe that they have gone forward and done their three price checks or moved through the proper channels that have been set up to do that. I think in large, the largest group that has been done. Are there some things, I don't believe there are a lot of people out there not buying from...not going with the bid. I don't think that's out there, but there may be, but those goods and services have been performed and that voucher is in. I believe that it is and what you're signing tonight should be signed. If not, I won't be able to let go of the payments Tuesday.

Commissioner Crouch: And we, as our department, we have to look at our claims and okay them and make sure they are in order.

President Fanello: Well, see we don't see all the Highway Department claims. We don't see all of our departments.

Commissioner Crouch: Uh-huh.

President Fanello: Tammy processes what comes through the Commissioners' office which is pretty much (inaudible), inmate patient care or-

Commissioner Crouch: And you know I really believe that there is responsibility that lies with that officeholder, those elected officeholders, to ensure that when they turn a claim in to the Auditor's Office and they are attesting that that is correct, that it is correct. I don't think the Auditor's Office can police everything. So, perhaps we should take a look at the claims that go through our department and assume responsibility for those claims.

President Fanello: Well, I still...you said they don't check to make sure that that person was an approved bidder. They assume that it was an approved bidder whenever they got the bill. Your people don't check for that.

Bill Fluty: Well, two different things. We're looking at a PO to see if the money is there.

President Fanello: Uh-huh.

Bill Fluty: To move that money.

President Fanello: Right.

Bill Fluty: We're not looking at bidders.

President Fanello: You're just looking to see if the money was there.

Bill Fluty: At that particular time things could be changed to do something differently, but at that time you see that come in, and you sat there and tried to make that decision, I don't think you could. We've looked at how we could do that differently.

President Fanello: Uh-huh.

Bill Fluty: When you have a claim and you have some claims before you tonight that David asked to see in last week's meeting, and that's why they're on the agenda tonight, they are Jerry David, and he is not an approved vendor. That asphalt is on the road somewhere.

President Fanello: Right.

Bill Fluty: So we're asking you to approve that for payment. I'm sure there are some things that we can do, but I think it starts at the officeholder. Well, it's all of us.

President Fanello: Right, it starts with all of us.

Bill Fluty: It's all of us officeholders.

President Fanello: But I'm just saying there is a stopping point. You know, like Phil and I discussed and he agreed, we've got to do better at making sure the requisitions are marked that this or the PO's are marked that this is an approved bidder or vendor. You know, that may be something that you also need to check when you get the bill. Did it get marked? You guys might need to keep track of that as well. I'm just trying to find, and I don't have all the answers tonight, but just trying to bring up that, you know, we pretty much sign a blank docket or a blank check that we're saying that everything is okay and I'm not sure that that's okay.

Commissioner Crouch: You know, as a kind of a personal comment the woman who does the claims in the Auditor's Office is a democrat—

President Fanello: Well, let's not bring politics in.

Commissioner Crouch: Well, my point is...my point is that politics don't matter to her. I mean, she is auditing and if there is a problem she doesn't care what office it is, what party it is, she is going to bring it to the attention of the officeholder or the department head or officeholder that generated that claim. You know, I think she...I have utmost respect in the job she does and I think she does as good a job as could possibly be done. Not to say that there can't be some other measures, but she catches all kinds of things and she is very good at it. So I just want to put that on the record.

President Fanello: I don't think anybody is criticizing.

Commissioner Mosby: I don't think anybody is blaming anybody.

President Fanello: No.

Commissioner Mosby: I mean, to bring something like that up is totally ridiculous. I mean, I don't know what your point even is of mentioning politics, democrat or republican. I mean, we're talking about a person doing a job, you know, and I think whoever the lady is probably does the greatest job in the world, you know, and I don't know what brought politics in to it, but I don't think anybody up here has said politics, you know, in any part of this conversation here.

President Fanello: You know, that's not the point.

Commissioner Mosby: Yeah, that remark is—

President Fanello: It took one incident to bring this issue to light. One incident and that's all it takes. So now we need to implement some additional procedures. I will do a little bit of checking and kind of thinking and see what I come up with, and I would appreciate it if Bill and maybe we all get together and we talk about what possibly could happen. Maybe we even talk with the State Board of Accounts and see what other counties or cities do. But it takes one incident to bring it to light and there needs to be some additional controls in place.

Bill Fluty: I would also suggest when the purchasing agent does say that there are three bids and we wanted four that you take action on the fourth one as part of these controls that we have to have. I will certainly help any way I can.

Commissioner Mosby: Do you need a motion?

President Fanello: I'll let you all make your motion. I mean, I hate to hold up payment, but if we do approve it I want a note put on there. I want it noted in the record and whoever wants to agree with me, that I do not attest to the correctness of these bills.

Commissioner Crouch: I'll agree with that. I'll make a motion that we do make, approve the consent items, including the Accounts Payable vouchers, so that we can make payment to our vendors, and that we are just authorizing the payment. We are not attesting to the accurateness of it.

Madelyn Grayson: Catherine, there's one correction though, under the Auditor's travel request, that was requested out of the Commission budget, it says own budget.

President Fanello: Okay. That's fine.

Commissioner Crouch: I'll amend my motion to reflect that correction.

Commissioner Mosby: Second.

President Fanello: So ordered.

Bill Fluty: Catherine, with that, I assume I would check with the State Board of Accounts, that what you are doing tonight does intend that I can move forward and let those checks out on Tuesday morning.

President Fanello: Right. Right. So, we're saying that we can.

Bill Fluty: I mean, if he has a problem with how you've done this--

President Fanello: And that's fine, check with him, and then see what he has to say. I can't, you know, it took one issue to bring it to light, and I'm just not going to sign a blank check without knowing what I'm signing. I mean, just knowing who's on there and the amount, that doesn't tell me if--

Bill Fluty: All the back up for all the claims is with every claim, saying that all that was provided.

President Fanello: See what he has to say, and I'll think about it this week, and if you could think about it and maybe talk with him about what other cities and counties do. See if there is anything different that they could do that maybe we could implement that would be better. Just a control measure in your office, you know, Phil's trying to, like I said, make additional control procedures in his office, I think this just takes all of us working together to make sure we come up with something that's acceptable. It's not criticism, it's just trying to find out what we can do better.

Commissioner Crouch: Would it make sense to send a letter to Purchasing and ask that our department heads that have contracts and agreements have some input into this process?

President Fanello: Oh, sure. I think the whole, I've heard that complaint from not only our departments, but I've heard it from other departments as well, and I think they've maybe expressed that a time or two with him, but thought maybe it would be helpful for us to send a letter and get that on the record.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:56 p.m.)

CONSENT ITEMS:

Jail Expenses:

James L. Shireman: \$55,000

Repro Graphics: \$171.36

Travel Requests:

County Engineer (1) Surveyor (1) Auditor (1)

Treasurer (1)

Employment Changes:

Prosecutor (1) Burdette Park (2)

Requests for Telephone Service:

Center Assessor (1) Treasurer (1)

Auditor:

Submit Blue Claims for Jerry David.

Submit A/P Vouchers.

Weights and Measures: Submit letter for surplus equipment.

Commissioners:

Letter to State Board of Accounts.

Old Courthouse Craft Show contract.

County Clerk: Submit Monthly Report for June 2004.

Sheriff:

Submit Weekly Jail and Community Corrections Reports.

Inter-local Agreement with Daviess County Detention Center.

Those in Attendance:

Catherine Fanello

Bill Fluty

Madelyn Grayson

Gary Hohman

David W. Mosby

Kevin Winternheimer

John Stoll

Others Unidentified

Suzanne M. Crouch

Tammy McKinney

Dennis Hudnall

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded by Madelyn Grayson. Transcribed by Charlene Timmons and Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 16, 2004**

The Vanderburgh County Board of Commissioners met in session this 16th day of August, 2004 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 Commissioner's meeting August 16th. Introductions are as follow, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of August 9, 2004 Commission Minutes

President Fanello: Do I have approval of the August 9th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Advertise: VC-14-2004
Dump Truck, Snow Plow & V-Box Spreader**

President Fanello: First bid advertisement is for VC-14-2004, dump truck, snow plow and V-box spreader. Phil Lawrence.

Phil Lawrence: Thank you. County Highway would like for you guys to approve the permission to advertise the advertising of 8/20, 8/27 and bid opening 9/13.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

President Fanello: Thank you, Phil. And thank you for participating in the meeting today. We'll talk about that later.

Chamber of Commerce - Book Proposal

President Fanello: The first discussion item is the Chamber of Commerce. I believe we have Kathy Kennedy here. If you read your packet, which I'm sure you did, Kathy included a letter and is asking for our support financially for a profile of Vanderburgh County in their book. Are there any questions for Kathy?

Commissioner Crouch: Yes, you had indicated the last publication was a two page profile, when was the last publication?

Kathy Kennedy: This book was done four years ago and you're in here. You did a two page profile.

Commissioner Crouch: Is that how often you publish this, every four years?

Kathy Kennedy: Every five.

Commissioner Crouch: Every five?

Kathy Kennedy: So by the time it comes out it will be five years old. The books have a five year shelf life and this was your two page profile.

Commissioner Crouch: What did it cost back then, do you remember?

Kathy Kennedy: This was with a different company, but I have offered a discount, a significant discount, to participate in this book.

Commissioner Crouch: I know that Mayor Weinzapfel included a letter. Is the city also participating?

Kathy Kennedy: We'll probably ask him to do a foreword in the book.

President Fanello: And their costs are the same as the costs that you've quoted us for?

Kathy Kennedy: Um, if he does a foreword he probably won't pay for it, it will probably just be something that is part of the book, like written in part one. I'm not really sure because that is not really what I do. I just work on part two, which is the corporate sponsorships and leadership and that type of thing.

Commissioner Crouch: Where would we pay this out of?

President Fanello: I don't know. I mean, we don't have any budget currently, like in our Commissioner budget to pay for it. You know, we don't have like printing or what we do have in there, I think, is very small. Printing there is like—

Tammy McKinney: I'm not even sure if it's \$1,000 what we have in Printing.

President Fanello: Yeah, we would have to go back and ask for the money.

Kathy Kennedy: We could do some creative financing for you and we're going to wrap this up September 1, but you'll have all winter to work on your story and then that would also give you next year, 2005, to if you wanted to split up your billing we could accommodate you that way as well.

Commissioner Crouch: We would need, I guess, to file an additional appropriation?

President Fanello: We would, and the deadline has already passed for this month. We could certainly look for some place to transfer it from if they would allow us to do a late transfer. As far as an additional appropriation we would have to wait until next month.

Commissioner Mosby: Okay. I'll just make a motion that we take under advisement until we...subject to financing.

Commissioner Crouch: Take it under advisement—

President Fanello: Right, we could have Tammy look and see—

Commissioner Crouch: —until we have financing. I'll second.

President Fanello: —if there is some place to transfer it from.

Tammy McKinney: Yeah, I can see if we have an account that we could transfer some money into Printing.

President Fanello: Is that the final rate, the \$7,000 and \$4,000 or is that negotiable at all?

Kathy Kennedy: It's \$8,900 for two pages and \$4,950 for one page.

President Fanello: Oh, so it's different than what is in the letter.

Kathy Kennedy: Well, what I'm offering you is the discount.

President Fanello: Oh, your offering is?

Kathy Kennedy: Yes, yes.

President Fanello: Okay, I understand. Okay.

Kathy Kennedy: Because, of course, with I-69 coming through, you know, we would really like, you know, for that to be in here.

President Fanello: Well, we will take it under advisement and come back next Monday and we'll let you know what happens.

Kathy Kennedy: Okay, thank you.

President Fanello: Okay, thank you, Kathy.

Commissioner Mosby: Thank you.

Association of Indiana Counties Conference

President Fanello: Association of Indiana Counties Conference. We might have to have Patty refresh my memory. Patty, discussion with the other counties on the Indiana Association of Counties Conference would you mind coming forward?

Patty White: I spoke with Kelly, what's her name now, Vicente-Mayoral, from the Association of Counties and she said that they do not waive their policy of requesting that volunteers be registered for the conference. She said that other counties approach it as an educational experience, even when it's in their own county, just as if they were sending them up to Indianapolis or Merrillville, or to another city for the conference.

President Fanello: And Patty did send a memo out from our office asking the departments who they thought they may be signing up for this conference so that we could see how many, because we don't have a big budget right now to even sign up a lot of people to go. She is saying that all the volunteers have to be registered.

Commissioner Crouch: That raises a question, can we get volunteers from the public? And if we did, would they have to register?

President Fanello: Uh-huh, yes.

Patty White: She indicated that everyone who volunteers has to be registered. That for their security, because of name tags, etc., she said it's very difficult to make a second set of name tags and I tangled with her a little on that issue.

President Fanello: So her suggestion was, you know, whoever we were to send from Vanderburgh County, from all the departments, all those department donate their own time or volunteer their own time over there, but that's going to be difficult as well, especially being the host county.

Commissioner Crouch: And we don't have that kind of money for registration.

President Fanello: No, and I emailed her back and I think copied Patty on the email, I told her our travel budget is very, very small.

Patty White: And she said it was not their expectation that we would register 45 people to come. She said, no, that would be unreasonable of us. I said, yeah, it would be.

Commissioner Crouch: I thought, though, she said that they needed 43 volunteers.

Patty White: They need that many volunteers, but she didn't expect us to register 45 people. She said, look at your pool of people who are already coming to register and she encouraged us, as she put it, to think outside the box and look to the surrounding counties as well to find out who was coming from Posey County, Gibson County and Warrick County and encourage them to volunteer with us as well.

President Fanello: My response to that was they know who signed up, you know. We don't know who signed up from all the other counties without us taking a lot of time from our office to call those other counties. I thought she could supply us with that information.

Commissioner Crouch: This is in October, correct?

Patty White: Uh-huh. The first week of October.

Commissioner Crouch: And we would have to get an additional appropriation.

President Fanello: Right, yeah. That's why we haven't heard back from any of the other departments have we?

Patty White: Uh-huh.

President Fanello: Did we give them a date to respond by?

Patty White: No, but I can call them if you would like.

President Fanello: Okay. You may need to start calling departments and see who they are going to sign up.

Commissioner Crouch: Can we do a letter, perhaps, to the County Commissioners in the surrounding counties and ask if they know of any employees?

Patty White: Sure.

President Fanello: Sure, and just let them know that we need volunteers.

Patty White: Other county officeholders as well, the Treasurers and Clerks.

President Fanello: Yeah.

Commissioner Crouch: Yeah, and probably we ought to file some kind of an appropriation request.

President Fanello: I would like to have an idea of how many people in this because I actually spoke with Councilman Raben the other day and he is really wanting us to tighten up on travel and training and things like that and only signing up the department head or the assistant department head or the officeholder and not actually letting any more than that go, just because money is so tight right now. I had told him that we talked about the travel budget a couple of weeks ago. Thank you, Patty. So Patty will draft a letter to the surrounding counties.

Building Authority - Surplus Items

President Fanello: The next item is Building Authority surplus items. Dave Rector.

Dave Rector: I understand at the last meeting Commissioner Crouch had some concerns about the surplus furniture that had been down the basement for...ever since I have been here and who knows how long before that. To get rid of that what we had done, and I think each of you have a copy that I provided you, originally, with the lease in 1969, the Building Authority had bought all the furniture for the complex. With that then our attorney advised that to get rid of it we needed to declare it surplus, which our board did June 30th of last year. I gave you a copy of it and the list of those items. I'm not going to pretend that the list is totally accurate. I did not go down there and count one, two, three, four, five, six desks, nine chairs, 14 cabinets or whatever. I tried to get the best we could. The idea was to get rid of that, was to sell it. I talked first with Commercial Liquidators and Hunkie Blues in Henderson, both of them said they had so much used furniture that they didn't want any more. I then talked with three different auctioning houses to see if they would be interested in auctioning it. They said that they would have more money into it, coming and getting it, than they could get out of it. I said what if you just take it off our hands. I volunteered to give it to them. They didn't even want it at that. They said it was going to be more of an effort for that. With that we started looking at some of the governmental non-profit groups we have that might be able to use it. I know that the Old Courthouse took a number of pieces. Burdette Park took some. The Coliseum did, the Parks Department. There was a fire department, a volunteer fire department that took some. Basically, I was doing whatever we could to get it out of there and get rid of it at that point. Finally, just a couple of months ago we were able to get rid of all of it. If somebody has a concern about it I wish I would

know immediately because I could look on the camera and I could see if anybody was carting if off that shouldn't. To my knowledge they haven't, but I can't stand here and say that it didn't happen, but they're trying to insinuate something improper and I am offended by that. I don't think anything was at all. I think we tried to follow the best we could in getting rid of the furniture. Anything that wasn't original, obviously, I think Tammy has out at the Highway Department and you're going to try to do something with at some point, but I think you and I both would volunteer doing anything with surplus furniture if somebody wants to step forward they can have it and take care of it because it's a mess to try to get rid of. I don't know if that answers your questions or not.

Commissioner Crouch: So there was no county owned property that was disposed of?

Dave Rector: Not that I am aware of. As I said, I don't know if you were down here, you might have been when we took a tour down in the basement. It was lined wall to wall from me eight feet up with nothing but furniture stacked on furniture. It was a fire hazard. It was unsafe and it was our effort to get it out of here and get rid of it.

Commissioner Crouch: And I don't disagree with that. You know, we spoke about that at the time and the process that needed to be followed. I guess my...the concern that some people had, my concern would be if any county owned, county purchased furniture or equipment was disposed of with that, but you're saying that wasn't?

Dave Rector: I can't attest that it was or it wasn't, not that I'm aware of. It appeared to be original furniture down there and I think if you looked at it it looked 35 years old. But was there a 29 year old piece in there or a ten year old piece, I don't know. We were getting rid of furniture. And as I said, if anybody thinks anything is improper just tell me and the camera system goes back up to 30 days and I can get on. We've got the dock covered and I can see who is carting it out of here.

Commissioner Crouch: And I guess the concern, as I said, is mainly from my standpoint if any county owned property was part of that inventory then it needed to go through the process of coming to the County Commissioners.

Dave Rector: Suzanne, I can't tell you, I don't know.

President Fanello: But it did go to other city/county departments.

Dave Rector: Oh, yeah.

President Fanello: And volunteer fire.

Dave Rector: Like I said, Otis got a whole bunch of it that he has used over there. I know Burdette is using some. The Coliseum took all the fixed pedestal seating. We couldn't find hardly any...I don't know what they are doing with them, but I'm glad they took it because I thought it was going to go to the landfill. At our next board meeting I'll ask the board to declare surplus this that came out of Circuit Court. Quite honestly, now if somebody doesn't take it it's going to the landfill. We don't need 35 year old pedestal seating that is not used any more.

Commissioner Crouch: And you had indicated that there had been two other surplus declarations by the Building Authority Board since this June 30th?

Dave Rector: One was for filters, air filters that had lost their shelf life that had been purchased in excess and there were some feminine hygiene items that were over ordered that no longer fit the dispensers in the building that I didn't see any sense in keeping several dozen boxes of those on hand, and we donated those to Albion Bacon.

Commissioner Crouch: Someone had indicated that the Warrick County Volunteer Fire Department did take some of the surplus.

Dave Rector: I think Chandler did. Chandler was one.

Commissioner Crouch: Chandler?

Dave Rector: Yeah.

Commissioner Crouch: Was that same offer made to our volunteer fire department?

Dave Rector: As I said, anybody that was non-profit who was asking if they could have by that point we were letting them take it.

Commissioner Crouch: Okay.

Dave Rector: Any other questions on that one?

President Fanello: I can't think of anything. You went through your board.

Dave Rector: Yeah, I mean, like I said—

President Fanello: It seems like most of the possessions are still in—

Dave Rector: —as far as I know we've done everything appropriately and Joe, Jr. reviewed it. Obviously, he is part of the minutes here and if anybody wants to take over getting rid of that furniture I would be happy to give them that assignment.

Commissioner Crouch: Tammy, is all the county owned surplus out at the Highway Garage, so anything that is ever left here then is out at the County Highway Garage?

Tammy McKinney: What is surplus county furniture is in one...it's in a room downstairs. It's not in a hallway, it's in a locked room. Bennie gets to it if someone needs a desk or something like that. I just leave a note for Bennie and he'll go down and get it for any office that needs an extra desk, chair or whatever it may be.

Commissioner Crouch: The equipment or furniture that is declared surplus here at this meeting and that is out at the County Highway Garage?

Tammy McKinney: Once we get to full...most that is out at the County Garage are old computers that don't work and like metal folding chairs, that type of thing, maybe some old file cabinets, but there is not any, to my knowledge, since I have been here there are not any desks or any of that sort of furniture out at the highway. I'm not saying that some is not out there from, you know, years ago, but nothing has been out there since we've been in.

Dave Rector: I'm just unclear if somebody is really concerned about it why they wait a period of time to bring it up if they thought furniture that wasn't supposed to be gotten out of here was gotten out. Like I said, if we just know we can look it up and we see who took it away. I can call, bring it back and let's look at it. You know, three, four, six months later I have no way of knowing.

Commissioner Crouch: I just know that we used to have county surplus sales every year and I don't think we've had one for three years, so I was just curious where that was and if any if that had—

President Fanello: When was the last county surplus sale?

Tammy McKinney: Now we've never had a surplus sale for like furniture or anything since I have been here. Dave and I, like he said, we've brain stormed trying to get people...trying to get vendors just to come in and give us a price just to take it, you know, so it's not a fire hazard.

Dave Rector: Right, the auctioneers wouldn't even take it if I gave it to them. We can't get two dollars for a file cabinet, a buck for a chair.

Tammy McKinney: And then you have to look at the time that it is taking to prepare for a sale to get a dollar here for a chair or two dollars there. If it's, you know—

Commissioner Crouch: And I don't disagree, but if it is county owned furniture then there is a process that it has to go through and it has to actually go through this board to be—

Dave Rector: If it's county owned furniture Tammy would take care of it.

Tammy McKinney: Right.

Dave Rector: If it's the original Building Authority purchased furniture we took care of it. Was there a mix of that? Like I said, I—

President Fanello: Kevin, what are our options on that because I don't see how it is a useful or efficient use of tax dollars for Tammy to waste her time at a sale that we're going to make five dollars at or something. I mean, what can we do to get rid of this furniture and equipment in a responsible manner?

Kevin Winternheimer: If it's under...I believe if it is under \$500, it's either \$500 or \$1,000, the Commissioners can do whatever they want to. Give it to whomever, sell it to whomever or do whatever they want to with it. If it is what is called "junk" for lack of a better word, meaning it costs more to get rid of it than what it is worth, you can just junk it, take it to the landfill or whatever you want to do with it. You can always give it to a not-for-profit. If you would ever have something that is worth individually, I believe it is \$500 for an individual item, or if you have a bunch of similar items worth more than \$1,000 then you're required to sell it and usually the best way is by auction if you have enough. If you had items that are worth something, unlike what you're talking about here, you know, you could go together with the city. They have an auction occasionally. Like you said, you get to the point where the handling of it costs more, like you said with the auctioneers, where it is just not worth their while in that case it's junk and you can just take it to the landfill or do whatever you want to with it.

President Fanello: Well, and—

Dave Rector: We were pretty exhaustive in trying to find somebody that would like to use it and have it. Bennie was really helpful in this in all his travels he does around the county. I was glad that we found the Old Courthouse, Burdette, the parks and the Coliseum.

President Fanello: Can we get somebody to go with Tammy and Rector and assess the value of this furniture and let's get rid of it either to the landfill or contact some not-for-profits because there is no use for us taking...I think you bring up a valid point. There is no use for us taking up—

Dave Rector: There is no value or an auctioneer would have taken it. Like I said, I would give it to them.

President Fanello: Right, and well, there is no use in us taking up needed space downstairs for junk. We don't need junk in the building. So how would the Commissioners like to proceed to get rid of the junk?

Commissioner Crouch: Well, I don't think that their argument is the fact that there is junk that needs to be gotten rid of, I think it's more of the process and who determines. You know, Kevin, I think what you're saying is correct, but I would suspect that would have to come through this board for action regardless of which way we went. Someone can't just arbitrarily decide something is junk and get rid of they, could they? I mean, wouldn't this board have to—

President Fanello: But is there an instance of that happening? Are you saying something like that happened? You keep insinuating that, but has something happened?

Commissioner Crouch: If Mr. Rector assures me that none of that furniture was county owned, then I say no.

Dave Rector: And as I stood here and said, I can't assure you that it wasn't. It appeared it was old furniture that was bought originally 35 years ago, but was something bought 20 years ago? I don't know how we know what we bought originally.

President Fanello: So you're saying all that was bought in 1969? You assumed that everything that you got rid of was bought in 1969?

Dave Rector: Yes, it was all...yeah. Yes.

President Fanello: I've seen our furniture around here. Even if it was bought in 1975 or '80 it can't be worth much.

Dave Rector: I don't know how we determine when it was bought or changed.

Tammy McKinney: I was going to say, I don't think we have anything down there of much value.

Dave Rector: There was nothing...well, there is some left now and now is a good time to address it, I guess, because since we've gotten rid of everything other departments have bought more furniture and they've got old stuff down there that

we've got sitting again. So I don't want to turn this into another used furniture warehouse.

President Fanello: Well, and I suspect that before we started really keeping adequate fixed asset records, I'm sure back in 1975 or seventy whatever they weren't keeping the type of fixed asset records we keep today and I am going to assume it's going to be hard to track if the Building Authority bought it or if, you know, Vanderburgh County or the City of Evansville bought it. As long as...I'm just glad to see it is being surplused. It went through a process. It went through your board. It's not like anything, you know, went outside of a board.

Dave Rector: Absolutely not.

President Fanello: A board did authorize it. I mean, and this is a city/county, you know, Building Authority. I don't think anybody has authorized anything wrong here.

Dave Rector: Absolutely not.

Commissioner Mosby: I mean, I don't know who "they" are, but if "they" have a problem why don't "they" get with Mr. Rector? I mean, if there is something "they" know about, tell us.

Commissioner Crouch: I don't disagree. I just wanted to be assured that it wasn't county owned property, because clearly this board is the board that would have to take action.

Dave Rector: But how do we determine that?

Commissioner Crouch: Well, I would assume that--

Dave Rector: We've got an old desk sitting down there, how do we know that it was bought 35 years ago with the building or it was bought 22 years ago by somebody that changed it out?

Commissioner Crouch: I would suspect that a lot of that original stuff probably is not there and it would probably be pretty easy to determine those from new items.

Dave Rector: My determination was it was all old furniture. It appeared to be original with the building. It was like the seats in the Circuit Court we just took out. We know those are the original seats in there.

President Fanello: So how do we want--

Dave Rector: I'm open to suggestion. I just--

President Fanello: I don't see that, you know, I don't know what else you could have done. I'm sure they didn't put fixed asset tags back in 1975 on property. If they did I am not aware of it. I mean, I know we tag everything now, but I'm not so sure what happened 30 or 40 years ago. So how do the Commissioners want to proceed to get rid of the junk that we now have? I think it raises another issue.

Commissioner Crouch: I think that if we have equipment or furniture stored at the County Garage that perhaps Tammy can take an inventory of it and submit it to us and we can go ahead and have a sale.

President Fanello: And that would include what is in the basement as well?

Commissioner Mosby: Do we have advertise the sale and everything?

Kevin Winternheimer: Like I said, if you're going to have a public auction or a public bid situation you would, but it kind of depends on the value of the stuff.

President Fanello: Well, yeah, let's determine the value.

Commissioner Mosby: Well, and that's what I think we need to determine before we go to advertise and spending a lot of money to do that. We need to determine the value because if the value of it is ten dollars I don't want to spend \$1,000 to advertise and I think we've got to be prudent in that. That's what I figure, and from what Mr. Rector is standing here saying he's got a whole basement full of junk that ain't worth \$50 that we're sitting here advertising, getting an auctioneer and the whole nine yards.

Dave Rector: I called Hunkie Blue that buys that kind of stuff and he said I've got three semi trailer trucks of used office furniture out here I can't get rid of. He said, I don't want it.

Commissioner Crouch: So Tammy will take an inventory of it and then let us know?

President Fanello: And then don't we have some computers that were surplus by the courts that we have been giving to not-for-profits?

Tammy McKinney: To non-profits.

President Fanello: And we still have some of those left, too.

Tammy McKinney: And they're at the Old Courthouse.

President Fanello: Okay, we might look at trying to get rid of those as well.

Tammy McKinney: Okay, I have spreadsheet of where...the ones that were donated where they have gone, what days they were delivered and everything.

President Fanello: Well, I remember Marsha coming to ask that we look for not-for-profits to use those computers. But if they're just sitting there now they're losing usability. So they're probably not worth much, so we need to see about getting rid of those as well.

Dave Rector: This is kind of like the old saying, no good deed goes unpunished. I think I'm next, too. I'll just stay up here.

Building Authority - Televising Meetings

President Fanello: You're next, televising county meetings.

Dave Rector: I think each of you have a letter also, Commissioner President Fanello had asked would the Building Authority consider purchasing and installing the necessary equipment to televise these meetings and the Council meetings. I polled my board to inquire if they would be interested in doing that under the same situation that we take care of the sound system in here and in the Council meeting rooms.

Commissioner Fanello suggested that it could be reimbursed and paid for in the same way that we're doing the court relocation renovation project, with that agreement that we signed July 12th. My board agreed that they thought it was a good idea if you still want to do that and I will have to take it to them for official action at our meeting, but they indicated they agreed if you all would like us to pursue that.

President Fanello: Well, you know I do. It's another step towards open government.

Commissioner Mosby: I would most definitely be in favor of something like this. I mean, we've asked the Council on several different occasions and they're not going to agree to it. If this is a way of getting it done and bringing forth to the public what happens here.

Commissioner Crouch: I did put a call into Councilmember Winnecke and to Raben about this issue and they said that they did speak to Commissioner Fanello about it. They were in favor of it, but they didn't know it was to be reimbursed, and they are not in favor of that because the money, whether you're holding it or we're holding it, it's still county money. Is that correct, that 2006 reimbursement is county money?

Dave Rector: Other than that, it's your decision, it's not a Council decision. It's a Commissioner decision.

President Fanello: Well, I'm going to argue that I can't understand why any Councilman, any officeholder, would be opposed to televising County Council meetings and County Commissioner meetings. Now we sit here and we stream these meetings over audio. People don't want to listen to audio that much. They want to see their government in action. They do this Indianapolis, they do it in smaller counties across the state of Indiana smaller than ours. Why would we want to be behind the times in 2004? Would somebody answer me, it just doesn't make any sense.

Commissioner Crouch: I have voted every time to go ahead and televise it, so I don't know—

President Fanello: Well, I would like those Councilmen to get out in the public and tell the public why they do not want the public to see their meetings on tv. Is there some reason that we don't know about?

Commissioner Crouch: I can't speak to that. They will certainly have to speak to that, but, again, their concern is and I think it's a concern that I have also if we don't have county money and Council said we don't have county money, whether you're saying we have the authority of this or not, it is still county money and to me if they're saying that county money is not to be spent, then I think we—

President Fanello: Do you realize what they are saying though? They are saying they cannot give the taxpayers back their money to watch their own government on tv. You're saying I'm going to control your tax dollars, but you can't watch government on television.

Commissioner Crouch: Remember the same argument you made about streaming.

President Fanello: Well, streaming to me is not as effective as seeing your government on tv. You know, somebody...I know a lot of people they don't sit there and listen to the Commissioner meeting unless they have a vested interest in

listening to them, but people want to see their government in action. They do this in Indianapolis with all their board meetings. They don't just do it with a...they do it with all board meetings. I just can't imagine any Councilman telling the public they can't get their taxpayer dollars back to them.

Dave Rector: We're just here trying to help out if you would be so inclined.

President Fanello: I know, and I agree with it.

Commissioner Mosby: Well, and I agree with it. I mean, it is county taxpayer dollars, but it is going back to the county. If we were spending it on something else I could understand it and I don't understand why. I mean, there is a lot of people that can't get to these meetings and a lot of people that, you know, would like to maybe at some times be here or at work that have access to a tv. They could be sitting here, you know, watching this. I will vote on it tonight and there is no doubt. I mean, I think government ought to open and ought to be open to the public and this is not frivolously spending their money, it's giving it back to them. They are the ones that are going to benefit from this.

President Fanello: I would hope that the public would be outraged at any officeholder that told them that they cannot have their tax dollars back to watch government on tv. I think that is appalling. I think it's ridiculous and I'll second that motion.

Dave Rector: So ordered.

President Fanello: Second and so ordered.

Dave Rector: Okay, I will take it to the board for official action at our meeting August 31st, I think it is.

President Fanello: If we meet with too much resistance I would be happy to get a petition going from the public to get government on television.

Dave Rector: Well, as I said, they so indicated they thought it was good idea, but I can ask if they would like you to be at the meeting also. May I request permission to go out of turn on one last item?

President Fanello: Sure.

Building Authority: Centre Repairs

Dave Rector: We had some repairs over at The Centre. I can't explain why, but the fireproofing on the steel came loose, crashed down through the ceiling on the fourth floor. Fortunately, no one was there and we had to get it repaired, obviously and it was about \$1,070 and I would suggest that we use part of what we're doing with the food and beverage repair and some items over there if you guys would agree to it.

President Fanello: How much—

Dave Rector: Otherwise it falls to you to pay for it.

President Fanello: Thousand dollars—

Dave Rector: It's \$1,070.

Commissioner Mosby: Did you say \$1,070?

Dave Rector: I'm just suggesting a good place to do that might be with some of that money that we're doing those things with over there.

President Fanello: Do we need a motion to that effect?

Commissioner Mosby: I'll make a motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dave Rector: Anything else?

President Fanello: Thank you, Mr. Rector.

Dave Rector: Thank you, Commissioners.

Madelyn Grayson: May we make a tape change please?

President Fanello: Sure.

(Tape Change)

Madelyn Grayson: Thank you.

Purdue Extension Contract

President Fanello: Commission contracts, Purdue extension. Before we go through these two contracts, Patty was going to get our new form filled out, because she noticed that they did not have those filled out for this. So, she was taking care of getting that done.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second. Just curious, I've noticed in the past we had approved these in December or January, and it's August that we're approving them. Is there any reason why it's so late?

President Fanello: That's a good question.

Commissioner Crouch: We're approving a contract for, since the beginning of the year.

President Fanello: It's been an on-going....right. It's been an on-going thing with the Purdue extension. Patty, do you know?

Patty White: (Inaudible. Not at mic.)

President Fanello: They just brought it to us?

Patty White: (Inaudible. Not at mic.)

President Fanello: Well, maybe we should hold it–

Commissioner Crouch: (Inaudible. Mic. not on.)

President Fanello: –maybe we should hold it and send it back to them and ask them why they sent it late.

Commissioner Crouch: I think that's a good idea.

President Fanello: Okay. That's fine.

Commissioner Mosby: I'll withdraw my motion.

President Fanello: Okay.

Commissioner Crouch: And my second.

President Fanello: We'll send a letter from the Board of Commissioners.

Cintas Agreement

President Fanello: Next one is a Cintas agreement. Tammy, could you explain this agreement?

Tammy McKinney: Sure. This is a standard agreement that the Superintendent has with Cintas. This is for cleaning of Bennie's uniforms. Kevin has looked at this.

President Fanello: Have we done this in the past?

Tammy McKinney: Yes, it's a standard agreement.

President Fanello: Okay.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Community Corrections Change Orders

President Fanello: Next item you have is a change order on the community corrections facility.

Commissioner Crouch: They're going to be here Thursday.

President Fanello: Right.

Commissioner Crouch: I would like to, if it's agreeable, just to defer this until next Monday, so that we can, they can speak to it, perhaps Thursday.

President Fanello: Right, I don't have a problem, but I don't want us stopping work out there. So, I mean, I don't have a problem waiting until Thursday, but I don't think

we can take action at Thursday's meeting. I do not want us stopping work out there. I don't think that's good business sense. They're already out there working, and they indicated that in order to get this moving for the community corrections, Williams Brothers is already working out there on site preparation. I mean, we would be asking them to halt for a week. Kevin, I mean, does that cause any problems with the contractors out there if we tell them to stop work for a week?

Kevin Winternheimer: It usually means money. I don't know the sequence of the work, but, I mean, it could. I just don't know.

Commissioner Crouch: Is there anyone here to address this?

President Fanello: No, I mean, I know that they're going to be here Thursday and give us an update on the entire project. That's my only concern, do we cause ourselves any extra expense by asking them, because we would have to call out there immediately and have them stop work.

Commissioner Crouch: Well, just—

Dave Rector: Excuse me, would, do you want me to address that maybe? I do know that they're mobilizing and setting up, and really gearing up to work out there for the community corrections center. I would guess that this is going to cause a problem now if you try to tell them to stop for another week, because they just got their building permit last week.

President Fanello: Okay.

Commissioner Crouch: That may be, but I'm not comfortable voting on it without someone here speaking to the issue.

Dave Rector: I'm sorry.

Commissioner Crouch: I'm not comfortable voting on it without them here speaking to the issue. I appreciate that.

Dave Rector: I just know that they just got their building permit last week and we're setting up trailers and everything to get going.

President Fanello: So, you think it would be a detriment or not a detriment?

Dave Rector: Oh, I think it would be.

President Fanello: You think it would be.

Dave Rector: I can't speak for ARC, but I know they were getting ready to start.

Commissioner Mosby: Yeah, in my conversation, I know ARC is ready to move forward. This has to be done immediately before they can move forward.

President Fanello: Did you—

Commissioner Mosby: So, I mean, that's what concerns me is—

President Fanello: I was going to ask Suzanne, did you have a chance to call Les today? Or Shireman?

Commissioner Crouch: No, I thought that maybe someone would be here. Because this is not an insignificant change order.

President Fanello: Right. Well, I know that they're planning on being here on Thursday, but I would have hoped that you would have called them today and talked to them. Hmm. Well, let's go get one of them on the cell phone. We'll just wait. Tammy, can you go try to get one of them on the cell phone? Because we're not going to stop production out there, that's not good business sense. If we have to continue the meeting, we'll continue the meeting tonight.

Commissioner Mosby: Ask them how soon they can be here.

President Fanello: Uh-huh. Let's hold this and see if she can get them on the cell phone and get somebody down here.

Public Comment

President Fanello: Let's see, is there anyone else in the audience wishing to address the board? Seeing none.

Old Business

President Fanello: We can move on to old business.

Commissioner Crouch: The Prosecutor's office, I saw that they had a phone system--

President Fanello: She e-mailed you back. Did you not get her e-mail?

Commissioner Crouch: No.

President Fanello: Yeah, she e-mailed you back and explained that they were not, it was a service, and they were not aware....I still have questions on that issue, but I don't have my answers tonight on that issue, but she did e-mail you back. So, we need to talk to the Purchasing Department about that. I do have an item under old business. As you all know, I sent a memo out to Bill Fluty last week about some questions, kind of stemming from our meeting Monday night, and especially with the, in relation to the claims docket that we sign. As you see, my thought in the letter is that the Commissioners approve all claims in the county, and we review all of them, and we do not sign off on a docket. That's going to be my recommendation, and I'm going to weed into that in a minute. I had a meeting with the Auditor's office today, and the State Board of Accounts. The other e-mail that I sent out, which each of you should have a copy of was to let our departments know that all requisitions, I believe all requisitions should come to the Commissioners for approval, and all their claims should come in for us to review them before they ever go down to the Purchasing Department and the Auditor's office. I know the city is taking similar steps, and the Controllers' office is tightening up and looking at all their requisitions before they go down to the Purchasing Department. It is within our scope of authority to do so as well. So, I would ask that we do that. I would also, for a period of time, ask that we review the entire county's requisitions, to make sure that they are getting filled out properly, and that purchases look like they're following the purchasing policy

ordinance. When I met with the State Board of Accounts today, I met with Todd, Chief Deputy, in the Auditor's office, I met with Terri Woodward, and I met with Tom Simpson, and Allen, I'm not sure what Allen's last name is, I think it's Hurt. Bill, is it Hurt? Allen Hurt, from the State Board of Accounts, and Tom Simpson was thrilled that we were taking this type of initiative to look at all the departments, and thought that the Commissioners, you know, it's within our authority to do so. He said he was always happy when Commissioners took that type of approach to look at all the claims in the county. They were very supportive. We just need to coordinate with the Auditor's office on how to do this, and Terri Woodward was going to get with Bill and with Todd and they were going to go through what would be an appropriate schedule to do this, and how fast we could get them up to the Commissioners office and then turn around, how fast we get them back down to the Auditor's office. Which, obviously, is going to require more time commitment on each Commissioner. But, I think it's something that we need to do, and I hope that each Commissioner supports that. In order for us to get even better and more strict purchasing procedures in place.

Commissioner Crouch: You know, I have a question, I should of thought of this while Phil Lawrence was here. When I spoke to Dennis after the meeting, Dennis has indicated that he had spoke to Phil Lawrence, and Phil Lawrence, I'm speaking to the asphalt vendors and the purchasing there, that he asked Phil about....and correct me if I'm not relaying this correctly, that he had spoken to Phil about the fact that Jerry David did not bid. Phil had indicated that to continue until Dennis heard back from Phil. I guess, my question is did Phil then talk to you, Kevin? Did you give him any advice? Or did Phil just on his own decide that--

President Fanello: Is that the issue we're....I mean, we talked about that issue two weeks ago--

Commissioner Crouch: That issue is what's precipitated all this.

President Fanello: Right, and I'm not going to let up from this issue. It's either each Commissioner put more time into looking at requisitions and claims, or I'm not signing off on them.

Commissioner Crouch: And I'm not going to let go of who ultimately authorized the fact that we should continue to purchase from a vendor who did not bid, and did not receive an award.

President Fanello: I think that's what we're trying to correct here.

Commissioner Crouch: But, we need to start with ourselves and ask how that came about.

President Fanello: I think I went over that with the State Board of Accounts today, and like I said they were very, very encouraged that the Commissioners take a more active role in this. They stressed that the department heads, you know, things do start with the department heads, we have to have better training, better education, better communication between the Purchasing Department and the department heads, but it is the Commissioners responsibility to look at these claims also.

Commissioner Crouch: If there's a department that we have control, or a department head that we have control over and they do not follow procedure, we may look at having to look at reprimanding that individual.

President Fanello: That's true.

Dennis Hudnall: Dennis Hudnall, County Highway. I would like to make a comment on that. Procedures of paving roads, it is the Commissioners responsibility to say what roads and okay what roads to pave. The County Highway does every effort to do a quality job. We've always explained to the Commissioners that location is everything when you're paving a road, closest vendor. We don't care where we get it, to tell you the truth. It's the closest vendor. It makes it easier on us. When I seen, now I was fairly new when this happened, when I seen that Jerry David wasn't in there, and I seen where we were paving roads at the first of the season, that's why I asked the question. When I asked that question, I didn't call a Commissioner, I didn't call anybody, I called who lets the contracts. Well, I don't look at this as a contract, because Rudolph, Jerry David, E&B, and Gohmann's can cut me off any time they want. They can say I have a state contract, therefore, I'm not going to supply you with any asphalt. That's happened to me on several occasions. So, now I think of alternative ways, and sometimes they do that in the middle of a day after it's planned. Rudolph has done it and Gohmann's has done it. So, I don't have really a choice of where do I get this asphalt, do I leave my crew of 16 sitting out here on the road, or do I think of new and innovative ways of doing things. If you put a cuff on us and say that we can't think on our own, then you're going to lose money in this county. I am here to tell you that no impropriety has taken place at the County Highway. We can beat this to death, but I assure you that the people of the County Highway are honest in their dealings with these vendors.

Commissioner Crouch: Dennis, that isn't what, you know, I asked.

Dennis Hudnall: Well, it sounds like it is.

Commissioner Crouch: Did you not speak to Phil Lawrence about the fact that they were not—

Dennis Hudnall: I did speak to Phil Lawrence. I know he's a busy man, and at that time of the year, you know, we didn't get the communications that we need. Now, I don't know his office at all. But, I know that I had to send one of my foreman to the Purchasing so I know where to buy tires. Does Reis or does Raben have the bid? I don't know that. They forget the County Highway.

President Fanello: And I have, Phil—

Dennis Hudnall: And I have addressed that.

President Fanello: I was just going to say, Phil admitted to me that he didn't come back and, you know, talk to us about the issue any further.

Commissioner Crouch: So, Phil Lawrence, just dropped the ball?

Dennis Hudnall: As we all do on occasion. But, it just so happens this one was the County Highway's and I want to address this in a straight forward manner. I don't want to hide anything. But, at the County Highway, we don't care who supplies what, it's the cheapest of whatever specifications we specify. We're not going to buy something that we cannot use, just because it's cheaper. We go out and we check the prices, we check the quality, and that's documented. But, buying from Jerry David, yeah, we've probably all dropped the ball in a certain way. I'm looking at efficiencies, you're looking at, you know, perception. The perception is we use Jerry

David, I didn't use Jerry David because he had a contract or didn't have a contract, I don't look at it as a contract. Jerry....all these vendors send a price in. You've got E&B that will send \$29, you've got Rudolph that will send \$30.75, Gohmann's is \$27, if the county is looking at saving money, they'll always buy it from Gohmann, because they're what, three dollars and seventy five cents cheaper per ton. But, we have to look at location, fuel costs, how much travel time, is the paving going to be cool, and that's the efficiencies that we gain. So, we're not really looking at price are we? Even though Jerry David is \$36.50, are we looking at price? If we're going to buy the cheapest one, you're only going to buy one, and that's Gohmann, he's \$27.

President Fanello: Well, I tell you what I sense here. I sense resistance in making some stricter purchasing procedures. I sense resistance from certain departments. I'm sensing resistance from you on wanting to look at some of these things, and, Bill, I mean, Todd made the effort, we had the meeting today, and I think it's just a big change. But, you know, we had an incident, it was there, now, we know that there are cracks in the system. Just as Tom Simpson told me, there are going to be cracks in the system. It's up to us to go back and find ways to fill those cracks. That's what I'm trying to do. I think that's what each of us want to do, but that's going to take some effort and time on our part.

Commissioner Mosby: I received the memo that, I guess, you sent back on August 11th, I think you sent another one, I don't know what day it was exactly, I read both the memos and I'm going to have to agree with you. In light of what has happened with the asphalt issue, I think we need to be examining, you know, all the bills. You know, we have to put tighter control over the spending. I understand exactly what Dennis is saying. If I remember correctly the first time I sat here in 2001 we forgot to bid the salt. We flat didn't even have a bid on salt.

President Fanello: Well, don't say we forgot, Mr. Lawrence forgot.

Commissioner Mosby: Well, I was going to say, I mean, it's one of them things that happened. But, you know, we need to know, you know, if a department head and office holder, you know, are making unauthorized purchases, or they're making purchases that violate the county purchasing policy. You know, this could require a number of hours, I'm not going to deny that, and I'm willing to be in the office, and I'm willing to take the time to review the claims, so, and requisitions, whatever we have do. We've already heard how tight money is going to be next year, for the year 2005, so, you know, I think this can only compliment what we're trying to put together here and achieve for next year, along with the Council saying that they have no more money than what they have. I mean, I'm willing to spend the time. I'm willing to come in here, you know, willing to do what we have to do. Like I say, we need to do it with all the department heads, all the offices, we just need to look at them.

President Fanello: I guess, that brings me to another question, the Computer Services Department has provided me a CD Rom of all the expenditures over the past three, or 2002, 2003 and June 30, 2004, and I just, I took the county budget book and just started in order and started looking at departments in order. I've also had a first round of claims pulled in the Auditor's office. How does each Commissioner want to look at those? Just want me to put them on your desk and look at them and sign off on them?

Commissioner Crouch: That's fine with me.

President Fanello: Okay.

Commissioner Crouch: Go ahead and e-mail us so we know where they are.

President Fanello: I'm finding some interesting things. I think it will be an interesting exercise.

Madelyn Grayson: Commissioner Fanello, I'll need a copy of the memo and the e-mail for the record. I didn't receive either one of those.

President Fanello: Okay, here's a copy of the e-mail for the record. I'll get you a copy of the letter. Well, are the Commissioners, or do I, I don't know if we need a motion to this effect, but like I said, Terri Woodward was going to get with Bill and with Todd in the office and they were going to talk about how to frame the memo out to all county departments, that we would be looking at requisitions and claims, and she was going to try and think of what the time frame should be of how fast they should get up here and when they need to be down in the Auditor's office. So, I guess, I just need to know if, you've already said that you're in support of that, are you in support of looking at all of them?

Commissioner Crouch: Uh-huh.

President Fanello: Okay. We can get a memo, Terri was going to help get a memo drafted tomorrow. So, that will go for all office holders and all department heads. I would hope that out of this, I already have some ideas for recommendations to put in ordinance format to tighten up purchasing, and I would hope that we would enact those over the next 30 to 45 days. But, we'll wait until we take a further review, and, hopefully, each Commissioner will have some ideas as well. I just want to remind everybody that our project update meeting is Thursday at 2:00. Tammy, you got a hold of Les and he's on his way down here?

Tammy McKinney: He's on his way down here.

President Fanello: Alright. Good.

New Business

President Fanello: Is there any new business? Okay. Department head reports, County Engineer.

Commissioner Mosby: You know, one thing I was thinking, maybe we ought to start having Phil Lawrence under department head reports.

President Fanello: Well, I tell you the city is definitely, like I said, Lisa Acobert, City Controller, is looking at every reacquisition and she's the Controller of the city, and I know it's taking an extra part of her time, but it's things that we're having to go through right now to make sure we've got better controls in place.

Commissioner Mosby: I didn't mean to cut you off, but it was something that I was going to say a minute ago, and I had thought about it, and then when you said department head reports, but I'm not sure that at some point maybe we ought to have Phil in here once or twice a month. There would be things that we would want to go over.

President Fanello: That's possible.

County Engineer

John Stoll: The first thing I had was the right-of-way certification letter for section three of Lynch Road. I've put a draft of that there on the table. Basically, what I need to ask is the Commissioners approval to sign that letter and submit it to INDOT once the final environmental permits have been obtained by Bernardin Lochmueller. Typically, that letter would have been signed by the Commissioners, but according to Bernardin Lochmueller, the Corp of Engineers permit on Lynch, section three, should be issued sometime this week, and they said the sooner we get that letter up to INDOT the better as far as keeping the project on it's scheduled October bid letting. So, on that basis I would request authorization for me to sign that letter once we know all permits have been obtained.

President Fanello: Just a second, let each Commissioner look at it.

John Stoll: Okay.

Commissioner Mosby: I'll make a motion for John to sign it.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The second item I have is a settlement agreement on the Orval Ungethum parcel on the University Parkway project. This settlement agreement is for an amount of \$20,600. I would request that it be approved by the Commissioners.

Commissioner Mosby: Motion to approve settlement.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: That's no additional money. That's the money that's already been deposited with the courts. So, that's on the basis of what the court appointed appraisers came back with. So, it doesn't cost us any additional money. Next item is in regard to the Jobe's Lane project, we had a problem with not being able to get a ten foot separation between the water line and the sewer line at the south end of the project. The Evansville Water and Sewer Department okayed using a different kind of pipe in order to resolve that problem. That results in a net increase of \$576, and I would request approval for that increase.

Commissioner Mosby: Motion to approve increase.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: I'll bring that back in a change order format when we get towards the end of the project. Also on that project, there is an underground telephone line that was never identified for the consultants. Right now they're trying to figure out how to avoid conflicts with that, so that might involve some additional changes to the plans as well. As that progresses I'll let you know what we find out, whether or not that will

necessitate any kind of change order on anything. Then also on the Jobe's Lane project as well, last week we discussed the amount that the county needed to put in a separate account for the project for tracking purposes for the Department of Commerce grant. That final dollar figure was \$180,650. The last item I've got is that I was going to request an Executive Session for next week to discuss the condemnation out on Lyle Road. Kevin thought we would only need ten minutes or so.

Kevin Winterheimer: I think 5:20 ought to be sufficient time.

Commissioner Mosby: I'll make a motion to have an Executive Session next week.

Commissioner Crouch: Second.

Commissioner Mosby: At 5:20.

President Fanello: So ordered.

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

Commissioner Mosby: Thanks, John.

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 spoke with the County Attorney, Kevin Winterheimer, on the letter of agreement that I submitted to you last week. He said the format is fine. I would like permission to go ahead and negotiate with the four asphalt, no, the three asphalt companies, because Jerry David we're not purchasing from them right now. But, upon, if we start to use Jerry David, we would like for them to sign one also. Even though they will not agree to take any of the asphalt back, Rudolph has agreed to take theirs, but they will not refund any money whatsoever. They are just giving us a place to dump it. So, I don't know how to proceed. Do you want to sign, the Commissioners want to sign it first? Or do you want me to take it to the asphalt companies, we negotiate that and sign, and then bring it back to the Commissioners?

President Fanello: I would like to see them sign it first, and then bring it back here.

Commissioner Mosby: Yeah, I mean, I would want to make sure it's okay with them before we take the time to go through it.

Dennis Hudnall: Okay.

Commissioner Mosby: If they agree to it and it's okay with them, then I would like--

Dennis Hudnall: It's just a simple, this is what I agree on, this is what the county agrees on. It's a place to dump the asphalt in case of an emergency, basically.

Commissioner Mosby: Make sure the language is okay with them, then we'll have Kevin look at it and advise the board.

Dennis Hudnall: Okay. Second, I have two new tractors that the Commissioners okayed to buy. We received them probably in May, the last of May. They're doing a wonderful job, however, I'm losing some time everyday. The guys that drive them come in, and say we're working out on the far east side, or far northwest, or far northeast, it takes them about an hour travel time to get there. Then, in the evening, what they have to do is quit, say, at quarter till two to travel all the way back to the County Highway, which I'm losing approximately two hours everyday just in travel time of these tractors. Which we cut about 17 miles an hour, and I think it's really efficient if we look at new and innovative ways to do business. Well, we've got three tractors, if you lose two hours a day in travel time, that's six hours everyday that I could cut a lot more miles of highway. So, if I can stage these tractors somewhere in the vicinity of where we do that work, because each one of these guys have a certain...we use the snow routes to cut the grass, that's how we keep track of what we've cut and we haven't cut. I have Mike Young on the, he does the southwest and the northwest, that's on the west side of St. Joe. I have Mark Bassemier that does the east and northeast, and then I have Randy Mango, which is on the mow/trim, which has the big arm that does the trees and the weeds and behind the guardrails. What I would like to do is have permission for places to stage these to where the guy calls me in the morning and says I'm getting ready to get on my tractor in that vicinity, he don't have any travel time whatsoever. It saves an hour of time, and I get more grass cut. Now, I know I need to secure these. The guys, I've talked to them, they can park them in their driveways. We could find a vendor say like on the eastside or somewhere out that will secure them behind the fence for us or whatever, but it would do the county, I think, save them a lot of money and time if we could find a place to stage them in a secure area. These guys, you know, get on these tractors early in the morning and start cutting grass at 7:00, instead of 8:00. Then quitting at quarter till two to come back to the shop. So, I would like permission to look at places to stage these, even if we could keep them at their houses, it would help them out quite a bit on their travel time.

President Fanello: Any thoughts?

Dennis Hudnall: What we're trying to do is just look at new ways of getting more work done, because I look at it this way, we're having more and more added to us. I got a memo that says you're not going to get anymore employees, so, you're going to have to think of better ways of doing it. I've heard that for 30 years. So, we are thinking out there. We're trying to look at ways that we can do it faster, better and cheaper. That's one of them right there.

President Fanello: So, you would look at possible locations to stage the equipment?

Dennis Hudnall: Yes, we don't care as long as like, on the far east side, let's say Pollack Avenue, by the time that guy gets in his tractor and drives to Pollack Avenue, he hasn't cut one blade of grass on his way out there.

President Fanello: Do you want to just ask—

Commissioner Mosby: I guess, my main concern is that we find a safe area. I mean, I want to make sure these are safe. I mean, I guess, the far east side if you're on Pollack and you look at Angel Mounds or something and we could find a safe area. On the west side like at Burdette Park, or, you know, I totally agree with what you're

saying. I mean, I could see where if you can cut 17 miles in an hour, that's 17 more miles of roadside and curbside we can get cut. If we can find a safe area, and we know the equipment is not going to be damaged in anyway, then, I mean, I would not have a problem with that. I mean, as long as we know they're back on the job at 7:00, and we've got foremen, you know, that can check on them.

Dennis Hudnall: Well, the, if they call in, they know, we've got them conditioned to know that periodically we're going to check. So, I know that they're going to be on that tractor at 7:00 in the morning when they call. I have no doubt of that.

Commissioner Mosby: Preferably city or county property, because, I mean, I know the city right now is running Angel Mounds and Dogtown ramp. You know, and I know there's park rangers that patrol that. So, if we can find places like that, Burdette Park, yeah, I mean, I would be in favor of that.

President Fanello: Is there any issue with that, Kevin?

Kevin Winternheimer: No. No.

Commissioner Crouch: I appreciate your initiative in that, and I know you're trying to utilize people's time the best they can. I think it's, as you said, thinking outside the box is where it's at when you have limited resources, and I think, I applaud you for doing that, and, I, you know, am in favor of looking at what you can come up with. I don't know if we would need to have, perhaps, those employees sign something that says that they agree to just leave it parked somewhere, if it's going to be at their homes. I think it's certainly worth pursuing.

Dennis Hudnall: I would like to take credit for all of it, but the employees, a lot of times, give me information that we don't think of. You know, they've made this suggestion, and I told them that I would put it before you. I think it's a good way to do business is to listen to the people that do it everyday. I think that they're thinking, and you have to give them credit for doing that. So, I know they have to be secured. This is a very important piece of equipment for us, because that is a big part of our job is cutting the weeds throughout this county. It feels like we have thousands of miles sometimes, but we try to keep up with it the best we can. This will enhance our ability to do that, if we can find staging places for it. So, do you all agree that if I can find places, even if it's at....Mike Young lives on, off of Number Six School Road. Mark Bassemier lives over off of Chandler Avenue on the east side. Randy Mango also lives on the east side, but he's on the mow/trim, so he kind of goes wherever we send him, like for trees on school busses. The School Corporation will call us and we have to keep the roads clear of the tree limbs coming out on their busses. So, I think it would be beneficial to the county and to the County Garage too of getting more done with less. So, I hope I have permission to look at that.

President Fanello: Come back to us with your recommendations.

Dennis Hudnall: Okay.

President Fanello: Thank you, Dennis.

Dennis Hudnall: That's all I have.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Nothing today.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late pink slip to the consent items. This is from the Health Department. Sandie Deig did pull this, but she had talked to, I believe it was Lloyd Winnecke and Jim Raben and they will approve this pink slip.

President Fanello: Wait, which....which one is it? I don't, is it this?

Tammy McKinney: No.

Commissioner Mosby: No, pink slip.

President Fanello: Oh.

Tammy McKinney: It's grant information. The Public Health Coordinator.

Madelyn Grayson: Do you want to see the original?

President Fanello: Yeah. Alright.

Tammy McKinney: Then, also I need to add on the consent items, and this you have in front of you, it started with Bart O'Connor and went to Teri Lukeman and kind of through the process, but this is a car that was totaled out, and the county was not at fault. I believe we were rear ended, and this is, it just needs signatures to transfer the title, get it off the fixed assets, and then, I believe there's an amount that we'll be receiving from the person's insurance. So, and Kevin has looked at this and approved it.

Commissioner Mosby: Motion to add to consent.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. All I had for tonight was my worksheet.

President Fanello: I don't have any questions. Thank you, Steve.

Steve Craig: Thank you.

Soil and Water Conservation District

President Fanello: Do I have a motion to accept Soil and Water?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Revisit Community Corrections Change Orders:
Les Smith: Shireman Corporation**

President Fanello: Before we go any further, Les.

Les Smith: Yes, ma'am.

President Fanello: Well, I know that you and I spoke on Friday. Commissioner Crouch had indicated that she didn't get a chance to talk with you, or anybody today about the change order, and she was wanting to hold it up until next Monday, and I'm not sure that would have been prudent. So, I'm sorry to call you down here.

Les Smith: That's okay.

President Fanello: I know that they're getting ready to do, or making preparation out there.

Les Smith: Well, you know, the quicker, the better on this, because ARC is needing, you know, to get in and get started with the favorable weather that we've finally gotten. So, you know, the sooner we can get this finished and, you know, finalized, it would be the better for everyone.

President Fanello: I think she might have some questions for you, so.

Les Smith: Okay.

Commissioner Crouch: You know, Les, and bear with me, because I'm not that familiar with this process, ARC bid, when they bid, they bid according to the plans and specs that they were provided, correct?

Les Smith: Yes, ma'am.

Commissioner Crouch: What's changed since that bid, since they bid on that and it was awarded till now that requires this change order?

Les Smith: Okay—

Commissioner Crouch: I know you speak to overlapping land and utility scopes, but—

Les Smith: The, I wasn't deeply involved in the community corrections plan and planning of that, but what happened with that was it wasn't included, apparently, in their bid. Okay? Of course, it wasn't in the jail bid. So, when it was decided that the

community corrections was going to happen, and was going to be at that spot, you know, then it started in the works, and those drawings were already out for the community corrections, I'm assuming, at that time. So, really I think what it comes down to it was either in the bid, or else it was going to be done later. You know, the architect and the engineers had decided, well, we'd do it, that they would approach it this way. For some better controls.

President Fanello: I was just going to say, I talked to Mark Shireman as well—

Les Smith: Yeah.

President Fanello: —on Friday, and talked to United, I guess, the way I understand it, and correct me if I'm wrong, the fact, it wasn't included in Williams Brothers bid—

Les Smith: No.

President Fanello: —because we didn't know we were going to build a community corrections, at that time.

Les Smith: Or if.

President Fanello: Or if we were going to build a community corrections. Since Williams Brothers is out there, I guess, doing part of the jail site work—

Les Smith: It was just, it was an overlapping thing to where they were connecting to utilities and systems that was installed by Williams Brothers, and they're responsible for it from the building, and they're responsible for it out here. So, they wanted them to do that work in between, so that there wouldn't be a, wouldn't be another responsible party there for, you know, for something to go wrong, to make sure that you had one responsible contractor from here all the way to the sewer line, I guess, if that makes sense. To where you didn't, you know, had Williams Brothers doing part of it at the building, and then the end of it, and then somebody else coming in and doing a middle section, if that, so therefore you've got one source of responsibility on it.

President Fanello: So, you're saying ARC wanted Williams Brothers to do it?

Les Smith: Well, I think it was more the engineers seeing it best to do it that way. You know, that way then the county is more protected when it comes down, you know, when everything is done and over with, and you don't have two different contractors sitting there pointing their fingers at each other if something didn't work right, we know who's the responsible party, if there's something that didn't work right on it. If, you know, as far as the, any of the utilities. That's the big part of it.

Commissioner Crouch: Again, I apologize for my ignorance, but a change order, and I'm probably putting this way too simplistic—

Les Smith: Uh-huh.

Commissioner Crouch: —so help me out, but a change order comes about because of a change in the plans. Is that not correct? Something's happened that says you've got to do, we've got to kind of make an adjustment? We've got to, you know, do something a little differently?

Les Smith: Yeah. I mean, that's--

Commissioner Crouch: I mean, that's very simple, but, so, is this a change that we, the owners, initiated?

Les Smith: Well, it's preparation for the community corrections site. It's work that, you know, undoubtedly, whether it was in the community corrections bid, or whether it's being done the way it's being done, you know, approached now, it's not something extra, I guess. It's something that had to be done either here or there. I mean, it's--

President Fanello: Are you saying that we couldn't build community corrections unless--

Les Smith: No.

President Fanello: --you initiated this--

Les Smith: Not at this point.

President Fanello: --initiated this change order.

Les Smith: I mean, this has got to be done. Whether or not it's being done by this change order, or whether or not it was done in the community corrections bid.

President Fanello: I know that Bernardin Lochmueller did the site work out there, was this discussion with Bernardin Lochmueller?

Les Smith: That was their recommendation.

President Fanello: Okay.

Les Smith: From Jim Farney.

Commissioner Crouch: So, if we bid, you know, bid the jail based on this happening, now, we bid the community--

Les Smith: Well, we didn't bid the jail based on that happening, you know, it wasn't included at that time.

Commissioner Crouch: So, this is just something that got dropped, you know, or that we--

Les Smith: I feel like, you know, the decision to do the community corrections came along later, is really what's--

Commissioner Crouch: But, our plans, and help me, our plans didn't have community corrections right there with the jail? Even though the decision was to do--

Les Smith: Not the original drawings, no. No.

President Fanello: We didn't hire, if you remember the Council set the \$35 million cap, we didn't hire them to....I mean, they've got on a piece of paper community

corrections could go here, but they didn't do, they didn't hire Bernardin Lochmueller to do site work or anything like that.

Commissioner Crouch: But, when ARC bid on it, they new where community corrections was going to be, correct?

Les Smith: True. When they bid on it, it was the engineers and, you know, Bernardin Lochmueller had said, well, we will have the jail contractor, and that was decided later to have ARC do part of the site work, we'll have them do the site preparations. You know, that was their decision to break it off and do it this way.

President Fanello: Is it not possible for our, are you saying that it's too confusing for ARC, Williams Brothers is coming up to a certain point, and it's too confusing for two contractors—

Les Smith: Well, there's a limit of where the community corrections is going to be. Like I said, the jail contractor, Williams Brothers, has taken care of all the utility work, you know, the water and the sewers and the sanitary sewer and storm sewer, and all of that work. ARC is doing the actual dirt, that's their part of it, that's why it was split in two parts, because of, you know, that they were prepping for their building and their foundations that they were going to be setting on. There again, where we didn't want to have one preparing for another, and the, you know, again, the finger pointing, well, you prepared it, now I'm going to set my building on it, and it's not stable or something. But, you know, that's why Jim Farney recommended that it would be split the way it was.

President Fanello: I guess, I would have a question for Kevin. Just to make sure that, I'm assuming if, I mean, you're asking for Williams Brothers contract to be increased—

Les Smith: Uh-huh.

President Fanello: —which is basically just the jail.

Les Smith: Yes.

President Fanello: But, you're asking them to do a portion of site work for community corrections.

Les Smith: Correct.

President Fanello: I guess, I would ask Kevin is there an issue with that? Because, first of all community corrections will have to reimburse this contract for the amount of money spent, but is there an issue with having them do that site work? Or is that a complicated question?

Kevin Winternheimer: No, it's not a complicated question. I don't see any, from a legal standpoint, I don't see any problem with that. I mean, Williams Brothers doing part of the work—

Les Smith: Yeah.

Kevin Winternheimer: —as long as it's approved by the board.

Les Smith: Okay.

Commissioner Crouch: One more simple question.

Les Smith: Okay.

Commissioner Crouch: We remodeled our home a number of years back, and a lot of changes, we ended up starting with one price and then it increased, and most of those changes were a result of us, you know, as the owners making changes, deciding we wanted to add this or wanted to add that.

Les Smith: Yes, ma'am.

Commissioner Crouch: Is that what this is?

Les Smith: No, I mean, I really don't feel like it's a change of somebody wanting to add something. I mean, it's a necessity to community corrections.

President Fanello: I guess, who initiated the discussion? Is, I know Bernardin Lochmueller was hired to do the site work—

Les Smith: Uh-huh.

President Fanello: —was this an initiation of discussion between Bernardin Lochmueller and the contractors out there? Or how did the—

Les Smith: Well, Bernardin Lochmueller and, you know, United/DLZ combined, you know, to come up with the plan to do this, yes.

Commissioner Crouch: So, this wasn't a change that the owner initiated? Like when I was remodeling my house, this was a change that the designer initiated.

Les Smith: This was a change that the owner, that is required for the owner, and the owners decision to put community corrections there. Yes, it is a change that was, you know, by the choice or the decision to put community corrections, yeah, I think it would have been.

President Fanello: But, I think what she's getting at is this a design change—

Les Smith: No.

President Fanello: —or is this just site work?

Les Smith: This is—

President Fanello: I mean, the architect didn't sit down at his desk and say I've got to do a design change.

Les Smith: No, this is not moving walls or anything like that. I mean, and, again, you know, we've got a whole lot more detail on this in all my papers and everything that I've got ready for Thursday, by the way, but it's just a necessity, you know, to community corrections. You know, to have this site and these utilities routed around to where it will take care of community corrections.

Commissioner Crouch: Before I vote on it, I just want you to assure me on the record that this is not a result of a design—

Les Smith: No.

Commissioner Crouch: – the design—

Les Smith: No, I'm confident of that. It is not a design change in any way. It's just a, it's a necessity to community corrections.

President Fanello: First of all, I want to clarify something, I mean, I don't know how much conversation you have, I think probably you need to maybe go out there to some more of the meetings. But, you know, as part of our contract administration with the architect and engineer, it's their job to be, are they out there every two weeks?

Les Smith: Usually about every week.

President Fanello: I mean, they're out there answering contractor questions, as I understand, I know Dave Rector has been out there every two weeks as part of our representative, and Eric Williams is there, but there are always, as I understand it, little, you know, like I've got to move a light switch plate here or whatever. So, I don't know what you're defining as a design change. To me a design change would be if the designers came back to us and said they needed a change order to make it, is that what you're—

Commissioner Crouch: To me a design....I just want to be assured that this is not something that the design team failed to address—

Les Smith: No.

Commissioner Crouch: –therefore, we're having to address it now and it's costing us more money.

Les Smith: No, I don't feel like it's something that's costing the county more money. Like I said—

Commissioner Crouch: That's not what I asked.

Les Smith: Right.

President Fanello: She's asking is it a design or initiated change?

Les Smith: No.

President Fanello: Okay.

Les Smith: I don't feel like it's, you know, in my opinion it's not a design change. It's something that would have been done either way. I mean, whether it had been—

President Fanello: I think the biggest problem here is the fact that these two projects weren't done at the same time.

Les Smith: Yeah, that would have made things a whole lot easier.

President Fanello: I mean, I know I advocated that, and I'm sure Commissioner Mosby would attest to that that we advocated having those projects done at the same time—

Les Smith: Yes.

President Fanello: —for this very reason. Now, we have two contractors out there, and what worries me is that with two contractors on site that I hope this is the only change order that we see.

Les Smith: Well, and, yeah, that, we all hope so, and, you know, especially with, you know, with two contractors going there, and, you know, again, you've got to, we're working with them and having meetings with ARC and Williams combined to have, you know, to help them coordinate, and to help them, you know, communicate and to keep talking. So, and that's going very well. I mean, you know, there's been a couple little, you know, somebody didn't know what the other one was doing, but, you know, we've had a couple of meetings, and they seem to be, you know, everything is going very well with that.

Commissioner Crouch: Is this the first one of these we've had? There's not been any other?

Les Smith: No, not like that, no.

Commissioner Crouch: Not, not like that, but, not at all?

Les Smith: As far as change orders?

Commissioner Crouch: Right.

Les Smith: No, there's been no other change orders.

Commissioner Crouch: Okay.

President Fanello: When's your next progress meeting on the jail?

Les Smith: We'll have one in two weeks.

President Fanello: Okay.

Les Smith: The 26th, I think, on a Thursday, I believe that's correct.

President Fanello: Could we—

Les Smith: If you want—

President Fanello: I'm sorry.

Les Smith: —me to give you just a little quick update on, you know, where things are, or whatever, if you're not bored with hearing me sit here and rattle.

President Fanello: Well, I was going, you were going to make a presentation on Thursday, and that's fine.

Les Smith: Okay.

President Fanello: Just give us the presentation on Thursday. He's bored, he's leaving.

Les Smith: You're bored.

Steve Craig: Bad timing.

President Fanello: What I was going to suggest is that I know all Commissioners can't be at these progress meetings on those Thursdays, but could we have a schedule where we rotate, and somebody be out there?

Les Smith: Yeah, and, you know, I welcome, you know, to come, and I will, you know, come out and I'll give you tours. I mean, we've got, you know, a lot of stuff going on with, you know, the structure going up and the floors poured, and, I mean, you know, it's, there's a lot of stuff going on right now.

President Fanello: I would just say I was out there what two or three weeks ago?

Les Smith: Two weeks ago, I think.

President Fanello: Two weeks ago, when was the last time you were?

Commissioner Mosby: It's been about two and a half three weeks ago I came out that way.

Les Smith: Yeah, uh-huh.

Commissioner Mosby: It's been about three weeks ago.

Les Smith: Yeah, but it's—

President Fanello: I think it would be better if every Commissioner go out there, because there's a lot that goes on.

Les Smith: Yeah.

President Fanello: I mean, this is a huge project, a lot of money involved, a lot of discussions out there with the contractors around the table. If you could go to the next meeting, I think it would be—

Les Smith: And that would help us, you know—

President Fanello: Right.

Les Smith: —to expedite any decisions to be made anyway.

President Fanello: Well, that way each Commissioner stays informed of what's going on, because—

Les Smith: Yes, ma'am.

President Fanello: –it's a very lengthy process, it's a very confusing, you know, when you've got...construction projects are huge. So, everybody needs to be out there understanding what's going on.

Les Smith: Yes.

Commissioner Mosby: I appreciate–

President Fanello: That way nobody gets confused about things.

Commissioner Mosby: I appreciate you taking the time today.

Les Smith: No problem, glad to be here.

Madelyn Grayson: Les, can state your name–

Commissioner Mosby: I'm talking about earlier.

Madelyn Grayson: Can you state your name for the record?

Les Smith: Les Smith. Is that all?

President Fanello: If we have any further questions on this, ARC is going to be here on Thursday, is–

Les Smith: Yeah, we've got, you know, some information packets and some things made up for you that will help explain a whole lot of how things happen, how it progresses, how, where we're going, what we're doing, and, you know, just really clarifies everything. It will bring you up to date on pretty well everything that's out there.

President Fanello: Okay.

Les Smith: Okay?

Commissioner Mosby: Thank you, Les. I'll make a motion that we adopt change order.

Commissioner Crouch: Based upon the discussion and his assurance that this was something that couldn't be avoided, no one's fault, I'll second.

President Fanello: And I'll say so ordered. Although I hate the fact that we're having a change order, and I think it could have been avoided if we would have bid this project out at the same time.

Consent Items

President Fanello: Consent items.

Commissioner Mosby: Motion to accept consent as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.¹

¹Consent items listed on page 38.

**VANDERBURGH COUNTY
REZONING BOARD
AUGUST 16, 2004**

The Vanderburgh County Rezoning Board met in session this 16th day of August, 2004 at 6:58 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The rezoning petitions were heard during the course of the regular Commission meeting.

President Fanello: Rezoning.

**First Readings: VC-8-2004
Petitioner: Cross Pointe Commerce Corp.
Address: 7100 E. Virginia
Request: Change from Ag to C-4**

President Fanello: Where's Bev?

Commissioner Mosby: I don't know.

President Fanello: I know, nobody likes to stay for rezonings.

Unidentified: I'll stay for it.

President Fanello: We have one first reading, VC-8-2004, Cross Pointe Commerce Corporation from Ag to C-4.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Final Readings: VC-7-2004
Petitioner: Arbors at Eastland L.P.
Address: 6649 Old Boonville Hwy.
Request: Change from Ag to R-3
Action: Approved 3-0**

President Fanello: We have one final reading, VC-7-2004, Arbors at Eastland, change from Ag to R-3. Is there anyone here to speak to that?

Jeff Boss: Jeff Boss with Sterling Development, Mishiwaka. We purchased, originally purchased an easement to access a property that didn't have any road frontage off of Old Boonville Highway. We ran into some snags on being able to set a directional sign and informational sign on Old Boonville Highway directing people to our property. We understand that it has to be, the property has to be contiguous and owned by the same owner. We have recently acquired the easement in our name now, and rezoning that Ag to meet the same zoning as in the Arbors, which is multi family for the purpose of setting a sign on site, an informational, directional sign. It was all in the original plans and we just missed the fact that it was considered an off-site sign, which is not an acceptable method.

Commissioner Crouch: And that was unanimously approved, wasn't it?

Commissioner Mosby: Any remonstrators?

President Fanello: Are there any remonstrators out there?

Commissioner Mosby: Motion to adopt and call the roll.

Commissioner Crouch: Second.

President Fanello: So ordered. Roll call vote, Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes. Rezoning passes.

Madelyn Grayson: Mr. Boss, I just had a couple...the ordinance does not have a two inch margin at the top, so I'm one dollar short on the recording fee. And I also need the ordinance e-mailed to me for advertising in the paper. I've got a business card here if you want to--

Jeff Boss: Can I give you the dollar now?

Madelyn Grayson: That would be great.

President Fanello: Do I have a, if there's no other business--

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 7:02 p.m.)

CONSENT ITEMS:

Jail Expenses: United Consulting: \$17,132.96

Travel Requests:

Health Department (3) SWCD (1)

Employment Changes:

Circuit Court (1) Coroner (1) Superior Court (2)
Burdette Park (1) VCCC (1) Health Department (1)

Commissioners: Form 144's (Pass through item: See 7/19/04 Mtg. File)

Sheriff:

Operation Pull Over Grant Application.
Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Kathy Kennedy
Patty White	Dave Rector	John Stoll
Dennis Hudnall	Steve Craig	Les Smith
Jeff Boss	Bev Behme	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded by Madelyn Grayson. Transcribed by Charlene Timmons and Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
PROJECT PROGRESS MEETING
AUGUST 19, 2004**

The Vanderburgh County Board of Commissioners met in special session this 19th day of August, 2004 at 2:06 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding.

Call to Order

President Fanello: I'd like to call to order the Vanderburgh County Board of Commissioner meeting August 19th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Fanello: Okay, what we're here to do today is to get updates on the many projects that are facing Vanderburgh County for which the Commissioners pretty much have control of at this point. After we go through our updates from each of the department heads, and those involved with the jail project, we will take public comment after that. So, I would ask that you please be patient and listen to all of the wonderful projects going on in Vanderburgh County.

Old Courthouse

President Fanello: Our first one is the Old Courthouse and I believe Dan Dowell from Energy Systems Group is here to address that project.

Dan Dowell: Thank you, Catherine, Commissioners. Here with me today is Steve Pride, our regional manager, and Brent Robertson. Brent is running the project. Brent did want me to say thanks to Tammy for all the work she has been able to help us with over at the courthouse. She has done a nice job helping us keep things moving along. To update that project, the HVAC, heating, ventilation and air conditioning, really is moving along quite nicely. I would say it is on track and on schedule. We are working with Mr. Rector on some decisions that are going to take place on one of the court...one of the courtrooms and moving some employees over there. So, we are waiting some pending decisions on that so we can keep that moving forward. We've got about 90 percent of the duct work in the attic complete. That would include those areas being served on the second and third floor. We've started some of the duct work in the vacant rooms. Overall, Brent has estimated that the duct work is about 25 percent complete to date. The heating and cooling mains and piping is moving along as well. The main loops in the sub basement and attic are under way and we're about ten percent complete on that work. All of the heating, air conditioning and ventilation equipment should be on site by October 6th. At that time we'll start to set that stuff in place and begin to put some of it in its final location. The plumbing, which includes all new water and waste in the building, currently is about 80 percent complete. That is moving along, I would estimate, well ahead of schedule. All the plumbing has been roughed in in the women's restrooms. We hope to have all the women's restrooms done by the 13th. We do have some color sections on flooring in those bathrooms that we need to submit. I'll do that with Tammy and look for some guidance from the Commissioners on the final selections on the floors. The electrical system, we're about 50 percent complete with the

tracing of those systems and through most of the demolition. New conduits for the new mains is about ten percent complete. Overall, the electrical system is about ten to 15 percent complete. We have not begun any of the work on the new voice and data system yet. We just have a greater priority of getting the new electrical system, the mains and the distribution set up, before we move on to voice and data. General Trades, which is the general contractor and finishes really has to wait until the majority of our work is installed, but we have had them make some significant cuts in the wall so we can run duct work, piping and some of that stuff. They're about 80...excuse me, about 70 percent complete with that work. They have begun to do some of the drywall bulkheads around windows for the installation of the ceilings. The ceilings will have to wait to be installed until which time we have completed all of the mains and all of the duct work. The architectural work in the women's restroom is about twenty percent complete. That is the bulkheads that are going to hide piping and other duct work. So that's moving along. The windows are a little behind schedule. The restoration of those windows and keeping them historically accurate, as the Commissioners have empowered us to do, is moving a little slower than I would like, but it is just a very time consuming, very labor intensive process to get those windows restored. We do have some of the windows actually in place, with the new thermal glass in place. I'm going to say 25 percent of the windows have been sanded and are ready for paint and finish and some of that work is actually going to begin tomorrow. So all in all I would say that the preservation of the courthouse is on track and I think the trades are working very well together and the subcontractors and I have not heard any significant issues from any of the building inhabitants. They've been very cooperative through this construction process. So unless you have questions on that I think we're going about as well as we thought we would at this point.

President Fanello: Are you meeting on a bi-weekly basis? Is that...construction meetings are on a bi-weekly basis?

Tammy McKinney: We've just recently gone to bi-weekly. We didn't have a meeting last week and had one this morning, so we're going to meet bi-weekly unless there is need to meet other than that.

President Fanello: And you meet at what time?

Tammy McKinney: Eight.

President Fanello: At 8:00 in the morning? Well, I want to say thanks to whoever types up the minutes of those progress meetings. Those are very helpful. Thank you very much for including those in our packet and those are in our packet every week. So thank you.

Dan Dowell: Did you need us to stay around for public questions?

President Fanello: Well, we'll see if anybody has any questions.

Commissioner Crouch: And I don't know if this is a question for you, Dan, or if it's mainly information I need to share with the Commissioners, but...and I do appreciate the construction meeting minutes. They are very helpful in terms of keeping abreast with what is going on. One of the things that I noticed as I've been reading those is that Will Fosse is not ever in attendance. I was curious about that so let me share with the Commissioners some...I decided to go ahead and do a little research and

see if he had been paid, you know, by contract or if he was doing any work for us or PCI, because I know that we had entered into, or I thought we had entered into, an agreement to have them involved. But let me just kind of go over the highlights of what my research...I spent countless hours on this and my research showed that on December 22, 2003 there was a motion at the Commission meeting by Commissioner Fanello for the energy savings contract. The quote is "Commissioner Mosby, I would like to make a motion to award or to enter into negotiations for a contract with PCI and Will Fosse & Associates". There is no Commission meeting record of a proposed and then awarded contract with PCI and Will Fosse as a partner to PCI. There are no records of a contract in the Auditor's Office, the official recording secretary to the Commissioners. On April 26, 2004 the Commission meeting regarding the energy systems group contract the minutes actually refer to the architect and engineer that we chose, but there is no contract awarded to an engineer with or without an architect at this or any other Commission meeting. On May 17, 2004 at a Commission meeting there was a discussion of the Fosse letter along with ESG's response to that letter. But the bottom line is there exists no contract for architectural or engineering services with PCI as the engineer and architect Fosse in the official record. What is unknown is if there is a signed contract made outside of the official process. On February 1, 2004...from February 1, 2004 through April 24, 2004 PCI invoices that were submitted to the Auditor's Office for payment totaling \$14,046 without a contract in place and in violation of the Commissioners' own purchasing policy which states that 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. That's really not a question directed to you other than, I guess, is Mr. Fosse participating at all in the process and is PCI participating at all in the process?

Dan Dowell: We have not retained their services, Commissioner. The things that we're doing by contract would not have involved them and doesn't need their oversight beyond what they did at the time they reviewed our original construction drawings and scopes of work. Beyond that I don't know what their involvement is.

Commissioner Crouch: Okay.

President Fanello: And I believe you seconded that motion on December 22, 2003 and if you'll go back to Will Fosse's RFP they didn't really provide us with a contract, but quoted their services on an hourly rate.

Commissioner Crouch: What about PCI?

President Fanello: They are...that's...they are together.

Commissioner Crouch: How did we pay for PCI for work at the Old Courthouse when ...submitted claims from this office and paid them when there wasn't...they didn't do any work and there was no contract?

President Fanello: I don't know, did you sign the claims?

Commissioner Crouch: I guess I would have to revisit that.

President Fanello: Well, let's just go back and think, Ms. Crouch. As we display this political drama here all the Commissioners sign off on all the claims. I think this is an issue we're running into and that's why we're doing an audit, but if you'll go back

and talk to Will Fosse and if you'll go back and call Keith Bettinger over at PCI their services are on an hourly rate and Tammy has submitted all of those to the Auditor's Office for payment. As I'm finding, many departments, as I'm going through pulling reports that not everybody is getting contracts for professional services. The first department we're auditing is the Assessor and there are not contracts for all professional services. Now if that's a policy we want to instate, that was going to be one of my suggestions to the ordinance is that we require all services get a contract. But everybody in the county is under the impression that they don't always have to get contracts for professional services.

Commissioner Crouch: Including this office.

President Fanello: You're a part of this office, Ms. Crouch.

Commissioner Crouch: That's right and that's why I am bringing it to the attention of this office.

President Fanello: Yeah, okay.

Commissioner Crouch: So that we can hopefully put into place some kind of safeguards.

President Fanello: Well, and if that is the way you feel I wish you would have brought it up a year ago if you felt like—

Commissioner Crouch: I didn't know about it a year ago. It just kind of came to light as we were getting into construction.

President Fanello: You didn't know whenever...now that is not entirely accurate. You didn't know that Will Fosse and PCI...whenever Dan Dowell came to the Commissioner meeting, it was before I believe we signed the final energy savings contract, you were involved in discussion in here whenever we suggested that Will Fosse and PCI review the work that they did to make sure we were getting an independent opinion of the work being performed and you were part of that discussion.

Commissioner Crouch: My issue is that we are paying someone over \$1,500 for professional services without an agreement or contract that went through this meeting and was approved at this meeting.

President Fanello: And why didn't you bring it to our attention if that is the way you felt?

Commissioner Crouch: I just started researching this issue.

President Fanello: You were involved...so you just started...I'll rephrase my point. You just started paying attention to what is going on in here? I mean, I guess I take it...it's an insult because every Commissioner is involved in every decision. Every Commissioner sees everything that goes through this meeting. You're a part of signing the docket just as we all are and I believe we've all missed a big issue just a few months ago with the asphalt paving deal. So, let's not forget that we are all part of this system and it is incumbent upon each Commissioner that if there is something that needs to be rectified or explained that each Commissioner not

withhold information or withhold questions, but that each Commissioner come to this Board with ideas of how to do things better. If there are issues on paying bills each Commissioner should bring information forward to this office. I'm glad we're doing this audit. That's for discussion later down the project list.

Dan Dowell: Should Energy Systems Group stick around for questions from the public? We can.

President Fanello: Why don't you because we're going to save public comment to the end.

Dan Dowell: Okay.

President Fanello: So why don't you go ahead and stay.

Dan Dowell: Thank you.

President Fanello: I'm going to say one more thing before we go forward. You know, all these projects are important to Vanderburgh County and each Commissioner up here should be participating. I'm not going to participate in project update meetings that are nothing more than political grandstanding. I am here to work for the taxpayer. I am here to see that things are going to move ahead better in Vanderburgh County for as long as I am here for the next four or five months. Now, you know, we've had issues with Purchasing and I believe we have set in on a meeting...I've set in on a meeting with the Auditor and State Board of Accounts on how we can improve purchasing in Vanderburgh County, but nobody has done anything wrong here and I'm not going to participate in political grandstanding. I would like to move forward with this as an opportunity. We have all of our vendors here and I would like to move forward in the spirit of trying to make sure that we're getting...every Commissioner is involved in every project that is going on in Vanderburgh County, so I hope we change the tone of this meeting.

Road Projects

President Fanello: The next item is road projects.

John Stoll: I put together a summary of all the pending projects that we've got going on and that's what I just handed out to each of you. The first one on there is the bridge inspection. That reinspection of the county bridges will begin next month and we should get our final inspection report back in the spring of 2005. That work is being done by R. W. Armstrong. The next project is Bromm Road culvert replacement. This culvert replacement is to remove an existing one lane structure and replace it with a structure that would be passable for two way traffic out on Bromm Road. We're proposing to put in a reinforced concrete box culvert out there. As part of that project we are working with property owners right now to try to secure the right-of-way that we need to be able to build that project. Our intent was to get that done in advance of the County Highway's paving work, but depending on how the negotiations go with the property owners the County Highway's paving may just have to leave that structure out and then we'll come back after the fact and put the new culvert in and match our pavement in with their pavement, but that remains to be seen. That's being designed in-house. The next project is County Line Road. This is between Posey County Line and Denzer Road. This is...the reconstruction

of the road is being designed by R. W. Armstrong and the project is approximately 4,800 feet in length. The status of the project is that the preliminary design plans have been submitted to my office for review and we're taking a look at those right now and the next step will be to enter into a right-of-way engineering agreement so that the legal descriptions for the needed right-of-way can be prepared by the consultant. They submitted a cost estimate with their plan submittal and that cost estimate...construction cost estimate was \$1.048 million. The next project is the Jobs Lane sanitary sewer and water main extension project. As you know, this project was awarded already. It was awarded to Koberstein Trucking for \$343,955. Construction has started and we do have some conflicts with some underground utilities that we were trying to resolve. The consultant took a look at the plans and they felt that we might be able to miss some of the underground utilities if we add two more manholes so we're wanting to get a meeting set up with the utilities in order to determine how those costs will be shared. It's my opinion right now that the utilities need to relocate or pay the cost of the additional changes required in the construction. But we'll try to have a meeting to resolve that matter. The next project is the Green River Road reconstruction between Lynch and Hirsch...not Hirsch, Heckel. It's actually two phases, one Lynch to Hirsch and the second from Hirsch to Heckel. The preliminary plans have been submitted for phase one between Lynch and Hirsch and the consultant has scheduled a field check for September 2nd at 9:00 a.m. to go over that project with the utilities. The estimated cost for the construction of phase one that they submitted was \$2.9 million. Phase two there are no agreements as of yet. Once we get phase one under construction the intent was that this would all be funded with TIF dollars, but as it stands right now we only have a design agreement on phase one. We have no right-of-way or construction inspection agreements on phase one. Our next step, once the preliminary plans have been reviewed and changes made then we will need a right-of-way engineering and a right-of-way acquisition agreement for phase one of the project. The next project on the list is the Green River Road/Millersburg Road intersection reconstruction project. This project is a federal aid project that will involve the addition of turn lanes on all approaches to that intersection and it will also involve the installation of a traffic signal at that intersection. This project has currently had a preliminary field check and the next step will be to begin acquiring right-of-way. Here again, there is no right-of-way acquisition agreement as of yet, so that will be our next step in that process. Construction cost that the consultant provided was \$1.5 million and 20 percent of that will be our local share of the construction costs. The next project on the list is Johnson Lane culvert replacement. This is located at the intersection of Broadway Avenue and Johnson Lane. This is a dilapidated old culvert that needs to be replaced and we're proposing to put in a 20 foot by eight foot box culvert. We've got some design work done, but it's not finished as of yet. Once we get a design completed we'll have to have a DNR permit in order to be able to build the project. We don't anticipate any right-of-way being needed for this project, so once we get the DNR permit we should be ready to go to construction. Like it says in the memo, the earliest I can see that project going to construction would be the end of this year and that might be optimistic given the turn around time on the DNR permits. The next project is Lyle Road. On that project we are in the process of condemning the last parcel of right-of-way needed to build that. The court appointed appraisers will be sworn in on September 7th. In the meantime, as you know, we'll have an Executive Session next Monday to discuss whether or not any out of court settlement options can be pursued. We also have found that there are potential wetland issues there. We have contacted a consultant about the cost to do a wetland delineation study out there and I hope we can get those costs in here soon so we can get in the process of finding out what impacts, if any, there are on

wetlands out there and if there are wetlands then what mitigation we will have to do. That will all hinge on how much is disturbed by building the project. If all these can be resolved than this project could also be put out for bid by the end of this year, but realistically I don't see any construction going on this year because by the time we get these matters resolved it will be too late in the year to do a lot of dirt work and that is primarily what this project consists of. The next project is the paving of Lutterbach Road. That contract has been awarded and it has not been started as of yet. Once the project is completed we have the agreement with the one resident who will reimburse the county for the cost of the paving. Next on the list is Lynch Road section three. This runs between I-164 and the Vanderburgh/Warrick county line. This project is currently on an October bid letting for the INDOT bid letting schedules. The estimated cost is approximately \$4.9 million and our share is \$3.2 million. We still have to get an interlocal agreement signed between Vanderburgh and Warrick counties for INDOT's purposes. They basically just want to deal with one county and Vanderburgh County was supposed to be the lead agency. I drafted an agreement and sent it to Warrick County for their review and comment and I think we're pretty close to getting that issue resolved and then we also need to get the construction inspection agreement reviewed and approved so Bernardin Lochmueller can proceed with getting the construction inspection on that project. Everything so far as far as permits go looks like the project is going to remain on track to stay on the October bid letting. Next is the Mt. Pleasant Road project and right now the schedule is to bring a notice to bidders here on August 30th so we can advertise it September 3rd and September 10th and then have a bid opening on September 20th. We have reviewed the railroad agreement with CSX, Kevin has provided some comments and I have forwarded those back to CSX's consultant. Once we get their final agreement we'll have to sign that and that will obligate the county to pay them \$25,021 for their services in conjunction with the work we'll be doing on the CSX right-of-way. The last cost estimates I had were approximately \$2 million for the construction of this project and if we can get it under construction this year it should be completed by the fall of next year. Next on the list is the Oak Hill Road/St. George Road intersection reconstruction. This consists of adding a northbound left turn lane and then extending the eastbound turn lanes on the St. George Road approach to the intersection. It will also involve the installation of traffic signal at the intersection and the replacement of a large culvert structure on Oak Hill between St. George and Keystone Subdivision. We have gotten at least verbal, if not written, approval of all the offers except for two parcels out there. One of those we have not made an offer on as of yet mainly because a minor subdivision was being recorded that provided a little bit more right-of-way, so once that plat is recorded then we'll have to buy less right-of-way. We'll still have to acquire from that one parcel, but we'll have to acquire less. The other remaining parcel an offer has been made and the owner submitted a counteroffer which was rejected by the Commissioners a couple of weeks ago. If we can resolve those two without going to court we could get this project out for bid by the end of the year, but realistically no significant construction would probably occur by the end of this year. Next is the Oak Hill and Bergdolt intersection reconstruction project. This is the reconstruction of Oak Hill to provide left turn lanes on the north and south legs of the intersection and here again, another traffic signal is warranted out there. Congdon Engineering was selected to do the design work and they have submitted a draft design agreement which I have forwarded to Kevin for his review. The design will be done with all local money and then the construction will be funded with 80 percent federal and 20 percent local funds. Next is Red Bank Road and Upper Mt. Vernon. This is a flashing caution light that will be installed at that intersection. A preliminary design has been completed by Dave Savage and we now need to submit those plans to

INDOT for their review. This again is a federal aid project. The original estimates were approximately \$30,000 for the construction of this. The next project is the Rodenburg Avenue culvert replacement. This is the replacement of an old timber and steel beam structure that is basically one lane in width. We're proposing to put a corrugated metal pipe out there and, here again, we're working with property owners to try to secure the right-of-way we need to get the project built. It is being designed in-house and the estimated cost is approximately \$50,000. Next is not really a construction project, but I put it on here anyway, but Rule 13 storm water regulations we did receive a notice of deficiency for our submittal on Part B of the IDEM Rule 5...not Rule 5, Rule 13 requirements. Reading the letter it sounds like IDEM is trying to mandate water sampling and testing. In my opinion and the consultant's opinion that is not a part of the rules, so the consultant has turned around and written a letter that I will be asking for your approval on next Monday to send, but basically it says that we feel like we're in compliance and that the water sampling and testing is not mandated by their rules and we would like further clarification on what it is they are looking for. If they do mandate water sampling and testing our cost will just continue to go up on this and once this project...once this whole program is implemented the cost will be high enough as it is so we're trying to avoid the water sampling and testing. Also, Part C has a deadline in November of this year and Clark Dietz is working on preparing that program. That Part C requires six minimum control measures as mandated by IDEM and several of those could have some pretty high costs for the county. We don't have a draft plan as of yet. When we get one I'll forward that to you for your review. Next on the list is the Stockwell Road culvert project. This is a culvert replacement...actually not a replacement. It's a new culvert to be installed underneath the Norfolk Southern Railroad and Stockwell Road in order to provide extra capacity out there to prevent FEMA from raising the 100 year flood elevations throughout the entire east side of Evansville and Vanderburgh County. We have three parcels of right-of-way out there that we had to acquire for this project and one has been acquired, one is in condemnation and one there is ongoing negotiations. Once the right-of-way has been secured on that project we'll be ready to put it for bid because the railroad agreements have all been signed and the DNR permits have already been obtained as well. The estimated cost of that project is approximately \$1.1 million. And then last on the list is University Parkway. As you know, the first phase between Lloyd and Upper Mt. Vernon is under construction right now. Based on the monthly progress reports submitted by the consultants as of July 31st the project was 11.91 percent complete and they had an additional 213 work days remaining on the project. If they use all those work days the project will go out...it will be completed sometime probably around the middle of 2006. We have had an issue come up where the utility agreement that was signed will have to be increased. Vectren's cost have gone up due to the contractors they were using for their relocations and the estimated cost of that increase is \$81,000. The original agreement was \$126,000 so the grand total will be at \$207,000, but here again that is eligible for federal aid so our share will be roughly \$40,000. As far as the next phase between Upper Mt. Vernon and Marx, if funding would exist we could enter into a design agreement to get the design finalized and then go into right-of-way acquisition next year, but that would all be contingent on funding. That's all I have. I don't know if you have any questions on any of those projects.

President Fanello: The \$925,000 that we budgeted for next year that was for...I'm sorry, if you said it I missed it. What we have in the budget for next year.

John Stoll: On University Parkway?

President Fanello: Yeah.

John Stoll: Yeah, the \$925,000 was intended to be right-of-way acquisition services and right-of-way parcel purchases.

President Fanello: Okay. I had this conversation with John Stoll earlier this week, but Local Roads & Street budget, I think, is going to have to be cut by about \$2 million. So, I'm not sure exactly where we are going to get that money from. Just to give a little history on the Local Road & Street when additional Local Option Income Tax money was available the Council had budgeted \$3 million and due to the reduction in Local Option Income Tax money distributions, I guess from the state, they decided to only put \$1 million into the Local Road & Street Fund. So, we're faced with the option, we probably had that for the past two years, I think, a million dollars in there, but our budget is \$4 million for next year, so we're going to need to cut about \$2 million because I think our revenue is estimated at \$1.8 million. Just for information and we'll need to get those suggestions to the Council by the time they pass their final budget, by September 8th.

John Stoll: The other two projects I believe that could be affected by that could be County Line Road. I put in a request for right-of-way funding for that for next year and then for the Green River Road/Millersburg intersection project that was construction...local match as well as some right-of-way.

President Fanello: Okay, so it could be that depending on where we find two...if we can find other sources of revenue...if we cannot find other sources of revenue those projects could be jeopardy of being cut.

Commissioner Crouch: Question, John, the Green River Road extension what is the time line in terms of, you know, being ready to actually look at awarding or bidding out architectural or, you know, engineering services for that phase?

John Stoll: The next thing after we get the field check would be getting plans finalized and making sure we don't have any changes to the right-of-way limits. Once we know the limits of the right-of-way then an agreement would need to be signed for the right-of-way engineering to actually draw up the legal descriptions for the properties and then also an agreement, maybe one in the same, but an agreement to actually go out and have the appraisal work and buying work on those parcels. Off the top of my head I do not remember how many parcels of right-of-way we have out there, but it would all hinge...construction would all hinge on how fast all that took place. Given our past luck with right-of-way as of late we'll probably end up in condemnation on one or more of the parcels. If things went smoothly it might be by the end of the year, but if condemnation was involved I don't think that construction could be done by the end of the year. We might be able to get it put out for bid, but as far as being able to really start construction I think that would be very unlikely if any condemnations were involved.

Commissioner Crouch: That's phase one?

John Stoll: Yes.

Commissioner Crouch: And phase two, that wouldn't even be the end of this year probably?

John Stoll: No. Really there is nothing signed on phase two other than the hydraulic studies. The hydraulic evaluation for phase one and phase two was all lumped into the agreement for phase one and the reason for that was to determine what DNR would approve as far as the elevation of the road is concerned. That hydraulic evaluation is being finalized right now. It's still proposing to show the road at the 100 year flood elevation rather than, I believe it's five to six feet below right now. That's the only component of phase two that's under any contract right now, so to proceed on phase two would require another design agreement and then another right-of-way agreement, then construction inspection agreements as well.

Commissioner Crouch: I think...this is very helpful because I know that all the Commissioners get calls from the public about certain roads, why isn't this being done and it's very helpful to have some kind of history to be able to give them. If it won't take too long I think it might be an interesting exercise to go through on the different projects and kind of give an approximate year that they actually started.

John Stoll: Okay. Bridge inspection, those agreements are always signed in four year cycles. Bridge inventories are done every two years, so this agreement with R.W. Armstrong would have been signed in 2004...I mean, 2002. The new agreement would be required when our next inventory is required in 2006. It's an ongoing thing, but the current agreement dates back to 2002. Bromm Road that was initiated this year once it was determined that Bromm Road would be paved this year. The intent was to get that culvert out of there prior to the paving so we wouldn't go out and damage new pavement when we replaced the culvert. County Line Road I believe was initiated early last year.

Commissioner Crouch: That's fine, just approximate.

John Stoll: I'm not 100 percent certain on that. If it wasn't last year it would have been in 2002, but it has been within the last couple of years. That was the result of some residents out there petitioning the county to upgrade the road to make it passable for two way traffic. The Jobes Lane project, that's been around for years. It has been looked at in the past for Barrett Law projects and that never proceeded and then I know one of the property owners sued some of his neighbors and somehow the county got brought into that lawsuit. Kevin could probably elaborate on that more, but as far as the county actually signing an agreement I believe that was in 2002 for this design for what's being constructed right now. Green River Road, that was done, I believe, it was about this time last year. Green River Road and Millersburg, that, I think, is probably 2002 is when that was initiated. Johnson Lane culvert, here again this one...the project itself dates back many, many years. There was a pending lawsuit the city had with the adjacent property owner that dates back approximately ten years. The city just withdrew that lawsuit just recently and this has been a project off and on for all those years if not longer than that. Lyle Road, that was initiated...can't remember when we started the design. It might have been 2002. I know the two residents who have been up here numerous times they have been coming up here for six years maybe. But I think the design might have started a year and a half or two years ago. Lutterbach Road, that was something that came out of this year's paving list. Lynch Road phase three, I think the original Lynch Road agreements for location studies date back to about 1985 or '86 and then the design agreements, I believe, were originally signed early 90's and Warrick County had to pay to redesign it once they allowed the paving plant to be built in the path of it, so it has been going on for probably 20 years. Mt. Pleasant Road, that dates back to, I believe, 1999. Oak Hill and St. George I believe was started in

2002. Oak Hill and Bergdolt, that's a new project for this year. Red Bank Road and Upper Mt. Vernon, that was initiated last year through some studies that EUTS has done. Rodenburg Avenue culvert, that has been going on for many, many years, but as far as design and right-of-way that dates back to last year, but we're still trying to get the property owners to cooperate on the right-of-way. Rule 13, here again that's been in the works by the state for quite a number of years, but the actual regulations did not start until last November. The Stockwell Road culvert is another thing that is an offshoot of studies that have been going on for many, many years. FEMA came in to study the site and once they were finding problems showing the elevations of the flood waters would be raised based on their modeling which appeared to be incorrect to everybody who reviewed it here locally, once they presented that then the option of installing this culvert came about and I believe design agreements were signed on that probably March of 2003. University Parkway, there again, it's like Lynch it dates back many, many years. I believe both projects were originally initiated in a long range transportation plan that EUTS did back in the late '70's. As far as design agreements go, I know the design agreements were started...were signed prior to me starting work with the county so it was prior to '93, but I'm not sure exactly when. That's one of the problems with University Parkway because the design is so old it has to be updated and that's one of the things we'll have to enter into a new agreement with Bernardin Lochmueller as far updating the plans to be in compliance with all the new environmental regulations.

Commissioner Crouch: Thanks.

President Fanello: Are there any other questions for John? Thank you, John.

Burdette Park

President Fanello: Burdette Park. Oh, there you are. I didn't see you, Steve.

Steve Craig: Steve Craig, manager of Burdette Park. The project that I've got going now is the future lazy river and the contract for the design phase of this project has been awarded to Northeast Aquatic Center Designs for \$72,000. I have a handout. Attached is the proposed lazy river on the existing conditions. It doesn't appear there is going to be any conflict of existing structures or existing utilities. They do not think they will be disrupted and they seem to be in the correct areas as needed for construction. Attached also is the current layout and grading plans. At the present time the design work is well on its way and Northeast Aquatic is keeping us informed as they continue to work on the layout, grading, construction documents and design of the future lazy river at Burdette. Other than that I don't really have any projects going at this time.

President Fanello: Are there any questions for Steve? Okay, thank you, Steve.

Steve Craig: Thank you.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Dennis Hudnall, County Highway. First of all, I'll start out with our

paving list of how we've progressed on that. I'm sure you all have this map that this is a working map. What I have, everything that's circled on this map is completed so I've got over 75 percent of my paving done. Now the items that are in red was to be contracted out, you'll see contract one, two, three and four on it. This is the one that John Stoll has put together and remember in the meeting we said that we were going to pave as long as the dollars hold out. I have approximately \$1.4 million to pave with. Right now at this time I think I've got \$235,000 left to pave three roads. That's Clover, Ashwood and Millersburg. That's the ones you see in the black that I still have to go. They're on the east side. Everything else, northeast, northwest, southwest is done. The ones in the red like Bromm Road, that's a long road. I'll have to see how many dollars I have left to see if I can complete that whole road and any road that is contracted out. I have been asked by the Commission to look at concrete roads and see if I can put concrete crews together. I really don't have the funding for concrete unless I transfer money from some other account to put it into concrete, but I am in the process now of identifying people with the expertise that are in concrete. I need laborers, truck drivers and operators on each one of those crews. I could possibly put three crews together to go into these subdivisions and John Stoll and Pat Seib have identified some of the priorities that I need to look at on the concrete. The Engineer's Office and I can get together and make a list of the priorities on the concrete unless John...do you have anything on concrete right now?

John Stoll: Not on the locations, no.

Dennis Hudnall: We can put that together and give you a list of approximate costs. I had some on my paving list that we proposed to do and they come from John Stoll's office. Let's see what they were here. Virginia Street, Vogel Road and McCutchen Estates and Old Petersburg Place was concrete and it was approximately estimated at \$75,000 on those. That brings paving up-to-date. Now, when we pave roads we also must look at each culvert before we pave the road. Right now we've replaced or repaired 28 culverts on all the roads that we've paved this year. So our culvert list is getting updated as we do this. That's all I have to say about paving unless you've got any questions.

President Fanello: Does anybody have any questions for Dennis? Thank you.

Commissioner Crouch: Just out of curiosity, 28 culverts you all have replaced this year?

Dennis Hudnall: Replaced or repaired. Seven of them were repaired...here, I've got a list of them right here. Or patched, that's what we do. When they separate the culvert is not necessarily bad, it's just a separation because of the earth movement and it will cause a cave in, so we dig them out and replace them, put them together and patch them and we don't buy another culvert to put in there. So we've replaced or patched those culverts before we do the road and we've done 28 of them. Now, when we say 28 culverts that sounds like not very many, but we also replace driveway culverts. The reason why we do that is to ensure that the drains and the pitch of the ditch is correct for the drainage because if we let the residents put them in what happens to us is they'll put them in too high for their neighbor or whatever and the water stops in between. So, what we do is we go out and we shoot all the grades and then we put the culvert in and then we don't have any problems with them. We do have a few problems out there right now with residents paying a private contractor to put those driveway culverts in and they've put them in too high. They don't pay attention to their neighbor's culvert or shoot that grade and now the water

stands there and we're having to replace them or redo them for them. Now, we do not pay for the culverts if we do that. What we do is they go through John Stoll's office, they get a permit to put it in, they buy the pipe and we install it for them.

Commissioner Crouch: I really was asking because I think 28 seems like a fair amount to do. Your crew, when we went out and observed them, are very efficient. I was very surprised at how quickly they can replace those.

Dennis Hudnall: You're looking at a highway crew and you're looking a bridge crew. A bridge crew does all the culverts, they do all the bridges in Vanderburgh County and all the guardrails. They're real efficient if they've got the good equipment. If you've got the equipment to do it they can put a couple of culverts in a day. Some of them take longer and we're reviewing the equipment right now. John Stoll and I have discussed this before. We could do more projects within the county if we had the equipment to reach some of the box culverts and those types of projects. Our gradall that we have will not reach some of the larger projects that John has. Even though we have the expertise and the ability to do it, we just don't have the equipment. To rent that equipment would probably not be efficient for us to go rent it. You might as well contract it out, it would probably be more cost wise to do that. But in the future if we're going to start some of this work what we would like to do is review that equipment which the gradall that you seen them on out there is a 1984 which is the oldest one I have, so if we can upgrade that equipment they can start doing heavier work. So that is something to look at if you want to keep the work within the county. And, yes, they are efficient and I appreciate you saying that.

Commissioner Crouch: Thank you.

Dennis Hudnall: Okay, I also have a project going, it's through John Stoll, it's in coordination with his office. The Corps of Engineers have informed him that we are responsible for the bend in the river, that green light curve on Old Henderson Road, which is riprap right now, it's a retaining wall to, I guess, to impede the river...to not cut into the bank. Well, this project has a lot of trees growing out of it and John informs me that now it's the County Highway's responsibility, so we went out and reviewed it and it's going to be extensive work on cutting these things out because it goes all the way down to the river. John and Pat Seib and myself and Mike Farmer will, when we get ready to do the project, will meet out on Old Henderson Road to plan the resources and what we need in order to complete this project. Now it's not going to be an overnight project. It's going to take probably a week, week and a half to get it down and then John and I will plan a spring program in order to keep this foliage away from this area that the Corps of Engineers have turned over to us. Do you have any questions about that? I had a lot! Okay, just to give you a few things that the County Highway does, and what I've done is I have split them up into work elements and listed them on my work orders as work codes. It's culvert replacement, ditching, picking up dead deer off the road, guardrails. We weed-eat around all guardrails, we do all the mowing in the county, all 1,400 miles of both sides of the road. That's hard to keep up with, by the way. If we damage a mailbox during snow season or during paving season we do replace those for the county resident. We patch potholes, we pave or rock the aprons and shoulders. We remove snow. We clean out storm drains, we keep track of those. We do all the tree cutting and tree trimming that is on the county right-of-way. We cut lots that are under tax sale or belong to the County Sheriff. We pick up trash, we weed-eat and we do anything else. I would like to say that everything that we do is planned, but it's on the contingency of what happens that day, so we don't have long or much to

plan. Sometimes it comes in faster than we can actually get it, so sometimes you manage on the contingency of what that day is going to bring. I think we've kept up with it pretty well this summer. Although the weather has impeded us in a way of paving, we still kept our schedule on paving. Tree trimming, grass cutting, all those things are coming together right now, so I think we're breaking even. We're not getting ahead, but we've cut with our new tractors and things of that nature we have cut more grass this year than we ever have. Now the School Corporation is calling us with trees that are hanging down in the road. I'm going to have to pull off of some of these jobs and put a tree crew together and start trimming some of the trees that are hanging down that's hitting these buses as they go by. I think that does it for my projects.

President Fanello: Any more questions for Dennis? Thank you, Dennis.

Madelyn Grayson: May we make a tape change please?

(Tape Change)

President Fanello: Okay, thanks, Madelyn.

Voting Machines

President Fanello: Voting machines. We asked Marsha to come and just tell anything she knows about certification. I think, most of the Commissioners have talked with Rob McGinnis.

Marsha Abell: Marsha Abell, the County Clerk. Actually, Mark Foster intended to be here, but he's held up in a hearing in Boonville. So, this was typed up for him to read into the record, and I'll be happy to read it in, or if you can read it yourself. There's not a lot of purpose for me to read it to you.

President Fanello: I was going to say, I hope we can read. Okay, I mean, I was going to say I spoke, when Rob, when you had Rob McGinnis come down here and pretty much confirms, you know, what he said, or pretty much reiterates what he said. I mean, he's really, actually, wanting to know, I think by September 1st, because they said they had programming needs that they needed to be aware of.

Marsha Abell: Yeah, today at noon was our last filing for School Board, so we're in line to prepare our ballot this afternoon, if we knew which ballot to prepare.

President Fanello: Yeah.

Marsha Abell: So, hopefully, next Thursday's meeting will give us some indication what to work toward.

President Fanello: Okay. You can let us know what goes on at that meeting.

Marsha Abell: I will. I have a feeling some of the media is going to be there.

President Fanello: I'm sure they will.

Marsha Abell: I'm sure you'll hear about it.

President Fanello: Thank you, Marsha.

Commissioners Audit

President Fanello: Next item is the Commissioners audit. I don't, you know, we talked about the other night how to handle the audit, and the form that we passed. I've got reports for, we said we were going to start in alphabetical order, and we started with the Assessor's office, and I've got reports for three years. I would like each Commissioner to look at those reports. I've requested some vendor reports, but, I think, Suzanne, when you bring up the fact about service contracts, you know, a lot of companies don't, you know, work on an hourly rate as, you know, recalling a conversation I had with Jay Smith months ago whenever they turned in their RFP, you know, they had an hourly rate quoted in there, and I don't know, you know, why they didn't submit anything else, or if they just wanted to work on an hourly rate, but that's what they did. But, I am running across that in the Assessor's, you know, audit as well. I've asked for copies of contracts for services that were rendered, and haven't gotten all of the written agreements, and I'm not sure if there are additional written agreements out there, but there's nothing in the state law that says, you know there has to be written agreements for professional services. But, if it's something that we want to enforce, we've got to make sure that all departments are doing it, not only ourselves, but all departments. We have to have a mechanism in place to enforce that. That's what I'm hoping comes out of this audit. When I talked to State Board of Accounts, you know, what they said was, you know there are cracks in the system. He thought that this audit was a good exercise for us to come up with any additional policies that we want to put in place. Now, he said with the size of Vanderburgh County being the way it is, it's very difficult to monitor every claim that goes through. He said that if we were willing to spend the time to do that, we could do that, and we could put policies in place. But, I'll let you look at the professional services that I've found in the Auditor's, or the Assessor's office, and also the other things that I've requested. I've requested some vendor reports from them as well on that department, and you can look at those. I think Madelyn has sent me up two, and there was a computer glitch for two of the years I think I, or one of the years I asked for or something.

Madelyn Grayson: I think they are going to try to run that this evening, because it's lengthy.

President Fanello: Okay. But, it brings up an interesting point on how we want to handle services, because, you know, the only thing that state law governs is bidding for supplies. There are no services, I believe it says in the statute can be obtained in any manner which the entity deems appropriate. I think that's, is that right, Kevin?

Kevin Winternheimer: (Inaudible. Mic. not on.)

President Fanello: So, while you bring up an interesting point, I certainly don't want anybody to be misled that anything was done wrong here, because it wasn't done wrong. But, we just need to figure out what kind of policy we want to enforce, and how we want to handle those things in the future. I think that's an important exercise. I always think it's good to get agreements in writing because that pretty much gives you a deliverable, and it gives you a parameter of what everybody is

working towards, and the parameters you're working within. But, I think that was laid out in Will's RFP, and I don't think they went beyond that scope at all, and did not go beyond their hourly rate, as far as I know. I will get those reports to everybody as soon as I get them. I would like for us to stay on a continuous mechanism of trying to get through a department every two to three weeks, so that we can keep it moving and get through all departments so that we can come up with a recommendation for any additional policies we need to put in place. I'm going to be, I'm going to reiterate, I don't think anybody, you know, while there may be cracks in the system, I don't think anybody is doing anything detrimental to the county. You know, Tom Simpson, we've had a clean audit for how many years, and now they're working on the 2003 audit, and he said while there may be small cracks, there may be cracks in the system, you know, things are working pretty well for the volume of the number of claims that we have in this county. That is an issue. We have a lot of claims that go through this county. It's just on, you know, it all depends on how we want to handle it, and what, you know, policies we want to enforce and put in place. I think what's going to come out of this is additional policies for the purchasing policy, and then maybe some clarification, excuse me, of other policies that we currently have in there. So, we'll be looking for any recommendations on ways to do things better. But, I just want to remind that it's each Commissioners responsibility, you know, if something comes up that is, that needs to be addressed, or if there is a question on a bill, or if there is a question on a policy, we all need to be working together, because I'm not going to get into a political grandstanding over this. We're trying to find ways to do things better for the taxpayers and save the taxpayers money, and I'm not going to have any part of political grandstanding. So, I hope that that's not what's going to come out of this audit. Any questions? Moving on to our biggest project.

Commissioner Crouch: I apologize, I forgot, I did also meet with the State Board of Accounts, and they said, David, that if you want to meet with them to give them a call.

Jail Project

President Fanello: Our biggest project, the jail. The one everybody's been waiting for.

Mark Shireman: Thank you for asking us out. I'm Mark Shireman from the Shireman Group in Corydon, your project managers. If you'll open up your book, and, I guess, it's blue, I'm color blind, but go to tab number one there and that's some FYI. It's a listing of the team players out here on this project. Two groups aren't on there, Baker and Daniels, your bond counsel, and Crowe Chizek, your financial advisor. So, I'm sorry about that. Baker and Daniels, your bond counsel, and Crowe Chizek, your financial advisor. Down in the center of the thing you'll see it says Les Smith CM job site trailer there. Note those phone numbers, because if you have some questions, and feel free to tour anytime and go out and visit. Les would be happy to give you a tour. Moving on to tab two, I hope I'm not going too fast here, tab two is kind of another FYI thing. You all remember we budgeted \$192 a square foot, when you take the base bid and the alternates it worked out at \$177 a square foot hard dollar construction. Just for information, we're working, starting a new job, in the design phase anyway, at Scott County working with Schenkel Schultz, and we're budgeting \$220 a square foot. Crawford County we just finished

at about \$209, and Clark County, now, of course, that's remodeling and additions, and it's kind of hard to break that down, but that's probably around \$217, \$218, so, we feel pretty good about the way this is coming along so far. The next page after that page is, now that's an old piece of information. That's a narrative there that we could read through, but it would take a long time. It's sort of like the design parameters narrative, it's about ten, eleven pages long. It talks about the theories in the design, heating, cooling and so on and so forth. Tab three, again, like I say, we can read through that other thing if you like. Tab three has a report that's more up to date. We sign contracts out here as, and I'm old, it's hard for me to remember exactly, and I don't have it in front of me, but I think it was October 13, 2003, if my memory serves me right. Where are you, Les? Do you have a better memory than me? Anyway, it's a 24 month job. It's supposed to be complete on October 13, 2005. We're on track for that to happen. We'll show you in a minute that we want to get out in September, a year from September, if we possibly can. I'm going to step away from the podium for a moment and let Les read you through this report. But, if you turn behind that report you'll see a document that looks like so, and that's the alphabet soup of the layout there. So, Les, why don't you come up.

Les Smith: I'm Les Smith with Shireman. Like I said, and if you want to look, you know, we've as designation, you know, a, b, c, or we haven't got c, but a, b, and g, e and f in the sections. Of course, g is the warehouse and mechanical area, kitchen, all of the controls of everything is in that area. The area e is the two story area, which is the administration area, front lobby, all the, you know, the Sheriff's offices and everything. Area e also includes on down into the sally port. It goes and includes into that. Area f is the medical, the dental and the areas, and that is the single story area. Then you go to pod a and b, which are the holding pods. So, just dropping back on the, the precast concrete and the structural steel is going up. They're working right now through area e, they've turned the south end of area e in putting the wall up between the administrative area, booking area, and the sally port. They are setting structural concrete, precast concrete in area f. Then the structural steel part follows that. All of area g is closed in. The roof deck is in. They are putting any reinforcements in the structural steel for roof openings or anything like that. The insulation and the roof materials have started to be stocked on site, and they're actually on the roof there getting curbs down. So, that process of getting that dried in is going to start right away, on area g. Block walls are going in in that area. They're putting up pipe hangers, pipe conduit, and I'm, to know exactly how many blocks they've got still to lay in that area, I would say they are probably 75% done with the masonry work in area g, which is, you know, just a real important area to the job. You know, with all the mechanical area for all the heating and cooling, the electrical switch gears is all in, the permanent switch gear is in and energized and we're actually operating off of that. So, just that is an important area to get done, with all the kitchen and all stuff, long term stuff that has to go on there. We are continuing with the precast walls and the precast concrete. Within two weeks all of the administrative; g, e, and f, should be set out, closed in and the structure, roof structure should be in. At that point, we will go to pod b, and we went to that back pod and made that decision back last winter when the snow and ice and everything was on. We started working pod a, we had to abandon that and went to pod b, because we could dry it out, and pod a froze up and had like a skating rink there. So, we had to go to pod b and was able to work that. So, therefore, pod b turned out to be first in the progress of the job. So, we will set it and then we'll come back to pod a and set the cells. All those cells, they are

manufactured, and they are setting in the precastors yard, and they are sequencing that stuff as we, you know, as we indicate that we need so many cells, and so many pieces of precast walls, and so many pieces of structural concrete. They just coordinate that as is needed. All the concrete footings for the building are in place. There's some small, and if you'll look on the pods, there's some small pieces of, oh, it's the outdoor rec areas that are sticking out on the end of each wing of the pod, there's some small piers to be put in, and that will conclude all the concrete in the ground. The booking area, the administrative area, the block masons are working in those areas, which include, you know, of course, that wraps in with the electrical, and the plumbing and everybody rubbing in their stuff to bring up as the block layer brings his up. But, a lot of that work is under way at this point too, which is, you know, I keep saying that's an important area, but this is an important area too because of all the security monitoring devices and everything all feeds back into this area. So, it's just all got to be tied together, but that's coming along very well too. They probably, the floors, they've got floors poured in g, and about two thirds of e and f down that way. Let me back up, not f, but got two thirds of the way down past e is poured, and they will pour the rest of it out by the end of next week, of e, and then they will drop back and finish f. The security electronics stuff, all that is built in house at integrator.com in their place in Indianapolis, and it's a pretty impressive system the way they do it. They set it up there, they run it, they debug it to what they can, and then they box it back up and they bring it on site when the time comes. When the job is clean and dry and warm inside to where it doesn't, you know, there's no chance of any damage from something like that. Then they set it up and then completely hook up the system and make it run. We've been coordinating with the kitchen contractor, they've been down, all their rough ins are in on the floor drains, all their hook ups. They have got some pieces of their equipment that are in their warehouse at this time, you know, it's in storage there, and they do the insurance and things like that on the storage materials. But, they do not have very much equipment at this time, but they do have a few pieces. The HVAC work, the air handlers, the chillers, I mean, everything is there in place, the pumps, and they're running all the pipes, all the conduit starting already to tie this stuff in. So, it's, you know, the tie in, the finish work of that stuff is under way. There's constant test reports, you know, from what we do on site by, and it's all, that is all done by Patriot Engineering. The precastors, they do, they have engineers on site that do tests for quality control, and we've got records of all of that. So, and I've got a, you know, I've got boxes of test reports that, you know, you're welcome to come and take a look at. I just didn't want to bring that much stuff, you know, there's boxes of it. So, but, anyway, that's all done by independent laboratories, you know, that are not the actual contractors. Then the contractors do their own, it's like the concrete company, they will test their concrete at the site, and then, you know, as it, before it even comes out to our site, let me rephrase, and then it's tested again by our independent person on site. So, it's actually, you know, they're monitoring their own product, as well as we're monitoring their product. So, to make sure that we get good tests out of it. The guys on site everything is working, you know, we have our day to day problems, and some little bugs that we have to work out here and there, but progress, the teamwork of the workforce, which is, you know, there's a few out of town people here, but 90% of it is, you know, local, union guys that are there, and they're doing a very high level of quality and just a good job. We've had a lot of comments from one contractor or another, you know, complimenting say, you know, we really appreciate the way you've treated our work. You know, to where the concrete finisher comes in and pours around the plumbing, you know, a lot of times that doesn't get treated very well. But, this has been going

very well with that. So, with that, I'll...if you'll turn on back, we've got a complete schedule of the building, and it starts from the beginning. If you'll notice, there's, you know, we've got project summaries, shop drawings, where all that is, with the mock ups, and it highlights unit g, warehouse mechanical, unit g, kitchen. It goes right on down the line, unit e, level one, and so on, you know, right on down through all of the areas. So, and you can look at this, you can come out, you know, when you come out to the project to take a tour or whatever, you know, you can relate this to see kind of where things are. So, it's a very good guideline to, you know, I mean, it helps us to keep everything going together, that we, hopefully, don't miss something in the, you know, in the flow of things that we don't forget to call the electrician because we're going to pour concrete. You know, I mean, it kind of keeps you, everybody on their toes, and it's pretty, everything's running pretty close to schedule on it. So, anyway, that's all I've got. If you, are you ready, Mark? Okay, any question on the schedule or anything? Okay.

Mark Shireman: Thank you, Les. I'm going to go into a section here in a moment on number four, it's kind of the control systems. But, before that, Eric said that he wanted to make a couple of comments. So, is this in your way?

Eric Williams: No, that's alright. I would make them real brief, because I kind of feel like in some respects I've been acting as your representative at a lot of these meetings. I know not by appointment, just kind of by default. The Sheriff and I attend most of these meetings, and I attend probably 99.5% of them. So far we feel very, very comfortable with the progress. We're very pleased with the team we have out there. I was very nervous going into this, because I've never been a party to a project of this magnitude, and was pretty nervous. You get to do a project like this one time in your career, and you want to do it right, and make sure it's the best for everybody. You know, I will probably be working there long after a lot of the other people around there are gone. So, it's important to us that it's done right. We've got a, what we believe is an excellent team put together. They've been very responsive to our questions. I do raise lots of questions. Most of them have very little to do with the contracts or the actual design, but it's more procedural and operational. How will this affect us when we open up and actually have prisoners in there? You know, Dave Rector has been coming to a lot of the meetings, and he's starting to raise a lot of the issues during our meetings that result from having to maintain a building like that. So, just from our standpoint, that group of people that are going to go in there and actually have to use it, so far we're very, very happy with the progress that we're making. We feel like that we've got a good team established out there, and I see a lot of cooperation amongst the various trades. Which is contrary to some of the stories I heard that people predicted you might see out there. That's not going on. At least not on the surface that we see. So, I also encourage you, if you ever do want to go out there and take a tour, I'm out there quite a bit, and would love to be able to walk along with you and explain, from the operations standpoint, while Les and the construction people can explain the mechanicals and what concrete block sizes mean and things like that, that means little to me, but I could be able to explain to you what we actually plan to operate, and why this makes a difference for us. So, again, I second what they say, if any of you want to come out, just let me know, and the Sheriff and I would be happy to be there. I'm already out there quite a bit.

Commissioner Crouch: I think I'm going to be out there August 26th. So, maybe before or after?

Eric Williams: If you could confirm that and let me know the time, I would love to be there so I can answer your questions from the operational standpoint.

Unidentified: (Inaudible.)

Eric Williams: Okay.

Commissioner Crouch: Before the meeting? Before or after that?

Eric Williams: That would be great.

Commissioner Crouch: Okay.

Eric Williams: They can answer block sizes and wire thickness and that stuff, but I can probably help you more with how we're going to move in, maybe why we're going to use certain things the way we're going to use it.

Les Smith: One more thing that I didn't have in my book, and you've got the pictures, and I think you can really kind of lay that out. There's one looking from the, basically, from the east and one from the west that's looking, you know, the helicopter guy had it and we took some pictures of it. I think you can kind of see the footprint of the building, but where it, you know, matches exactly, you know, with what is here. You can really see, you know, in some areas you can even see in the building, and see the concrete structure and you can see the precast wall planks and the roof planks, and the bar joist, metal deck, all of it's going down in a progression. Back on, and you can see clear back, you know, to the area g where they're putting in roof curbs and whatever on that. So, you can kind of look at that and see the flow of which direction it's going, okay, thanks.

Mark Shireman: If you look on that bar chart schedule there's a little, there should be a little yellow sticker, I hope. If you open that up and see a little yellow highlighter, that's the September 27th, that's our targeted ending date at this time. Keep in mind the bar chart schedule is a living document, and it changes a lot. So, we update that about monthly. Okay, section four, we've got here what we call a start up check list, okay. There will also be a close down check list. If you look at the start up check list, this is where we're trying to make sure that performance and payment bonds are in the files, everyone has insurance, we're watching their expiration dates to make sure they stay up. In the insurance on this job too, we have the owner and us and the architects and engineers on as additional insureds you might notice. That's very important, because if something should happen, we want to be sure that we're all covered well. All of us, especially you. Workmen's compensation, W-9's and all that and so on and so forth. A signed escrow agreement, so, my bookkeeper is not in this week, but I've looked through the files myself, and I feel pretty good about that. If you would like to go to the next page, that's sort of a flow, I could have made you a nice flow chart, would have been a lot easier to read, that's sort of a flow of progress payments. You know, when we, when you all see a progress payment in here, or a monthly payment, I wanted you to know there was a system that we use to check through those percentages of completion, and the arithmetic checks, and so on and so forth. That's sort of how it flows through where we review pay requests at the job site, Les does, then I do in the office, and I have an in-house bookkeeper and it goes back to the contractors, the engineers and architects are in that loop, and we have rough drafts

and hard copies and so on and so forth. So, when it comes to you, I wanted you all to know that there was a lot of other eyes checking it. We're human, sometimes we might make a mistake, but, hopefully, there's enough eyes on it that we'll be okay. The next page is a sort of a control system. As you know, we have progress meetings two times a month, well, actually, more, it's every other Thursday, 10:00 a.m., so if you want, Suzanne, if you came out at 9:00, or if you came out at 11:00, or you can come out at 9:00 and stay all through, or however you want to do it. But, it starts at 10:00. You know, you've been out there before. Informal meetings are the one's that happen all through a job. I mean, they're not scheduled, they're constant communication. Shop drawings and all the submittals for the project are out there in the office. Like Les said, we couldn't really pile all that up and bring it in here, to assure you that things are in compliance with the specs. Samples are there. In addition to the inspections that we make, the architect and their consultants make periodic inspections. Geo-technical engineer, that's Patriot, they're out there occasionally, taking tests and so on and so forth. All the reports of all that is on site. Again, I encourage you to come out and let Les or I show you those things. Les mentioned a precast concrete, which is a big part of this job. There are, it's manufactured in plants, three different plants, licensed, professional engineers have to seal off, stamp off on the design. They perform their own tests out there in the plants, everything has to be certified, and we have boxes and boxes of those reports too. Later on in the job there will be warranties and close out documents coming up, and we'll talk to you about those things as we go on. Tracking sheets, we have tracking sheets of when things flow out, and you have them too that we can compare to each other. I don't know, Les, is that pretty much it?

Les Smith: (Inaudible)

Mark Shireman: Eric? Brad, or anybody? Okay. Questions, or okay.

President Fanello: Does anybody have any questions? I've got your bills that you sent last week, and I just want to remind the Commissioners that each of those go in your packet, and I kind of want to point out the detail of those bills. I'm not going to ask who's reading them and who isn't, I hope all of us are reading them. But, I just want to point out in here that it goes through every description of what's been done and the payment allocated towards that. It lists all the subcontractors on site. It's a pretty lengthy bill, or actually Williams Brothers, and lists if there ever were to be any change orders, it would list those, and, I guess, the one that we signed Monday night will appear on the next bill.

Mark Shireman: That one, I guess, you'll be funding out of the community corrections.

President Fanello: Correct, correct. But, I just wanted to bring that to everybody's attention that every, unit g, kitchen, pod a, level one, every piece of material that is being utilized out there is on this bill. So, and that the same for Peyronnin and Mel-Kay as well. So, I'm glad to see the level of detail in those bills, because it tells us exactly what is happening as far as payment structure.

Mark Shireman: Okay, thank you. Again, we have a lot of information out at the site that we would just love to show you. When the job is over we'll have boxes and boxes of them. Thank you.

Community Corrections

President Fanello: Community corrections, I'm not sure who is going to address that. I don't know if Eric wants to address it, or can you address that, Les?

Les Smith: The, on the community corrections, the site preparation is underway. The utilities are being relocated. I talked with ARC's superintendent this morning, and he is out there, and they have, again, to get them to communicate, and it's working very well by the way, but he is out there staking off corners of the building. He is going to start doing some layout work on one portion until there's some sanitary sewer and some electrical lines to run around, it would be the east side of the community corrections between there and the loading dock. But, he's going to start working on the north and the west side. So, that part of that pad is already prepared, and they're out there staking out and doing layout work. So, within a, by the end of next week for sure, they will be there digging and pouring concrete. I feel very confident. So, thank you.

President Fanello: Thank you, Les.

**Revisit Commissioners Audit:
Letter of Instruction to Office Holders/Department Heads**

President Fanello: One last thing, I forgot to bring this up under the Commissioners audit, but there's a letter that I need each of the Commissioners to sign. I think you had a copy of it. Just basically stating that the Commissioners will look at all bills and requisitions before they ever reach the Purchasing Department and the Auditor's office. I suggest we do that for an indefinite period of time in order to get an idea of basically how each department is submitting information, and, again, what procedures we want to change in the future in order to be, provide better accountability. So, I don't know if we need a motion to pass that letter.

Commissioner Mosby: Motion to pass letter.

Commissioner Crouch: Second.

President Fanello: So ordered.

Surplus Property

President Fanello: Just one thing, I want to ask the County Attorney to review, we brought up the issue about furniture the other night. Joe Harrison, Jr. has faxed us, or else faxed it to the Building Authority, something that says the old procedures were repealed effective July 1, 1998. Apparently we don't have to do the things that we used to have to do on surplus property. So, I will just give that to the County Attorney to check out. That's all.

**Scheduling of Next Progress Update Meeting:
September 9, 2004 @ 2:30 p.m in Room 301**

President Fanello: Oh, we need to set another meeting. There are some time constraints, because this chambers is taken up by Code Enforcement on the fourth and first Thursday of the month. Kevin had a suggestion for, what, 2:30--

Kevin Winterheimer: I was going to suggest 2:30, I have a Board of Works meeting at 1:30, and that's usually over with by 2:00, but sometimes it goes a little bit after. But, it was for my convenience rather than yours.

President Fanello: Okay, so, and Patty indicates on here that room 301 works at 2:30. So, if we want to do another one in two weeks. Okay. Is that, what is that? September 2nd. Okay, that should work. You know what, that's the holiday weekend isn't it? I'm actually going to be out of town with family. What about September 9th? Would that work? Does that work into your...the 9th.

Commissioner Mosby: Yeah.

President Fanello: Okay, why don't we set it for September 9th at 2:30.

Commissioner Crouch: 301?

President Fanello: Patty indicates that that's the room, but I'll have her confirm that when she sends out the advertisement.

Commissioner Mosby: 2:30?

President Fanello: Yes, and if there's no further business, I guess we can--

Commissioner Mosby: (Inaudible. Mic. not on.)

President Fanello: Oh, I'm sorry. Yes, we do have someone here wanting to address us from the public.

Public Comment

Clark Field: Good afternoon. I'm Clark Gabriel Field, I'm a member of the June First Peace and Justice Coalition, the jail committee. We're real optimistic about having a community based corrections program here in Evansville. We wanted to talk about that a little bit. We were interested in the budget for programs and training at the corrections program. Is there a budget? Could be get a copy of it?

President Fanello: I will have to defer that question to the Sheriff and--

Brad Ellsworth: Sure. I'll give it to anybody.

President Fanello: Okay.

Brad Ellsworth: Just call me.

Clark Field: Okay. The second question was is there still room for citizen input on that? Not today.

Brad Ellsworth: In 28 minutes there's a VCCC advisory board meeting.

Clark Field: No, not today. But, I just wondered, as far as programs and training, and would we talk to you?

Brad Ellsworth: Call me.

Clark Field: Okay. Okay, that's it. Thanks.

President Fanello: Thanks, Clark. Is there anyone else in the audience wishing to address the board?

Bill Nix: Good afternoon, my name is Bill Nix. I want to commend the Commissioners for taking the time to handle this meeting today. I know it's been something that I feel is very important that take place. I would like, just a couple questions, and first of all, I would like to know, on these particular projects, and not necessarily just the jail and community corrections, if there is any additional work at all, it's my understanding that any additional work that's performed on any of these sites, that the Commissioners have to approve. Is that correct?

President Fanello: If it's going to change the value of their contract, they must come before the Commissioners and—

Bill Nix: Are there contingency monies that are built into these projects that wouldn't come in front of this board?

President Fanello: We have, when we were presented with the budget for the jail, there is a contingency fund, but that would not include anything that was within a change order. Now, each contractor; Williams Brothers, Mel-Kay, and Peyronnin, have an allowance built into their contract.

Bill Nix: And can that money be used for extra work until it's used up and the Commissioners not sign off on that?

President Fanello: As far as the bid specs, and I'll let the construction manager handle that question, but all of that was laid out in the bid specs as to how that would be handled. Each Commissioner was given a copy of those bid specs, and we all approved those.

Mark Shireman: It's our interpretation, based on common knowledge, I mean, not common knowledge, but common practice here and in other communities that we work in that the allowances that are in the contracts are to be reviewed by the architects, engineers, us, and owners reps that are out there. They can be approved there, and they're not brought in here for approval, unless they exceed the people's contracts. If it's going to raise their contracts. That's our interpretation of what our roles are in that work.

President Fanello: I'll just point out, and like I said, I hope each Commissioner has seen it, but in everybody's bill it details all the allowances in those bills.

Bill Nix: So, it's understood then that contingency monies then can be used as part of extra work until that money runs out, is that correct?

President Fanello: Not contingency money.

Mark Shireman: Allowances.

Bill Nix: Okay, allowances. But, are allowances being used now? Are there allowances that are being used?

Mark Shireman: Yes.

Bill Nix: Okay. Is that something that the Commissioners could be privy to? Is that in this report tonight?

President Fanello: It's in the bills.

Mark Shireman: You know, I was thinking, what we could do, and this would be a recommendation if you all want to do it. When you come out to our meetings, in fact, one of the purposes of this is so that decisions can be made sometimes kind of quickly. Like we have issues with poor soil or something where we need to move quickly, and that's one of the purposes of the allowances that are put in. If you could, if one of the Commissioners could come out to the job on a frequent basis to look at that, and if you want to do it that way, in other words, if you want to be involved in those decisions, and that's totally up to you guys, we're going to need you out there quite often to do that. I think that would be fine. At least one of you. That might be something like, it would be more often than every two weeks. Or we're going to have to call you and have you come out. So, you know, maybe three times a week for an hour or something like that, you know, in the afternoon, and we can give you an update and go over the pros and cons of what we're working on. Does that make any sense?

President Fanello: So, is it to take care of things that come up on a like—

Mark Shireman: Well, I mean, you know, if you want to be, I'm saying if you want to be involved in decisions made about lock sets or poor soil or changes that Eric might want to make on a piece of case work, or adding a floor drain or something, and that's what those funds are for. You're certainly welcome to be involved in that. I mean, it's all wide open.

President Fanello: Does a Commissioner want to be appointed to be out there?

Commissioner Crouch: You know, not necessarily. I guess, the question, you know, that I have, Mark, and I apologize and I apologized to Les, because I don't understand, you know, the large kind of construction, jail construction, but if you make a change, and all I can kind of equate it to is when we remodeled our home. We started out with a set amount, and then, you know, we made a change here and a change there, and before you knew it, guess what, we'd spent all that and we still weren't done. I think, perhaps, that's the question that, you know, that the public, that people need to be reassured.

Mark Shireman: I'm getting good exercise from me standing. Well, you use an example as a home, let me say it like this, and this is the way we look at it. Again, if you all want to do it differently, it's certainly fine with me. If you're building a home, and someone gives you a cabinet allowance of \$15,000, look at it like a spouse has to report to the other spouse when that cabinet allowance exceeds \$15,000. That's kind of the way we look at it. Does that make sense? If it doesn't exceed \$15,000 for the cabinets, I guess, my wife doesn't have to come and have a meeting with me. But, if I told her I really wanted to have a meeting with her, then she would let me in on that. Does that make sense? That's kind of the way the allowance thing works, the way we see it.

President Fanello: Do we want to change the way that we approved to do it in the bid specs? I mean, it would require a Commissioner going on site at least, like Mr. Shireman said, at least three times or four times a week, for at least an hour a day. No other monies can be, you know, those contracts cannot be increased without them coming to us and asking for an increase. The architects work on a set fee, and, you know, they can't get any more money unless they come to us either.

Bill Nix: I guess, just one other comment that I would like, and I was at the Commissioners meeting Monday evening, I would like for you all to carefully review the first change order that was approved Monday evening. I just have some serious concerns with the explanation that was given. I just think that all three of you need to look at this really close and make sure that this is a justifiable expense of the taxpayers of Vanderburgh County. So, I just ask that you do that.

President Fanello: I appreciate that comment, Bill, and, believe me, I think each Commissioner sitting up here wants to make sure that these dollars are well spent.

Bill Nix: If you need to sit down and look at the drawings, and get a real good explanation on the job site before you approve payment for that, I believe it would be in your best interest to do that.

President Fanello: But, I'm going to throw in one thing, you know, we have to rely on the reputation of these companies. These companies have been around, some companies 30, 40, 50 years.

Bill Nix: I understand that.

President Fanello: Well, let me finish.

Bill Nix: Okay.

President Fanello: Because I'm going to preface my statement with the fact that you are running for office—

Bill Nix: That's correct.

President Fanello: —and you're entitled to your opinion—

Bill Nix: That's correct.

President Fanello: –but, you know, I’m going to assume that you’re coming from one direction, but, anyway, you know, we have to, each of these Commissioners signed off on all the bid specs. Each of these Commissioners signed off on these contractors contracts. We have to have a certain comfort level that the people we’re dealing with are acting in a manner with integrity, with their reputation on the line, and while we need to question every cost that comes before us that we have to, I don’t think it’s prudent for us to automatically assume that the contractors are going to do something wrong.

Bill Nix: And I’m not insinuating that at all. All I’m saying is that it’s just something that I think you need to look at really hard. Like I said, the explanation wasn’t, in my estimation, it wasn’t good enough to approve \$126,000 worth of our money. So, I’ll just leave it at that.

Commissioner Crouch: Is your statement that, based upon your professional knowledge of what you know about construction projects, you wouldn’t have approved that?

Bill Nix: With the information I received the other night, I think I would want some more evidence of what, you know, really what has taken place to get us to that. It could be a legitimate extra, and that’s fine, I mean, I understand that, but \$126,000 is a lot of money. So, I just think that it’s something that you need to look at. I thank you for your time.

President Fanello: Ms. Crouch, when you go out next Thursday, if you want to have, you know, have further discussion with them about the change order. You know, I know I called when it was in my packet and asked questions, but, of course, I’m not a technical person, and I’m not an engineer, I’m not a, you know, contractor. I don’t build buildings, so, I have to rely on the reputation and integrity, but...I want to be careful, as we go through this whole process, and I realize it’s election season and all that, you know, we have to be careful about attacking the integrity and the reputation of the companies that we’re dealing with. If there is a question about something, I would hope that we would approach that question in the best interest of the taxpayer, because this is, probably, the most expensive project, outside of the Centre, that the county has done, and approaching in a manner, you know, for political grandstanding, or whatever, is not in the best interest of the taxpayers. So, I would remind everybody that let’s watch every dollar that comes through here. Everything, like I said, is detailed, and all of these bills, read these bills from page to page, and if you have questions, call the construction manager. But, let’s take the time and put some effort into it to make sure that our questions are answered.

Commissioner Mosby: I’ll just say, I mean, I felt very comfortable after meeting with you Monday, so, I mean, I don’t know what the comment is, but I felt comfortable with exactly what we did.

President Fanello: Yes, sir.

Marty Amsler: My name is Marty Amsler, and I just want to throw out one thing. You’ve got your architect, you’ve got your construction managers to handle all these small add-on’s or whatever you want to call them that come along. You have the large ones, which they have to come back to you. You’re doing it right. If you get, if you start picking and have to be out there three and four times a week, you’re

going to drive yourself nuts. That's the reason you have these guys, and they do do a wonderful job. I've seen what they, I've been out at the jail, I go out on my own to look, and, you know, I've always been for it, I think it's too small, but I've always been for it, and, you know, just when you look around I think it's wonderful. The only thing I ever heard was where there was a problem between ARC and Williams Brothers because ARC wanted to get started, but yet Williams Brothers wasn't out of the way. That's the only thing I've ever heard. So, I think they're doing a great job, and just thought I would throw that in.

President Fanello: Thank you, Marty. If there aren't any other questions, or...the Sheriff has something that he wants to say.

Brad Ellsworth: Everything always sparks another interesting comment. I'm Brad Ellsworth, Sheriff. One thing that I would encourage, and that's not why I was going to come up here originally, was that when we talk about the change order, and since there is public here that aren't insiders and know it, let's define what the change....you know, if were going to come up and talk about it, let's throw it out there and why, explain it fully, instead of, because not all of these people in the audience are going to come out to the trailer next Thursday and hear what the change order was. So—

President Fanello: You're asking for that information?

Brad Ellsworth: —we're all here, we've been here three hours, let's play it out.

President Fanello: A change order increases the contract amount.

Brad Ellsworth: I know what that....no, I'm saying—

President Fanello: Oh, I see.

Brad Ellsworth: —we talk about the change order, the big one, it's a hundred and some thousand dollars, and it is a lot of money, but there's people over there that don't know what this mysterious change order was, or any explanation of why it was happening. So, if you're going to bring it up, let's play it out and say what it did. That's not why I came up here, but I'm just encouraging that, because it sounds mysterious, and there's nothing mysterious about what happened here. Why I came up here, while we were meeting I took a phone call about the trial that's going on, kind of a high profile trial, and I started thinking about our fire, and I remembered I had a whole lot of thank you's. My first one is to you three, because all three of you came up to the jail shortly after the fire and offered a lot of assistance and your encouragement, and kind of said what do you need, what do you need the Commission to do? An extra special thank you, Commissioner Crouch, she rolled up the sleeves and donned the rubber gloves and spent two or three hours up there hauling burnt, smoky sooty trash out. So, thank you, but, thank you, Suzanne, especially for coming up there....my staff really appreciated it. It's not something we certainly expected you to do, but we appreciate all of your efforts up there, and your support through this. I would also just go on the record as saying, and I'll go to his authority too, but Dave Rector has just been a jewel to work with through this thing, and has just got things done at a record pace that we think, it surpasses any expectations we had, and got us back in the building in a

matter of two weeks. This is late, but I've got a lot of letters to write, but I wanted to go on your record and thank you all. So, thank you.

President Fanello: Thank you, Sheriff. If there's nothing else, we can entertain a motion to adjourn.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 3:49 p.m.)

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Dan Dowell	John Stoll
Steve Craig	Dennis Hudnall	Marsha Abell
Mark Shireman	Les Smith	Eric Williams
Clark Field	Bill Nix	Marty Amsler
Brad Ellsworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded by Madelyn Grayson. Transcribed by Charlene Timmons and Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 23, 2004**

The Vanderburgh County Board of Commissioners met in session this 23rd day of August, 2004 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 Vanderburgh County Board of Commissioner meeting, August 23rd. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of August 16, 2004 Commission and Rezoning Minutes

President Fanello: Do I have approval of the August 16th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second, but I would also like to, just for the record, note that the amount paid to PCI was \$3,217.38. Even though those minutes are not before us, I want the record to reflect that correction.

President Fanello: How did you come up with the \$14,000?

Commissioner Crouch: I had a bunch of claims that I was looking at, and, obviously, I pulled some that shouldn't have been in there.

President Fanello: Okay. Do I have approval...I'm sorry, you did say second, didn't you? I'll say so ordered on the August 16th with the correction noted.

Approval of August 23, 2004 Executive Session Summary Minutes

President Fanello: August 23rd minutes, Executive Session minutes.

Commissioner Mosby: I'll make a motion to approve the Executive Session summary minute meetings, and condemnation was the only thing discussed.

Commissioner Crouch: Second.

President Fanello: So ordered. Approval of the Drainage Board session summary minutes. We should wait and do that in Drainage Board. That must have been a mistype.

Tammy McKinney: Sorry.

President Fanello: We forgive you.

Chamber of Commerce Book Proposal

President Fanello: The first discussion item is the Chamber of Commerce book proposal. Did each Commissioner have an opportunity to think about that, and how we want to handle that proposal?

Commissioner Crouch: You know, I would suggest that we go ahead and perhaps approve it, but file for an additional appropriation, unless there's some line item that we can pay it out of.

President Fanello: Well, there's no line item currently. Commissioner Mosby?

Commissioner Mosby: I would accept that.

President Fanello: I'm going to, I don't know if I support that. Council seems to have a hard time coming up with money to televise government. So, if we can't televise our own government meetings, I'm not sure I'm going to spend \$7,000 for a book. So, I think I'll say no to that one, but if somebody has a motion on that, I'll entertain the motion, but I'm not going to personally ask for an additional appropriation.

Commissioner Mosby: I guess, my thought is this comes around once every what, five years? If we don't take the opportunity to profile Vanderburgh County now, we're going to lose that opportunity. So, that's what I'm basing my thought off of right now. I will agree with the part that we can't advertise government to the people, but I still think we need to profile Vanderburgh County.

Commissioner Crouch: The Auditor just raised a good point, I wonder if the Convention and Visitors Bureau would have any money.

President Fanello: We could check with them. I know they're contributing quite a bit of money to the AIC, the Association of Counties Conference, because they know that we don't have the money to do that. Normally the counties give money, and, in fact, when one of the Commissioners was here, I think it was actually Commissioner McClintock, they had given money that year. But, with us not having money, they've put in quite a bit. So, we could check with them, and see if they've got any left over. I don't have a problem with that.

Commissioner Mosby: I'll make a motion that we check with the Convention Bureau and see if they have the money, if not, pass it on to the County Council, and let them decide what they want to do.

Commissioner Crouch: Second.

President Fanello: Okay. We can get a letter out from our office tomorrow, or somebody call them.

County Attorney: Campground Road Agreement

President Fanello: County Attorney, Campground Road agreement.

Kevin Winternheimer: Yes, before I start this I should make a disclosure that I represent the utility as well as the Board of Commissioners. That has not been a problem in this instance. What is coming before you today is an agreement that I

wrote wherein the utility, the Water and Sewer Utility, will buy permanent temporary right-of-way along Campground Road. This is out at the Hamilton golf course property, along in there. It's roughly about 40 feet from the center line at Campground Road, and they want to purchase an easement. It's been appraised by David Matthews and Associates at \$12,700. I put together, and you should have before you an agreement representing the arrangement and conditions under which the county would agree to that. The Utility Board has accepted the agreement, and I would ask for your acceptance too as well. I have the appraisal cover sheet here, if anybody would care to look at it from Matthews and Associates. This will be a, I believe it's a 36 inch water line that will promote service and development to the north side of Vanderburgh County by allowing water service out there. A lot of water service with a 36 inch line.

President Fanello: Any questions?

Commissioner Mosby: Did they work out a deal with Hamilton's?

Kevin Winterheimer: They're still talking to the golf course people trying to make arrangements to that. The agreement is conditioned that they make arrangements, and we'll just have to proceed from there. I haven't talked to anybody today about whether or not they've finalized that with Hamilton's. But what they've agreed to do with the golf course is, among other things, is they've agreed to always keep one lane, one entrance open, and protect the area, and they will compact and maintain all of the grade levels both on the parking lot and the driveways and in the other, the green areas, and reseed that. Also around the one tee area to sod that area after they are done. I would recommend approval.

Commissioner Mosby: I'll make a motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Equality Day Proclamation

President Fanello: Next in your file you have a proclamation that we did last year celebrating women's equality day, which is this Thursday. I won't read it, since we did read it into the record last year. So, if there are any questions—

Commissioner Mosby: Motion to accept proclamation.

Commissioner Crouch: Second.

President Fanello: So ordered.

Purdue Extension Contract

President Fanello: Next item is the Purdue extension. I don't know if each Commissioner had an opportunity to speak with Patty, but she did call out to the office and let us know that the Council just approved their budget, or did what they needed to do in June. So, that's why that is just now coming to us. They were waiting for Council action.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?

Old Business

President Fanello: Under old business, I have one piece that I would like to bring up from our discussion last Thursday about the PCI and Old Courthouse project. I had conversation with Keith from PCI today. He dropped by a letter that he had dropped off at the office back in January that was addressed to me, and he said there was a draft contract attached to it, but we called Kevin to see if maybe he had it in his office, and he said that he looked around and had somewhat, had a draft–

Kevin Winternheimer: I had a form, a blank form, it didn't have the people or the numbers or anything filled in. It was just a blank form, and it said sample on the side of it.

President Fanello: So, he's not sure if that's it and that it got lost in the shuffle, or what, but I went back and checked all of the minutes where we had talked about PCI, and each Commissioner did participate in those discussions. The first discussion we had was on December 22nd. Tammy did get a P.O. for an amount of \$16,000. When I spoke with Keith today, I asked him kind of why he didn't push for a contract, or bring it to our attention, and he said they don't always get contracts for things, and that when they got our purchase order, he assumed that we were going to work on an hourly rate basis. Because, apparently, in the letter that he sent me it said something about they could work for a lump sum amount or an hourly rate. That brings up an interesting conversation or concern, not really a concern, I guess, it's just how we want to handle, as a board, those who are working on hourly rates in the county. Because as I started our audit I did find one in the Assessor's department where there was a consultant that was working on an hourly rate, but we don't have contracts with everything, for the entire amount of that purchase. We had contracts up to \$60,000, but the purchases were \$268,000 over the past three or four years, since they got the original contract. So, I think it just, you know, we need to define what a contract is, what a purchase order is, because Keith said when they get a purchase order from a lot of government entities or businesses, they accept that as their commitment. He said that they trusted the county to pay their bill, and they weren't really concerned about it. Now, our preferred method would be that we get things in writing, because that helps us define what our deliverables are, and who does what, and how much we're going to pay. So, I guess, we just need to talk about, and that's why I think this audit is a good exercise for us, identifying those types of things so that our purchasing policy can become more clear, and so that those in the county can understand when somebody works on an hourly rate, do they need to get that in writing. Like I said, all the discussions, every Commissioner was present, and, you know, nobody brought up a concern about anything not being in writing. So, I guess, to say something was done without approval is probably not accurate, probably not the best way to describe it. We all knew about it, but was it the preferred method, probably not our preferred method.

Commissioner Crouch: Well, I did also speak to Mr. Bettinger, at your suggestion, and I talked to him on Friday, and he did give me a copy of the contract and the letter that he submitted in January. He also indicated that he had spoken to the Commissioners office within the last several weeks about the status of it. While he said they will do business, and he, you know, reinforced the same thing, that they will do business on an hourly rate, they prefer a contract, and were hoping that a contract would be put in place. I would like to see this board move to go ahead and work out a contract and put him in place to oversee that project at the Old Courthouse as we had originally intended.

President Fanello: Well, he didn't really say to me that they preferred a contract. He said that they don't always get contracts. He said that he trusted the county, and it really was not an issue with him. That he had a purchase order, and that he felt like that that was a good commitment, from the county, that we were going to pay our bill. Because a contract really defines who does what, and it, you know, lays out an understanding of, you know, makes sure there's a commitment to pay a bill. So, I mean, we can decide if we want to get a letter....I would suggest a letter of engagement outlining the hourly rate, because I'm not sure what their scope of service is going to be from here throughout the end of this project. It would be kind of hard to define their scope of service right now in a written, just a contract form. But, I would suggest a letter of engagement outlining their hourly rates.

Commissioner Crouch: Well, I would like to submit, at least to Kevin, the, if you don't have the contract, submit for the record the letter that was originally sent to this office, along with the contract. I move that we go ahead and enter into negotiations as the original vote was, and get a contract with them to oversee that project. That's my motion.

President Fanello: Well, I don't understand the oversee the project. That's not what we really, what we talked about back in the minutes here. That's not what we really talked about them doing. It was more or less being kind of an independent review of what ESG was doing, and they did do that for us in May, and you were part of that discussion. So, I'm not sure if oversee is the correct word, and I don't know that I would vote for something like that, but maybe if we could get something from them that said, you know, that they would assist in this project, and when we had questions about something, because I'm really looking for them to be our independent check point on if there are issues that we have with ESG.

Commissioner Crouch: You know, I guess, in 2002 this Commission approved PCI to oversee and to kind of do weekly progress on the O'Day Discovery Lodge, and that was a 2.3, 2.4, total project on that, Steve?

Steve Craig: Pardon me?

President Fanello: Well that was for inspection.

Commissioner Crouch: The O'Day Discovery Lodge?

Steve Craig: Yes.

Commissioner Crouch: This is a \$5.4 million project, and, I guess, I was under the assumption that they would be in an oversight position.

President Fanello: But, they didn't oversee that project, they inspected it. They were kind of the independent inspector, and I think that's what we want them to do on this project as well. So, I think it's semantics here is what we're running into. They're not really, they weren't overseeing the O'Day Discovery Lodge project—

Commissioner Crouch: But we did have a contract with them.

President Fanello: They were inspecting what was done, basically.

Steve Craig: Yes.

President Fanello: Right? Inspection?

Steve Craig: Yeah, we had had a, I think it was a contract for \$26,000, or not to exceed \$26,000, then they worked on an hourly rate, which when it was all done, I think it came in \$7,000 or \$8,000 under the not to exceed figure.

President Fanello: Right.

Steve Craig: And they came in and did an inspection, and just made sure that everything went smooth between the architect and the contractor, and made sure that the contractor did everything that was in the specs and that, according to the architects drawings and that.

President Fanello: So, see, I mean it was, I would like for them to do that, what they did on the O'Day Discovery Lodge, but they didn't oversee the project, they were inspecting the project.

Commissioner Crouch: And my motion stands to enter into a contract with them.

President Fanello: To oversee or to inspect?

Commissioner Crouch: Well, if they are going to be inspecting it on a once a week or twice a week, whatever they did with O'Day.

President Fanello: Okay.

Commissioner Crouch: They have not been participating or invited to participate in any of the construction progress reports, or meetings.

President Fanello: Well, that's....well, we, if you go back to the minutes, and I've got them all here marked, if you'll go back and review what we discussed, we didn't really, we discussed about them being a part of the preliminary project, to speak with ESG, to make sure that, kind of what they were proposing was what we wanted. We really didn't talk about them being part of the entire project from start to finish. I don't have an objection to that, but that's not what we originally talked about, per the minutes. So, I think that if we want to look at doing that and talk with them about, you know, providing a scope of service for that I don't have a problem, but that's not what we originally discussed.

Commissioner Mosby: I don't have a problem with them inspecting the different parts of the project, or points of the project. I don't think we need them to oversee them. Originally, and I remember when PCI, Will Fosse worked together and they brought us a lot of recommendations, and we went through them recommendations, about

three or four pages, and we accepted some of them, and some of them we didn't accept because we didn't have the money. But, I don't have a problem with having them go over there and inspect every great once in a while. I don't think we need them over there everyday overseeing the project. That would be a lot of money.

President Fanello: That could run into money, so we've got to be conscious about how much money we have.

Commissioner Mosby: Plus we have ESG over there, who works for us, and I have a lot of confidence in. So, I don't think we need somebody to oversee our own contractor.

Commissioner Crouch: I guess, we didn't for the jail either, but we went ahead.

President Fanello: That was \$35 million. A construction manager does a lot different things than what we asked—

Commissioner Mosby: He's coordinating the work out there.

President Fanello: Yeah. You're talking about—

Commissioner Mosby: ESG's coordinating the work at the Old Courthouse.

President Fanello: —a whole different story. We could sit here and we could talk about an hour and I could pull you everything out about construction managers and what they do, but we're on a different, we're talking about two different things here.

Commissioner Mosby: At Burdette we had Morley and ARC, and we just had PCI as an inspector. I know that's the way it worked out there. In this case we have ESG and we have five different contractors over there working; heating and air, and plumbing, and the whole nine yards. I mean, we can use PCI if that's what we wish, if we think there's a problem, or if you think there's a problem and you want to bring something to our attention. You know, I would be more than welcome to do that. We can send PCI over there, but I don't think we need to put PCI over there just to sit, while we have our own people over there and our contractors working. I mean, we didn't do it at Burdette. We had Morley, we had ARC, and I don't see why we need to do it now.

President Fanello: Well, you sort of have ESG overseeing the contractors. You know, they're not doing the work, they're actually overseeing the contractors.

Commissioner Crouch: Then PCI could do the inspections.

President Fanello: Right.

Commissioner Mosby: Yeah, PCI can do inspections for us, if that what we wish. I mean, what is your motion?

Commissioner Crouch: To go ahead and enter into negotiations for a contract with PCI and it's to provide inspections.

President Fanello: Do you want lump sum or hourly rate? I mean, what are you....we have very limited budget, and, I mean, we're not going to go over what, you know,

we have, and I'm not going to go ask for any more money. So, we could do a not to exceed amount.

Commissioner Crouch: I would suggest that the County Attorney have some negotiations and some conversations with PCI, and then come back to this board with a recommendation.

Commissioner Mosby: I would prefer to do it at an hourly rate.

President Fanello: Well, we can see what PCI has to say. Maybe what they see as--

Commissioner Mosby: If she doesn't mind me amending her motion--

President Fanello: --as a total amount.

Commissioner Mosby: --I'll put an hourly rate on there, and see what you can come up with. I'll second that.

President Fanello: Okay. So ordered. I would just like to encourage, I mean, I appreciate you bringing this to the attention, Suzanne, but I do want to point out that, you know, when we have all of these discussions I would hope that you would bring, if there are things that you want done differently that you would bring them to our attention early on so that they can be corrected as a Commission as a whole. Because the conversation that took place Thursday makes it look like it's two against one, and that's getting down to petty, partisan politics, and I know that's something that you don't want to participate and I don't want to participate in either. So, I would really like to see this board work together, and if there are things that we want done differently, that's why I think this audit is a good exercise, because I think we're learning that there's a lot of different ways to do things, and what we want to do is try to come up with the best way to handle the purchases. If we want to talk about the one that I found in the Assessor's office, I mean, if you guys want to think about that, and I'll pass on copies to you, but we need to decide how we handle hourly rate people versus lump sum contracts, or whatever. But, we did have one where there was \$208,000 spent without a written contract. So, I'll pass that on to you to look, and then we can discuss it next week at our meeting. Is there any other old business that either Commissioner has?

Commissioner Crouch: Yes, we had spoken about the cuts in the Local Roads and Streets, and I had spoken to John Stoll today, we went over some cuts...oh, there you are. You hide so well. So, I didn't know if the Commissioners wanted to address that at this point in time.

President Fanello: Well, actually, I would like to come back and make my suggestions. I'm still looking at it, and John and I have had several conversations, but I would like to make suggestions at next Monday's meeting. Mr. Raben indicated that they just needed to know by the September 8th date. I think that's when they go in to make final adjustments. We just need to let him know in advance of that date. So, if we could put this on the agenda for next Monday night, that would work better.

Commissioner Mosby: That's fine with me, either way.

Commissioner Crouch: Then the last issue is Dennis Hudnall, the Superintendent of County Highways, approached me as a member of Job Study about some classifications, job classifications, for positions out the County Highway. I had

indicated to him that I thought it would probably be wise to wait to see what Irwin Scheele's efficiency report—

President Fanello: Yes.

Commissioner Crouch: —had to say. Do we have the status on that?

President Fanello: He said, in fact I met with him about two weeks ago. He was down, finishing up some stuff with the city and he came over and talked to me, and he's hoping to have us some information in September.

Commissioner Crouch: Before the budget hearings?

President Fanello: Well, it probably won't be before budget hearings.

Commissioner Crouch: Or budget vote?

President Fanello: But, I don't think that that really matters. There's no money to raise anybody's salaries. So, I think what we're looking for here, you know, there can always be made changes to reduce, the Council can always repeal and make adjustments throughout the year if we have any suggestions. But, he is going to try to get it to us in September.

New Business

President Fanello: Is there any new business? Only one matter of new business, and as you all are probably aware, we did have someone pass away in Voters Registration. It's my understanding that we think that pretty much everybody in the office would like to attend the funeral on Friday. I'm not sure who, they were asking, you know, who needs to watch the office, or can they shut the office down? I'm not sure if that's our decision, or if that's something that we should leave up to the party chairmen. I mean, I don't know if the County Attorney has anything to....my suggestion was that they get with their respective chairmen and get a volunteer to come in and watch the office.

Commissioner Crouch: I would think that perhaps maybe we could even find some county employees from another office that would sit there and answer the phones just for a short period of time.

President Fanello: Well, since it's really not—

Commissioner Crouch: I mean, can we have volunteers come in to a county office during work hours?

President Fanello: Because they're picked by the chairmen, are they not?

Kevin Winternheimer: I mean, if you're talking—

Commissioner Mosby: They're still county employees though.

President Fanello: Well, that's true.

Kevin Winternheimer: Do you know how long you're talking about? Is it a few hours?

President Fanello: They're talking about no more than an hour, an hour and a half, at the most.

Kevin Winternheimer: I think, you know, I think you just have somebody there to explain the situation, take whatever messages, like you said, answer the phone. I don't see a problem with that. They're not really doing anything official. Explain that, you know, that they may need to come back at the appropriate time, or give them the forms or whatever, but, I think everybody would understand the situation.

Commissioner Crouch: Would that be a volunteer? Would it be alright to have volunteers then, legally?

Kevin Winternheimer: I think you could.

President Fanello: Or should we get somebody within the office, or the Civic Center?

Kevin Winternheimer: I'm sorry?

President Fanello: Should we get somebody within the Civic Center?

Kevin Winternheimer: You know, whoever you think, whoever could do it.

Commissioner Mosby: I would prefer it would be a county employee, just to protect the county against what possibly could happen.

Kevin Winternheimer: Yeah.

Commissioner Mosby: Rather than have an outsider come sit at-

President Fanello: I wasn't sure. That's kind of a different office, because they're half partisan, or bi-partisan, but they operate by our policy.

Commissioner Mosby: But just the fact that they would have access to whatever, I wouldn't want somebody just off the street.

President Fanello: Okay.

Commissioner Mosby: I mean, if we can get a county employee from any other county office to volunteer a person. Or if we can find a person.

President Fanello: Connie Carrier is in the audience. Would you like to get with Tony and you guys come up with an acceptable person to watch the office? Okay. We just wanted to get it on there to make sure everybody knew what was going on.

Commissioner Mosby: That's fine. I don't have a problem with that.

County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: First I have a travel request for me and Pat Seib to attend a seminar in Kokomo, Indiana on September 1st. This is sponsored by Purdue's LTAP program.

It's a hazard elimination project for county roads. I would request that this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I put a copy of the letter in front of you that I'm proposing to send to IDEM in response to the notice of deficiency we received on the Rule 13, part B. Basically, IDEM appears to be requesting that we do water sampling and testing, and based on Clark Dietz's understanding of the regulations, and my understanding of the regulations that's not a requirement. I don't think the county should be volunteering to do that at this point, since it's not a requirement. Therefore, Clark Dietz wrote this letter stating that we feel that our submittal was adequate, and if there is something specific in the rules that we're not seeing, then please let us know. But, I just wanted your approval to send that letter, because they did cite us with a notice of deficiency, and we have to send them a written response within 30 days of that, and I believe that 30 days ends at the end of this month. So, with your approval, I'll sign that letter and get it sent off.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have an agreement with Environmental Management Consultants for \$1,600 for a proposed wetland delineation study for the Lyle Road project. As part of this project they'll do an inspection of the property and prepare a written report indicating the limits of the wetlands, if any wetlands are found. I would request that this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: I did have Kevin review that agreement. He was okay with it. The last item I have is the cover sheet for the Mt. Pleasant Road plans that needs Commissioner signatures.

Commissioner Mosby: Do we need a motion for that? To approve signatures? Do you need a motion to approve signatures?

John Stoll: I don't. Kevin probably does.

Kevin Winterheimer: Yeah.

Commissioner Mosby: Motion to approve signatures.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: If all goes as planned, I'll be bringing a notice to bidders for that project to the meeting next Monday. That's all I have.

President Fanello: Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I want to talk a little bit about the paving list, and our progress on the paving list. We completed Boehne Camp Road, this list, it takes a while, because this is a week behind. The School Board has been calling in quite a bit of roads for the trees hitting the busses. So, our paving list, at the end of this week, of what we have planned for the County Highway, not counting the contract that we added to it from John's Local Roads and Streets, will be completed probably at the end of the week. What I would like to do is put a tree crew together and not pave for the next week or two, and try to get some of these roads cleared for the school busses going out through them. Then go back to paving. This way my invoices from Rudolph and Gohmann will catch up with me, and I'll know exactly where I'm at, because I'm getting down to where I'm going to have to plan a little bit tighter each, day by day to see how many dollars I have for these roads. As I told you when we first started, we will do as much as we can, and then the ones that maybe we can't do, we move to the top of the list next year. The ones that we did plan through the planning meeting in March, all of them will be completed though. We only have two more after Millersburg, that's Ashwood Drive and Clover Drive, and they're short roads. We ought to be able to complete them in a day or day and a half each. So, I would like to pull off for a while and start cutting these trees. I don't have, it's vacation time, I don't have the people to do both, and cover this whole county. So, I would like to have permission to do that, and that way if you don't see the progress on the paving, you know what I'm doing.

President Fanello: Does anybody have any questions?

Commissioner Mosby: I don't have a problem.

President Fanello: Everybody approves of that then? Let the record reflect that we all agree.

Dennis Hudnall: The only other thing I have, do you have any questions on my weekly report?

President Fanello: Thank you, Dennis.

Dennis Hudnall: Have a good night.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: No report tonight.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late travel request to the consent items for the AIC conference here in Evansville.

President Fanello: Motion?

Commissioner Mosby: Motion to add to the consents.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, I know that the Commissioners had wanted me to go to the Highway Garage and take an inventory of the equipment that was surplus out there. Bennie is the only one with a key, and he's been on vacation. Patty is still on her honeymoon, so, I'll get out there sometime this week and do that.

President Fanello: Alright, thank you, Tammy.

Tammy McKinney: Sure.

President Fanello: I did speak with Tammy a little while ago before the meeting. On the polling places, because there are still kind of some questions hanging out there about a couple of polling places. I told her that we really need to make, we won't have a...she may not get it in time for next Monday, and then we won't have one the sixth, but I would like to make the 13th the deadline to make sure that we all know...get the proper advertisement in the newspaper, and everybody understands what's going on. So, I've asked her to take care of that by that meeting, and get with the appropriate people.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. The only thing I've got is that I wanted to make sure that everybody knows that we're open through Labor Day at our aquatic center, and that our miniature golf and batters cages are open through September. Did you get that, John? Other than that, all I have is my worksheets.

President Fanello: Does anybody got any questions for Steve? Thank you, Steve.

Steve Craig: Thank you.

Soil & Water Conservation District

President Fanello: Do I have a motion for Soil and Water?

Commissioner Mosby: Motion to approve Soil and Water.

Commissioner Crouch: Second.

Consent Items

President Fanello: Consent items.

Commissioner Mosby: Motion to approve consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. If there's no other business, we'll entertain a motion to adjourn.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. We'll have Drainage Board start in about five minutes.

(The meeting was adjourned at 6:12 p.m.)

CONSENT ITEMS:

Travel Requests:

County Engineer (1)	Health Department (1)	County Council (2)
Commissioners (1)	County Assessor (4)	Auditor (1)
Treasurer (1)	Area Plan Commission (1)	

Employment Requests:

VCCC (1)	Burdette Park (3)	Center Assessor (1)
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Request for Telephone Service: Sheriff Department: Jail.

Treasurer: Submit Monthly Report for July 2004.

Auditor: Submit Financial Statement.

Co-Op Extension: Centrex Agreement with SBC.

Sheriff Department:

Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Steve Craig	John Stoll
Dennis Hudnall	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 30, 2004**

The Vanderburgh County Board of Commissioners met in session this 30th day of August, 2004 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, August 30th. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of August 23, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the August 23rd minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Permission to Advertise: VC-026-2004: Towing Contract

President Fanello: First item is Phil Lawrence permission to advertise VC-026-2004, county towing contract.

Phil Lawrence: Yes, I would like to ask your permission to advertise. I know you probably didn't get the bids, I haven't gotten them finished yet. So, I don't know if you want to wait a week, or, I mean, it will take me about another week, probably by the end of the week to have them all finished and completed.

President Fanello: When are you wanting to advertise? On September 10th?

Phil Lawrence: September 9th, 16th, and then receive them here on the 27th.

President Fanello: Okay, so, you could probably get them to us before that, and we could look at them, and if we had any questions we could—

Phil Lawrence: Yes.

President Fanello: Okay. Are there any questions? Do I have a motion to advertise?

Commissioner Mosby: Motion to advertise.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Crouch: Commissioner Fanello?

President Fanello: Uh-huh.

Commissioner Crouch: While you're here, Phil, I kind of have been giving some thought to the whole purchasing issue, and jotted down some ideas and thoughts that I would like to share with the Commission, Mr. Lawrence, while you're here. Maybe then we could discuss it a little bit.

President Fanello: Okay, well, could we wait and go through our agenda, and then maybe do that under old business, if you don't....because I've got stuff to bring up on the audit, and maybe we could do all that together.

Commissioner Crouch: Okay.

President Fanello: If that's okay.

Commissioner Crouch: Do you mind waiting around?

President Fanello: Do you have time to hang around, Phil?

Phil Lawrence: I shall.

President Fanello: Okay. Because, I think these other things are going to go pretty quickly.

Public Defender: Case Management Data System

President Fanello: First discussion item is Public Defender case management data system. I think you each have a letter that Mr. Owens sent me. He was just looking for direction on how to handle it. The purchase is under \$25,000, it's actually for \$14,000, and he just wanted to make sure he was, what he needed to do. I'm not sure, I just think he needs to get some price quotes. Is that not correct, Kevin?

Kevin Winternheimer: Yeah. It depends. I don't know where this, where he's buying this from. I haven't seen anything on it. If it's, if there's more than one vendor out there for what he needs, yeah, he should just get some prices.

Gregg Baker: I can address that.

Kevin Winternheimer: Okay.

Gregg Baker: I think this module he's looking for directly connects to Court View, and there's only one vendor, the Court View vendor, that has it.

Kevin Winternheimer: If that's the case—

Gregg Baker: Gregg Baker, ACS.

Kevin Winternheimer: If it's a sole source type, or if he's buying straight from the manufacturer, or, you know, whoever makes this case management system, then—

Gregg Baker: I think the desire, the problem they have right now is re-keying information into Court View, and getting inconsistent information on a particular defendant. This would allow them to not have to do that.

Kevin Winternheimer: If it's a sole source, where you're buying straight from the person that makes it, or if it's the only one that can match what you have now, be able to utilize, then you don't have to get bids or price quotes, because it would be superfluous to try to do that.

President Fanello: There he is. So, as far as direction, just, he can go—

Steve Owens: It's nice to come in late, isn't it?

Kevin Winternheimer: Do you want me to just ask? Is this....where are you getting your case management system? Are you getting it direct from the company that makes this?

Steve Owens: My understanding is the county already has it. It was part of the package that they apparently purchased when they purchased Court View. It's called the public defender module. They have indicated that it's going to be about \$14,000 to come in and set it up and train us on the use of it. That's what I'm basically asking to be allowed to do.

Kevin Winternheimer: Okay, so, it sounds like there's only one vendor. It's not something that can be bid out to get better prices? There's only one vendor that you can...from the manufacturer.

Steve Owens: No, I wouldn't say that's true, Kevin. What we've done is we've spent several months looking at a variety of case management systems from different people other than Maximus. We didn't realize that Vanderburgh County had this and nobody told us that we had it. The problem is getting one that will integrate with Court View. Obviously, Maximus, their system will. The idea was instead of having to retype everything, transfer everything over into a different system, that we could take what the Clerk has already input for each of these cases, and, basically, bring that over to the data management system for our office, without having to do a lot of repetitive entry.

Kevin Winternheimer: Well, that's the other definition of a sole source, is that it's the only one that's compatible with what you've already got, for lack of other language.

Steve Owens: Yeah, I don't consider that to be a sole source. I mean, some people said we think we might be able to make it work. Some people said we can't make it work. So, I didn't understand that that was the definition (Inaudible).

Kevin Winternheimer: That's one of them, yeah.

Steve Owens: Okay.

Kevin Winternheimer: So, if you've got it in your budget, and you're just asking for permission to—

Steve Owens: We're just simply asking for permission to contract with them for the training. What we plan on doing is bringing them in, having them set it up, train one of our people in our office. It may come in a little less than \$14,000, at least that's

what Maximus is telling us. We don't need to appropriate any additional money. We've got sufficient funds in the Supplemental Public Defender account that we can use. Given the current state of the Public Defender Fund within the state, we should be able to qualify for the 40% reimbursement for all that money as well.

President Fanello: Will you be bringing a written agreement back? Just outlining the scope of service. Do they have a written agreement that they want to—

Steve Owens: What they sent me was, I think I sent you, a fax, and they said sign off on this and return it. I think that's what I sent up to you.

President Fanello: Okay.

Steve Owens: I would probably like to outline it in a letter form to them—

President Fanello: Okay, that would be fine.

Steve Owens: —and say, this is what we understand that you're going to do, and approve it, and get it set up.

President Fanello: Okay.

Steve Owens: I don't know that we have a formal contract.

President Fanello: A letter of engagement of some sort like that is just as good.

Steve Owens: We can do that.

President Fanello: Okay. Do, are all the Commissioners in agreement on that? Okay. Let the record reflect that all three Commissioners are in agreement. Okay.

Steve Owens: Thank you.

President Fanello: Thank you, Mr. Owens.

Energy Systems Group: Old Courthouse Update

President Fanello: Energy Systems Group, Old Courthouse update.

Tammy McKinney: They called me this afternoon and they weren't going to be able to make it.

President Fanello: Okay. So, we had a project meeting scheduled for what, September 9th anyway? Is that right? Okay, alright.

Discussion of County Engineer's Budget

President Fanello: Next item is discussion of County Engineer's budget. Do you have—

Commissioner Mosby: Yes, if you would. I know the County Council has been wanting some guidance on the County Engineer's budget for Roads and Streets. Looking at what we have available to us, I was looking at this this morning, and I've

talked with Kevin to an extent, which he needs to look at a couple of things and make sure that we could legally do it. The first thing that I would look at is in the Street and Road line item, Road Equipment. We have \$175,000, we could take that out of Local Road and Street and move it to CCD. Kevin thinks that would be okay, but he's not sure, and he's going to check to see if we can buy equipment out of CCD. The other one that I've asked Kevin to look at would be County Line Road, move County Line Road from Local Road and Street, \$250,000 and move it over to CCD. See if we could do a road project out of there. Same as with Oak Hill and Bergdolt Road, it's \$50,000, and we could possibly move that. That would be \$475,000. The other one that I'm not sure about would be Green River and Millersburg, and possibly taking it out of the TIF. I don't know since it's outside the TIF, how far it's outside the TIF, but if, and Kevin is going to check into that too to see how far outside the TIF we could go without maybe what we would call crossing the line, or if it passes the smell test. But, that would be one that we would have to look at. But, if that would work, it would be \$435,000, which would give us \$910,000 that we could move out of Local Road and Street over to CCD and TIF. I looked at the other projects, I have no other recommendations on where to find a million dollars. This will get close to a million dollars by moving these four projects. That would be my recommendation to start. I wrote this down for, if you would want a copy of it.

President Fanello: Do you have any, I know last week you wanted to discuss this, Suzanne, did you have anything that you wanted to add?

Commissioner Crouch: I did speak with the County Engineer, and he did also suggest that we look at University Parkway, and perhaps, you know, the intent is not to slow down that project, but if we have to go somewhere for another million dollars that is something that we had discussed as perhaps being a possibility.

President Fanello: Do you have any idea where we would go for that other million? Do you have any suggestions?

Commissioner Crouch: Well, it would be, the discussion we had would be that we would put it on hold.

President Fanello: So, you would hold up the Eickhoff-Koressel Road project.

John Stoll: Whenever we talked about it earlier this morning, yeah, the amounts were, prior to what David had suggested about switching things to CCD, I was saying we would probably have to wipe out all those accounts, the County Line, the Eickhoff-Koressel, and Green River-Millersburg. I had spoken to Dennis earlier today, and he said that he thought he could probably live without \$100,000 more out of Road Equipment. So, that was the numbers that I discussed with Suzanne.

Commissioner Mosby: I haven't discussed these yet, John, because he's going to check this.

John Stoll: Right.

Commissioner Mosby: I mean, we don't know that we can do this. But, I mean, this gets as close to a million dollars as...I know there's \$925,000 in there for Eickhoff-Koressel, but I hate to be out there spending 13, 14 million dollars and then have to stop a project. I mean, basically, that's what's going to happen if we don't fund this \$925,000. I mean, we're going to lack design on the next phase, and then once

we're done, we're going to have nowhere to go. I guess, one question that I would ask Bill is, I mean, I know the Council, I think, has cut \$200,000 out of Infrastructure, and \$350,000 out of Economic Development for next year, out of Riverboat? Is that their proposal?

Bill Fluty: I believe that, I would have to check those numbers, but I know both those line items have been cut.

Commissioner Mosby: What are they doing with that \$550,000?

Bill Fluty: That's actually helping fund the new, that's going to be in our Miscellaneous Revenue, and that helps fund the new hires at the jail.

Commissioner Mosby: So, we're putting riverboat money over in to salaries?

Bill Fluty: We're using that money in the General Fund, that's correct. That's something that we haven't done in the past, but as the budget tightens, that's something we'll move to more and more.

Commissioner Mosby: And I would have always thought that would have been something that we would never do. I mean, if the boat floats we're in a world of hurt. We're in the same problem that we've got today. Why should we dig deeper?

Bill Fluty: I don't think it's something they wanted to do, David, it's something they just had no choice to do.

Commissioner Mosby: I mean, that \$550,000 in the Eickhoff-Koressel would be a one time expenditure, and I could live with that, but to build it in everyday.

President Fanello: John, let me ask you a question, total cost of Eickhoff-Koressel, around \$14 million, is that, or is it more than that?

John Stoll: That's the first phase is 12.--

President Fanello: The first phase.

John Stoll: – four million for construction.

President Fanello: Okay. Second phase, what's the estimated cost of the second phase?

John Stoll: I would say, construction wise, it would be five million.

President Fanello: Okay, so we're putting in \$925,000, the rest is coming from federal dollars, right?

John Stoll: No, this was for right-of-way purchase.

President Fanello: Right. This is our portion.

John Stoll: No, the right-of-way is all locally funded.

President Fanello: Okay.

John Stoll: So, this would be the right-of-way, appraisals–

President Fanello: Right, and then plus, then we would have our construction portion out of the next phase.

John Stoll: Right. The plan that I had come up with in regard to this was if we could go ahead and buy right-of-way next year, then in 2006 when the first two miles are getting ready to open up we could roll right into the construction of the next, it's roughly a mile and a quarter up to Marx Road.

President Fanello: Right, because we can't apply for those federal dollars until we get the right-of-way bought, right?

John Stoll: Correct.

President Fanello: So, we can't get in line for it. So, if we hold it off another year then we put ourselves in danger of another year of losing federal funding.

John Stoll: Right. We have to have the right-of-way certified before INDOT will keep it on the bid letting.

President Fanello: Right. That's scary, because if you know the current Presidential, the current President has said he would veto, I think, any additional transportation dollars from what was voted on before, or from what the past federal highway dollars have been. That's a little scary.

Commissioner Crouch: John, has that federal money been committed to this project? So, it's currently already dedicated to that second phase?

John Stoll: Yes and no. You can't get it in writing or anything like that. EUTS programs it in their transportation improvement program, and that's what keys it into INDOT's budgeting schedules, but you don't get a firm commitment until you're ready to get it scheduled for a bid letting. So, they're aware of it, I've already discussed with them how we could go about getting the rural dollars that we need. The problem with this is, the first two miles ends right at the end of the urban area boundaries. So, the next, the remainder of the project, the mile and a quarter plus that other two miles after that would all be rural funding, and that has a cap of two and a half million a year, currently, based on the current highway bill. So, it would take roughly two years allocation of the rural dollars to build the next mile. They said they set up agreements with municipalities where they do allow that, but as far as getting a firm written commitment to say that you have the money set aside, you would never get that.

Commissioner Crouch: Is there a possibility that the federal funds won't be there when we're ready to move forward?

John Stoll: Not knowing what the next highway bill is, it's hard to say. Typically, from what I've seen there would be still urban dollars and rural dollars. The rural dollars would be really, it's not competition like there is for the urban dollars, where our projects in the urban area are in competition with the city's and everything that Warrick County has within the urban area. So, it's not the setup, but the rural funding is capped state wide as far as how much is even available. I thought the number was \$15 or \$17 million. So, that's where the problems lie in getting the rural funding on a big dollar project like this.

President Fanello: Everybody's in competition for them.

John Stoll: Right.

President Fanello: Well, I guess, I mean, do you agree with the suggestions made so far?

Commissioner Crouch: Yes.

President Fanello: Okay, maybe we should ask the Council, you know, we have several, we have a Councilmember, Lloyd Winnecke's on the EUTS board, I'm on the EUTS board, and I know Councilman Raben has been much in favor of the Eickhoff-Koressel road project, maybe we should ask them what they think.

Commissioner Crouch: You know, the other issue that the Commission might consider doing is setting the riverboat monies up in it's own fund, so that that money can be used for capital improvement projects, much as it was intended to be used. Then it cannot then be used for operational costs.

President Fanello: You bring up a very good point, because one of my questions to Kevin, stemming from that, would be, I know before the Council designated five, five, and five out of the riverboat money. Five hundred thousand for Infrastructure, five for Economic Development, and \$500,000 for the Welfare to Work program. In reading the statute today, it was a little unclear, but it seemed to imply that the County Executive, being the Board of Commissioners, gave recommendations on the riverboat monies. Can you check that out, and maybe look into what Suzanne is suggesting, because I think that's a good idea.

Commissioner Crouch: As I recall, when the riverboat money first came in, in 1996, it had to be receipted into the General Fund, but I believe it was in '98 that the legislature allowed that money then to be set up in it's own fund. That would be a way to ensure that it is utilized for capital improvement projects.

President Fanello: That's something we could do by ordinance.

John Stoll: One thing to keep in mind too with the riverboat monies, is we've been spending that money for the storm water program, and we don't have the part C program as of yet, but there's no other funding set aside for that for next year. So, some of that money might have to go towards whatever Clark Dietz comes up with for our program. They estimated costs, I believe it was in the neighborhood of \$250,000 to \$300,000 a year. Whether or not we'll see costs that high in the first year, and whether or not those, that program can be funded out of something else, I don't know if there's any bridge related items or something like that, where you could divert some of the monies over to another fund, but even all that, riverboat money wouldn't be available for any kind of infrastructure projects if we don't have another funding source for that storm water program. I would think we'll get some indication of that here in the near future, because the deadline for the submittal of that is early November, but I don't really have any draft as of yet to know what the program might cost in that first year.

Commissioner Crouch: So, that would have to be an additional appropriation after the first of the year? It's not in the budget anywhere?

John Stoll: Right. Depending on how it's set up. I mean, right now we've just gotten the contracts paid off of the riverboat account. There have not been any special appropriations or anything, it's just come off of the Infrastructure and Drainage account. So, if that was still okay, then we could just continue paying whatever costs in that same manner.

President Fanello: Out of Infrastructure and Drainage.

John Stoll: Right.

President Fanello: Well, would, how would the Commission like to proceed?

Commissioner Mosby: Well, I'll make a motion that if this is legal, that we go with this \$910,000, and then ask the Council what they want to do on the...I mean, I looked through there, but without cutting street repaving or without cutting contractual services, which I think quite a bit of that is set aside for concrete repair in subdivisions, and things like that. Without cutting them line items, we have nowhere else to go. I mean, there is nothing else in there.

Commissioner Crouch: Kevin?

Commissioner Mosby: Eickhoff-Koressel, I mean, that's almost a million dollars.

Commissioner Crouch: Kevin, is that something that you can e-mail us on? I mean, after you do some research on it.

Kevin Winternheimer: Sure. I don't know what your deadline is, or when we're meeting next exactly.

President Fanello: We probably need to get them something before, we'll probably need to get them something this week, because I know they're going back in on September 8th.

Kevin Winternheimer: That's fine. I was just looking as far as a motion, maybe that might be premature until I get a chance to look into this.

Commissioner Crouch: Well, if it does need legal stipulations, then I would be comfortable with the President sending a letter on behalf of the board with those suggestions.

Commissioner Mosby: That's what I was going to base my motion on, is that I would make, you know, these four line items in the form of a motion, if it's legal, and the County Attorney says so. Then I would just ask the Council to look at the rest of it, possibly put the riverboat funds back over to Eickhoff-Koressel or something.

Bill Fluty: I think what the Council is looking for is you have a million dollars in COIT that goes into that account, and have another \$800,000 that also supports Local Roads and Streets, and you've turned in a budget of, I think, in excess of four million dollars. So, there's, with no other funds going in there, and I do think you have an unappropriated of over \$300,000. So, they're looking for you to pare that budget down to what would meet your revenue that you have.

President Fanello: Well, and the only way that we can do that is to cut the Eickhoff-Koressel road project though. So, I think we need to ask the Council's opinion,

because you have several members on there who really championed the Eickhoff-Koressel road project, and I think it's only fair that we ask what their opinion is.

Commissioner Mosby: I think at one time—

President Fanello: Give them an opportunity to maybe go back and look at other funding mechanisms.

Commissioner Mosby: At one time didn't we put like three million of COIT over into Local Roads and Streets? I mean, you know, they've cut that back so dramatically, I mean, it's hard to get these projects out anymore.

Bill Fluty: Not by choice, David. When we had the money in COIT, we also had interest and our investments were over four million dollars in interest. Actually COIT has decreased over the years, it has not increased. So, we haven't had the monies available. When we had the monies for Local Roads and Streets, we surely put it in there, and did the best we could. But, we're facing new staffing and some other measures.

Commissioner Mosby: Bill, I understand that, but Eickhoff-Koressel didn't start last week.

Bill Fluty: No.

Commissioner Mosby: I mean, Eickhoff-Koressel started 14 years ago, and we've known this was coming, and now it's going to be hard to just cut it off and say we're done.

President Fanello: It's a big project. You can't just table a project like that. Some of these others, you know, but that's one that you can't play around with. Alright, I had a motion, and I think I had a second from you.

Commissioner Mosby: Thank you, John.

President Fanello: So, we'll get the information from Kevin, and I'll send a letter over to the County Council.

Juvenile Court: Van Request

President Fanello: The next item we have is the juvenile court, and they are requesting, or regarding a van, and I think this van is a new van that they are...they had a van that was totaled in an accident, they are wanting a new van, and they would like the insurance settlement to go directly to the dealership. I wasn't exactly sure if we'd ever done that before. If that was how we really wanted to deal with it.

Commissioner Crouch: I did speak, Bart, I guess, is out, I spoke to Greg over in the courts, and then I also checked with the Auditor's office, and this is a check from that person's insurance carrier, so, they did not, at least the Auditor's office did not have a problem with that going there, because it was not—

President Fanello: From our insurance.

Commissioner Crouch: —out of our Loss Fund. Not our money, per se.

President Fanello: I just didn't know if that's how we normally did it. If we would feel more comfortable receipting the money in ourselves, and then distributing the check.

Commissioner Crouch: You know, we could ask them to bring the check through the meeting, made out to that dealership.

President Fanello: Made out to that dealership? That's fine.

Commissioner Mosby: That's fine.

President Fanello: Do I have a motion to that effect?

Commissioner Mosby: I'll make a motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Okay, public comment, is there anyone in the audience wishing to address the board at this time? Seeing none, we can move on to old business.

Old Business

President Fanello: I told you a couple of weeks ago or last week, I can't remember, we've had so much going on, that I would get some information together for the audit, and I think you came in and looked at the claims, and I had some additional information, but this is a little spreadsheet of questions that I've made up and we can go through it. We still have some questions that need to be answered, and I had intended, if it was okay with the board, to have Tammy check on answering these questions this week, but you'll see the criteria that I used at the top was basically to check supply accounts, and the contractual service accounts. I have some answers to some of the questions, there are just some others out there that need to be answered. For example, the first one we see, what I looked for were contracts over \$1,500, going off what you said a couple of weeks ago, Suzanne, and tried to verify if there was a contract, and if the contract met the amounts that were signed off on in the contract, or if the expenditures exceeded the amounts. If they did exceed the amount in the contract, were there any amendments that had been brought to the Commissioners board to sign off on. As you can see one of them went over about \$6,000, the contract called for \$602,000, actual expenditures were \$608,000. On another one to McCarter and Associates, a contract existed for \$60,000, and I had Madelyn go back and look and see if there were any additional contracts brought before us and she could not find any, but yet expenditures to this vendor totaled \$267,225. Then we have several on here that I'm just not sure if we have a contract for. She did check on this one to Khristian Seger, and there was no contract, yet we spent \$2,900 last year, and we've spent \$500 so far this year. So, if Tammy can work on answering the rest of the questions this week. The ones in bold print were ones that I had not pulled claims for yet. So, I don't know if either one of you have any questions about that. Okay.

Commissioner Mosby: I mean, it looks fine to me.

President Fanello: Okay.

Commissioner Mosby: Without these answers.

President Fanello: So, once we get the answers, but then we can and make a final assessment on this department. This is the first one that we started with, the Assessor's department. Then we can move on to the next department, but if Tammy can get that, then we can put together kind of a final little memo about what the results were, and put that in for the next meeting.

Madelyn Grayson: May I have a copy of that for the record?

President Fanello: Sure.

Commissioner Crouch: Is this when you want me to give out the purchasing information?

President Fanello: Yeah, sure, you said you had something.

Commissioner Crouch: We have, the purchasing policy, these are just some thoughts, this is only a beginning, it's only a draft, but it's some thoughts on maybe how we could start the process where we're communicating the information to departments—

President Fanello: Okay.

Commissioner Crouch: –better. So, if you all want to take that under advisement.

President Fanello: So, this has to do with bids and communicating about the bids. Okay, and I think after we go through this audit exercise, I think we'll all probably have some recommendations of how we can tighten up procedures. I know I've started making a list of just things that I've seen, and some possible recommendations, but this is a good start.

Commissioner Crouch: Then in some other old business, on the surplus property, I just drafted up some thoughts on perhaps a policy or procedure that we can put in place for the surplus property in the future. So, that may be something that the Commissioners may want to take under advisement. Probably take a stand on it at another meeting.

President Fanello: Did you guys want to discuss the computer surplus? I figured we would probably discuss it tonight. Did we want to discuss the computer surplus equipment? First of all, let me clarify something that I checked on. I spoke with Jim Daniels today down in Solid Waste Management District, and the county's electronics recycling day is October 23rd, and, you know, if we don't want to extend the offer to not-for-profits, or anybody else to come and get some of these computers, that is an option for us to get it to the electronics recycling day. He said what they do is take most of the parts out of there, and very, very few parts will actually be thrown away. They will take all the metals out of them, and he had all the technical information about what they do, but he said very, very few parts of a computer will actually be thrown away. So, I'm not sure how we want to handle the ones that we still have sitting there, but I think we need to take into consideration what we're going to do with those, plus, I don't know if Tammy's had time to do her

inventory at the Highway department on the other surplus equipment that we've talked about.

Tammy McKinney: Not with everything that happened last week. I was kind of preoccupied. I hadn't made it out there yet.

President Fanello: Okay. So, I don't know what thoughts everyone has on this.

Commissioner Crouch: You know, I noticed our Chief Information Officer is in the audience, perhaps he could also take a look at those computers, and maybe give us some opinion on the value of them. If they are worth something, I know that it does cost money, I believe that the Clerk shared with me that it was about \$30,000 - \$40,000 to clear off the hard drives from the 239 computers that were given out because of Court View. So, it will cost some money, perhaps he can advise us if there's any worth.

President Fanello: We did have a conversation about that earlier today, so, I think he's got an answer for you.

Matt Arvay: Matt Arvay, Chief Information Officer. This information was provided by Gregg Baker of Computer Services. What they did was they broke down some of the specifications on the computers. The majority of these computers are really old and have very little value in our enterprise today due to the applications that we have. There are a few though that do have a little value, not much, but I believe those are the ones that have been reallocated at this point. But, I just got my hands on this today, but just looking at some of the specifications, they were really old and would have very little value to the enterprise.

Commissioner Crouch: So, is your recommendation tonight that we go ahead and surplus those out and declare them worthless?

Matt Arvay: I would say on some of these ones that are like 500 megahertz and below, yeah, I would say that the retirement process, whatever is in place, yeah, I would go ahead and proceed with that.

Gregg Baker: I can add to that. All of the machines that are in the Old Courthouse are 350 megahertz. So, they're not even 500. So, they are of lesser value.

Commissioner Crouch: Have you looked at them? Or you don't need to?

Matt Arvay: No, I have not physically looked at them. I just saw this today. So, but, I'm more than happy to look at them physically, or whatever you would like me to do.

Commissioner Crouch: Maybe we just go ahead and have him take a look at them—

President Fanello: Sure.

Matt Arvay: Okay.

Commissioner Crouch: —and then make a recommendation to us—

Matt Arvay: Okay.

Commissioner Crouch: —on the value.

Matt Arvay: Not a problem.

President Fanello: Do you have any thoughts?

Norman "Red" Mosby: Why do you want to carry it on for?

Commissioner Mosby: I mean, I'll let him go ahead and look at them, and see what he thinks. I mean, he's saying they're of little value.

Norman "Red" Mosby: You've wasted enough of the taxpayers money already.

Commissioner Mosby: So, you know, let Matt look at them and see what he thinks.

President Fanello: Okay. Do, I mean, do we want to extend the offer to any outside agencies to—

Commissioner Mosby: I would say if there's an outside agency that has a use for them....you're saying 350 is very low, but they're not of worth, of any value, but if there's an agency that has a use for them, yes, I would let them have them. I mean, I can't see getting rid of them if somebody would actually want them. If the Clerk wants them back, she can have them. I mean, she's got 60 people in her office, there's still 85 of them over there, so.

Commissioner Crouch: If Mr. Arvay could give us a recommendation on the value of them, and, perhaps, if there is limited value, I agree with you, but we ought to make those available to non-profits and then go from there with the recycling.

President Fanello: Maybe coincide—

Norman "Red" Mosby: Ms. President, may I say something?

President Fanello: —sure.

Norman "Red" Mosby: Norman "Red" Mosby, Perry Township Trustee. I just replaced computers in my office, and I give them away because they was running so slow after we done the new line and everything, they wasn't worth a damn. So, we give them to the Salvation Army. I would like to tell you right now, I would like to see them make a motion to get rid of them, and quit wasting the taxpayers money and I don't want to hear about it. I done heard enough about the Mosby's. Last year it was Don Mosby, brother of "Red" Mosby, and uncle Dennis Mosby, all they want to do...this is political. Plain political. I'll tell you right now, I've done forgot more about politics than all of you know about it. Tell Marsha Abell the same thing for me.

President Fanello: Okay, thank you. Gregg Baker did bring, just for everybody's information, he did bring up some information pulled off the Internet that kind of shows about the life cycle of a computer, which is about two to three years. Let's see two to three year life span for notebooks, and three to four year life span for desktop PC's. I think we probably all know that just from being knowledgeable about, just general knowledge of computers. So, just some information out there that, you know, the life span is three years, which is kind of what we heard about whenever we went through the whole procedure where we bought the new, 600, I think it was \$625,000 worth of new computers that the Clerk wanted. We were told that the computers only lasted for three years. So, just kind of a little side information.

Commissioner Mosby: I did speak with Judge Knight today, and he backed off his position. I mean, he doesn't want them. He said, I stand behind what I said in the meeting in 2003.

President Fanello: Matt, if you'll check that out, and if you want to go ahead and just send us an e-mail this week and let us know, and that way we can, at the next meeting, we'll just decide what to do. But, keeping that October 23rd date in mind, if we don't have anybody that wants them by that date, I think it would be, you know, in our best interest to take them to the recycling day and let them be recycled. Next item of old business I have, we have a letter from the Evansville Convention and Visitors Bureau, sent by Marilee Fowler, and if you'll remember the board asked EVCB to check on giving us, possibly donating the \$7,000 for the new addition of Evansville: The Center of It All, which is what Kathy Kennedy spoke from the Chamber of Commerce. They decided not, they opted out of putting any money into that publication. So, they weren't in favor of giving us any money either. So, I'm not sure how you want to proceed.

Commissioner Crouch: You know, did we ask Council? Did we move it on to Council?

President Fanello: We have not moved it on to Council yet. I think we were waiting to see, because I think we had some differing opinion on—

Commissioner Crouch: Well, I think with money as tight as it is, it's probably, at this point in time, we probably need to pass on this.

Commissioner Mosby: I mean, unless the Council wants to budget the money, I don't see doing it.

President Fanello: I just, we don't have anywhere to take it from right now, and I'm just probably not personally in favor of asking for an appropriation on that, when we have so many other things that we need to fund at this time. It's like \$7,000 is a lot of money for a couple of pages in a book. Next thing, Tammy said some claims were brought back up to our office from the Auditor's office, and I think that they had, these are on lodging of inmates. The way she understood it was that they had a problem with the account name, which I think is just Lodging of Inmates. It had to do with the medical expenses for the inmates, but the contract that we signed with each of these counties said that part of the lodging costs would include medical expenses.

Bill Fluty: We don't really have any problem with that, it's just not the right account. Those are medical expenses and should be paid out of the Medical account, not the Lodging of the Inmates account.

President Fanello: Well, that's not—

Bill Fluty: So, as soon as we put money into the Medical Expenses, it's fine to pay.

President Fanello: We don't have a medical expense account, Bill. The Commissioners don't. We just have Lodging of Inmates, and when we send inmates out of the county—

Bill Fluty: I think the Sheriff—

Commissioner Crouch: Patient and Inmates?

President Fanello: Uh-huh. We've always paid—

Bill Fluty: No, it's not Patient and Inmates.

President Fanello: So, why wasn't this an issue last year?

Bill Fluty: That's, I think those bills are over \$10,000.

President Fanello: But, we've had medical expenses last year from all the inmates that we have housed out of county.

Bill Fluty: I think it's, if we did pay those last year, and I expect we did, then it's just an oversight in our office. So, I think it really should be paid out of Medical.

President Fanello: Does the Sheriff have anything that he wants to add to that? Do you have—

Brad Ellsworth: Brad Ellsworth, Sheriff. Really when this came to a head of us moving inmates in large numbers out, the Sheriff's office didn't feel that it was right coming out of our budget. I think it was coming to the Commissioners, and, like I said, we were paying all the medical expenses out of your line item, not ours. It came out of one pot.

President Fanello: Right.

Brad Ellsworth: I don't know what the change is. I think the contracts do read that they'll pay medical and that, so, if, I mean, other than it inflates my budget with no, you know, nothing that the Sheriff's office has changed. It doesn't matter, if the Commissioner and the Auditor go with me to the Council and get the appropriate money. But, I don't want to stiff the other counties that have been so, I guess, generous to let us bring the inmates there, especially after the fire. So, as long as you all understand and the public understands this is not us raising prices, and that we understand it was coming out of this same account, and now there's something different.

President Fanello: I know it has been more than a year. When did we start moving inmates? This is 2004, 2002 probably, right?

Brad Ellsworth: Yeah, I would have to see when the initial ICLU agreement was.

President Fanello: I think it was 2002.

Brad Ellsworth: It's been at least two years.

President Fanello: I don't know how the other two Commissioners feel. I mean, it's part of the lodging and it's in our contract. I had Tammy make sure she pulled the contract and put it on each claim. So, I'm not sure—

Bill Fluty: Remember, no argument over that it's in the contract and medical should be paid.

President Fanello: Right.

Bill Fluty: We have line item budgeting and medical expenses are one thing and lodging is one thing, as computers are, as office supplies are. So, we're looking to put money into the correct account, and then pay it from there.

President Fanello: Did State Board of Accounts have a problem with it two years ago? I know they're doing the 2003 audit now, but did they have a problem with it on the 2002 audit?

Bill Fluty: I don't know that.

President Fanello: Okay.

Commissioner Crouch: Is it just a matter of establishing a line item?

Bill Fluty: We have line items for medical.

Commissioner Crouch: Okay, so what would it require, just transferring money?

Bill Fluty: Yes.

President Fanello: Do you have money in your Medical account?

Eric Williams: We would need an appropriation request. It's at zero.

President Fanello: It's zero right now. Okay.

Commissioner Crouch: If the--

Commissioner Mosby: Can we change the line item?

President Fanello: Well, I think what we could do, and I had already put a call in to Tom Simpson at the State Board of Accounts today, Patty left a message for him to call me, and he hasn't called me back yet, maybe it's a question we could ask them. I just, I guess, I don't, I understand what you're saying, Bill, but I'm not sure there is much of a difference really, because it's part of lodging.

Bill Fluty: I think often when we have requests to know what we spend in certain line items, you'll ask what lodging of inmates would be, well, lodging of inmates is also medical. We have medical line items, same for computers or office equipment. So, we're trying to define which we paid.

President Fanello: I understand.

Bill Fluty: That's all we're trying to do.

President Fanello: Okay.

Eric Williams: Chief Deputy Williams. I oversee a lot of those budgets, and the one thing that I would ask, if we're going to push it back into the Sheriff's budget, which one of the reasons I explained to some of your staff that we would prefer it this way is that all of the costs associated with an inmate that is transferred out of our facilities and our control is all in one line item or one budget, so you can get a true cost of that. If we're going to put the medical costs into a medical line item, I would ask that we make that at least a medical line item within our budget that is separate from our

in-house jail medical line item, so that we can continue to keep a good, true cost difference of what the in-house jail medical is going to be, as opposed to what the out of housing, or out-of-county housing is going to be. One of the issues we've run into is while they're in our facility, we have complete control over their medical care, and we're fairly frugal while still providing the care that's required, we keep pretty good tabs on that. We, in our selection process to move inmates out, we always look for the healthiest inmates, to move them out, so that we don't accrue medical costs, you know, outside, because when they are on the outside facility, by nature of the court order of this transferring them, we give up full control of that inmate. So, we have no control over the kind of medical care they provide. Now, as soon as we get word that one of them is sick, or has been seen at the hospital, we immediately try to get them transferred back to our facility so that we can care for them. But, our issue is just so that we can keep those costs separated. You know, if we create a second medical account within the jails budget, it's six of one, half a dozen of another, it all comes out of the same pot sooner or later. So, it's just a matter of right now, it's more convenient, and it makes more sense to us to keep it all under one line item. But, from our standpoint there's really no, it doesn't matter. We just, I reiterate what the Sheriff said, I spend a lot of time on the phone with these other counties, and they want their money.

President Fanello: Right.

Eric Williams: That's the problem. You know, if they cut us off, then we're going to be back in hot water with the ICLU. So, I would hope that whatever solution we come up with we can do that as we go, and maybe keep doing business as usual for right now to keep things smooth, just as a request.

President Fanello: Well, just as a suggestion, why don't we, I'll get with Tom Simpson of State Board of Accounts, but I would really like to see the Commissioners move these bills through so they can get paid. We really don't want to, and at some point in time if we decide that they need to come out of medical, I mean, there could be an account correction to that, and we could correct the claims. But, I would really like to see these get through. These counties are wanting their money, like Eric said.

Commissioner Mosby: I would much rather them pay the bills than them send us the inmates back.

President Fanello: Right, because we don't have anyplace to put the inmates. So, I don't think we want the ICLU breathing down our back. So, is that a workable solution?

Commissioner Crouch: You're going to talk to Tom Simpson—

President Fanello: Tom Simpson, uh-huh.

Commissioner Crouch: —and then—

President Fanello: I'm just saying tonight can we get these through and get these paid, and if Tom Simpson feels like there needs to be a separate line item, then...if he doesn't feel like there needs to be a separate line item, they'll already be down there in the process, but, if he does, then we can address that with the Sheriff.

Commissioner Crouch: Would these bills then be paid, if he said it needs to be a separate line item?

President Fanello: No.

Commissioner Crouch: Okay.

Commissioner Mosby: I'll make a motion depending on your conversation with Tom Simpkins.

President Fanello: Simpson.

Commissioner Mosby: Simpson.

Commissioner Crouch: I'll second.

President Fanello: Okay, so ordered. Okay, new business, or unless there's any other old business.

Commissioner Crouch: Our construction meeting is next Thursday at 2:00--

President Fanello: I think it's the 9th at 2:00.

Commissioner Crouch: Is it the 9th?

President Fanello: Yeah, it's in two weeks. It is the 9th, right, Patty? Yes.

Commissioner Crouch: Okay, I was out at the jail, and Paul Summers said he's having his first community corrections construction meeting at 2:00 that Thursday--

President Fanello: Okay.

Commissioner Crouch: --and I was wondering if the Commission would consider maybe moving it up an hour, or changing the time?

President Fanello: That's fine. We could do it earlier that day.

Commissioner Crouch: That's fine.

President Fanello: Anybody have a suggestion? Would that work into your schedule?

Kevin Winternheimer: I have a meeting at 1:30.

President Fanello: You have a meeting at 1:30. What if we did it earlier in the morning?

Kevin Winternheimer: In the morning is fine.

President Fanello: 10:00?

Commissioner Mosby: Okay.

President Fanello: Okay. Patty just let me know that she'll check room availability, but let's say September 9th at 10:00.

Kevin Winternheimer: If I might, that's to be a regular meeting also, since the holiday, so it will be a business meeting as well as just the construction meeting.

President Fanello: That probably, I hadn't planned on it being that way, but we could do it that way. If there's any other business that needs to come before the board. It's just a regular Commissioner meeting. So, project is the focus of the meeting.

Kevin Winternheimer: I assume we're not having one Monday.

President Fanello: No.

Commissioner Crouch: Is that the, for Mr. Shireman or Mr. Summers, isn't 10:00 Thursday their construction meeting?

President Fanello: Is that the day it falls on? When did you go? You went last, the 26th.

Commissioner Crouch: Last Thursday.

President Fanello: No, there's will, they do them every two weeks, there's will be the 2nd. So, yeah. Right? No, you're right, the 9th. I'm looking at the calendar wrong. You are right. Well, what about 12:30? Would that work? Okay, let's try 12:30 then, because she's right, they will be meeting out there at 10:00.

New Business

President Fanello: Okay, any new business? Seeing none. Department head....oh.

Gregg Baker: I've got a new one. It was on a contract for maintenance. Is that under new business?

President Fanello: That can be new business.

Gregg Baker: It's an HP contract for maintenance. I would like you to pass it contingent upon Matt's approval. We had sent it e-mail, and he hadn't had a chance to look at it yet. This was negotiated prior to him and I working together, prior to him coming on board. They finally got the paperwork ready, and if we delay until the next Commissioner's meeting on it, we might miss a discount. There's about a 10% discount that's been negotiated on this.

President Fanello: Has Kevin looked at it also?

Kevin Winternheimer: Is this it?

Gregg Baker: Yeah.

Kevin Winternheimer: No, I didn't see this tonight. It was on my desk.

Gregg Baker: Well, we didn't even know it was a contract. We've been doing business as a service agreement. I think Bill, somebody in Bill's office saw contract in the language, and kicked it back for you guys to look at.

President Fanello: Okay.

Kevin Winternheimer: If I might ask a question. This is maintenance? We're not buying things, this is maintenance?

Gregg Baker: No, this is maintenance. That's correct.

Kevin Winternheimer: There, I know that there is a boiler plate maintenance contract somewhere. If you could e-mail that to me, as well.

Gregg Baker: Okay.

Kevin Winternheimer: That I'm sure goes with this. This is mainly just stating the prices and that sort of thing.

Gregg Baker: I understand what you want, yes.

Kevin Winternheimer: You know what I'm saying.

Gregg Baker: Yeah, you want the general agreement.

Kevin Winternheimer: Yeah.

Gregg Baker: Okay. So, could we pass it contingent upon his approval, and also Matt's approval. Maybe both of you could send it e-mail, so that we might not miss out on this discount.

President Fanello: Yeah, I don't have a problem with that. Do either of the Commissioners have any problem with that?

Commissioner Mosby: Yeah, I don't have a problem with that, subject to Kevin's approval.

President Fanello: Okay.

Gregg Baker: And Matt's approval.

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

Commissioner Mosby: And Matt's, yeah. I'll make a motion that we pass this subject to Matt's approval and Kevin's approval.

Commissioner Crouch: Second.

President Fanello: So ordered.

Gregg Baker: Thank you.

County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: First I would like to request approval of the Notice to Bidders for the Mt. Pleasant Road project. This would be advertised this coming Friday and the following Friday, and the bids would be opened on September 20th.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request approval to, I guess, work with Patty to set up a Redevelopment Commission meeting to get the funding resolved for the Green River Road project, the TIF funding resolved for the Green River Road project. We're to the point where we will have a field check meeting on Thursday on that project, and then once we get the field check done, the final plans, then we'll have to move into right-of-way, and it's getting to the point where we need to start getting money set aside. Right now there is no additional funds set aside for that project.

President Fanello: Okay, do we need a motion to that effect, Kevin? Or can Patty just go ahead and work with the Redevelopment Commission and get a meeting set up. We don't need...do we need to make a motion about that?

Kevin Winternheimer: Again, what exactly is he asking?

President Fanello: He's wanting to get the Redevelopment Commission together to make some decisions on the TIF money.

Kevin Winternheimer: No, you don't need a motion for that.

John Stoll: Okay. Next, I've got a change order on the Kansas Road culvert replacement project. This was project number VC04-07-01. This is for a net decrease of \$4,188.47. The decreases were the result of making some design changes to eliminate some guardrails. So, I would request that this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, we've been working with the contractor on the Jobe's Lane project, and we've got a price for the street patching, \$50 a square yard. We would like to change that from a concrete patch to a rock and asphalt patch. That would reduce the cost to \$40 a square yard, and that should result in a net savings of about \$16,000 to the project, which, because of utility conflicts, I think we'll end up using some of that surplus, because we're going to have to cut into the street more, as far as trying to avoid the utility conflicts. So, I would like approval to change that item from \$50 to \$40 a square yard. Then I'll bring a change order at the tail end of the job that would reflect that revised cost.

Commissioner Mosby: So moved.

Commissioner Crouch: Abstain.

President Fanello: I'll second and say so ordered.

John Stoll: The last item that I have is a sidewalk waiver request. This is for section two of St. Charles Cove subdivision. On the drawings that you have there where it shows section one, sidewalks have been installed on that main east-west street, as well as the two cul-de-sacs, and they were requesting a waiver of all the sidewalks in section two. Given the fact that it's such a short stretch of street, and if a waiver was granted it would, basically, result in lots side by side not having sidewalks, one would and one wouldn't. It didn't seem to be a real consistent plan with what, to terminate the sidewalks. So, on that basis, I would request that this waiver request be denied.

Commissioner Mosby: Motion to deny.

Commissioner Crouch: Second.

President Fanello: So ordered. Madelyn, do you need that for the record?

John Stoll: If they would have come in in section one and gotten a waiver, then I would have been more than happy to request approval of this, but it just didn't end up, terminating the sidewalks in a very good location. That's all I have, unless you have any questions for me.

President Fanello: No. Thank you, John.

John Stoll: Thanks.

Commissioner Mosby: Thank you, John.

County Highway

President Fanello: County Highway.

Reggie Haskins: Reggie Haskins, County Highway. Dennis couldn't make it because of medical reasons. He also wanted me to present to you the agreements of the asphalt companies, in case of emergency, if we have a situation, the paver would break down, so on and so forth, he wanted me to present to you from E&B Paving, Gohmann Asphalt, and J.H. Rudolph Company.

Commissioner Crouch: Have you reviewed these, Kevin?

Kevin Winternheimer: I haven't seen the final draft. I saw an initial draft that had some recommended changes, but I haven't actually seen this final version. If you want to give me a few minutes, and come back to it, I would be glad to review it.

President Fanello: Yeah, we'll give you a few minutes to look those over. Do you have anything else, Reggie?

Reggie Haskins: No. I'm open for any questions.

President Fanello: Anybody have any questions? Thank you.

Reggie Haskins:: Uh-huh.

County Attorney

President Fanello: County Attorney. Do you want us to come back to you?

Kevin Winternheimer: Well, I don't have anything else other than taking a quick look at these.

President Fanello: I do have one thing that I want you to check into, and Suzanne might be able to help with this too. I think she's on the Job Study committee. I know the Council had handed out some work sheets on classifying employees, because of the new deal, the Department of Labor changes about exempt and non-exempt employees. I know John Stoll filled out some for his department, and I would much rather you probably look at these, and make a recommendation, if you can. I don't feel comfortable doing it. I don't know if....I'm not trained in human resources law, so, I'm not going to make a recommendation on....and, I know you're not either, but--

Kevin Winternheimer: I'm not going to claim to be an expert, but I would be glad to take a look at them.

President Fanello: The exempt and non-exempt is a little sticky situation.

Kevin Winternheimer: Yeah. Do they have an agency looking at these, and they're just gathering facts?

President Fanello: No, they don't.

Kevin Winternheimer: Okay.

President Fanello: I had written them a letter asking them if they had a third party or someone who was a specialist in human resource--

Kevin Winternheimer: Yeah.

President Fanello: --looking at this, and, no, they are not doing that. That's what makes me a little uncomfortable. I just no how sticky those exempt and non-exempt Department of Labor laws are.

Kevin Winternheimer: Okay, so they're asking the department heads to make that determination.

President Fanello: Right, and I'm really not--

Kevin Winternheimer: Okay.

President Fanello: --I'm personally not comfortable with our department heads making that recommendation.

Kevin Winternheimer: Okay. Do they have a time limit on this? What I would suggest we do is--

President Fanello: (Inaudible) Job Study (Inaudible).

Kevin Winterheimer: – I use Jay Ziemer of the Bowers firm. They are very good. They have people within their firm that are personnel experts. Just to get, what I would like to do is have them put together an outline, or procedure, or whatever you want to call it for the department heads to take a look at, and say this, you know, you fall in this, if this, you fall under this category if this kind of thing before they're asked to fill these out. I think that would be very helpful to know exactly all of the exempt, non-exempt things, if that would be okay.

Commissioner Crouch: I recall the initial memo that you had sent, and I thought we had gotten a reply from Ed Bassemier saying that–

President Fanello: We did, and that they are not looking, they are not hiring any third party to look at it. I'm not exactly, that's their memo on top there that they sent back to me.

Commissioner Crouch: I thought in the memo he had said that they had a Job Study consultant. They also had the Council Attorney who was looking at them. So, I don't know.

President Fanello: Well, the Job Study consultant, as I understand it, is the person from Gaither Rutherford. I think that, isn't that their consultant firm? I mean, Gaither Rutherford is a CPA firm, they're not human resource specialists. I mean, I work for a CPA firm, and I couldn't tell you a thing about exempt and non-exempt employees.

Kevin Winterheimer: I'll take a look at this information and let you know.

President Fanello: Okay. I would just feel more comfortable before we make any recommendations if our attorney looks at it.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I have some late items to add to the consent agenda. I have a list of Sheriff cars that need to be surplussed and sold at the Wolfe's Auto Auction in October. I don't know if you want to make a motion–

President Fanello: The Sheriff is in the office, and you're A-Okay with this, right?

Tammy McKinney: The equipment–

Brad Ellsworth: I'm a little nervous.

Commissioner Mosby: You don't want them back, do you?

Brad Ellsworth: (Inaudible. Not at mic.)

Tammy McKinney: I don't know if you want to make a motion on each one...each, I've got–

President Fanello: Well, we have a list here. I think the motion can be all inclusive with the list.

Tammy McKinney: I meant with my agreements and all together.

President Fanello: Oh, okay.

Tammy McKinney: Then I have three interlocal agreements for the Sheriff to house inmates at other counties. Then I have one late pink slip from Voters Registration that needs to be added.

Commissioner Mosby: I'll make a motion that we add items to the consents.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then attached to my worksheet was a letter from McCutchanville United Methodist Church. I just wanted to kind of get everyone's thoughts on that. Do you want to keep that as a polling place, even though they're having some construction? Or do you want Tony and Connie to look elsewhere?

Commissioner Crouch: I think Mrs. Carrier is in the audience, and I believe she has some information.

Connie Carrier: Connie Carrier, Voter Registration. I spoke to a Captain Finkster at the McCutchanville Volunteer Fire Department, we're more than welcome to go there. Just right in the same area.

Commissioner Crouch: It's, I think it's less than a quarter of a mile away.

Connie Carrier: I think it's--

Tammy McKinney: I was going to say I think you get to it before you get to the church, or they're right close together.

President Fanello: That's fine with me.

Commissioner Mosby: That's fine with me.

Commissioner Crouch: Do they need to....does--

Connie Carrier: He said we can, we're more than welcome to go view, they suggest we go to the gym.

Tammy McKinney: Okay. Do you mind getting with Tony and going out there and looking at it--

Connie Carrier: Sure.

Tammy McKinney: --for a polling place?

Connie Carrier: Sure.

Tammy McKinney: Then we can make the official recommendation on September the 13th when we do the other polling place on 2-2.

Connie Carrier: Alright. Okay.

Tammy McKinney: Thanks, Connie. That's all I have.

President Fanello: Alright, thank you, Tammy.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. All we have is our work report that's been presented to you previously, unless you have any questions.

Commissioner Mosby: I don't.

President Fanello: Thank you, Gary.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water?

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to approve consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Kevin Winterheimer: Wait a minute. These are fine, by the way. Before you adjourn.

Commissioner Mosby: It's a good thing you heard.

President Fanello: So, do you want to make—

Commissioner Mosby: I'll make a motion to accept contracts from E&B, Gohmann, and Rudolph, J.H. Rudolph and Company for surplussing asphalt.

Commissioner Crouch: Second. I haven't seen them, but I'll second it.

President Fanello: So ordered. I haven't seen them. Then do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:34 p.m.)

CONSENT ITEMS:

Jail Expenses:

Vectren Energy Delivery: \$180.72
Williams Brothers Construction: \$744,114.09
Peyronnin Construction Company: \$602,679.23
Mel-Kay Electric Company, Inc.: \$390,000
integrator.com: \$30,400

Travel Requests:

Health Department (4) County Clerk (2) County Engineer (1)
Knight Assessor (1) Auditor (2)

Employment Changes:

Knight Assessor (1) Voter Registration (2) Prosecutor IV-D (1)
Burdette Park (3) County Clerk (1) Prosecutor (1)

Request for Telephone Service: Voter Registration.

Sheriff:

Weekly Jail and Community Corrections Reports.
Interlocal Agreements Regarding Transfer of Inmates: Warrick County, Indiana; Saline County, Illinois; Pike County, Indiana; Posey County, Indiana

EMA: Amendment to Homeland Security Grant

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Gregg Baker
Steve Owens	John Stoll	Matt Arvay
Brad Ellsworth	Eric Williams	Norman "Red" Mosby
Reggie Haskins	Connie Carrier	Gary Hohman
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 9, 2004**

The Vanderburgh County Board of Commissioners met in session this 9th day of September, 2004 at 8:05 a.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, September 9th, 2004....if Madelyn's ready.

Madelyn Grayson: I'm ready.

President Fanello: Okay. Introductions are as follows, to my right, County Attorney, Kevin Winternheimer; Commissioner Mosby will be joining us shortly. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

August 30, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the August 30th Commission minutes?

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

Approval of September 9, 2004 Executive Session Summary Minutes

Commissioner Crouch: Move approval of the September 9th Executive Session. It started at about a quarter till eight, and ended about 7:55, and personnel matters were discussed.

President Fanello: Second, and so ordered.

Resolution Supporting IU School of Medicine at USI

President Fanello: First discussion item we have is a resolution supporting the IU School of Medicine at USI. Mr. Tom Bodkin is here to speak to that resolution.

Tom Bodkin: Good morning ladies and gentlemen. Thank you for the chance to come here and speak to you about this requested resolution. The Indiana University School of Medicine exists in Evansville, which is kind of a secret to an awful lot of our citizens, I think. Many, many years ago the legislature decided that medical education would occur, not only in Indianapolis, but in seven other sites around the state, one of those being Evansville. The campus of the IU Medical Center in Evansville is located on the campus of the University of Southern Indiana. It occupies the top floor of the Health Sciences building, which is the first building when you enter the campus to your right. Pursuant to the grant from the legislature many years ago, we provide the first two years of medical education to 32 students here in Evansville. Those are students, some of whom are from here, some not, it's

their option, they can apply to be assigned here, and many do, but those 32 students do their first two years, not here at USI, but at IU. Obviously, it's a branch, if you will, of the Indianapolis campus, I indicated that there are six others besides Evansville. Like all other portions of universities, they are funded by the state through the legislature. We have, as a part of the campus here, a citizens advisory council, of which I am proud to be a member, in fact, it's having it's meeting right now out there this morning. One of the purposes for our council is to assist the Assistant Dean and Director here, Dr. Rex Stith, in finding ways to provide greater opportunity for more students to attend here, if they wish, and also to provide either greater enrichment for those medical students that are here. One of the things that our council and the one in Ft. Wayne have elected to pursue, for those two centers, that's another location for another 32 students, and there are some very good reasons why Ft. Wayne is involved in this effort, I might add. We are seeking to request the legislature to add one million dollars to the budget for this center, starting next year, so that we can employ more faculty here, and specifically faculty at the PhD level, and more specifically faculty who are competent in research with cellular biology. This is going to provide a couple of great opportunities, three in fact, one we'll have a great opportunity for better science to be taught to our budding physicians here. Secondly, we'll provide the opportunity for a masters level program to be offered to students on the campus at USI, even though the degree would come from IU, they would take the courses here. Thirdly, it provides the opportunity for both universities and our council to work together toward a goal of establishing the utilization of the labs that IU has at this campus to do cellular biology research, and also genetic testing for physicians in the local area who need it. Currently any physician that needs any kind of testing done for genetic purposes has to send the samples to Cincinnati and it takes several weeks. I'm sorry for the long background, but I think it's helpful to understand why we're doing what we're doing. We are enlisting the community support for this endeavor. All of the major corporations in the area have indicated they will back this endeavor to get additional funding into the budget here. This is not in competition with USI at all, in fact, Dr. Hoops is very supportive of the campus. IU actually pays USI rent, which is sort of an interesting technique. It's going to provide the opportunity for additional employment here in Vanderburgh and the surrounding counties. It provides a great opportunity for potential employment with even new businesses. Again, major employers here are backing it, hopefully, we're going to have other governmental, well, one other governmental unit has adopted the resolution, that was the Town of Newburgh, and they did so, very gladly I might add. The banks are all in support of this proposition, and most importantly, if we're going to get this done, I can tell you that all of the legislators in southwest Indiana, regardless of their party, have indicated that they will back this endeavor. Whether it will get done this year, I don't know, but we are making the beginning. It will be a great help to us as we work with the legislature, and especially with the Ways and Means and Budget committees this fall, if we have the support of the governmental units in our county as well. It is literally a win-win opportunity for all of us. It is not a political issue at all. It is a major, major opportunity for us to do something very good. We would request, on behalf of our council and the University, your support by adopting this resolution, and seeking this additional funding. If you have other questions, I will artfully try to answer them. Dr. Rex Stith, our Assistant Dean and Director would have been here, but he's chairing that meeting that they're having out there right now.

President Fanello: Does anybody have any questions of Mr. Bodkin?

Commissioner Mosby: I'll make a motion to adopt the resolution.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tom Bodkin: Thank you ladies and gentlemen.

President Fanello: Thank you, Mr. Bodkin.

Commissioner Mosby: Thank you, Tom.

Letter of Support for Ohio Rail Grant Application

President Fanello: Next item is Commissioner Mosby, letter of support for Ohio Rail grant application.

Commissioner Mosby: I'm going to pass out another copy of this. I had Kevin look at this....John Stoll called me about this, it is something that he had talked to me about before he had to go to, he's not here for medical reasons, but it's something that he is in support of. The only reason I had Kevin rewrite the letter is I just wanted to put in here that the county will not be giving financial support to this project. This is a project that the Indiana Southern Rail is just wanting to petition the state for a grant to upgrade their facility out there, which they think will lead them to attract more businesses. I told John that I didn't have a problem with it. John doesn't have a problem with it. I just want it to be known that we're not offering any financial assistance to this project.

President Fanello: Any questions?

Commissioner Mosby: This does not cross any roads.

President Fanello: Okay.

Commissioner Crouch: Is that a motion?

Commissioner Mosby: Yes, I'll make a motion to accept the resolution for them to apply for a grant.

Commissioner Crouch: Second.

President Fanello: So ordered. I don't see anybody here from the Sheriff's Department. Tammy, was anybody going to be here?

Tammy McKinney: I just told Patty to have Eric or Brad come up.

President Fanello: Okay, well, we will come back to that one then.

Addendum to Health Department Lease

President Fanello: Commission contracts, we have an addendum to the Health Department lease. Kevin, do you want to explain that?

Kevin Winterheimer: I don't have my copy here. Yes, what they are doing is, in essence, formalizing and stating that the original lease agreement had been for

1,000 square feet of space in the basement of the Southwestern Mental Health's building out there. They are now saying that they will allow them 1,175 square feet, but not change the price. Even though it was calculated at seven dollars per square foot, it's going to be seven dollars per square foot on 1,000 square feet, but they will allow them to utilize 1,175. The first three items just reiterates the square footage that they have on the first floor, second floor, and third floor. I don't know if Sam has anything to add on that. You've seen this, Sam, and it's—

Sam Elder: Actually—

Madelyn Grayson: Sam, please come to the microphone.

Sam Elder: Actually, the way the space is in that part of the basement, the space, the other 175 square feet would be unusable to them.

Kevin Winternheimer: Yeah.

Sam Elder: You know, they just squared it off. When they squared it off it was 175 more than what we had bargained for. By the time we move everything out of the basement I think we'll use most of it.

Kevin Winternheimer: So, all this is doing is formalizing the amount of square footage to be utilized by the department.

President Fanello: Do I have a motion?

Commissioner Mosby: I'll make a motion to accept the addendum to the Southwest Indiana—

Commissioner Crouch: Second.

President Fanello: So ordered.

Sheriff Department: Surplus Items

President Fanello: Now that Eric is here we'll go ahead and discuss your surplus items.

Eric Williams: Chief Deputy Williams, on behalf of Sheriff Ellsworth. We had submitted at the last Commission meeting a list of surplus items, and after talking with Kevin and Tammy the majority of the items that we had wanted to surplus are of very little value to anybody, and we just wanted to get specific permission to destroy them.

President Fanello: Okay. How would they be destroyed?

Eric Williams: The dumpster, I guess.

Commissioner Crouch: You don't see that the public or anyone would be interested in acquiring any of these?

Eric Williams: The majority of the items in there are very old and junk. The MDT's are probably the one that may be the one that people would be interested in, are

truly not computers. They are the old mobile data terminals that came out of our squad cars from eight and ten years ago that they don't really have any computer function. They are truly, it stands for mobile data terminal, it's just a relay for information out of our radio system. Unless you specifically use that equipment and had it still, you might be able to use it for parts, but we don't know that there's a market anywhere for those. Everybody has switched to the same technology we've switched to. I think by the time you went to the trouble to organize it, categorize it, and sell it at some kind of auction you would have spent more than you'll ever get out of it. But, we just wanted to make sure you were aware of that and get your specific permission to destroy it or throw it away or do whatever you want with it.

President Fanello: Kevin, what's the best way to handle this? Any certain procedure we should go through?

Kevin Winterheimer: No, it's just that he's asking for your permission to junk it, dispose of it. If you agree with that, that should take care of that.

Eric Williams: We'll do whatever you want. If you want us to bring it somewhere to sell at an auction, it doesn't make us any difference. We'll never want it back, we'll never need it again. So, it's totally up to you all.

President Fanello: Maybe you might find a way to, if it's computer parts or whatever, I don't know, but find a, talk with Solid Waste about possibly dumping it somewhere for recycling.

Commissioner Mosby: They have a Solid Waste Day coming up.

President Fanello: Right. So—

Eric Williams: Sure, whatever you want to do. If that's what you want us, we'll take care of it and make sure it's disposed of properly—

President Fanello: Right.

Eric Williams: —but we didn't want to go to the trouble to try to auction it off and lose money on it.

President Fanello: Right. I'm personally not in favor of an auction where we waste time and money.

Commissioner Mosby: I just—

Eric Williams: We'll make sure that it's disposed of properly.

President Fanello: Do we have—

Commissioner Mosby: I'll make a motion to surplus those items.

Kevin Winterheimer: Well, I guess, yeah, to surplus and to authorize him to throw it away, for lack of a better term.

President Fanello: To junk them.

Kevin Winterheimer: Yeah.

Commissioner Mosby: I'll make a motion to surplus items and dispose of them in the proper way.

Commissioner Crouch: Second.

President Fanello: So ordered.

Eric Williams: Thank you.

President Fanello: Thank you, Chief Williams.

Eric Williams: Sorry for being late.

President Fanello: That's okay.

Commissioner Mosby: That's okay.

President Fanello: Project updates, probably we should move jail and community corrections up, if it's okay with the board, because they need to get out to the site for the progress meeting out there.

Building Authority: Circuit Court Surplus Furniture

Dave Rector: Excuse me, if I could address the board real quick. I'm sorry for being late too, but I have a personnel matter that I'm in the middle of handling, too. Did you talk about the surplus furniture I sent you a letter on?

President Fanello: No, it's down on the list.

Dave Rector: Could I be so rude as to interrupt so that I could get back to this issue?

President Fanello: I don't have a problem with that, since we just got—

Dave Rector: We have some pieces that we're asking, we think that they were originally bought by the Building Authority. They came out of Circuit Court, our board declared them surplus, but in light of all the discussion we thought it might be good for your board to also declare them surplus, and then ask if you have any desired disposition of them. If not, I do know the Coliseum would like the fixed seating. The jail, some of the jailers wanted some of the attorney chairs. Voter Registration wanted some of the attorney chairs. So, we've got a place for some of this stuff if you would like me to get it on to them. If not, we can throw it away or whatever, but we just thought in light of all the surplus furniture discussion, that it might be wise for your board to also declare them surplus, if you would.

President Fanello: Well, here's what I would like to do, because I just talked to Tammy this morning, and she still has been unable to get out to the Highway Department to take an inventory of what is out there. If we could get an inventory of everything and then figure out what would be the best procedure to dispose of it. Again, I'm probably not in favor of having any type of auction, because it's going to be a waste of our time and money, but if we could get a complete list, and then if we could send a complete list to all of the county and city, or county departments and see if they're interested in any of the items, that would be—

Dave Rector: Could I ask that we do that listing after the Health Department moves? Because they've got a lot down in the fan room that will be moving—

President Fanello: That would be—

Dave Rector: —out that would make it a little easier on us.

President Fanello: —that would probably be the most efficient. Tammy was going to try to get the key from Bennie, because Bennie is the only one that has a key out at the Highway Garage.

Dave Rector: Okay.

President Fanello: So, she's going to try to get the key from Bennie, and maybe go out there tomorrow, because Bennie is going to be on vacation next week.

Dave Rector: If you declare these items surplus, is it okay to give the Coliseum those fixed chairs, in your opinions? I don't know who else would want those.

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

Commissioner Mosby: It's another county department.

President Fanello: Right.

Dave Rector: I'm glad they're taking them. We've got them sitting on the bridge over there. I would like to get them off the bridge.

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

Commissioner Mosby: I don't have a problem with it.

President Fanello: So do we have a motion to—

Commissioner Mosby: I'll make a motion that we give the surplus items to other county departments.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dave Rector: Thank you.

Building Authority: Projects at the Centre

Dave Rector: The only other thing that I had real quick was in the projects that we're doing over at the Centre, we're looking at some matting outside like we've got here at this building to keep from tracking in, it would be about \$10,000 if you would like us to get that and put it in place also. I don't think we had that listed on the big, long list of things we're doing.

President Fanello: Why don't you send us—

Dave Rector: The reason that I'm bringing it up now, 3M, it's a 3M product, and they had special pricing, and they get a price increase in the middle of September.

President Fanello: Oh.

Dave Rector: We can still order it later, it's just going to cost us more.

President Fanello: Well, I would kind of like to look at all that we're doing, and kind of get an idea of what we're spending first before—

Dave Rector: You probably don't recall with everything going on, you had a letter a couple of months ago where we're doing all these different things—

President Fanello: Right, and I know we approved that in a meeting and everything, but off the top of my head I can't remember anything on that list.

Dave Rector: Okay, well—

President Fanello: If you could, maybe if we could put this on the agenda for Monday.

Dave Rector: Yeah.

President Fanello: Okay.

Dave Rector: I think it's a good idea to do it. Obviously, we did it here, but if we have a price increase and we think we still want to do it, we'll do it then.

President Fanello: Okay, why don't we put it on the agenda for Monday. That will give each one of us an opportunity to contact (Inaudible).

Dave Rector: Sorry to interrupt.

President Fanello: That's okay.

Dave Rector: Thank you.

President Fanello: Thank you.

Jail and Community Corrections Project Update

President Fanello: Okay, project updates, we're going to move jail and community corrections up so they can get back to the site.

Les Smith: I've got some aerial pictures here of the fire damage. Les Smith with Shireman. You can look on the picture and see the blackened area there was where there was a, there was two other stacks of like the blue, covered insulation, that's where the fire was at. As you can see, all the material has been taken off site and disposed of properly, and the clean up is, basically, you know, complete, and we're just doing some inspections and things. The one thing, the County Sheriff's Department, and the Evansville Fire Department, I mean, you know, they got there, they directed traffic, I mean, and just within minutes after the Fire Department was there, I mean, the fire was out and under control. I mean, it was, you know, really,

really some nice work. The contractors, since this has happened have, you know, we lost one day, in that area. We did not stop in other areas of the building, and progressed, you know, as normal, you know, we lost an hour that evening when everything shut down, but they've, you know, from the day after the fire, they've been back in the mechanical room working, you know, with the mechanical stuff. So, this is not going to be a major set back or anything on the schedule. It will, you know, it will take some time to get the, you know, the material replaced and some of that stuff, but it will not, on the overall schedule it will not affect the job. So, you know, things are progressing and things are moving on. The, we've got a, the contractor hired an individual engineer from the local area here, Gray Hodge Associates, they got an engineering firm there just to have an independent assessment of the damage. He's going through, he spent the day there yesterday, and he'll be there again today, you know, in the affected area, looking at every weld that's there, every piece of steel that was affected, he's up there with a flashlight and a magnifying glass, literally. I mean, just, that's what he's got up there looking, checking for any breaks in any welds or any stress in any steel or anything like that. There's an area of approximately 3,000 square feet of the metal deck that will have to be replaced, you know, the heat, you know, it deformed it, and, you know, it's bent and dirty and whatever. So, that's, that material has been ordered, should be on site next week. The insulation that burnt has been ordered, and it should be back on site by the end of next week. So, this process is going to happen very quickly. We just, as soon as this engineer clears us, that, hey, all the structure is okay, then we'll rip the old metal off and put the new on. The insurance adjusters from the contractors and stuff have been out there, they've taken pictures and they're taking care of the details on that. As far as the fire, I mean, you know, we hate that it happened, but it did, and we're going on with it, and getting the building moving on. I don't know if you had any questions on the fire or whatever. Do you want us to go ahead and do the jail report now?

President Fanello: Right, we'll go ahead and do that.

Les Smith: Go ahead and do that rather than 12:30?

President Fanello: Right.

Les Smith: Okay, very good.

Mark Shireman: I want to pass out some things.

Les Smith: Yeah, Mark's got some stuff.

President Fanello: Let me ask you a quick question, Les.

Les Smith: Yes, ma'am.

President Fanello: Just for the record, Williams Brothers has hired an independent engineer—

Les Smith: Yes, ma'am.

President Fanello: —to review the structure—

Les Smith: Yes.

President Fanello: –and that will be at no cost to the county, that is all costs that they will incur.

Les Smith: Yes, ma'am, that's correct.

President Fanello: Okay.

Les Smith: Then his report, you know, we'll, you know, make it available to you and to the structural engineer on site.

President Fanello: Okay.

Les Smith: So, it's, you know, they have just really taken the initiative and went on with, you know, the whole project as, you know, because they, a delay in the schedule is not going to do anybody any good at this time. You know, I mean, they just really are, you know, being aggressive about getting it fixed and back in shape. Okay, then just to the schedule, and to the progress, again, you can see the working of the schedule, they're down, and there's more work, of course, this was taken late last week, I think Friday or Saturday. But, the precast is going on, there's a couple of indoor recreation or exercise areas for medical, and those things are being built right now. They've got to put the end wall across the area there of section E and F. The back wall that you see, that's to the furthest south extent that is, then it goes back and that closes in and takes the, makes the whole enclosure there on the E and F area. Then at that point they'll finish setting the precast planks on the roof and complete that area. Then late next week, early....late this week, early next week the cells and things are going to be arriving for the B pod, and then we'll immediately, you know, proceed out to that area to start setting those. The precast walls, you know, again, in area G, the warehouse kitchen, mechanical areas are all up. The sally port and the medical will be complete....this area here, I don't know if you can, if you want to look at that picture, where the blue water tank is sitting, that will be complete by the end of this week. The guys are actually going to work Saturday also just trying to get a little more done, and get a little more progress. So, they'll be there on Saturday. So, that's, I think that's pretty commendable. All the site work, I mean, at this point's up and in good shape. We've got good drainage. We're going through, we review the, you know, silt controls and that stuff to make sure it's all staying up in good shape and keep it, you know, repaired as needed. The perimeter road will be built between now and probably the middle of October, just as when all the, a lot of the heavy traffic and a lot of the digging and the tearing up is done in any area, then they'll put the gravel down on that, and then we'll have a good, clean way around the job. All the concrete foundations are in. The masonry work they're back into the area G right, you know, in the area where the fire was at, and they're, you know, they've got the walls going up in that area that...it's not actually in the affected area, it's adjacent to it. But, the corridor wall there is, they've got one more section of that to take up, and they've got to finish the office for the, oh, the, I guess she would be called the head cook or whatever, the dietician, you know, what the right terminology is for her job. But, there's an office there that's got to be complete, and that will complete the masonry work and the walls in area G. All the structural steel in the administration area, you know, it's 99% complete. There's one little area there that's got to have some deck put in. On H, of course, that goes back into the fire damage, and all that material, you know, they've taken the incentive, you know, again, to order the material to where this will be the least hold up on them, because, you know, it's to everybody's benefit to get this roof on, get it dried in, and proceed. The security electronics, again, is under construction in Indianapolis at, in their plant. I am going to make a trip within the next week, two weeks to Indy to visit their plant

and, you know, to review what's there and just take a look at it, make sure of all the stuff that's going on for our project. All the kitchen contractor's work is in. It's all been field measured and being worked on for that stuff of the stuff that has to be built to fit the walls and everything. So, that's going on, as a matter of fact, I was talking to him out in the hallway, the range hood and all that will be coming in within the next two weeks to start putting all the exhaust hoods and everything in for the kitchen exhaust. The electrical work, again, it's, the main switch gear is in, it's installed, it's energized, there was no damage to it, or any of the other mechanical stuff during the fire or water or anything like that. It was all in an area that was just unaffected, and there was no damage to any of that. The electrical work is going on, they're working on underground conduit to all the areas. In E and F they're pouring floor slabs today. They'll pour more floor slabs looks like probably tomorrow or Monday at the latest. They'll have those ready, and, you know, I mean, when there's panels being set, they're following right in behind with the floor slabs, and this allows the other trades to come in with the plumbing and the electrical stuff that's got to be going on there. That also allows them, you know, within a few days they can put their lifts and their scaffolds and block work, everything that has to go on the floor is really a critical thing, and they're keeping those right up just almost to where you see the precast set. So, it's really going on well. They're working on the second floor rough-in for the plumbing and the electrical, all the conduit has to go in there to allow us to prep for the two inch topping slab on the second floor in the administration area. That work is going on. You know, I mean, as soon as that topping's in, they'll be in there putting in partitions, and, you know, measuring walls wherever it's called for. So, that will move right along. The heating and air conditioning contractors, they're installing duct in the mechanical rooms, the big stuff that has to, you know, has to get up there and around all the other equipment. They're installing piping for the chillers and for all the heating and cooling system. They're working all over the whole job, I mean, every, and, again, I can't say it enough, all the contractors are really doing a quality job, and they're working well together, I mean, it's just, you know, it just goes on and on. I mean, they just really are doing a nice job for us. We're, you know, I've got, again, I've got a stack of test reports that testing is being done on all of the sub-grades, all the concrete. We've got certifications on welders, you know, we've got a lot of tests and a lot of controls on that kind of stuff. I've got copies of all that in the office trailer if anybody, you know, if you want to review any of that at any time, just let me know. On our submittals and our reviews on all that, that's going on. A big portion of that is already done. There's some finished type fixture things that are still being submitted, but that's, you know, that's slowed down to really just a trickle. Most of that is already in, approved, and on order. So, that's going on. Okay, I think Mark sent a report through to you about the allowances and an update on that.

President Fanello: Did he send that to each Commissioner? I had an envelope in my...okay, does everybody have...okay.

Les Smith: I don't know if you need to go through that any. Anyway, that's, on the jail, that's about where we're at. Is there any...

President Fanello: Does anybody have any questions?

Les Smith: The community corrections, they're pouring the perimeter footings and piers. They are working on the underground utilities, plumbing and electrical and that kind of stuff that's going in on the interior of the building. They're progressing well on that. They're also using Patriot Engineering for their testing. I was talking to them and looking at some test reports yesterday, and their testing is going very

well. The sub-grade and everything has tested out well above spec on that, and, you know, they're taking concrete tests, and as those start to return we'll have copies of those.

President Fanello: And you have your first progress meeting today on that.

Les Smith: We have our first progress meeting today at 2:00, yes.

President Fanello: Okay. Are there any other questions of Les or Mark?

Les Smith: Any questions?

President Fanello: Okay, thank you, Les.

Les Smith: Thank you.

President Fanello: And if you guys need to get out to the site, you can go ahead and leave.

Old Courthouse Energy Savings Project

President Fanello: We'll start back in order of our project update, the first one being Old Courthouse.

Dan Dowell: Good morning, Dan Dowell, Energy Systems Group. I have with me today Brent Robertson, he is our project manager on the project. Just some updates since our last presentation. I thank each one of the Commissioners for walking the Courthouse and taking a look at the progress. I think it gives you an opportunity to visualize some of the things that we're doing in there, and the results that have been gained to date. I do have a couple of things that I need your help on today. But, just to update you on the progress, really everything is going as we had hoped. The HVAC system, duct work and stuff is being installed. Heating and cooling piping continues to be installed, and we expect to have the heating and cooling equipment on site by October 6th. That's a big chunk of the work that's going into the Courthouse. The plumbing systems are being installed. We've been focusing on the women's tower. I've got some decisions here for you in a minute on some of the tile that we need to replace in there. The electrical system also continues to move forward. We're about 55% complete on some of that work with new conduits and mains being run. We are working with Vectren on the new transformer location being installed and its location, and how best to set that on site. The windows continue to move forward slower than we would like, but it's just a very complicated restoration on those windows, they're 115 years old and it's just going slow. It's just a slow process to restore them, but I am very comfortable with what the contractors are doing there. They are really taking the time and trying to remove all of the loose paint, sanding it, patching it, and doing a quality job on the restoration there, as I think some of you guys have already witnessed. So, that looks pretty good on the windows. A couple of issues that I need to make you aware of, I would strongly suggest that the county take part in some type of termite inspection in the Courthouse. We have witnessed significant damage to the structure in certain areas in terms of the windows, the window casings, some of the sills and sashes, and some of the interior woodwork has been significantly destroyed by termites. I don't know if they're still active, but I would suggest you get an inspection and let somebody that's a little more well versed in that area than we are and tell you what

recommended approach should be moving forward. So, I needed to make you aware of that. Brent has got, I've got a handout here for you on some decisions, some of them you may be able to make today, maybe Monday night I can come back and we can formalize as you get some time to digest some of this. We don't really need a decision today, but maybe Monday night would be good. The first thing that we would need some input on is the tile. If the Commissioners may recall, during negotiations on the scope of work and determining what was best to do in the Courthouse, I believe I had an opportunity to show each one of you the women's restroom after it has been demolished and the new ADA fixtures installed, or the prep work for their installation. There was a platform in there, and as you recall looking at the men's platform, it's got some slate around the edge, black in color, and then it's got a black and white checkered mosaic on the floor above it. That was installed in about 1930 to the best of our understanding. It's not original to the building. We've removed that platform, and we are going to reuse the marble stalls to keep it consistent with the historic nature of the building, but the replacement of that tile does need some decisions. Commissioner Mosby looked at some color swatches, and it was beyond his expertise, I think. So, I bring them to you tonight, or today, excuse me, and I'll let Brent explain the options, and maybe you guys can consider what you would like us to do.

Brent Robertson: Basically, I've narrowed it down to kind of three options for you. The first option is to, we're going to have some surplus material left over from part of the plumbing (Inaudible) that was taken out. These are large sheets of marble. We can take that off site and cut it up into 12 by 24 inch tiles, which would match in size and general appearance what is there now. This is the existing floor after we've cleaned it up a little bit, and this is what the partitions would look like. It won't be a perfect match. It will be the same period of marble, and have the general look, but as you can see from this, it's a little bit yellow and more grey in it than what the floor will be, the existing floor. So, that's one option to consider. The other option is a 12 by 12 ceramic tile that has some grey veining in it, kind of has the appearance of marble. We could use a dark grey grout for that. The other option, number three, and this same color and type of tile is available in about four different sizes; one inch by one inch mosaic, two inch by two inch, and eight by eight, and twelve by twelve. We could use a dark grey grout with that also. So, I don't know if it's possible for you to kind of discuss that at this time.

Dan Dowell: It would kind of be our recommendation, based on conversation, early conversations with the Historical Preservation Society that reusing the stalls and cutting that up and reusing that would probably be most consistent with the construction of the Courthouse. The ceramic would probably be less consistent to that. In pointing that out, there's really no consistent application in that Courthouse, as you may have walked through there. It's really been kind of chopped up over the years, and I think going back with the marble would probably be your most consistent manner to move forward, but that's up to you.

President Fanello: Does each Commissioner have a—

Commissioner Crouch: What about cost on the different options?

Dan Dowell: We're really going to....the original budget that we put together was to put in ceramic, similar to what you have there now, was to do a black border with the black and white checkered mosaic in the insert. To do the marble, we wouldn't have any material costs, because we're going to reuse existing materials. We have a lot more handling costs. I've got to take those sheets out now, and I've got to have it

all cut up, and then brought back to the site and then installed. So, it's a trade off in terms of our costs. So, the county would not see any additional costs to the project for any one of those three choices.

President Fanello: Okay. Commissioner Mosby do you have any comments?

Dan Dowell: Again, I don't need a decision today. If you guys want to take it under consideration and let us know on Monday, but that area is somewhat being held up until you make that decision, but it's just not critical. If you're comfortable today, or Monday, that's fine.

President Fanello: I would just say that my first choice would be to utilize the marble that's there. Second choice would be the ceramic.

Commissioner Mosby: I think staying consistent with the building. I appreciate what you did there.

Dan Dowell: Okay.

Commissioner Crouch: I'll second.

President Fanello: Was that a motion?

Commissioner Mosby: That was a motion.

President Fanello: So ordered. So, first choice being utilize what we have.

Dan Dowell: Okay, thank you. On the second page, as Commissioner Mosby and Brent and I walked the site and had discussions over several aspects of the project, we had informed him that the installation of the chiller pit was going to take place this past Tuesday. We showed him the location of that, and Commissioner Mosby pointed out that there's an intent to put in a parking lot in that space, which we were not aware of. This was going to sit right in the middle of that thoroughfare. So, it does require that we relocate that chiller pit. If you look at this drawing, location one was where we had originally intended to install it. Location two is where we need to install it now. All that means is that we're just going to rotate it 90 degrees. It is going to take up, I don't know, Brent, four or five parking spots, maybe?

Brent Robertson: Right.

Dan Dowell: The reason that that has to be buried was really because of conversations with the Historical Preservation Society. They did not want to ruin the site lines of the building, so, they wanted that chiller buried. So, we have researched other locations on site for that pit, and this is really the only location to set it, because of the proximity to the mechanical rooms, and proximity to the electrical service it needs to be set in this area. It doesn't represent any significant change in scope or cost or anything, it's just I wanted to make you aware of the location, the new location, and if you have any concerns or comments on that.

President Fanello: Whenever we did our, I think our studies a couple of years ago on the Old Courthouse, we talked about parking in that area. So, I think if we're going to consider that in the future that would probably be a good idea to relocate the chiller.

Commissioner Mosby: It just came to my mind the day I was over there with him. I know we had put the project on hold because of the domes, and we had to take the money and put it into roofing the domes, but if they had positioned this there, you could not drive over it. So, that was my main concern when they said you would never be able to drive through that area. That's one of the things that we talked about. Is this still going to keep the noise down? I mean, is this far enough away that none of the mechanicals noise will feed over?

Dan Dowell: Yes.

Commissioner Mosby: That was my biggest concern.

Dan Dowell: Yeah, it will not adversely affect any of the noise concerns in the building, especially because we're putting in dual pane glass in the windows, that's going to, in itself, help keep the noise down. That's, I mean, it's nothing material, I just wanted to make you aware of it. Actually, I'm glad that you caught it when you did, because we were, about two days later we were going to start digging, or three days later, so.

Commissioner Mosby: Did John have the plans?

Dan Dowell: Yes, John Stoll did—

Brent Robertson: I had talked to John—

Commissioner Mosby: I knew he had a set at one time.

Brent Robertson: —about it, and also Pat Seib (Inaudible) parking lot design, and we came up with that plan (Inaudible).

Commissioner Mosby: That's what I was wondering if that was their design. Okay.

President Fanello: Do you have any questions, Suzanne? Does that sound okay with you?

Dan Dowell: The last item we have is really, well, let me back up a second, I failed to mention something. As, Catherine, we talked yesterday, the decision on EUTS going in the building.

President Fanello: I spoke with Dave Rector yesterday afternoon, and I know EUTS was checking into looking at another facility to rent space.

Dan Dowell: Okay.

President Fanello: All that has to do with the Health Department moving, and really we need to have the Mayor's decision on where Human Relations is going to go. So, what I think Mr. Rector is trying to do is set up a meeting with the Mayor, hopefully, next week, so I might have more information to bring back to the Commission—

Dan Dowell: Okay.

President Fanello: —about that. Then Rose will need to go to her respective people and talk about her move, so.

Dan Dowell: Just for your information, we've got all that equipment and that work in that area on hold right now until you reach that decision.

President Fanello: Okay. As it is, as soon as I know, then I can report back to this board what the Mayor has decided as far as Human Relations. But, really we need, both entities need to make decisions quickly, because the Health Department is, obviously, moving out of here pretty quickly.

Dan Dowell: Thank you. The other thing is just a discussion on the windows. There has been several comments on those windows remaining operational, being able to open and close. We have some significant concerns on those windows remaining to stay operable. During the contract negotiations we did point out that putting in dual pane windows are going to make those windows significantly heavier. We really recommend that those windows do not continue to be operational. There is really no reason for them to remain operational. They are heavy. I've got a list of concerns there we have about making those windows operational; safety for the public, safety for the inhabitants, because the sill heights are so low. We don't need it for egress in and out of the building. We are ventilating the space by mechanical means now, which means we are treating the air that comes into the building. If you open the window on very humid days, you are going to allow unconditioned air to come into the space and continue some of the degradation on the plaster, and we've really got to stop that. So, I would really like to have those windows, I would like to seal the windows up, is what we would like to do. We're still continuing to get infiltration around the sides of the windows, because they just don't fit as tight as they originally did. I think it would be in the best interest of the county and the building inhabitants to get those windows completely refurbished and then seal them in place so that they don't open. Each of the individual rooms will have room control on them, and individual units. So, to maintain the temperature or the comfort in that space, you'll use the mechanical cooling or heating equipment to do it, not opening and closing windows. I think, some of the conversations that we've had with the tenants in there that they wanted the windows open and closed is because they have not been able to control that environment in the past. But, if you do continue to open and close those windows in the future, you're going to overtax that heating and cooling system, and the system is going to get out of balance and not operate the way that we intended. So, I think it's something that you should take under consideration, and maybe Monday night we need to talk about it. But, it doesn't slow down the project at this point right now, I just, I think it's something you need to take under consideration on the windows.

President Fanello: Does anybody have any questions about that?

Commissioner Crouch: What are the arguments for making them able to be opened?

Dan Dowell: They operate now is really the only justification to keeping them operating.

Commissioner Crouch: It doesn't have anything to do with the historic nature of the building?

Dan Dowell: No. Some courthouses, equal in age or close to the age of the building have actually removed their wood windows and put in aluminum clad windows. So, I think what this Commission has decided to do with those windows is far less intrusive to the historic nature of the building than completely replacing them. You may recall that we looked at several different options on those windows. We looked

at completely tearing them out and sending them to a company in Kansas City and rebuilding them. Every other option was significantly more costly than rebuilding in place. It maintains the historic vision of the building. It maintains the historic nature, because you're leaving the same structure in place. I don't envision that it does anything negative to the historic nature of the building. We're maintaining everything as it is.

Commissioner Mosby: When you say seal the windows, are you just talking about putting a stop on it, just so?

Dan Dowell: What I would really like to do, Commissioner Mosby, is set the windows in place. Some of the larger windows have a very large span of glass, and the upper sash you can see, even with the single pane of glass right now, over time that lower sash has started to sag because of the weight. Now that we've put this second pane, or a dual pane glass in there, what I would really like to do is close the windows and push those sashes back up where they're supposed to be, and mechanically fasten them together so that we can support that upper sash, because of the significant new weight that's on. That's only specific to some of the very large windows where we've witnessed that, would you agree, Brent?

Brent Robertson: Considerable—

Madelyn Grayson: Brent, can you make your comments at the mic, please?

Brent Robertson: What we've observed is a considerable amount of the windows, especially on these sashes that have been replaced, maybe 20 years ago—

(The meeting was interrupted by a disturbance in the adjacent County Commission office.)

President Fanello: Go find out what's going on next door.

Commissioner Crouch: Call security.

President Fanello: Can you call for security? Don't go in there, Tammy, go over (Inaudible).

Commissioner Crouch: Does someone have a (Inaudible)?

President Fanello: Go into the Mayor's office.

(Tape was temporarily stopped until the meeting resumed.)

President Fanello: Maybe we should take that part under advisement until Monday. Is there anything else that you need?

Dan Dowell: Let me, Brent, anything else? I think that's got the majority of it. You know, progress is going well. I know the Commissioners got an opportunity to walk through the building. This project is going to significantly address major concerns that you have in the building.

President Fanello: Okay.

Dan Dowell: There are some items that will be left, as you guys know, we discussed some of them during our walk through, and you can do those at a later date. I continue to invite the Commissioners at any point you want to take a visit and look at the progress over there, we would be glad to facilitate that for you.

President Fanello: Maybe if you could let us know when you reached kind of a milestone—

Dan Dowell: Sure.

President Fanello: —and then that way each of us can take another walk through.

Dan Dowell: Sure. Thank you.

President Fanello: Thank you, Dan.

Brent Robertson: Do you want to hold on to these?

President Fanello: I don't think we need to. No, I think we've seen them when we've been over there. I'm going to go ahead and take Mr. Foster, he needs to get to court.

Election Equipment Certification Update

Mark Foster: Thank you. I'm Mark Foster, President of the Vanderburgh County Election Board. Just an update on our voting equipment. I was forwarded the letter by Ms. Barnett, and I do have a correction in my reply to that, and that is where I refer to Wythe, it is actually Wyle. It got mixed up in the dictation, but, anyway, it is Wyle Laboratories. The other lab that is doing the certification is Ciber, and John Groh, who is the Vice President of ES&S has been giving us updates. Last week they did the hardware with Wyle. This week they are doing the firmware with Ciber. So, I mean, as we speak they are actually testing this equipment, and I will read the paragraph from last Friday in the e-mail:

“The Wyle hardware ITA functional qualification testing is now complete for 2.5. We have successfully passed all aspects of the exam on the iVotronic Model 100, and Model 650. The test went very well from end to end which is evidence of the tremendous preparation of all involved. At the conclusion of this portion of our road to having a 2002 compliant system, Jim Dearman, Wyle Labs, indicated, “There were no functional anomalies in any of the tests.” We have one outstanding item to clarify for Jim, but expect to have a progress letter from Wyle on the results of this week's activities by September 15th. We kick off the second half of the ITA qualification process with Ciber on Tuesday of next week. We are halfway there. “

So, it appears that the hardware has been passed. They're just now doing the software on the 9.0. Again, the 650 is important to us, because that's what we're going to use to tabulate our absentee ballots. We did have a meeting on August 26th in Indianapolis with the State Election Commission, and Mr. Groh was there and advised them what their contingency plan was. As of right now, we have, we're working on dual tracks. We have a drop dead date of September 22nd. We will know on September 22nd exactly what equipment we're going to be voting on in November,

but that's too late to start getting ready. So, what we're doing is, we're preparing as if we're going to use the iVotronic, and it's going to be certified, and we're going to run the election just as we expect. However, if, for some reason, during these two weeks of testing we have some problem with the certification, we are also preparing that we're going to have the election in November on the M100, the optic scan system, which is the same system that we used to tabulate the absentees last election. Right now we're working dual paths. Everything that's supposed to happen on one system is happening, everything that's supposed to be happening on the other is happening on the same days, as if we're running two different elections. It's a lot of expense and effort on behalf of ES&S, but, obviously, they've put themselves in this position to have to do that. On, we've given the date of September 22nd, at that time we will know if the iVotronic and 9.0 is not certified, we will be voting on the M100. So, hopefully, by next week we're going to have an answer, but, again, it's not in their hands, it's in these laboratories' hands, and there's only one laboratory in the whole world that can certify the hardware. There's only one laboratory in the whole world that certify the software for the Federal and State Election Commission. So, that's what we're waiting on is that certification. On behalf of the Election Board, we are very happy with what ES&S has done up to this point. Once the problem was brought to light, they have really stepped to the plate and thrown basically everything they have at this problem. We're confident that they're doing all they can. Again, it's out of their hands, it's in the laboratories right now. So, if you have any questions I would glad to answer them.

President Fanello: Is September 22nd, is that an Election Commission meeting, or that's just a—

Mark Foster: We do not, I don't think we have a meeting scheduled that day, but we're going to schedule one shortly thereafter, because we do have to make that decision.

President Fanello: Okay.

Mark Foster: That is the date they're going to tell us—

President Fanello: Okay.

Mark Foster: —that's the date we've all agreed is kind of the point of no return. You know preparing the M100 is not that bad, because we have to do that anyway. I mean, all of our mail in and voter board, travel board absentees are done on the optic scan. So, we have to do that anyway. So, you know, preparation of those ballots and everything, it's just that, you know, we don't have to do as many if we're only going to do the absentee versus the entire election. So, but at that point we have to make a decision one way or the other and get the training, because, even if we use the 9.0 there's going to be some minor changes that we're going to have to train our poll workers on. There's a zoom feature that they have to option, and it's all to become 2002 compliant. So, there's a few changes that we're going to have to train the people on that used the equipment in May. However, if it's the M100, it's basically a whole new system that we're going to have to train everybody on that, too. So, we need to know by then exactly how much time we're going to have to devote to the training of our poll workers. So, that's kind of the point of no return. Once we have that date passed, we will know exactly, you know, what equipment we're going to be voting on. Again, you know, they have stated for the State Election Commission there are enough M100's in this state to run, there is four counties in our same position, or we're one of four, three others, and there's enough M100's in

the state right now to put on the election. So, they've made that statement to the State Election Commission. So, we're confident that they will provide us with certified equipment to run the election. It's just what system are we going to be using.

Commissioner Crouch: We have, our next construction or progress report meeting is on the 23rd, would you be able to advise us, be here and advise us as to—

Mark Foster: I would be glad to.

Commissioner Crouch: Thank you.

Mark Foster: If I can't, I don't have my calendar right here handy, but if I can't I will make sure that somebody is here on our behalf to advise you of what's going on, because that is the date we will make, we will know something.

President Fanello: Thank you, Mark.

Mark Foster: Okay, thank you.

President Fanello: Sorry to hold you up.

Mark Foster: Oh, that's okay.

Madelyn Grayson: Mark?

Mark Foster: Thank you for taking me out of order.

Madelyn Grayson: Can I have a copy of that e-mail for the record?

Mark Foster: Yes.

Madelyn Grayson: I can get one back to you if you need that back. That will help me in transcribing.

Road Project Update & County Engineer Department Head Report

President Fanello: Next item on our project update is road projects, and we'll go ahead and take Pat Seib. Just go ahead and give your regular department head report under there as well, if there's anything you need to take care of, take care of these at the same time.

Pat Seib: Good morning, Patrick Seib, Assistant County Engineer. The first item that I have is a change order number one for University Parkway for an increase of \$17,481.69. Twenty percent of this is going to be the county's share of the cost. The first item on there is for asbestos removal. Asbestos was found in one of the houses that we demolished for the project. The second item, a Country Mark oil pipeline was found during excavation that had to be removed, and the remaining items, three through five, were included on the plans, but they were omitted from the itemized proposal and the bid documents.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: My next item is to recommend approval of an amended street plan for Havenwood Meadows Subdivision. The amended plan calls for lengthening road number eleven by approximately 20 feet, and adding a slight horizontal curve to it.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: You do recommend approval on that?

Pat Seib: Yes.

Commissioner Mosby: Okay.

Pat Seib: This next item is to recommend approval of a partial sidewalk waiver for Carrington Meadows Subdivision. The handout shows where the sidewalks are planned to be installed.

Commissioner Mosby: And John recommends this. I forget why. He told me.

Pat Seib: I believe he said the developer already had a network of sidewalks out around one of the outlet areas, and he was just including those sidewalks in there to give the residents on the cul-de-sacs access to the trails.

Commissioner Mosby: Okay, that's what he said, something about trails. I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: My next item is to recommend approval of a request to close Ridgecrest Drive for a neighborhood block party between Twickingham Drive and O'Hara Drive in Melody Hills Subdivision between 4:00 p.m. and 9:00 p.m. on Sunday, or Saturday, October 9, 2004, with the condition that emergency vehicles will have access to the affected area.

Commissioner Crouch: Kevin, is that—

Kevin Winternheimer: No, I don't have any problem with that. We do those occasionally.

Commissioner Mosby: I make a motion to approve, if there's no other questions.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: This next item is to recommend approval to release Bernardin Lochmueller and Associates from the property management responsibilities for section three of

the Lynch Road project. They have fulfilled their contractual obligations and are requesting a written release.

Commissioner Mosby: Motion to approve release.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: This next item is to request approval to send John Stoll's letter to IDEM requesting a 90 day extension for the submittal of part C of the storm water quality management plan. He wrote the letter in response to IDEM's announcement that they will grant 90 day extensions to those agencies that request them.

Commissioner Mosby: Motion to approve letter.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: My last item is the project status updates. For the Bromm Road culvert, right-of-way negotiations are continuing with the affected property owners. For the County Line west project, a draft of a right-of-way engineering agreement has been submitted for the amount of \$32,400. The Jobe's Lane project, construction is continuing. Vectren will be seeking a reimbursement of approximately \$6,800 for the relocation of their gas line that conflicts with the project. A determination will have to be made as to whether Vectren's relocation is reimburseable. Green River Road extension, the preliminary field check was held on September second, and utility relocation plans were discussed with the affected utilities. A few design changes will be made to the plans, and they will be resubmitted for a final review. Lyle Road, an agreement was signed on August twenty-third with Environmental Management Consultants, Incorporated to do the wetland delineation study. They expect to have the results of their study to me by next Monday. On August twenty-fourth a proposed out-of-court settlement offer was sent to the owners of the right-of-way parcel that is currently in condemnation. The proposed settlement was not accepted by all owners, so the condemnation suit will continue. The hearing to appoint the court appointed appraisers was rescheduled from September 7th to September 10th at 10:00 a.m. All of the paving for Lutterbach Road project was completed on September 1st. Phase three of Lynch Road, the right-of-way certification letter was submitted to INDOT, changes have been requested on the draft construction inspection agreement. The construction agreement between INDOT and Vanderburgh County has been submitted to the County Attorney for review. Mt. Pleasant Road, the notice to bidders was signed and the project is currently out for bids. The requested railroad agreement revisions have not been approved by CSX, as of yet. On the Rodenberg Avenue culvert, an amended deed was sent on August 25th to the owner of the one parcel of right-of-way that is needed for this project. Right-of-way negotiations are continuing with the owner. Rule 13, a letter was sent to IDEM on August twenty-fourth indicating that Vanderburgh County's position is that water sampling and testing is not required for compliance with part B of the regulations. A letter requesting a 90 day extension for the submittal on part C will be sent to IDEM. University Parkway, change order number one was submitted for approval. Eickhoff Road between Lloyd Expressway and West Terrace will be closed for 90 days beginning September 13th.

President Fanello: Any questions for Pat? Thank you. Tell John thanks for this, this is really nice.

Pat Seib: I'll do that.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. Wednesday of last week I received the first set of plans for the future lazy river. I've given each of you County Commissioners a set of plans for review, and I've also given one to John Stoll for his review. If you have any questions, I'll try to answer them. I'm still sifting through it myself. There's a lot of stuff there. When John gets back I intend on getting with him and going through all the, what I consider engineering parts of it, and make sure they're in compliance with the state of Indiana. Because I noticed that they had them according to all the Connecticut laws. I don't know if theirs are the same as ours or not. So, we will go through that.

President Fanello: That raises a good question, Kevin, what do they...I mean, since the Indiana seal won't be on there, is there any problem with accepting Connecticut's seal, the engineering seal? Do you want to check on that?

Kevin Winternheimer: Yeah, I'm not sure. They have to design it to meet Indiana codes.

Steve Craig: Right, I just had noticed in several places where it said, you know, this has been done to the something of Connecticut, and I don't know if that was just, you know, a slight of theirs where they were, you know, making it like accordance in what the national code is, because there is a national code. That's why I gave it to John so that he could look over it, and then we would send it to the State of Indiana for their approval.

Kevin Winternheimer: Yeah, he's probably going to have to certify it to the state standards.

Steve Craig: Right.

Kevin Winternheimer: They just may have been using a form that they use.

Steve Craig: That's what I think, and they didn't cross all the--

Kevin Winternheimer: And they didn't change it, yeah. So, you might give them a call about that, and try to clarify that.

Steve Craig: I've got one in for them already on it.

President Fanello: Any other questions?

Steve Craig: No. Then I had my report. The aquatic center is closed for the season. We had a very unusual season with a real warm May and June, and record breaking cold July and August, which is kind of the reverse of what we normally have. We still have a busy Fall. We have a very large picnic this weekend. Bristol-Myers is out

there, it runs about 5,000 people. We've got car shows and we've got tennis leagues, soccer leagues and that going, so, we will stay busy through the summer, or through the fall. Our batters cage and our miniature golf will stay open through the first weekend in October.

President Fanello: Thank you, Steve.

Steve Craig: Thank you.

County Highway

President Fanello: County Highway.

Rick Dickinson: Rick Dickinson, foreman at the County Highway. I don't know what to do, because--

President Fanello: Anything interesting to report?

Commissioner Mosby: Rick got called at 8:00 to be here.

President Fanello: Well, Dennis is out of town--

Commissioner Mosby: On vacation.

Rick Dickinson: Yeah, and Reggie had an emergency come up, so. There's really not nothing out of the ordinary. We're waiting, we're going to wait a couple of weeks and we're planning on doing Bromm Road, if we have the money left, but that's about all the paving we have left to do.

President Fanello: Okay. I talked to Dennis about the paving budget the other day, and he said they were on target right now, so.

Rick Dickinson: I know he does plan on, this fall when he gets back, we're going to get like two or three concrete crews together and try to take care of some of these subdivisions that are so bad.

President Fanello: Any questions for Rick?

Commissioner Mosby: No.

President Fanello: Thank you, Rick.

Rick Dickinson: Alright.

Commissioners Audit

President Fanello: Next item on the project update is Commissioners audit. Last Wednesday we received some additional claims from the Auditor's office, and I was out of the office Thursday, Friday and most of Tuesday. So, I can look at those today and pass those on to the other two Commissioners, and then we can kind of resolve that department on Monday, I think. I think we have covered everybody under department heads and project updates, except our CIO is here, and he can probably report back to us on the surplus computers.

Matt Arvay CIO: Surplus Computers

Matt Arvay: Matt Arvay, CIO. Commissioners last meeting asked me to go back one last time and look at the computers and make a recommendation. From a business perspective, as I said the last meeting, they don't have enough processor speed, nor memory, to really run in our environment. They were originally replaced due to the courts upgrade, the application upgrade. So, even if we would find some limited use, you start introducing support costs on older PC's like that, and with the new contract we are paying a per support call. So, I wouldn't recommend we introduce them back into the environment at all. The second aspect was to try to establish some dollar value to them, today's dollar value. So, I did a couple of different things, I talked to a Compaq reseller, they've been reselling Compaq's for twelve years, now the HP, they put a value of anywhere from like \$50 to \$100 on them, okay. That's if, assuming somebody would want to come in and bid on that. So, I don't recommend we go with an auction, you know, because it's going to take time to pull them out of the Old Courthouse, establish everything for an auction, and it would probably cost us more money in the long run. So, I would recommend you doing what you're doing, you ask the non-profits, you give them a certain date, a cut off date, if they don't want them by then, you recycle them. That would be my recommendation.

Commissioner Crouch: Would they have been worth more a couple of years ago?

Matt Arvay: It's possible, yeah. They depreciate over time. What that value would be, I don't know.

Commissioner Crouch: So, there are how many computers still?

Matt Arvay: There's 92 over there.

Commissioner Crouch: Ninety-two, and if we did auction them we could get possibly—

Matt Arvay: That's assuming people would want them.

Commissioner Crouch: —\$9,200, maybe.

Matt Arvay: Fifty to a hundred dollars is what, that is a rough estimate, and that's assuming that people would want to come in and go through that process.

Commissioner Crouch: I can't remember the last time we had a surplus sale. I don't know if you remember, Bill, what that cost was?

Bill Fluty: We've had two. One in, I think it was '97, and we also had one in, I think 2000, in the Fall, and they brought in different amounts. I remember \$3,800 on one, and I don't remember what the other one brought in, but they actually did have those two sales.

Commissioner Crouch: Do you remember what the cost was for an auctioneer?

Bill Fluty: I remember one that I think he was taking 20% of what they sold that day. I think that's what I remember.

Commissioner Crouch: I don't know if there's any merit to maybe holding off on this disposing of these until we see what we end up with the Health Department and Tammy has an opportunity maybe to look at the County Highway and see if there is enough accumulated to perhaps warrant an auction, you know. I don't know.

President Fanello: I just don't think the computers are going to bring anything, when somebody can get on the Internet, you know, somebody gave me a printout over the Internet you can buy a new computer for \$99.

Matt Arvay: Absolutely.

President Fanello: You know, and I can't imagine anybody around here wanting to come out and bid on these computers. If they did, I can't imagine they would even go up to \$50.

Matt Arvay: I agree with you, but that's just what I got back.

President Fanello: Just talking with people out in the public, they were like—

Matt Arvay: Going to the Internet, it's hard to even find those specifications. The one was like a hundred dollars, but it had a lot more memory than these things have. So, it's really hard to actually put a real hard value on them, but I would recommend just let the non-profits have one last shot at it, and then recycle them. But, like two years ago, I don't know what they would go for.

President Fanello: And two years ago we were told they were worthless, so. I mean, just talking with different people in the industry and in the public, I mean, a computer's life is three years—

Matt Arvay: Right, exactly.

President Fanello: —and those computers were, what, bought in '98 or '99?

Matt Arvay: Yeah, the original were '98 and '99, and then in '02 they were replaced.

President Fanello: Right, and they were, what, 350, what was the speed on them?

Matt Arvay: Oh, yeah, 333 megahertz, 216 out of the 238 are 400 megahertz or less.

President Fanello: Yeah, now you can get 2.4 gigahertz for—

Matt Arvay: Up to three gigahertz, I mean, it's—

President Fanello: So, I mean, I really think that on equipment like that, I think it would be great if we could offer it to the not-for-profits. You know, I don't even know if they have enough money to upgrade them to what they need to use them for, because when it was reported to us, you know, two or three years ago when the Clerk and the judge and ACS had conversation with Council, and it's all in the minutes, you know, the estimate to upgrade those to even make them useable were \$612 per computer. So, I can't imagine anybody in the public wanting to come out and bid \$50 for it, and then going out and paying \$200 or \$300--

Matt Arvay: Exactly.

President Fanello: –or whatever it would cost to upgrade it for whatever they want to use it for.

Matt Arvay: It would be painfully slow.

President Fanello: Exactly.

Commissioner Crouch: When we had our surplus sales before, did we offer computers? Did people bid on them?

Bill Fluty: Somebody told me they bought one for \$25, but I don't know what was offered at that particular sale. They used it, and they are still using it, I understood that, but that was in the 2000 sale. I think I've been to State Board of Accounts meetings, and I think what they like to see is that they're offered for sale, and then go to surplus, so that we're not making a decision whether they should be sold or not. If that money returns to the...it was paid for by tax dollars, and then we try to recoup as much as we can, and then go to surplus.

President Fanello: Well, why don't, Tammy, you complete your inventory, and we'll get a complete listing of what all items are in inventory, and we maybe talk to an auctioneer, but I'm really 95% hesitant that that's even a profitable way to go for us, or even an efficient way to spend our time.

Matt Arvay: That's my recommendation, so.

President Fanello: It's just, they're worthless at this point.

Matt Arvay: Any other things you want me to do with the project?

President Fanello: I would just say, Tammy, if you could work on that the next couple of days, and come back Monday night with some information, but it would be my thought, you know, that we...I think, what, the computer recycling day is, what, September 23rd? Is it September or October?

Tammy McKinney: I think it's October.

President Fanello: October, okay, so, that would give us enough time to let any not-for-profits know about them, and then give us enough time to know what the Health Department's bringing down to us. I don't know if they're bringing computers or just furniture.

Tammy McKinney: I think they are. I think right now they're taking all the information off their computers.

President Fanello: Okay, so, maybe, Matt, I mean, those computers, I don't know how old those computers are.

Matt Arvay: Okay.

President Fanello: Now, those computers might be a different story, maybe there are some in there that could be auctioned off.

Matt Arvay: I could review that.

President Fanello: Why don't you work with them on that to see what...it could be that we auction those batch off, and we get rid of this batch that we have, but-

Matt Arvay: Okay. Just one other FYI type thing. I have set up a meeting with some certified network engineers on Monday to start looking at and reviewing the IT plans for the new jail, just to kind of let you know we're starting to look at that-

President Fanello: Good.

Matt Arvay: -system in that area too.

President Fanello: Thank you, Matt.

Commissioner Mosby: Thank you, Matt.

President Fanello: Well, why don't we talk about that on Monday night, but why don't you call, Tammy, and get some prices from auctioneers and see what they-

Public Comment

President Fanello: Okay, any public comment out there?

Old Business

President Fanello: Old business, I have a meeting with Kent Irwin on September 14th. He's going to come in here, and I think he had some more questions that he wanted to ask department heads, so, hopefully, he'll be wrapping his work up over the next two or three weeks. AIC, just a reminder, I'm going to pass around the volunteer work sheet, and if both of you, each Commissioner could pick some times that they could volunteer. There's a lot of different times and days on there, and it doesn't really require a lot of time, but Patty is going to work on getting the rest of the volunteers, just knowing from who, people that have called in and said that they're going to come to the conference, and they would be willing to volunteer, so we're going to work on getting all those slots filled. So, that's all I had for old business, unless either Commissioner has anything.

New Business

President Fanello: New business. I think the only department head report we have is County Attorney, if he has anything.

County Attorney

Kevin Winterheimer: I don't have anything in particular, excuse me, other than you did ask me to look into the Burkhardt Road TIF matter. I talked to, the name escapes me at this moment, a person from the Local Government Finance on this, and they said that as you get outside the TIF district, they look harder and harder at any decision to use TIF money, but didn't rule it out. I looked at it, and gathered a few facts on this. On the one project it will extend, the road project will extend from Lynch Road, it's Green River Road, Lynch Road north to Heckel Road, and that then touches or borders on the northern boundary of the TIF district out there, and talking

to John Stoll, out there you've got numerous new developments that have occurred out there, big population growth, also just north of Heckel Road you have the new Goebel Soccer Complex. I talked to Gail Riecken, the Parks Director, and she said that facility alone will generate at least 25,000 or more patrons a year, and could quite easily be more. They have ten soccer fields out there, and soccer is not quite a year round sport, but just about, and with the number of tournament games and so forth there, that's an area, particularly when they have the tournaments, they have tournaments that would draw from the Midwest, you would have people there who, I would think if they had an easy way to get to the businesses in the TIF district, I think they'll do it. I'm not a soccer person, but in a soccer tournament, you may be playing in the morning, you may be playing in the afternoon, you may be playing the next day. So, you've got free time. I think if you had easy and safe access to that TIF district, those businesses will benefit by improvements to Green River Road. So, it's my opinion on that one, I think that you can make a very good case for the fact that improvements to Green River Road between, excuse me, between Lynch and Heckel would benefit the TIF district itself. As you get further out, the Millersburg Road intersection is about another mile beyond that, if memory serves me correct or so, and, so it gets harder and harder to justify those types of improvements. But, I think that an excellent case can be made for the first project, Lych Road north to—

President Fanello: So, you're really saying the Millersburg one probably doesn't—

Kevin Winternheimer: I'm not saying you can't, I'm saying it becomes more and more difficult to justify it the further and further you get out. You know, you can make an argument for that, whether or not that would get approved, I don't know, or if some would object to that, but I think the first one is an easy decision to make, as far as using that TIF to improve Green River Road.

Commissioner Crouch: Refresh me on the process, Kevin, that we would have to go through in order to use the TIF money for the Millersburg Road.

Kevin Winternheimer: The Redevelopment Commission would have to approve that. We did this on Lynch, if you remember, extending that on out to the, I remember, to the Warrick County line. A similar rationale was used, that it was close to the TIF district, and by improving that we would bring, make easy access for the residences and businesses, what have you, in Warrick County to access the TIF district by making those improvements. I think, because of the big population growth and other factors out there you can make that same argument on Green River Road. It would, the Redevelopment Commission would have to approve that.

President Fanello: They met on the Green River Road one too.

Kevin Winternheimer: Yes, they approved that one. I mean, on the, I'm sorry—

President Fanello: Yeah.

Kevin Winternheimer: They would have to approve that.

Commissioner Crouch: (Inaudible. Mic. not on.)

President Fanello: Well, but Kevin, being the attorney for the Redevelopment Commission is going to go in and make the recommendation, I guess, about Millersburg.

Kevin Winternheimer: Right, my opinion would be the same for them.

President Fanello: I don't know if I really feel comfortable with taking the Millersburg out of the TIF district, personally. We can definitely, you know, ask that a Redevelopment Commission meeting be set up and you all can discuss it, but I personally don't feel comfortable with it. I think we ought to find other ways to fund it.

Commissioner Mosby: I mean, if Kevin doesn't feel comfortable with it, and he's going to make the same recommendation to the Redevelopment Commission—

President Fanello: He just doesn't sound like a real convincing recommendation.

Commissioner Mosby: —it was just a chance that, you know, it would be a possible way of funding the project when Bill and them said that we needed to look for other alternatives of funding, but if it's not legal, we won't do it.

President Fanello: When will John be back?

Kevin Winternheimer: I think Monday.

Commissioner Mosby: John will be back Monday, yeah.

President Fanello: Monday, okay. Well, we could talk with him and then talk about prioritizing the road projects, but I just really, personally, don't feel comfortable with Millersburg out of the TIF. It does, as Kevin said, it looks like it becomes harder to justify it the farther that we get out. Okay. Does anybody have any other questions on the TIF issue.

Gregg Baker: Gregg Baker, ACS. Did you get a chance to look, Kevin, at that contract, HP contract, that we talked about last time?

Kevin Winternheimer: No.

Gregg Baker: Okay.

Kevin Winternheimer: For Monday.

Gregg Baker: Okay. Thanks, that was it.

President Fanello: Anything else, Kevin?

Kevin Winternheimer: No, other than I intend to file, on the CCD, I intend to file an ordinance amending that, and adding in the section, three reasons...the county...under the state law you can have numerous uses for the CCD Fund. The county, when they adopted their ordinance, chose to go by the section two uses, which in summary are you can use it for improvements to buildings or projects related to buildings and that sort of thing. The question was asked about using it just for a road project, not connect it with a building. That is a permitted use under another section of the law, but the county did not incorporate that into their authorized uses of CCD Funds. So, we'll have to amend our ordinance, and add that section three for road projects, as you have asked about. I intend to file that tomorrow, let's see, this is Thursday, I've got my dates mixed up here. I intend to

file that tomorrow, adding that section three as permitted uses of those CCD Funds, and then at your consideration—

President Fanello: Well, I know they had funded—

Commissioner Mosby: He wants to stop you for a minute.

Kevin Winterheimer: Oh.

Brad Ellsworth: I apologize. Did anybody see, anybody in the audience see this guy come in and make a gesture like he was—

President Fanello: I looked back and he went, like that.

Brad Ellsworth: You saw that?

Dave Lyons: He came around this way and went like this, click, click.

Brad Ellsworth: I'm going to need, not right now, but I'll need to know who you are, and a detective will be contacting you and you, and Commissioner Fanello. I appreciate it. This is not his, this is a departmental (Inaudible).

President Fanello: That's good.

Commissioner Mosby: Don't tell me that boy (Inaudible)--

Brad Ellsworth: He's in jail now, so, but we'll need....I'll need to talk to Dave and Steve (Inaudible). Thanks, didn't mean to make you nervous, David.

President Fanello: Okay, what was I saying. I know that they had funded road projects out of the past out of CCD before we had gotten here, and I'm not sure if we have since then, but, I guess, there's nothing wrong with that.

Kevin Winterheimer: I don't know. I know—

President Fanello: It's state law, I guess.

Kevin Winterheimer: —by amending it, then it will be a permitted use, and then it's up to the Commissioners to decide whether or not they want to use funds for those types of projects or not.

President Fanello: Okay. I saw Tammy motion that she had something to say.

Superintendent of Buildings

Tammy McKinney: Yes. I have a late travel request from Commissioner Crouch to attend the Indiana Association of County Commissioners district meeting, that I need to add to the consent items.

President Fanello: Do I have a motion to add that to the consent items.

Commissioner Mosby: Motion to add to consents.

Commissioner Crouch: Second.

President Fanello: So ordered.

Soil & Water Conservation District

President Fanello: And do I have a motion to accept Soil and Water's report?

Commissioner Mosby: So moved. Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Consent items.

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Before I second it, do we need to speak to the Health Department, just on the record, say it's a single source vendor.

Kevin Winternheimer: Oh, yeah. I'm sorry. This, let me get this started while Sam's coming up. I was approached a while back by Peggy Groves, is that who it was? In conjunction with their move to their new facility, the Health Department is trying to utilize as much of their current furniture as possible. They needed someone to come in, take a look at what they have, what their needs would be, to design the best utilization for what they have, and then figure out what additional purchases they would need for their new facility. The only company that would do that was, and I hope I get the name right, Corporate Design, is that their company name? Corporate Design here locally, and, additionally, they are going to be purchasing some furniture, and what they have is a particular brand called Steel Case. Corporate Design, coincidentally, is the only authorized, I am told, vendor, here locally in the Evansville area, who is a rep for Steel Case furniture. They, because of Vanderburgh County being a governmental entity, Steel Case has offered the county a special discounted rate for purchasing these items of Steel Case furniture to try to match what they currently have. So, they are giving a special price, something we couldn't get if we went to individually buy it for ourselves, a special price for furniture. They are, they have designed the office space layout for the furniture, and they are going to be reassembling the furniture once it's moved to the new site, by the vendor, and putting in the new furniture. They are, in my opinion, a sole source, they are the only one's that would do all that. They are the only local vendor for Steel Case, and I can't imagine you could get a better price. They said the next closest one was Indianapolis, with people having to come down and all that, I can't imagine they could beat a local vendor's price on that, having to actually bring people to Evansville, and stay here and all that would be involved in that. So, it's a special price, and it appears to be a sole source vendor, in that they are the only one's that handle that kind of equipment, and the only one's that can do all those services for the Health Department. Am I right, Sam?

Sam Elder: Sam Elder from the county Health Department. Actually, most of that is modular furniture. For example, there by the finance officers, that's a large room,

and we bought modular furniture for that to give some privacy to the bookkeepers. In other words, there's four people sitting there at their computers, and they can't any of them see each other. You know, the noise thing is supposed to be absorbed, some of it, and those desks were attached to the panels that divided it. So, we have to replace the panels. We're not going to be able to use most of them, but the desks are attached to the panels, so, we have to buy two legs for the end of the desks, you know. We've divided it all up, and we couldn't anyways near purchase the furniture, all new furniture for what we can achieve by using the old and adapting it. You know, some of them they have to buy legs for, and they are the same company that we purchased these modular units from initially. There are a few pieces that we're going to buy new, so they'll all be consistent, but the majority of it is reworking what we already have. We don't have any choice, except to replace all of it. To be honest with you, we don't have enough money to replace it all.

President Fanello: We don't want you to.

Commissioner Crouch: So, because this is a unique situation, and a single source vendor, and limited resources, we do not have to go out to bid? It is alright for us to approve this.

Kevin Winternheimer: That's correct.

President Fanello: Thank you, Sam.

Sam Elder: Thank you.

Kevin Winternheimer: If you would do a motion to that effect, so that we have it on the record that you authorized it.

Commissioner Crouch: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. Now do I have a motion to accept all the consent items? Just noting that one travel request did come in after the fact, something we may want to address whenever we address our laundry list of issues with the claims.

Commissioner Crouch: Actually, I believe it could have been approved at Monday's meeting, because the deadline is the 13th.

President Fanello: No, this is for the....no, no, this is for the County Clerk's where they had already had the meeting up in Indianapolis. So, and then they turned it in this week. So, they've already been up there two weeks ago, I think, yeah. No, you were fine.

Commissioner Mosby: I'll make a motion to that effect.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Crouch: Oh, our next meeting, which is, would that be in two weeks?

President Fanello: Right.

Commissioner Crouch: Would the Commission entertain doing it in the morning at 8:00?

President Fanello: I don't have a problem with that. That's the 23rd.

Commissioner Mosby: Is that on the 23rd?

Kevin Winternheimer: I can be there, yeah, that's fine. Now, is that zoning night too?

Commissioner Crouch: Well, rezoning is on a Monday.

President Fanello: No, this is, yeah—

Commissioner Mosby: This is on a Thursday.

Kevin Winternheimer: Oh, you're talking about (Inaudible), I'm sorry.

Commissioner Mosby: Yeah, I'm open for that.

President Fanello: Do you want to...do you need to check your schedule?

Commissioner Mosby: I think I'm okay.

President Fanello: Okay. Alright. So, 9/23 at 8:00 a.m. Alright. If there's no further business, do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 9:40 a.m.)

CONSENT ITEMS:

Travel Requests:

Health Department (2)	DADS (1)	Election Office (1)
Perry Assessor (1)	Commissioners (1)	

Employment Changes:

Knight Assessor (1)	Supt. Of Bldgs. (1)	Circuit Court (1)
Area Plan Commission (1)	Burdette Park (1)	County Clerk (1)

Request for Service: Coroner (1)

Building Authority: Furniture Surplus.

Health Department: Furniture PO

Sheriff Department:

Community Corrections Mat Cleaning Contract with Aramark.
Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Tom Bodkin	Eric Williams
Sam Elder	Dave Rector	Dan Dowell
Brent Robertson	Pat Seib	Steve Craig
Rick Dickinson	Mark Foster	Les Smith
Mark Shireman	Matt Arvay	Gregg Baker
Brad Ellsworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 13, 2004**

The Vanderburgh County Board of Commissioners met in session this 13th day of September, 2004 at 5:33 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 13th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; Kevin Winterheimer, County Attorney; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of August 19, 2004 Project Progress Meeting Minutes &
September 9, 2004 Commission Meeting Minutes**

President Fanello: Do I have approval of the August 19th and September 9th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Amend Advertisement:
VC-026-2004: Towing Contract**

President Fanello: First item is permission to amend advertisement for VC-026-2004, towing contract.

Phil Lawrence: We need to move that so that the advertising dates are the 23rd, the 30th, and open on the 18th. Eric Williams and I have been going over some different changes that he wants to make, and I want to make sure that we get them all, so that you guys can see them before we put them out to the streets. So, Eric told me that I would have them in a day or two. So, you should have them Wednesday or Thursday, then we can put them out.

Commissioner Mosby: I'll make a motion for advertisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Open Bids for VC-14-2004: GVW Dump Truck,
Snow Plow and V-Box Spreader**

President Fanello: The next one is permission to open bids, VC-014-2004, dump truck and snow plow.

Kevin Winternheimer: I have some bids. Any from the audience? Seeing none, should I proceed to open them?

Commissioner Mosby: Motion to open bids.

Commissioner Crouch: Second.

Kevin Winternheimer: The first bid is from D-Patrick Ford of Evansville. Let's see, okay, they have a price here for a 2005 Ford F-550 truck, with body per specifications, \$46,388. Then they've got, let's see, some kind of axle fuel tank, it looks like, \$97. Both of these are adds. Dual alternators an add of \$285. The next bid is from Mills Truck Equipment of Evansville. Okay, they have a total bid cost of \$46,005. This, yeah, the Mills Truck Equipment, and is this a separate item, Phil? They've got an eight foot V-box spreader for \$2,990.

Phil Lawrence: Yeah.

Kevin Winternheimer: Could you look in that last bid and see? I didn't know, I thought I was just looking for a truck price. We'll get you one off of the other one if we can find it.

Elmer Miller: On Mills Truck, that is a total package price.

Kevin Winternheimer: That includes the...oh, I see. Okay, so, and your name is, sir?

Elmer Miller: Elmer, Elmer Miller.

Kevin Winternheimer: Elmer Miller from the audience says that that price includes the spreader, is that correct?

Elmer Miller: That's correct.

Kevin Winternheimer: Okay, well, thank you. Okay, the next bid is from Tri-State Utility Sales and Service, Inc. of Evansville. Okay, they have listed a total bid price of \$46,815. That was Tri-State Utility Sales and Service, Inc., is what's listed on the bid form, \$46,815. The last bidder is Town and Country Ford of Evansville. Let me find their total. They have listed as a total bid price, \$45,218.96. That's all the bids we have.

Company Name	Bid Price
D-Patrick Ford	\$46,388.00
Mills Truck Equipment	\$46,005.00
Tri-State Utility Sales & Service	\$46,815.00
Town & Country Ford	\$45,218.96

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: Thank you.

Berry Plastics: Training Fund Assistance Request

President Fanello: Next item on the agenda is Commissioner Mosby, letter from Berry Plastics, or letter regarding Berry Plastics.

Commissioner Mosby: Dorrie LoBue is here and is going to speak to that.

Dorrie LoBue: I'm Dorrie LoBue, Vice President of Economic Development for the Evansville Chamber. I've been assisting Berry Plastics in part of an expansion project that could possibly be pegged here for the Evansville facility. They wrote a letter asking for assistance in training funds. They were asking for \$100,000 to assist, to offset training costs. This particular expansion project will add 125 jobs over the next four years, and add over \$4 million to their annual payroll. Currently, their annually payroll is already \$31 million, and they employ 950 people. Capital investment is approximately \$63 million, which will be used partially for equipment, and some to add on to their building. I would ask that the Commissioners consider, any amount would be appreciated, just to show a commitment to their stability and their growth here. So, we do have a representative from Berry Plastics here that could answer any more specific questions, although I do have a pretty good overview of the project. If you want to know what other facilities are being considered, they have approximately nine other facilities that are under consideration.

President Fanello: Do you have any questions?

Commissioner Crouch: No, the question I have, perhaps of the Auditor, is if we could maybe get a printout or a detail on what monies in Economic Development, what they've been spent on? Is that possible?

Bill Fluty: Yes, I can do that.

Commissioner Crouch: So we can see, I know we've done training before, it seems to me that we have.

Commissioner Mosby: Yes, many times.

Commissioner Crouch: It would be, I would be curious to see what, if, you know, how consistent we've been with that.

President Fanello: So, are you wanting to take this under advisement for a week?

Dorrie LoBue: Is there other information you wanted us to provide? Other than that, you're just going to look at the reports?

President Fanello: We can put it back on for Monday.

Commissioner Mosby: Are you wanting a week to look at it? Is that what you're wanting?

Commissioner Crouch: Yes.

Commissioner Mosby: Okay. I mean, I don't have a problem with it. I've worked with Dorrie several times here in the last couple, three or four weeks, and this is very consistent to what we do with Vision-e when we look at prospects. Us doing training is one thing that helps, along with getting state money.

Dorrie LoBue: Yeah, there's new equipment involved. So, this is kind of a typical request. I don't think it's unreasonable at all to make it contingent on, you know, the decision being made in Evansville in a reasonable amount of time. I'm not sure, the last time I spoke with my contact at Berry, the board had not made the final approval for the Evansville site.

Commissioner Crouch: Has the city contributed at all? Are they contributing?

Dorrie LoBue: There is, I'm glad you brought that up, the city, the Indiana Department of Commerce has sent a letter of intent over to the Edge program, and when the Department of Commerce is involved, they want to see local commitment from the local government entities. The City of Evansville has sent a letter of intent to offer tax phase in, although I don't know if that's, what process that's in. I think it came on—

Unidentified: (Inaudible).

Dorrie LoBue: It has been for final approval, so. So, we're just trying to show local commitment here to the state, and also to Berry, to know that, you know, we appreciate their employment and growth here in Evansville.

Commissioner Mosby: It's really not inconsistent for the county to help in a case like this. I mean—

Commissioner Crouch: No, I think it's, you know, very favorable. If we could just take it under advisement until I can look and see what we've done in the past, maybe the past couple of years.

Commissioner Mosby: You make a motion.

President Fanello: You want a motion to—

Commissioner Mosby: I mean, is that a motion?

Commissioner Crouch: Yes.

Commissioner Mosby: Okay, then I'll second it.

President Fanello: So ordered. So, we'll put it back on for Monday night.

Dorrie LoBue: Next Monday? Okay, thank you.

Dennis Woehler: ONB Insurance: 2005 Health Insurance Renewal

President Fanello: Next item is Dennis Woehler, health insurance renewal.

Dennis Woehler: Dennis Woehler, ONB Insurance. This is one of the few times that I feel pretty good about coming in to talk to you about our health insurance renewal.

We have, aside from claims being lower this year, and, of course, claims are a two sided thing, one has a lot to do with your plan design, and, of course, the other has to do with the fact that we were due for a good claims year. So, plan design changes that were made three years ago have done the job that they were intended to do. We were fortunate to have a good claims year. We're looking at an overall increase of 6% on the county's health plan. That is half, or less, of the national trend, which is a very good number. The Midwest claims, in general, tend to run about 3 ½ % higher than the rest of the country. So, I think it's a tribute to some good leadership, and, hopefully, to your wellness program, and people taking better care of themselves, as well. We've managed, projected out here, to save over a million dollars in the last three years on what could have been if we didn't change, because we would have been looking at a 30% increase in 2003, and a 25% increase last year, and a trend increase this year. What helped this year is the fact that the whole picture looked a lot better. The county was, we had a couple of people who were interested in bidding on it that we didn't have before, which was a big, big help in negotiations with the current carriers. So, considering medical inflation, a 6% increase is almost a flat renewal, because medical costs are going up that much or more every year. I would, at this point, entertain a motion to accept the renewal. I've given each of you a report that kind of outlines where we went with it, who we looked at, what the trends are in the industry, and my recommendation would be to accept the renewal this year.

President Fanello: Does anybody have any questions for Mr. Woehler?

Commissioner Crouch: The policies and the plans are the same?

Dennis Woehler: Yes, there were no plan changes.

Madelyn Grayson: Dennis, do you have an extra copy of that report for the record?

Dennis Woehler: I do have an extra copy of it, if you don't mind the reports in the back not being in color.

Madelyn Grayson: I don't care.

President Fanello: If there are not questions of Mr. Woehler, do I have a motion to accept the renewal plans?

Commissioner Mosby: I would make a motion to accept the prices for 2005, and thank Dennis very much for the hard work I know you put into this.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Dennis.

Dennis Woehler: Thank you all very much. I'll get started on the paperwork.

**Resolution Requesting County Council Appropriate
Additional Funds into the 2005 Local Road and Street Budget**

President Fanello: Do you want to take the resolution right now, in light of that discussion?

Commissioner Crouch: If the Commissioners would be so inclined, in light of that great news, to pass a resolution. Basically, the resolution is stating that because the estimated insurance items came in less than what was proposed in the budget, and because County Commissioners are responsible for construction and maintenance of county roads and streets, infrastructure, and promoting economic development, that we would request that the County Council appropriate this additional monies into line items of the 2005 budget for road and street project, infrastructure, and promoting economic development. I present that in a motion for the resolution.

President Fanello: Does anybody have any questions?

Commissioner Mosby: I don't have any questions, but I would be glad to second that. It goes along, I think, with what we said a week ago Monday, trying to look for any monies available to keep, and I would like to see it go towards the Eickhoff-Koressel, if that's all we have the money for, because I know that project is in construction, it's a project that really can't be held up. If we can keep the second phase of that project moving, I would really like to see us go there first, and then use CCD money, possibly, as we said, to do some of the smaller projects.

Commissioner Crouch: I spoke to the Finance Chair, Mr. Raben, today, and he had indicated that they had built in about 13% for the insurance, and with it coming down to 6%, that should free up about \$300,000, he thought, possibly.

President Fanello: And I'll say so ordered, and thank you, Commissioner Crouch, for bringing the resolution.

Energy Systems Group: Old Courthouse Energy Savings Project

President Fanello: Next item is Dan Dowell, Old Courthouse project.

Dan Dowell: Good evening, Commissioners, Dan Dowell, Energy Systems Group. I think on Wednesday when we met on the construction of the Courthouse, I updated you on the status of a number of things. We made some decisions on floor tiles and some relocation of the chiller pit. We left you some information on the windows and the status of their repair for your consideration, then we got interrupted. So, I'm here to answer questions.

Commissioner Mosby: I'm watching the door.

President Fanello: Does anybody have anymore questions for Dan?

Commissioner Crouch: I think it's a good recommendation. This will in no way compromise our standing on the historic register by doing this?

Dan Dowell: Not in my opinion, again, Ms. Crouch. Based on what other courthouses have done to their windows, which is less intrusive to what you're doing, and they still kept their historical registry status, and/or was able to get it afterwards. So, I think the fact that you're maintaining the windows is a good step forward.

President Fanello: So, do I have a motion to accept Dan's recommendation.

Commissioner Mosby: I'll make a motion to accept the recommendation to close the windows.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dan Dowell: Thank you.

President Fanello: Thank you, Dan.

Building Authority: Centre Projects

President Fanello: Dave Rector.

Dave Rector: Yes, ma'am. I think you had tabled until tonight the Centre improvement projects we're undertaking.

President Fanello: Right. I saw this on my desk. Did everybody get that?

Dave Rector: Yep, everybody got that.

President Fanello: Okay.

Dave Rector: That's just an update of the things you had agreed upon a few months ago. We had talked last Thursday about your desire and the need for some matting on the outside of the building, like we've done here, to help keep the inside clean. That's certainly up to you all whether you think it's a good expenditure or not. I've found that here it helped us, but it's whether you think you want to go ahead and spend that much more over there or not with what we're doing.

President Fanello: Does anybody have any questions for Mr. Rector? Does anybody have a recommendation or a motion?

Commissioner Mosby: I make a motion.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Dave.

Dave Rector: I'll take care of it. Then you got the, while I'm still in here, you got the letter about the transport agreement.

President Fanello: Yes. Yes, I did, and we've got that on our agenda.

Dave Rector: Just to make it official that our board did agree to go ahead and move forward with that.

Madelyn Grayson: May I have a copy of that letter for the record. I don't think I have that. The transport agreement.

**Area Plan Commission: Resolution Adopting the 2004-2025
Comprehensive Plan for Evansville and Vanderburgh County**

President Fanello: Next item is Brad Mills, comprehensive plan adoption.

Brad Mills: Brad Mills, Area Plan Commission. We have submitted a changes document which would create a final comprehensive plan document for you all's review. It has been through Area Plan Commission. They have voted unanimously to accept that. After it comes to you all tonight, it will then go to City Council and Town of Darmstadt. I'm going to ask Blaine Oliver, my assistant, to talk a little more about the changes that we've made.

Blaine Oliver: Good evening. Before I get into the changes, I just wanted to update you on the status as to what has happened concerning the comprehensive plan since you got the draft copy of it way back in April. We held three public hearings on the plan in May. Two out of the three were pretty well attended. We got written comments through the end of June, and we got a lot of response on those as well. So, we did get some very good suggestions from the public on the plan. Then we went through a period of evaluating those, the input that we had received, and we wrote the changes document that Brad has referred to. Those are the staff recommendations from, you know, based on the public input, as to what changes we should make to the draft plan for you to consider tonight. We also put the changes document on our website so that it's been available to the public to look at. Now we have scheduled a second round of hearings to actually adopt the plan. As Brad said, we've already been before the Area Plan Commission, they've adopted it. After tonight we will go to the Town of Darmstadt tomorrow, and we will go to the City Council on the 20th, September 20th for adoption by the city. So, now I'll get into a little bit about the changes that we made. It's a nine page document that we have written describing the changes, so, I'm not going to try to tell you about every one, but I will first start with our land use map. Thank you, Brad.

Kevin Winternheimer: You might want to come up here, and use a microphone up here. Unless their eyes are better than mine.

Blaine Oliver: First I want to tell you about the changes to the land use map. Basically, the changes that we made were concerning the I-69 project and the impact that that's going to have. We got a number of comments from people that said we ought to extend our industrial corridor that we had planned to stop at about Baseline Road, we ought to extend that north all the way up to the county line. That's what we've done. The gray pattern, I guess you could say, is the industrial. We are showing some commercial development right around the interchange at State Road 57, and the plan does call for modification of that interchange into a full cloverleaf, if we can get the state to go along with us on that. Because right now that interchange does not tie into the Warrick County road system. So, it's not a full interchange. We also added some commercial development down here at Millersburg Road, and we're also planning a new interchange there. That was included in the EUTS long range plan also. That was adopted back in December of 2003. So, that's basically the changes to the land use map that we've made. We also made some changes in the policies and the text of the plan in regard to I-69. We added two sections, one in the general land use, about the land use impact, and we added some more text in the transportation section. We've added policies on coordinating with our neighboring counties, Warrick and Gibson in trying to come up with a regional strategy for the plan. Also working with them for all local governments involved in this area to try to obtain grant money from INDOT for local planning, and encouraging those counties to either update their current comprehensive plans, or develop a comprehensive plan if they don't have one, as is the case in Gibson County. Most of the suggestions from the public that were received were incorporated into the changes document. There were a few that we felt were beyond the scope of the plan, that we couldn't really do in a comprehensive

plan. Most of them were incorporated. Many of the suggestions were already in there in one form or another. So, but one thing I did want to point out is that we will be making some additional modifications to the plan that are not in your changes document, but those modifications will basically be just correcting typos, or rewording a sentence to shorten it or make it more direct and to the point, but not changing the actual text or substance of what the plan says. So, those changes, we didn't want to bother you with at this point in time. We also added other policies in response to the public's suggestions. I think there were 16 policies in total that we added. So, I can't, I'm not really going to go into those. If you have any questions, particular questions about any of the changes, I would be glad to try to answer them. Otherwise, you know, if there's any members of the public here that would like to speak, they should probably get a chance as well. So, at this time, I would like to thank everybody who was involved in this process. We're nearing the end of our comprehensive plan update procedure, which started way back in early 2001. Commissioner Fanello was very helpful, and she sat on a vision committee. That committee gave us a number of good suggestions, and they also provided, they wrote a vision statement for the plan. So, I would like to thank her in particular, and anyone else who was involved in any of the public hearings in giving us input.

President Fanello: Is there anyone in the audience wishing to speak to the comprehensive plan? If not, are there any questions from the Commissioners? Do I have a motion to adopt the resolution?

Commissioner Mosby: I'll make a motion that we adopt the comprehensive plan, and thank Blaine, and Brad and their staff and yourself for the work that's been done.

Commissioner Crouch: And I'll second and echo those comments.

President Fanello: Definitely. I like the changes I saw in here. They were very good. Thank you.

Blaine Oliver: Thank you.

Commissioner Mosby: Thank you guys.

First Reading of An Ordinance Concerning the CCD Fund

President Fanello: Next item is the ordinance concerning the CCD Fund. You have an ordinance before you Kevin has drafted to change, in light of the discussion that we had last week, or his report last week. So, I don't know if you have any questions or not. It's first reading. We just need a motion to pass it on first reading.

Commissioner Mosby: Motion to pass on first reading.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Excuse me. I might add that I would ask that it be placed on second reading. I've been in contact with the department of Local Government Finance, who we'll have to submit this to, and they are checking, I'm trying to minimize the amount of advertising and see what public hearings they think we may have. I keep telling them that we're not imposing any new tax, all we're doing it

expanding the uses. Because their first reaction was, well, you've got to go through the whole litany of procedures on establishing the fund. I said, well, the fund is there, we just want to use it for other things other than just building related matters. So, they haven't gotten back to me. If there's a change in that and they require public hearings, we may have to pull it. Otherwise, I would ask that it be on for a second reading next week.

President Fanello: And they're supposed to get back to you this week?

Kevin Winternheimer: Yes, they said they would.

Family Day Proclamation

President Fanello: Next item is family day proclamation.

Commissioner Mosby: Yes, this was sent to me by the National Center on Addiction and Substance Abuse at Columbia University. They launched this in 2001 as an annual event, and it asks for a proclamation. So, I got a proclamation that I would like to read and ask for approval. A proclamation of Family Day, September 27, 2004:

"Whereas, the use of illegal drugs and abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; Whereas, surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink, and use illegal drugs; Whereas, teenagers who virtually never eat dinner with their families are 72% more likely than the average teenage to use illegal drugs, alcohol and cigarettes; Whereas, teenagers who almost always eat dinner with their families are 31% less likely than the average teenager to use illegal drugs, alcohol and cigarettes; Whereas, the correlation between family dinners and reduced risks for teen substance abuse are well documented; Whereas, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; Whereas, family dinners have long constituted a substantial pillar of family life in America; Now, therefore, the Board of Commissioners of Vanderburgh County hereby proclaim the fourth Monday in September as Family Day- A Day to Eat Dinner with your Children."

This was sent to me by Columbia University, and I would just like to make a motion to approve the proclamation.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you.

Sigecom: Video Transport Agreement

President Fanello: Next item is the Sigecom video transport agreement. You should have a letter from Dave Rector in your packet, and then the agreement, which is at

no cost to the county. I don't know if, I think Kevin has reviewed this, and, I guess, you got all your questions answered, right Kevin?

Kevin Winternheimer: Yes.

President Fanello: Okay. Are there any other questions? Do I have a motion?

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. So, this will get us a little closer to televised meetings.

Public Comment

President Fanello: Is there anyone else in the audience wishing to address the board? Seeing none, we'll move on to old business.

Old Business

President Fanello: A couple of items. I did meet with Keith Bettinger and Will Fosse last week regarding what Suzanne suggested that they do over at the Old Courthouse. He said that they would try and get us a draft agreement this week for our packet next Monday night. I have a question for Bill Fluty. I spoke with Alan down at the State Board of Accounts regarding the housing of inmates, like you'd asked us to do regarding the medical. He said if the Sheriff already had a medical account they could buy it out of that, but I understand there's...you said maybe it should be bought out of the jail fund. Where we have the inmate, the Lodging of Inmate account. But, Alan had told me if the Sheriff already had a Medical account that it would be okay.

Bill Fluty: I did talk to Alan and Tom, and I think the first issue was that medical needs to be paid out of Medical, and lodging be paid out of Lodging. They did agree to that.

President Fanello: Right.

Bill Fluty: The Sheriff does have a Medical account, but they don't have any money in it.

President Fanello: Okay.

Bill Fluty: So, that's the problem. They've asked—

President Fanello: Is that in the General Fund?

Bill Fluty: In the General Fund. They asked for an appropriation....well, two things, when that did happen, we did a late transfer at the last Council meeting, which actually took \$25,000, if I'm remembering correctly, out of Lodging of Inmates that's within the jail project money.

President Fanello: Okay.

Bill Fluty: So, that–

President Fanello: So, that has been done.

Bill Fluty: –will let you pay that. Then he also did a late transfer from another fund inside the jail. We did that at that meeting, that day. I think he put, I can't remember the amount, but he does have money in two places to pay medical out of.

President Fanello: So, we should be okay.

Bill Fluty: That's correct.

President Fanello: Thank you. The other item you have is the summary of, some points from the audit on the Assessor's office. I gave each of you the checklist on two contracts, and I don't know if you have any questions on those. I think pretty much everything on here is self-explanatory. Just from reviewing claims from other departments, I think, and I gave you a laundry list of things that we need to look at from the other departments, or that I've seen as I've looked at claims over the past three weeks. You can think about those over this week, but I would like for us to come back over the next couple of weeks and make some changes to our purchasing policy ordinance, and also get a memo out to the departments to, hopefully, tighten up the procedures and address any questions that might be out there. There were expenditures that didn't have written agreements. There were written agreements that went over the contract amounts, and those are summarized on the checklist forms. So, each of you can review those, and I don't know if you have any questions or not.

Commissioner Mosby: Has the department head in this particular department seen this?

President Fanello: No, and I think it would be, I think what we should do, and I don't know how you want to approach that, but one of the things that I thought of was that each Commissioner meet with that office holder or department head, or we send them a report, and that maybe if you have any additional questions to ask them, based off of this report, I don't know how you want to do that.

Commissioner Crouch: I'm comfortable with forwarding the reports.

President Fanello: Forwarding the reports, okay.

Commissioner Mosby: That would be my recommendation, to forward the report, and forward along with it that this department do, basically, the same thing that we did, cancel purchasing anything until we get contracts.

President Fanello: Okay.

Commissioner Mosby: I mean, I think that's one of the biggest things we found in our department, and I would like to see that done in this department, and in any department that we know that there is not a contract. I think we ought to immediately quit buying until we come up with...I'm not saying we can't have a contract, but–

President Fanello: Right, you're just saying let's go get the written agreement, or come up with some type of letter of engagement.

Commissioner Mosby: Or if it needs to be bid, just get the bid.

President Fanello: On that laundry list, I mean, I think we're seeing lack of written agreements from a lot of departments, basically, maintenance agreements. I've seen some lease agreements that I'm not sure the Commissioners have signed. You know, so there's a laundry list of things here. I would like to talk to the Purchasing Department. I would like to see if there are more things that we can bid out in bulk items, like office supplies. I know we carry a certain amount of office supplies and (Inaudible) supplies, but I see a lot of different expenditures to different office supply companies, and I'm just wondering if there couldn't be a better solution to that. If we couldn't get better pricing. There were some services that I'm not sure if there are multi vendors exist for some of these services, but I would like to sit down and talk with Phil Lawrence and see if there's not more items that we can bid out or get agreements on. Do you want to make a motion to forward the report on to the department then—

Commissioner Mosby: I would make a motion to forward the report to the department head, and ask that they cease any type of activity until we get contracts or bids on the services provided.

President Fanello: Okay.

Commissioner Crouch: Second.

President Fanello: So ordered.

Madelyn Grayson: May I have a copy of that report for the record?

President Fanello: Sure. I'll get you one. That was all I had under old business. Does either Commissioner have any other old business?

Dave Rector: While you're under old business, I probably should ask you, I met with the cameramen last week on the televising. They're thinking of having one up in here that would be able to catch the full board, and one here that would get the podium and the audience. They're asking could the podium be more over here, so that this camera when panning (Inaudible).

President Fanello: I don't mind.

Commissioner Crouch: That's my good side.

Dave Rector: But, it does need to be over here. So, the (Inaudible) center focused now.

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

Commissioner Mosby: I don't have a problem with it.

Dave Rector: I just wanted to make sure before we started hanging cameras.

New Business

President Fanello: Is there any new business?

County Engineer

President Fanello: Department head reports, County Engineer.

Pat Seib: Good evening, Patrick Seib, Assistant County Engineer. The only item that I have tonight is regarding the Jobe's Lane sanitary sewer project. Last week the construction crew out there ran into some hard rock that they weren't expecting to hit. I talked with Greg Koberstein of Koberstein Trucking, and he sent me a quote per unit for what would need to be done on the project. A rough estimate of what he gave me was about \$14,000. We've already saved, in concrete we've saved \$16,000 on the project, so, with this there won't be any net change in the price. I just wanted to seek approval to move forward with the project, based on these quantity estimates. We will proceed with this as (Inaudible) project change order once we get the final volumes calculated.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Abstain.

President Fanello: Okay, and I will second, and say so ordered. I need to sign this one then? Do I need to sign this?

Pat Seib: No, that's just for your information.

President Fanello: I'll go ahead and put it in for the record, unless you need it back.

Pat Seib: No, that's fine. Are there any other questions?

President Fanello: I don't have any.

Commissioner Mosby: Are you going to address the Columbia Street deal that I met with you on the other day?

Pat Seib: I guess we can, if we're prepared for that. I guess, this is on the Spurling property out there on Metro Avenue, I believe, the plan that they had submitted to the Area Plan Commission. In there it calls for, they would not be dedicating right-of-way or constructing a portion of Columbia Street. I believe Brad Mills brought up the point that this would go against the long range plan to have Columbia Street go through.

President Fanello: Did John have a recommendation on this?

Pat Seib: John thought that while he would like to see Columbia Street go through, he isn't, he doesn't think that it's realistic that it will ever go through knowing that Columbia Street isn't going to cross over the interstate, and it won't ever get over to Green River Road. He said the best thing is that this is going to be probably a local access, interior street for the businesses. That Columbia Street is never going to be a thoroughfare like it was planned to be. So, he didn't have a problem with going ahead with the deletion of Columbia Street.

Commissioner Mosby: I guess, correct me, Pat, I had talked to John before he had his medical, is there sections of this that we don't even have easements or right-of-ways, am I wrong?

Pat Seib: I'm not sure exactly what all on there we do have. What we do have is, I believe, is pretty well fragmented through there, and I think that's why we don't think that Columbia is ever going to go through as it was originally planned. I think what Brad was wanting was just something from the Commissioners saying that, I guess, for Area Plan saying that the Commissioners didn't have a problem going against this plan that was probably passed in the late '90's.

Commissioner Mosby: '98.

Brad Mills: It was accepted in '98. It was something that the Commissioners at that time had requested a study for the area, a general layout of roadway network. It wasn't something that was actually adopted or part of an official thoroughfare plan. It's more of a recommended by your office for the roadway improvement. So, we didn't want to go against something that was recommended by your office here, without first bringing it to you.

Commissioner Crouch: Since this was just laid on our desk, I'm not...go over again what you're wanting us to do.

Brad Mills: Okay, basically, there is a developer that wants to put a large box indoor soccer facility right where Metro would be heading north from it's current terminus right now, which is near a new shopping center where they do pottery and a Chinese restaurant out there on Virginia. It would be right in the middle of where Metro goes, and also it would take up a portion of where Columbia would extend, eventually, from Kimber Lane, which is near the Los Bravos over there, over to Royal. Currently there's a huge ditch where Columbia would have been constructed. Obviously, it would take a lot of money to fill that in with box culverts or whatever would be required. The developer is wanting to remove this from the suggested roadway network to allow that development to proceed forward. So, we have met with the developer, I've met with Mr. Mosby, John had talked about it also, we've had this come through site review once before, and from my memory he had stated that from Kimber Lane over to where this development begins that we do not have the right-of-way there currently. So, that would have to be something that would have to be acquired as well. So, with it just basically extending from Kimber over to Royal, all you're going to have is a local roadway anyway, it's not going to continue over to Green River as Pat had mentioned earlier. So, what they had proposed, as you see on the drawing is basically to take Metro and tie it over to Royal Avenue, which would then work as a local road still, so. I believe we have the property owner and his engineer here if you would like any further clarification, or any questions of them as well. I'm not exactly sure (Inaudible)...need some help. Right here, this is where Metro ends currently, and this is the proposed Metro, and there was also some discussion about where this would tie in with the intersections up to the north. John had stated that he was kind of concerned that those intersections facing it would be too close together, and I think he wasn't real pleased with that as well. So, from what I understand, he's not opposed to it at all, because it's not going to really help us, it might create more problems as well.

Commissioner Crouch: There's a difference between being opposed and recommending. Is he recommending this?

Pat Seib: I don't believe he ever made that distinguishing language.

Brad Mills: I don't know that he said that specifically.

Commissioner Mosby: I don't want to speak for John, but, I mean, in my conversation with John, he mentioned the things, the same two or three things that they just mentioned. Number one, we don't have the land to connect it. Number two, there's a ditch out there that would be very, very costly to fill and try to build a road, which he didn't think would ever become possible. Number three, it would bring three intersections in down at the, wherever it comes out—

Brad Mills: Vogel.

Commissioner Mosby: Down at Vogel, and one of them would be within two or three hundred feet of each other, which he does not like. He said, so by eliminating the one does put a space between, and he was in favor of that. So, I kind of took it as he didn't have any problem with eliminating Columbia because we don't have the room to connect it. There's evidently been parcels fragmented off that have already been, there's no easement, and he said I don't foresee us ever having the money in our Road and Street budget to buy it back and pipe the ditch.

Commissioner Crouch: (Inaudible).

Commissioner Mosby: This year. The way he was talking, I'm not an engineer, but it was going to be costly, from what he was telling me.

Commissioner Crouch: You know, that all makes good sense, and I'm not objecting, but if we deviate from a plan, I always like to do it based upon the recommendation of the expert, which would be the County Engineer. Since no one will say that he did actually recommend it, I mean, you all can go ahead and vote on it if you're comfortable, but (Inaudible) recommendation, with all due respect.

Brad Mills: He never said that word to me directly. So, I, obviously, could not say that he did say he recommended it.

Commissioner Mosby: I'll make a motion this way, because I think it's of, isn't time of the essence to the developer? I believe, I mean—

Brad Mills: The developer's here, I mean, I don't want to speak for him. If you want—

Commissioner Mosby: I would just make a motion that we would pass it upon John's approval. I mean, we get a letter from John. I mean, if he has a problem with it, then we bring it back to the meeting next week.

Commissioner Crouch: I'm just going to pass on this.

Commissioner Mosby: I mean, it can die for lack of a second, it don't matter.

President Fanello: I don't have a problem passing it based contingent on John's recommendation. When will John be back this week, do you know?

Pat Seib: He should be back sometime this week. He's not for sure which day though.

President Fanello: Okay, I mean, is it something that needs to be, you know, is...going to site review.

Brad Mills: (Inaudible).

Matt Wallace: (Inaudible).

President Fanello: Can we get you two to come to the microphone, please?

Matt Wallace: I'm Matt Wallace with Morley and Associates. I'm the design engineer for the project, with contract with Hinderliter Construction, who's working with the owner and the seller of the property, Spurling Properties. The attempt is to create the facility and have it open for the start of the indoor soccer season, which begins in November of this year. So, time is very much of the essence to get the permitting and things in place so that they can break ground and get going on this. We filed for site review, and we went last Monday, and that was when these issues were raised, we set up the meetings last week with Mr. Mills and Commissioner Mosby, and I felt very confident that this was something that we would be able to move forward on. In my conversations with John, I never heard the word recommendation either, but I believe, as a realist, he understood that Columbia Street was not really something that the county could do, and it was going to be very difficult to obtain the right-of-way. I feel very certain that he would recommend it, if that was your motion, but he's never said that word to me either, so, I really can't jump in and say that. But, I would very much like if you could move it with his, to allow him to make that decision, whether or not he could recommend it, and if we could refile it for site review for this week. Does that seem agreeable to the County Engineer's office and the APC.

President Fanello: I'll second, and based on, or contingent on John's recommendation. I put a lot of faith in his recommendations, but if he seems to have any issue with this whatsoever, then I would ask that we come back here next Monday night. But, based on his recommendation, I'll second.

Commissioner Mosby: And I'll have my motion follow exactly what she said, and maybe clearer, but if John has any problem with it, that we bring it back here next Monday.

Matt Wallace: Okay, thank you.

President Fanello: Thank you.

Brad Mills: Do you want this?

Madelyn Grayson: Or the small one anyway.

Pat Seib: Is there anything else?

President Fanello: I don't have anything. Does anyone else have anything for Pat? Thank you.

Commissioner Mosby: Thanks, Pat.

County Highway

President Fanello: County Highway.

Reggie Haskins: Reggie Haskins, County Highway Department. I hope you received our reports. I don't have any new business.

President Fanello: Does anybody have any questions?

Reggie Haskins: I'm open for any questions.

President Fanello: Thank you. No questions.

Commissioner Mosby: Thank you, Reggie.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: The only matter I have tonight is relative to an easement, actually there's a permanent easement and a temporary construction easement. This is on the property over on Old Petersburg Road, the golf course area, and you approved the agreement at your last meeting, it's been approved by the utility board, and I have the two easements here for your signature. One's a permanent easement, and one's a temporary construction easement, and the only question I have, if you approve it is where do I drop the check for \$12,700 that they're going to pay you? I can run it to the office.

Commissioner Mosby: Eickhoff-Koressel fund. No, I'm teasing.

Kevin Winternheimer: If I could, I would.

Commissioner Mosby: I'm still (Inaudible).

Kevin Winternheimer: Do I bring that to the Commissioners office? Or give it to Bill? Where do we deliver the check?

President Fanello: Take it to the Auditor's office.

Kevin Winternheimer: Take it to the Auditor's office, okay. I would ask for a motion to approve the signature of the permanent and temporary utility easements.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Is that it, Kevin?

Kevin Winternheimer: That's all I have. Alright, thank you.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I've got several different items to address tonight. First is changing of a polling place. I believe you received a memo with my packet about, and I know we discussed this last week, about moving Center 5 and 11 from the United Methodist Church to the Volunteer Fire Department because of construction. Also with that, I placed a memo in front of you this evening about moving Ward 2, Precinct 2 back to the Duck Inn facility. I know I brought this up probably about a

month ago, and you wanted me to check on the liquor aspect of it, and coming back with the State Board of Accounts, or the Election Board they were okay with that, so that polling place is okay to use.

President Fanello: Does anybody have any questions?

Commissioner Crouch: Question on the Duck Inn, as memory serves me, and I know we talked about this at a meeting, that the Election Board actually recommended to this Commission that we move it from the Duck Inn because of complaints that were heard at an Election Board meeting. We did that, and it was, I think you had mentioned, Tammy, that we now were thinking about moving it back because we'd gotten complaints, Voters Registration had. I know Mrs. Carrier is here, could you come to the mic. and tell us what complaints you've gotten.

Connie Carrier: Connie Carrier, Voter Registration. It's not handicap accessible. I have pictures.

President Fanello: The Duck Inn is not handicap accessible.

Connie Carrier: No, ma'am.

Commissioner Crouch: Did Voter Registration receive complaints from the public regarding the New Birth?

Connie Carrier: Tony said there was a couple of complaints, and it was to the Democrat committeeman.

President Fanello: Is New Birth Christian Church, do they have any problems with us being there? Have they lodged any complaints about the polling place?

Connie Carrier: No.

Tammy McKinney: Now the complaints I got for that, that it was too congested because they had a daycare. We originally moved from the Duck Inn to the New Birth because of the question of the liquor status, and we changed it to New Birth, since they were already a polling place, and then we were trying to deliver all the, we had the issue of delivering of the election equipment, so we put it there so that would be one stop for them. We tried to move it, what was that other church, the name—

Connie Carrier: We have another alternative, the Nativity.

Tammy McKinney: Was it Nativity? I got a call from a pastor on Friday and they said that they didn't—

Connie Carrier: Tony said that they didn't want that.

Tammy McKinney: Right, and that they didn't want to be a polling place. So, now, I haven't heard anything about Nativity.

Connie Carrier: He said that he was going to recommend to you all that the Duck Inn is not handicap accessible, and to move it to the Nativity.

Commissioner Crouch: Tony was?

Tammy McKinney: Okay.

Commissioner Crouch: Is that what you mean by him?

Connie Carrier: Yes. He said he was going to tell you.

Tammy McKinney: Have you looked at Nativity.

Connie Carrier: Yes, we both did.

President Fanello: But, does Nativity want to be a polling place?

Connie Carrier: Yes.

President Fanello: They do want to be a polling place?

Tammy McKinney: I know they haven't contacted me, so, I don't know about Nativity.

Connie Carrier: I have a phone number for a lady named Nancy, 477-1738, waiting to see if you are going to approve it for tomorrow, for today.

President Fanello: I'm still not convinced why it still can't be at New Birth Christian Church. Nobody's told me—

Connie Carrier: Absolutely. I talked to Reverend Terry, and he said that he was fine with two polling places.

President Fanello: Okay. I mean, personally, I haven't received any complaints, but I get kind of nervous about moving these polling places around all the time—

Connie Carrier: Exactly.

President Fanello: —because it's very confusing to the people.

Connie Carrier: And this is a very big election coming up.

President Fanello: This is the one we had in the primary, right?

Connie Carrier: Yes, ma'am.

Tammy McKinney: Right.

President Fanello: Did we have it in the fall last year, I mean, last fall?

Tammy McKinney: No, I think it was at the Duck Inn last fall.

Commissioner Mosby: I was going to say, fall was at the Duck Inn.

Tammy McKinney: We just moved it to New Birth.

President Fanello: We just moved it for the primary.

Tammy McKinney: Right.

Commissioner Mosby: I did, I went out there during the primary, as a matter of fact, I stayed out there for about 30 or 45 minutes and the complaint I heard, and I don't know how big of an area they had to vote it, but people were saying that it was confusing. That was what I was getting from people, that it was crowded and confusing.

President Fanello: Well, maybe—

Connie Carrier: Here's a list—

Commissioner Mosby: I didn't go inside.

Connie Carrier: —from Count On Us of polling place accessibility survey, and it was one of the few who was handicap accessible.

Commissioner Mosby: I didn't say handicap accessible. I just said confusing. I don't know how much area was inside, because I did not go inside. Being a candidate, I wasn't going inside a polling place, but what I was hearing from people that were coming out is that it was cramped and confusing and there was not enough room. I don't know. The parking lot was full, but I don't know what it will be like this fall. But, they were expressing to me as I was standing there that just didn't like it being two polling places. That was the complaint I was getting.

Commissioner Crouch: Do we have pictures of the Duck Inn—

Connie Carrier: Yes, I do.

Commissioner Crouch: —showing that it's not handicap accessible.

Connie Carrier: Here is the parking lot. No handicap accessible sign.

President Fanello: I can't imagine there would be.

Connie Carrier: No curb cut to...I'm not sure which door it is, and here is two doors, we think this is the one they go in, there's no handle, and this one has a handle, but it's not wide enough.

President Fanello: How far is New Birth Christian Church from there? I can't, I can place churches in the area, but I can't place that one.

Tammy McKinney: It's like a block behind it or something.

Connie Carrier: You go down to Burdette and turn right.

Tammy McKinney: Yeah, it's not too far from it.

Commissioner Crouch: I agree with you, Commissioner Fanello, it would be too confusing, and with the Presidential election—

President Fanello: I just don't have a good reason, personally, to move it, so. I haven't gotten any complaints, but I can't see, I mean, maybe as far as if it's confusing for the voters to get in there and no where they're going, maybe we could ask the precinct or the people in charge to put up some additional signage.

Connie Carrier: I think it's in the gym.

President Fanello: Okay, so maybe we could just ask them to put up additional signage or something, but I just don't have a good reason in front of me to personally vote for it, but nobody's made a motion.

Tammy McKinney: It's whatever, I just want it to be someplace so I can do my ads.

President Fanello: Well, let's go ahead and take the, obviously we need to do the first one, Center 5 and Center 11, due to construction. So, do I have a motion to request, or to change that one?

Commissioner Mosby: I'll make a motion to approve that one.

Commissioner Crouch: Second.

President Fanello: So ordered. Does anybody have a motion on the other one? Ward 2, Precinct 2.

Commissioner Mosby: I'll make a motion that we hold it and find out if Nativity is a viable option.

President Fanello: Okay, let us know next Monday if Nativity...I still don't even know why we would need to move it to Nativity, personally, but, unless there's any major complaints about New Birth Christian Church.

Tammy McKinney: Okay, I can get that number from Connie.

President Fanello: Unless it's something earth shattering, but, I think we just leave it as it is.

Tammy McKinney: Okay, then also I have a couple of non-profits wanting computers and surplus equipment. So, I just wanted to put that before you, so that when a decision is made about the surplus items, we have that request. Then also Mr. Rector and I today went out to the Highway Garage and took pictures of surplus items that were out there, and then also in the basement. To just kind of show you the status of all the stuff that we have. Then also a memo attached to those pictures, the response that I got from a couple of auctioneers that I talked to.

President Fanello: So, your auctioneers that you spoke with, Sohn and Associates and Curran Miller, can you just give a summary for the record of what each of those—

Tammy McKinney: Basically, both of them said the same thing, that office equipment and old computers or surplus computers are not worth their time. In fact, Mr. Miller said with their fee and the advertising we would have to owe them more than he thought that we could get. Now I did receive from Suzanne today a list of, I don't know four or five companies that I'm going to contact to see if they would be interested in the items that we have, if that's suitable for the board. Then I can come back next week and see, you know, if they would be interested in the equipment that we have.

Commissioner Mosby: What kind of companies?

Tammy McKinney: Suzanne, do you remember? I printed it off and left it on the—

Commissioner Crouch: They are people that do buy, sometimes will come in and just buy in bulk, and then take parts. At least that's the information that was relayed to me. I thought that might be an option. State Board of Accounts does not require us to do an auction. So, if we can get someone to come in and just—

Commissioner Mosby: So, these people have contacted you and they are interested in this—

Commissioner Crouch: Someone contacted me and said these are people from the business they do, that these are people that actually will come in and buy stuff. They wouldn't necessarily know about it, because they wouldn't read a legal ad, but they might consider—

Tammy McKinney: I can make them a good deal.

Commissioner Crouch: I guess, my thought is if we can get someone who will take them, you know, and give us a minimal amount of money, that saves us from having to pay a contractor to take them away at Solid Waste and electronics recycling day.

President Fanello: So, Tammy, you'll—

Commissioner Mosby: I mean, that's, yeah—

Tammy McKinney: I'll contact them.

President Fanello: As you find out this week, just maybe e-mail us and let us know, and that way we'll be prepared Monday night to make a recommendation.

Tammy McKinney: Okay. Then also I received the minutes of the last project meeting from ESG, and I wanted to put that before you for your review. Then, I guess, the last item I have is a series of e-mails and letters between Tom Kolb and I and the Foundation regarding placement of an antennae that he is wanting in the bell tower of the Old Courthouse. I wanted some direction from the Commissioners on how to proceed with this. I believe everyone received the letter in June from him. Then I checked with the Foundation members about what they thought about it, and then I received a response from Mr. Kolb regarding the Foundation members' response. Now I want your direction.

Commissioner Mosby: What's the Foundation's response?

Tammy McKinney: At first Mr. Kolb wanted to pay \$100 for an antennae, I think maybe up to three of them per \$100. I mean, you would pay \$100 per antennae. Then I know one of the Foundation members wanted to know what percentage of revenue, maybe that could be a better rent.

Commissioner Mosby: I mean, is this \$100 per month?

Tammy McKinney: Yes. Per month, per antennae. I know Cinergy has one that sets on the bell tower because that's their, one of their main headquarters. Now, to my understanding, Mr. Kolb doesn't need an office, per se, he just wants to rent a little space of the bell tower.

Commissioner Crouch: I pointed out to Commissioner Fanello that Mr. Kolb does indicate in his response to you that he would be interested in providing a proposal

to us for Internet service separate from this agreement. If that's something that the Commission needs is advantageous to get set up there at the Courthouse, the Old Courthouse, we may want to ask him to give us a proposal before we sign off and give him what he wants.

Tammy McKinney: About, for Internet services? That's fine, but I would want to go back, since Cinergy, their Internet headquarters is at the Courthouse, and they have a long term lease with us. I would like to look at that lease to see if that, if they offer that service before we do that.

President Fanello: Yeah, we could--

Commissioner Crouch: Okay.

President Fanello: That's fine.

Tammy McKinney: So, I'll look into Cinergy's lease and see actually what they can provide before we do that with Mr. Kolb, if that's--

Commissioner Mosby: I guess, the only problem I've got is how many antennas are you going to allow up there?

President Fanello: Yeah, exactly.

Tammy McKinney: And that's another thing. If we allow him to put an antennae--

Commissioner Mosby: Exactly.

Tammy McKinney: --you know, who's going to come out of the woodwork and go, well, I needed one, I didn't know this is what I had to do to get that. Then I'll have a, you know, a bell with 50 antennas.

Commissioner Mosby: I mean, Cinergy does lease over there, and I can understand them having an antennae, but, I mean, it could get to the point where we've got 25, 30, 40 people wanting to put antennas up, and, I mean, who do we turn down and how? If we're going to do it, I think we've got to come up with some type of criteria to allow it. So, I mean, that's the problem that I would have.

Commissioner Crouch: That does make good sense.

President Fanello: Well, why don't we research the issue a little further.

Tammy McKinney: Okay.

President Fanello: Why don't you look at Cinergy and maybe come back. We need to put it to bed one way or the other.

Tammy McKinney: Right.

President Fanello: So, let's come back in a couple of weeks and get the final recommendation.

Tammy McKinney: Okay.

President Fanello: Maybe you could research, I don't know if there's any other counties you could research with similar circumstances or not and see what they do.

Tammy McKinney: I can do what I can do, and come back and report.

President Fanello: See what you can find out.

Tammy McKinney: Okay, and I think that wraps it up.

President Fanello: I guess, everybody wants to take an opportunity to review these pictures of what's out there, but I think we also need to come back and make a recommendation on what we do with the rest of this old stuff that's sitting, that's kind of junked in the basement and out at the Highway Garage, and see what our options are for getting that stuff out of there.

Commissioner Crouch: Well, if Tammy can make those calls and let us know, then maybe we can make a decision next week.

President Fanello: Okay, alright.

Commissioner Crouch: Next Monday.

President Fanello: But, what about the office furniture too? Because isn't there office furniture and stuff down there?

Tammy McKinney: Yeah, there's just a little bit of everything.

President Fanello: A wide variety of things down here. We need somebody, to see if somebody will take it and do something with it. I don't know what.

Tammy McKinney: Let me contact those people, and, you know, maybe they're willing to take it off our hands. Let me talk with them, and then we'll see where we are.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. Our work report is all we have to present to you tonight. Any questions, I would be glad to answer them.

President Fanello: I don't have any. Thank you, Gary.

Soil & Water Conservation District

President Fanello: Do I have a motion to accept Soil and Water?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Do I have a motion to accept the consent items. I just, there was a couple of them in here, I've already asked Tammy about one in our office, and then there was one to another vendor that I would like to send to the department head and ask them if they have an agreement on, and I've got them marked in here. One was for financial services.

Commissioner Crouch: So, do you want to mention the one's that you want us to pull, and then we can approve the voucher.

President Fanello: We could actually, we can pay them, but H.J. Umbaugh and Associates I didn't find where there was an agreement on file on that. Do we have one for them? Or a letter of engagement? I think it was for some stuff for the annual reporting of the bond issues.

Bill Fluty: I believe we do.

President Fanello: Okay.

Bill Fluty: If that was the contract for full disclosure.

President Fanello: That could have been.

Bill Fluty: That did come before you, and you signed that.

President Fanello: Okay, that's fine, alright. The other one was our lobbying contract. I think we agreed to pay them just one amount this year, but they never have billed us for the full amount, they just keep billing us monthly. I'm just wondering if we just go ahead and pay them the amount that, I don't know why they keep billing us monthly. I mean, we need to go ahead and pay it, but, it's per our contract. It was kind of goofy how they were doing it.

Tammy McKinney: I know we have a contract, but I'm going to go and pull it and see what exactly it says.

President Fanello: I just don't know why they just didn't bill us all in one bill or whatever. So do I have a motion to accept the consent items?

Commissioner Mosby: Motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:43 p.m.)

CONSENT ITEMS:

Jail Expenses:

United Consulting Engineers and Architects: \$17,161.60
James L. Shireman, Inc.: \$55,000

Travel Requests:

Health Department (3)	County Engineer (1)
German Assessor (2)	SWCD (1)

Employment Requests:

Sheriff Department (2)	VCCC (1)	Prosecutor (1)
Auditor (2)	County Clerk (1)	

Auditor: Submit A/P Voucher.

Sheriff:

LLEBG Acceptance.
Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Dorrie LoBue
Dennis Woehler	Dan Dowell	Dave Rector
Brad Mills	Blaine Oliver	Pat Seib
Matt Wallace	Reggie Haskins	Connie Carrier
Gary Hohman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
EMERGENCY MEETING
SEPTEMBER 17, 2004**

The Vanderburgh County Board of Commissioners met in special session on this 17th day of September, 2004 at 10:00 a.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 17th. Introductions, Kevin Winternheimer, County Attorney; Commissioner Mosby; to my left, Commissioner Crouch; Deputy Auditor, Todd Hochstetler; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Building Commissioner: FEMA Grant Agreement

President Fanello: Our only discussion item is the FEMA grant agreement.

Steve Fuchs: Good morning, Steve Fuchs, Assistant Building Commissioner. First of all, I would like apologize for having to call an emergency meeting. FEMA did not enclose a letter, a cover letter, whenever they sent these documents to me. So, I had no due date to operate out of until yesterday went Ken Hinterlong from Region Five called me and said it had to be in by 4:00 Eastern time Monday in order to keep the money. That if it wasn't, that Homeland Security was going to take it back from FEMA. So, I apologize for the inconvenience today of you having to come in. Basically, this grant is (Inaudible. Stepped away from mic.) This is the study area that we're talking about, and this is the way the flood plain looks on the present maps. On the new maps, what happened was, as you can see, this whole area became flood plain. This area is everything east of Stockwell Road, south of Lincoln, north to Morgan, and all the way over to I-164 in the east. It would include all that commercial real estate, some \$800 billion worth of commercial real estate, on the east side, and undeveloped commercial land. So, we, if you remember, you cooperated in helping to pay for a preliminary study to prove that this was incorrect. We had BLA and Morley do that, and we presented that to the engineering staff at FEMA, and they agreed that this was bad mapping. So, this agreement for the \$240,000 is to have a local engineering firm re-study this area and it be re-submitted, that so before these maps become law, that area gets corrected, and we will not have a problem there then.

President Fanello: Are there any questions for Steve?

Commissioner Mosby: Is that why we did the Stockwell Road project too, is to eliminate all this?

Steve Fuchs: Yes.

Commissioner Mosby: So, that's going to all work in conjunction?

Steve Fuchs: Right. They're taking the engineering plans on that Stockwell Road thing to use to correct that.

Commissioner Mosby: So, that's still a part of this?

Steve Fuchs: Yes.

Commissioner Mosby: We still have to do Stockwell?

Steve Fuchs: Yes.

Commissioner Mosby: I don't want anybody to think we can get out of doing Stockwell.

Steve Fuchs: No.

Commissioner Mosby: Okay.

Steve Fuchs: Stockwell is what will improve that.

Commissioner Mosby: Right. Okay, I just wanted to make sure of that.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: I'll make a motion that we pass the grant and get our money.

Commissioner Crouch: Second.

President Fanello: So ordered.

Steve Fuchs: Thank you very much.

President Fanello: Thank you, Steve. If there's no further business, well, there can't be any further business, so, I'll take a motion to adjourn.

Commissioner Mosby: I'm sorry, motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 10:05 a.m.)

Those in Attendance:

Catherine Fanello
Todd Hochstetler
Steve Fuchs

David W. Mosby
Kevin Winterheimer
Others Unidentified

Suzanne M. Crouch
Madelyn Grayson
Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 20, 2004**

The Vanderburgh County Board of Commissioners met in session this 20th day of September, 2004 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, September 20th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of September 13, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the September 13th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of the September 17, 2004 Emergency Meeting Minutes

President Fanello: And of the September 17th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**VC04-09-01: Mt. Pleasant Road Improvements
Bid Opening Deferred Until September 27, 2004**

President Fanello: Our first item is to open bids for Mt. Pleasant Road improvements.

John Stoll: Due to all the questions that we were receiving from contractors, we had to put out a pretty good size addendum last Thursday, and we went ahead and gave the contractors an extra week. So, we'll have those bids next Monday instead of tonight.

President Fanello: Do we need to make a motion to that effect at all?

Kevin Winternheimer: Yes, you do.

President Fanello: Okay.

Commissioner Mosby: I'll make a motion that we extend bids one week.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, John.

Berry Plastics Funding Request

President Fanello: Next item under discussion is the Berry Plastics request. Did everybody have an opportunity to look at that?

Commissioner Mosby: Yes. I would make a motion, I guess, if there are no questions, since this is an additional 125 jobs over the next two years, and an investment of \$63 million in the community, and Berry has been a very good corporate citizen of this community, I believe they have, that brings them to well over 1,000 jobs. It shows our concern and support for retention of jobs in the community. So, I would make a motion that we give Berry \$50,000 for training funds to help with the addition of the 125 jobs, and the \$63 million.

Commissioner Crouch: I'm sorry, that figure again, David?

Commissioner Mosby: \$50,000.

Commissioner Crouch: \$50,000? I will second that. I did have an opportunity, and thank you for letting me look at the Economic Development spend out, and we did approve \$50,000 to United Components—

Commissioner Mosby: Yes.

Commissioner Crouch: —earlier this year. I don't think they've spent any of that money.

President Fanello: They haven't asked for it yet.

Commissioner Mosby: I don't think they've asked for it yet, but I know that was...\$50,000 is what we did, and I felt this was consistent.

Commissioner Crouch: And I'll second.

President Fanello: So ordered. Thank both of you.

Downtown Daycare Survey

President Fanello: The next one is the downtown daycare survey.

Commissioner Mosby: Yes, I think what they would like for the county to do is, there's been about 20 organizations that have been working on this to look at the child care needs here within the downtown community. I think Patty has worked very closely with these people. What they're looking for us to do is to somehow pass out a survey to employees to see what particular requests, or concerns employees would have. What I would propose is that we would just attach a survey to everybody's check. Knowing that that would get into everybody's hands somehow. So, they don't have to fill the survey out. If they do fill the survey out, we're just

going to collect them, get them back to them, and I think USI, in turn, then is going to tally all the surveys and see what the needs are. So, if anybody has any questions, and if not, I would make a motion that we would somehow get the survey to the Auditor, and he can put them with the checks, and then we would distribute them throughout to the employees.

Commissioner Crouch: Second.

President Fanello: Okay. So ordered. Thanks for taking care of doing that, Bill.

Old Courthouse Lease: Artwork Unlimited

President Fanello: Next item we have is the haunted house annual lease at the Old Courthouse. I believe it's the same lease as last year.

Tammy McKinney: Right. It is.

President Fanello: Does anybody have any questions?

Commissioner Mosby: I'll make a motion to approve the lease.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Next item, public comment. Anyone in the audience wishing to address the board at this time? Seeing none.

Old Business

President Fanello: Old business. Does either Commissioner have any old business?

Commissioner Crouch: I presume the other two Commissioners did get this letter from Keep Evansville Beautiful about the weeds and—

President Fanello: No.

Commissioner Crouch: No?

President Fanello: I didn't get one.

Commissioner Crouch: Okay, well, then if we could get a copy of this—

President Fanello: I haven't seen it yet, unless...it might be...Patty put a packet in there for us to look at today. I haven't....is it in that packet?

Patty White: That's possible.

Commissioner Crouch: I was just going to see, it's from Keep Evansville Beautiful, and they're requesting, I guess their board do a resolution requesting that the county

monitor some of our major thoroughfares for weed control, and then for trash pick up. So, I was wondering if we had done anything with this, but I'll go ahead and make copies and we can address that next week.

President Fanello: Address it next week, yeah.

Commissioner Crouch: Then the only other piece of business is, I know we completed the audit of the Assessor's office, and I did receive her letter requesting that we go ahead and audit our office next. I've always believed that we should lead by example, and I would like to see us go ahead and do that. I make a motion to that effect.

President Fanello: Well, here's what I would like to do, in order to speed things along so that we make sure that we get a good cross section of all departments. Today I started on, just going through alphabetical order, in order to try to remain fair, started with the Auditor's office. The next office is Burdette Park, and if the other two Commissioners would take some of the office's then we could start on them simultaneously, and, hopefully, get some of them, some more done so that we get a good cross section. So, I don't know how you want to divide them up. If you want to—

Commissioner Crouch: I'll be happy to take Burdette Park.

President Fanello: Okay.

Commissioner Crouch: And I'll be happy to take all the Commissioners departments.

President Fanello: Okay. Why don't we do them in fair order, and I did type out a list. What did I do with my list? I'll give you...what I did was I took the index from the budget book and just went through and identified all the departments in alphabetical order, and here is a listing. Those are the two that I've already done. I think that each Commissioner should do it. So, I think we should just go through and divide them up. I don't know if you want to do that tonight, or if you want to just sign up for the one's that you want to do, or we want to take every other one, or how you want to do it. I just want to make sure that everybody gets a good cross section of one's to look at.

Commissioner Crouch: I'll go ahead and take the Commissioners department.

President Fanello: Okay. David, do you have any suggestions?

Commissioner Mosby: I don't have a preference.

President Fanello: Okay. Let's see, so that would be the Commissioners, Cum Bridge, Local Roads and Streets, and Riverboat and Superintendent for Suzanne.

Commissioner Crouch: And Burdette.

President Fanello: And Burdette.

Commissioner Crouch: Oh, and Highway.

President Fanello: Yeah, Local Roads and Streets and Highway, you can do that together. Then, David, we can just divide up the rest of them, to make sure that

everybody has an equal number that they audit. I do want to commend each Commissioner for looking at all the claims. I think we've looked at several hundred claims over the past month. So, we've been able to look at our department as well, plus all the other departments. The one thing that I do want to stress though is that the Assessor does need to reply, and I think you got my second memo that I sent to her today. She does need to reply by Friday, and I would just suggest, that, you know, all departments be treated the same, and that we not... I would expect those responses back by Friday. So, I really stress that. As far as all departments cooperating, they need to do that. I feel like we need to put some kind of measure in place that if they don't cooperate, what are we going to do.

Commissioner Mosby: I mean, I guess, we haven't heard from the Assessor. I mean, I read her letter here. I mean, I guess, I would be looking for, you know, what do we do in a case that somebody does not want to cooperate? I mean, I guess, that's the question I have. I mean, we have to do something. I mean, it was obvious when it was brought to our attention that we have a contract, or a vendor that we didn't have a contract, I mean, we corrected it right away. I mean, we immediately told the department head that, you know, we needed to come into compliance, we needed to quit dealing, you know, with that vendor until we do get a contract, or a written agreement. I think it was obvious with the information that the President gave us that there was a problem here. There still is a problem, but, I mean, from what I'm reading in the letter, it sounds like the department head is wanting to go back and audit herself. We have to come to a solution. I mean, this is bipartisan. I mean, it's something that we need to do. We need to figure out, you know, what constraints we need to put in place so that it doesn't happen in the future. That's the only thing I'm after is that we make sure that we have the measures in place that things like this don't slip through the cracks, and that we can show, you know, to the taxpayer that we are being financially accountable. So, I mean, I would say that if she doesn't feel like she's had enough time that we give her till Friday, unless you have any other solutions. Then, at that point, I mean, I would say, I would make a motion that, you know, we quit allowing any expenditures until we can bring it in line.

Commissioner Crouch: Kevin, is that, what is our legal recourse as Commissioners with an elected office?

Kevin Winternheimer: That's a good question. I hadn't given it any thought prior to this moment. I would really like to give that some thought, because, generally, the independent elected officeholder controls, and manages their own office. However, there are fiscal limitations and fiscal controls, and I think that's where we're headed with this. So, I would hate to answer that question just right now without giving it some thought. So, let me give it some thought and get back with you.

Commissioner Mosby: I would really hope that we would not have to resolve, you know, to what would be, you know, legal. I mean, we are all representatives of the county, and, hopefully, we can work together. I mean, there's one person that's at stake, and it's the taxpayer, and it's their money. I would hope that we could work together without having to go through legal ramifications to bring it in line. So, I mean, I would be willing to make a motion that we would...and I can understand if she had things going on, and this was thrown at her quickly, you know, that we give her till Friday to just at least answer the questions on what was found. You know, do you have contracts? Do you not have contracts? Did we spend this money? You know, what was it for? I mean, that should be information that she should be able to answer. I mean, it was not hard when you brought it up that we didn't have a contract that, okay, what happened, and, you know, we ceased doing business

with that vendor until you bring it in line. I would hope that she would know what goes on in her department, that she wouldn't have to audit herself.

President Fanello: Yeah, I didn't understand the last part of her letter. I do want to establish something, and that is that I felt like the letter was very disrespectful. You know, this board has the authority under IC36-2- whatever to audit any claim in the county, as we see fit. The questions posed by Ms. Musgrave, we are auditing our own departments. We're auditing every department on a daily basis by reviewing the claims. I don't like the fact that, you know, our authority was disrespected in the letter. I think we do need to establish that, that we are the one's taking the initiative here to try and correct anything that has happened in the past that has gone against our policy. I think, like, I'm going to say it again, this is not meant to be a slam at any department, but there are better procedures that can be put in place in the Purchasing Department and the Auditor's office. In looking at the joint City-County purchasing ordinance, if you'll go to the county's website and look at that ordinance, it gives the Purchasing Department the authority, a lot more authority than I ever thought they had, and that, I think, they understand that they do have. So, I think it's a matter of us establishing more clear procedures in the future. I think we're treating everybody fairly, and we're looking at our own departments. I know I've spoken with each of our department heads, and asked them to step up their responsibility, and make sure that they're looking at things closer. I would hope that each Commissioner has talked with our department heads. I think, what we expect from our own departments, we'll expect from every other department. Everybody is being treated fairly.

Commissioner Mosby: I will not single out this department that we're dealing with. I would include it in my motion that any department that we find, you know, irregularities, or whatever, that, you know, we would do the same for any department. I mean, we would not okay expenditures after a certain amount of time, if, you know, they're not cooperative. All we're asking is to be cooperative. I mean, we're working for the same purpose. I would include that in my motion, that it would be all departments.

Commissioner Crouch: I don't have a problem with your motion in theory, but I still want to know, from Kevin, what legal recourse we can take. Can we legally refuse to expend funds or direct the Auditor to not expend funds? If it involves a contract or an agreement that is not in place, you know, perhaps we can. Then, perhaps, you know, obviously, we should, but the motion as it stands with just not allowing any expenditures, I want to be sure that what we're doing is legally within our authority. So, I don't have a problem in theory with your motion, but I would rather wait until Kevin can get back and let us know what our legal authority, or what our authority is.

President Fanello: And I would hope that, and I don't have a problem with that, but I would hope that, you know, as our authority is stated in the code, it states that we do approve all claims in the county, and I would hope that if we find something wrong with one, or if a department is not following purchasing policy, which is county ordinance, that we would have the right not to expend that claim, or approve that claim. So, otherwise, we don't need the authority to approve the claims in the first place. So, we'll let the motion stand on the table until Kevin comes back with an answer on Monday. By that time we should, hopefully we will have received a response from the Assessor's office. I do just want to clear up something for the record, because Ms. Musgrave stated in there that it took 40 days to do her department, or to audit her department, and that is not accurate at all. We do have

other business in the office to attend to, and as a CPA I think I'm quite capable of handling an audit in less than 40 days. But, I probably spent a total of about four to five days between requesting claims and looking at them, and I know that each Commissioner looked at the claims also. So, 40 days was not spent on her office. I found that very disrespectful in her letter. Any other old business that either—

Bill Fluty: Just a question. As we get closer for Mill Terrace, Kevin, and I'm preparing to bill them, I just need the amounts to bill those people.

Kevin Winternheimer: Okay, yeah. I talked, on that issue, I talked to Scott Peck today about getting the bond finalized.

Bill Fluty: Normally, we try to send that bill out a month to a month and ten days—

Kevin Winternheimer: Yeah.

Bill Fluty: —before November 10th, and that would be about the first of October.

Kevin Winternheimer: Okay.

President Fanello: The only other thing I think I had...Kevin's been, PCI dropped off a copy of a contract today in relation to what you had requested, and Kevin has that and he's going to review it this week. They did not drop it off until, what, midday or something? So, it was too late to get it on the agenda. Kevin didn't have time to review it. The other thing that I received in the mail was a summary from Sommer Barnard, our lobbyist that we hired, and they have provided a summary of what they've been doing. Which, I didn't want to make three copies of this thick document. So, what I think I'll do is I'll just route it around so everybody can look at it. I think that's all I have.

New Business

President Fanello: Is there any new business?

Bill Fluty: Just on our new business on our survey. Our next payroll is October 1st. So, that would be the earliest they would go out.

Commissioner Mosby: Okay, Patty can tell them.

Bill Fluty: I just need copies, I guess.

Commissioner Mosby: Okay.

President Fanello: Any other new business? Okay. Department head reports, County Engineer.

County Engineer

John Stoll: I can't do anything right handed.

Commissioner Mosby: It's not good being a one armed man, is it?

John Stoll: At last week's meeting there was a discussion about the east side road plan that was prepared several years ago, and the discussion was surrounding the extensions at Columbia Street and Metro Avenue. Let me get my bearings straight here, here is Metro right here, and this is Columbia right here. Because of the way these roads come together, and because of the way this site plan for this new, proposed soccer complex comes in, we would only have roughly 300 and some odd feet between this road and Columbia Street if Columbia Street were to go in as shown on this drawing. Then we also only have roughly 500 feet of separation between Metro and Royal if Metro came in at this location. Because of the proximity of those intersections, I would recommend that this plan be altered to accommodate this revised plan that Morley and Associates has been preparing. This will require the extension of Metro, in this location. Basically, Metro dead ends right now. What they'll propose to do is curve the road and then tie it in to Royal Avenue. They have submitted some road plans for this extension up to this point here, which is roughly around the west boundary of the proposed soccer site. I've reviewed those plans, and I've reviewed those plans and would recommend that they be approved as well. So, basically, I would recommend two things, one, that this plan be altered to eliminate Metro and Columbia as shown here. Two, recommend approval of this modified plan and the road plans corresponding to that.

President Fanello: This was the one we discussed last week, right?

Commissioner Mosby: Right. I'll make a motion first then to alter the plan that shows Columbia and Metro.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Then I would make a motion to accept the plans that Morley has provided to show the extension of Metro over to Royal.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: They will be following that up with a subdivision. Right now there is no right-of-way dedication just yet. But, they will do a subdivision, so that road, ultimately, will become a road that they'll request that the county accept for maintenance. So, it will all piece together in the end, but all the subdivisions have not been filed, as of yet to dedicate all that right-of-way, but it will be done here in the near future. I've spoken to Matt Wallace about that today. Matt is with Morley and Associates, and he said they are under contract to finish all that design work. The second thing I've got is a letter from Vectren. They have requested reimbursement of the gas line relocations on the Jobe's Lane sewer project. They have provided an estimate of \$4,698 for this relocation work. I spoke with Kevin about this, because I initially thought that this was not reimburseable, since it's a county project in county right-of-way. Kevin could elaborate more, but, basically, he said that he couldn't find any laws that said that it was not reimburseable.

Kevin Winterheimer: Had it been a road project we would not have had to reimburse them. However, this is not a road project, this is putting in water and sewer lines. We would be in the same status as the utility, or a developer, or anybody else that put in just water and sewer lines. So, it's reimburseable.

John Stoll: On that basis, I would request the Commissioners approve the reimbursement. We'll get a final invoice from Vectren at a later date. That's just their preliminary estimate, but I would request that that be approved as part of that project.

Commissioner Mosby: I'll make a motion to approve the reimbursement.

Commissioner Crouch: Just to be consistent, I'll decline.

President Fanello: Okay, and I'll second the motion, and so order. Is there anything that I need to sign here?

John Stoll: No.

President Fanello: Just for the record.

John Stoll: Once I get the invoice, then I'll just attach a copy of these minutes showing that you had approved it, and then we'll submit it for payment. Next I have a right-of-way engineering agreement for the County Line Road project. This is with R.W. Armstrong. This is for \$32,400. I've had Kevin review this agreement, and he had no changes on this agreement. I know our funding for this project has been eliminated for next year, however, this work can continue. This, basically, will provide the legal descriptions for all the right-of-way parcels that we need to acquire on the project. That won't change whether our funding is there or not. Basically, we'll hit a stand still once this work is complete and we need to buy the right-of-way. But, in the meantime, we can go ahead and get the legal descriptions done for each parcel that we need to acquire, and that's what the end product of this agreement will be. So, since we have the money in the account to cover that work right now, I would request that these agreements be approved.

Commissioner Mosby: Motion to approve agreements on County Line.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item that I have is the cover sheet for phase one of the Green River Road plans. This just needs the Commissioners signatures.

President Fanello: Do I have a motion?

Commissioner Mosby: Oh, motion to approve.

Commissioner Crouch: Second.

President Fanello: And I'll abstain from voting on that.

Commissioner Mosby: You need to sign.

President Fanello: No, I'm going to abstain.

John Stoll: That's all I have, unless you've got anything else for me.

Commissioner Crouch: Glad you're back.

John Stoll: I'm not so sure I am.

President Fanello: Thanks, John.

Commissioner Mosby: Thank you, John. Oh, John, one question, I've been asked this question several times, do you know, or have any idea when Wal-Mart is going to start their part of the work on Red Bank Road? I know their building is getting close, it looks like it's close to being finished outside, I don't know about inside.

John Stoll: I'll have to check on that, because, off the top of my head, I'm not sure. I know the contractor that was doing the dirt work on the east side of Red Bank got held up because of some issues with some Corp of Engineers permits and DNR permit. Whether or not that's had any effect on their widening as a whole, I'm not sure, but I can check on it and get back with you.

Commissioner Mosby: Now, do you know if it's supposed to be done before they open?

John Stoll: I'll have to check and see if that was a condition of a permit as well.

Commissioner Mosby: Okay.

John Stoll: Because, there again, off the top of my head, I'm not sure. I got a call from INDOT about that on Friday, and I just didn't get a chance to check today about whether or not that was a condition of the permit. But, INDOT said that the Wal-Mart in Boonville, Wal-Mart did not finish the road improvements until after their store had opened, and it created some headaches. So, he was just trying to give me a heads up on that, so, we can try and avoid the same problem, if Wal-Mart tries to go ahead and open up without getting the road work done first. But, I'll check on it and let you know.

Commissioner Mosby: Well, they're moving well on the building, just not the road. So, if you could, I would appreciate it.

John Stoll: I'll find out and I'll let you know.

County Highway

Chris Walsh: My name is Chris Walsh. I'm with the Vanderburgh County Garage. I don't have anything to add to the weekly report, but if anyone has any questions, I would be happy to try to help.

President Fanello: Does anybody have any questions? Thanks, Chris.

Chris Walsh: Thank you.

Commissioner Mosby: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I have a couple of matters to bring up tonight. One is, I think it was last week or the week before, you approved an easement out at the Hamilton Golf Course. The engineers on the project met with the Hamilton's, and the Hamilton's are requesting that the easement be moved approximately ten, maybe 15 feet in some places to the south to avoid some trees that they would like to keep. The utility is more than willing to do that. I do not have a specific legal. What we would like to do is, after the pipe is in the ground, we will get a precise description of where it is exactly at, but it is approximately ten to 15 feet moved to the south of where it was proposed. So, if I could get an approval of that. Like I said, when it's in the ground we will come back with an exact location on it. But, that's at the request of the Hamilton's.

Commissioner Mosby: I would make a motion to approve moving the easement one way or the other to accommodate the golf course and the trees.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: The other matter is an update on the CCD ordinance. I had asked that it be taken off the agenda tonight. I heard back from a Mr. Robert Norris with the Local Government Finance state department, and he is sending me their suggested procedures on how to proceed on this. I am hoping it will consist of no more than advertising. In that vein, I would ask that when I get these from Local Government Finance that, I assume we are not cancelling any meetings in October, that I have permission to go ahead and advertise that for the appropriate meeting in October. I'm assuming they are going to suggest just one time, ten days before the meeting. I would do it as soon as we can get it on, but I would like permission to go ahead and start that process. I'm almost positive that's going to be one of their recommendations, is to advertise for a public hearing before we pass it on second reading.

President Fanello: We do have one meeting cancelled, and that's the October 4th meeting.

Kevin Winternheimer: Oh, we do?

President Fanello: Yeah.

Kevin Winternheimer: Okay.

President Fanello: Because the Association of Counties is here.

Commissioner Mosby: AIC.

Kevin Winternheimer: Oh, okay. Well, I'm glad I asked then. Okay, well, I will not schedule it for that night, but, one other night, whatever is appropriate. So, if I could have permission to go ahead and advertise it. I'll prepare the advertisement when I get their packet of material and what all they want.

Commissioner Mosby: So, you need a motion?

Kevin Winternheimer: Yeah, do a motion to approve advertising.

Commissioner Mosby: I'll make a motion to approve advertising.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I had.

Commissioner Crouch: Kevin, could you also get information on establishing the Riverboat Fund, and see if that would fall in the same vein, or if we have to do something totally different?

Kevin Winternheimer: Okay.

Commissioner Crouch: Thank you.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: Along with my weekly report, I took the names that Commissioner Crouch had given me about the surplus computers and surplus equipment, and to those people, and I wanted to see what your direction was about the computers.

President Fanello: Well, if we look at all these it says, basically, C&I Electronics charges to pick up the equipment.

Tammy McKinney: Right.

President Fanello: JES is not interested. Tri-State is not interested, and CDS said they would pay us \$500 for the whole lot.

Tammy McKinney: Right.

President Fanello: I guess, in a bundle. I think we're kind of seeing that nobody wants these old computers.

Tammy McKinney: Then I did give you—

Commissioner Mosby: Well, and I think—

Tammy McKinney: —tonight a couple more organizations that would like some computers also.

Commissioner Mosby: That's what I was getting ready to suggest that we keep doing what we've been doing. I mean, it's obvious these things are worth nothing to anybody else, and to these organizations that we've been giving them to, they are worth a lot of money. I've had people say, you know, we can't afford to go out and pay \$300 and \$400 for computers, and to us, you know, it's a good deal. I mean, to, I guess, to this guy the most we can get is \$5 for a computer, printer, and a monitor, the way it sounds. If we had 100 left and he's giving \$500 for the whole lot, so.

Tammy McKinney: And he wasn't even sure that, he just told me that he was a gambling type guy, and he said I'll give \$500 for them.

President Fanello: Once he saw them, he might not give \$500.

Commissioner Mosby: Yeah, I was going to say, he might not be as gambling as you think when he sees them.

Tammy McKinney: Well, I told him I had some office, you know, furniture, and he said he doesn't gamble that much.

President Fanello: Well, here's what I would like to see. The requests that we've had so far, I would like for you to take those requests, put them on a spreadsheet and let's go ahead and allocate, you know, bring that to the Commissioners to approve, allocating the certain computer to that organization, and try to give as many away as possible. I would still like for us to look at, before October 23rd, recycling anything we can't give away.

Commissioner Crouch: Can we check to see if there's a cost? I know that we have to pay to dispose of them, we have to pay the contractor, so, if this would be included in what we pay them, or—

President Fanello: If it would be an additional cost?

Commissioner Crouch: Yeah.

President Fanello: Sure, that's fine.

Tammy McKinney: Now, I know, when on the electronics day, there's no charge. The one that Solid Waste puts on in the back 40.

President Fanello: Isn't there, there's something we pay, I can't remember what the bid, or the contract called for. We can get a copy of the contract from Joe Ballard, but there was, I don't know if it was just a set fee for the day—

Tammy McKinney: Oh, okay, because I didn't think there was a cost.

President Fanello: We pay them something.

Commissioner Crouch: It's through Solid Waste.

President Fanello: Yeah, right.

Tammy McKinney: Okay.

Commissioner Mosby: Now, do we need a motion before we go further to—

Tammy McKinney: A motion for me to allocate to the non-profits.

Commissioner Mosby: I'll make a motion that we go ahead and let any organization that would want to apply for computers, as long as we have computers available, that we give them to the not-for-profits for their use.

Commissioner Crouch: And I'll second. Then if the Commissioners include in that, Commissioner Fanello's spreadsheet so that we can see where they're going.

President Fanello: Right. Tammy can do that spreadsheet and see where they're going. And I'll so order.

Tammy McKinney: Then also I need to bring to the Commissioners a change order for the Old Courthouse restrooms. This is change order number three, I believe. The first and the second were approved last October, the last of the month, I believe. We had some problems with some flush valves and some vent pipes. So, we need this to get it working. The women's is up and running.

President Fanello: I've got a question. I mean, it seems like Will had discussion with the contractor much earlier. Why did he wait so long to get it to us, do you know?

Tammy McKinney: I don't know. I know it took us a while to, in fact, the flush valves, we just got those going probably a couple of weeks ago. I think they, the first one's they put on were defective, and then the next one's they put on were two different flush valves. One toilet would flush, it took 45 seconds, and the other was four seconds. So, and we finally got that figured out a couple of week's ago, and they're both flushing adequately.

Commissioner Crouch: This, Tammy, you may not remember off the top of your head, but this increased the overall contract by \$1,083. Do you remember what the other two, off the top of your head?

Tammy McKinney: That, it says the previous change orders.

Commissioner Crouch: Okay, thanks.

Tammy McKinney: Sure.

President Fanello: Do I have a motion to approve? Assuming you do have it in your budget.

Tammy McKinney: Yes, in fact, after your approval tonight, I've got everything written up to increase the P.O. amount.

President Fanello: Okay.

Commissioner Mosby: I'll make a motion to approve the change order.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then I want to, I need to add a late travel request for the Health Department. I believe we received it late Friday afternoon.

Commissioner Mosby: Motion to add to the consents.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then I need a decision on the last polling place, so I can get Madelyn the ad, and we can get advertised and get going on this.

Commissioner Crouch: I'll make a motion that we accept your recommendation to keep it at New Birth Christian.

President Fanello: Do I have a second?

Commissioner Mosby: I will second the motion.

President Fanello: So ordered.

Tammy McKinney: That's all I have.

President Fanello: Alright.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. All we have is our weekly report, unless you have any questions.

Commissioner Mosby: Thank you, Gary.

President Fanello: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion—

Commissioner Mosby: I'll make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Do I have a motion to accept consent items?

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.¹

¹Consent items listed on page 17.

**VANDERBURGH COUNTY
REZONING BOARD
SEPTEMBER 20, 2004**

The Vanderburgh County Rezoning Board met in session this 20th day of September, 2004 at 6:14 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The rezoning petitions were heard during the course of the regularly scheduled Commission meeting.

President Fanello: Rezoning, we need to move into our rezoning meeting, which we only have one first reading.

**First Reading: VC-9-2004
Petitioner: Red Bank Development LLC
Address: 545 S. Boehne Camp Road
Request: Change from Ag to C-4**

President Fanello: VC-9-2004, from A to C-4. Do I have a motion to accept on first reading?

Commissioner Mosby: Motion to accept VC-9-2004 on first reading.

Commissioner Crouch: Second.

President Fanello: So ordered. Before we adjourn, in order to help you with your audit, I do have everything on a CD Rom, all of the expenditures, so I will just burn you a copy, and that way you can look over it. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:15 p.m.)

CONSENT ITEMS:

Jail Expenses:

Peyronnin Construction: \$193,218.30
Integrator.com : \$54,000

Travel Requests:

Health Department (4) Knight Assessor (1) County Clerk (1)

Requests for Telephone Service:

Public Defender (1) Sheriff (1)

Employment Changes:

Cumulative Bridge (1) Superior Court (1) Co-Op Ext. (1)
Health Department (3) County Clerk (1)

Treasurer:

Surplus of Software.
Submit Monthly Report for August 2004.

Health Department: Submit surplus letter for computers and other items.

Superior Court: Submit surplus letter for copy and fax machines.

Sheriff:

Submit Weekly Jail and Community Corrections Reports.
Interlocal Agreement with White County, Illinois for Transfer of Inmates.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	John Stoll	Chris Walsh
Gary Hohman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 23, 2004**

The Vanderburgh County Board of Commissioners met in session this 23rd day of September, 2004 at 8:07 a.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 23rd. Introductions are as follows, to my right, Tammy McKinney, Superintendent; I'm assuming our County Attorney, Kevin Winterheimer is on his way; to my right also is Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of September 20th Commission & Rezoning Minutes

President Fanello: Do I have, let's see, our first discussion, oh, approval of the September 20th minutes.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Permission to Advertise Polling Places

President Fanello: Permission to advertise polling places.

Commissioner Mosby: Motion to advertise.

Commissioner Crouch: Second.

President Fanello: So ordered.

Permission to Advertise Handicap Inaccessible Polling Places

President Fanello: Permission to advertise handicap inaccessible polling places. Is that supposed to be inaccessible? What does that mean?

Tammy McKinney: Those are one's that might have like a gravel-

President Fanello: Okay.

Tammy McKinney: -parking lot or something. We just have to advertise.

President Fanello: Okay, alright. I didn't notice that we did it that way before, but okay.

Commissioner Mosby: Motion to advertise.

Commissioner Crouch: Second.

President Fanello: So ordered.

Old Courthouse Project Update

President Fanello: Project updates, Old Courthouse. I think we have in here a memo about the transformer location. Brent, I'm not sure I understand that. Could you explain that memo?

Brent Robertson: Yes. During the course of the project, we've had several discussions with Vectren regarding the location of the new transformer. We are changing the service in the building from a 240 volt, three phase, to a 480 volt, three phase system. The original intent was to put that transformer in a vault underground, similar to the chiller. Some of the problems with that is it's going to further impact the parking plan that we'd talked about when we revised the chiller location. There's no good place to put that except right along side the chiller there. It will take up another three or four spaces. Another problem with it is that it will require a whole new primary line from Vectren to that, which will, it will prevent us from being able to have two power systems going at the same time, and transferring over to a temporary system that can keep the occupants going. We'll have, a matter of a couple hour power outage, versus probably a three or four day, at the best, if we go to a vault type transformer. The other thing is, it will just make a little better use of the space in the area. The building that's there now is existing. We won't alter the physical appearance of anything. We will set a temporary transformer along side that building, and feed it from the primary that's already there. Then, when that's up and going, we can take out the transformers, the existing transformers out of building, and put the new one in, and then have another switch over to that. It will also allow us to make a transition from the existing heating system to the new heating system during this season, rather than waiting until, probably, you know, next summer. That's, in a nutshell, kind of-

Commissioner Crouch: Is there any additional cost?

Brent Robertson: There would be some additional costs to Energy Systems Group. We will be paying Vectren for setting the temporary service. They asked us to make some modifications to that building, in order to get the new transformer in there. It won't change the appearance of it from the outside, but it will make it better for the new transformer to sit in there also. One of the problems with putting a transformer in a pit is that there's always a possibility of it getting submerged in water. You can't, you don't ever eliminate that possibility. Even though it would be a "submersible" transformer, it is a very high risk location to have one.

President Fanello: Is there any additional cost to us, I think is what Commissioner Crouch was asking.

Brent Robertson: No, there's no additional cost to the county.

President Fanello: Okay. Anybody have any additional questions?

Commissioner Mosby: Is this something that we have approve today?

President Fanello: Well, yeah, I would like to...I don't know about Commissioner Crouch, but I would like to take an opportunity to maybe talk with you further, and do a little research.

Brent Robertson: Okay.

President Fanello: But, if we could hold off the decision until Monday night's meeting.

Brent Robertson: Okay. Yeah, that's fine.

President Fanello: Is that alright with everyone?

Commissioner Mosby: Yeah, I would prefer that.

President Fanello: Okay.

Brent Robertson: Okay, as far as general progress, I'm happy to report that things are going well at the Old Courthouse. The HVAC system, the duct work, we're starting to hang that in the office areas. We are putting diffusers on the third floor. Overall, the duct work is about 35% complete. The heating and cooling water piping, we're about 60% complete on the main runs in the sub-basement and the attic, and, overall, that phase is about 30% complete. As far as the HVAC equipment, the FANCO units are all due to arrive tomorrow morning. The equipment pads and in the mechanical room have been poured, and we'll be able to set that equipment starting next week. The chiller pit, if you haven't noticed the big hole out front, it is excavated. That went very well. We didn't find any unforeseen conditions when we opened that up. The floor is poured in the pit, and the walls are currently being formed. So, that should go well. Plumbing-wise, we are about 85% complete on the water and drain piping. All of the plumbing is roughed in the women's restrooms, and the basement women's restroom is now operational and up. We have all the fixtures for those in stock and ready to install. Electrical system, we are about 80% complete with the conduit in the attic. We have started to install some of the new lighting in the attic as well. Our main electric gear going in the building is on-site, and we'll be installing that next week as well. General trades, we're about 90% complete on all our penetrations. Bulk heads for the sealings around the windows are about 20% complete. The architectural work in the women's restrooms is 70%, and the tile that we decided on a couple of week's ago is now being, it's at Evansville Sheet Metal being cut into the pieces for the flooring. That, hopefully, will happen next week, we'll be able to get that in and start setting that. Soon after that we'll be able to install the fixtures and get the rest of the women's restrooms up and going. The window upgrades, all the glass units are fabricated and stored off-site. They're bringing those out as they need them. We're about 25% complete with the installation of the glass and the carpentry work on the windows. We're starting to accelerate that work, that overall phase, to try to get it complete before cold weather. There was one other item that we're waiting on direction for, and that's the status of the Evansville Urban Transportation Study. I know last time we'd talked about, you were pretty sure that wasn't going to be moving over to the Courthouse. Is there any more to report on that?

President Fanello: I have no idea. All I know is that Dave Rector met with the Mayor, and, I mean, it's up to the Mayor. The Mayor controls EUTS. So, I'm not sure what his plan is for that. Do you? I know they had called you for a meeting.

Commissioner Mosby: I went to that meeting. I don't think right now that they're going to move over there. From what I understand in the meeting there's a possibility they might go to C.K. Newsome Center.

Brent Robertson: Okay. Should we continue to kind of stay in a holding pattern on that, those few rooms? Or should we continue with the original plan?

President Fanello: I don't see why we wouldn't. Until the Mayor makes a request that they're going to move a department over there, I don't think we should alter our plans—

Brent Robertson: Okay.

President Fanello: —personally.

Brent Robertson: Okay, did you have any other questions about the transformer at this time?

President Fanello: I'm going to have to sit down and think about it. It's an area that I'm unfamiliar in. I'm pretty sure each Commissioner wants to take the time to look at the memo and ask questions.

Brent Robertson: Okay.

President Fanello: We all may be calling. We all may be calling you later.

Brent Robertson: That's fine.

President Fanello: And asking questions.

Brent Robertson: If you want to look at in person over there, kind of talk through it, we're available for that.

Commissioner Mosby: That's probably what I'll do is stop by there.

Brent Robertson: Okay.

Commissioner Mosby: And just look at it.

President Fanello: Thank you, Brent.

Road Projects Update

President Fanello: I see John Stoll is here. I didn't think you were going to be here this morning. Patty, or, Tammy, before we move on, I noticed that there's something missing from our packet, and it's the Energy Systems Group first payment. I didn't get it. Maybe it's just not in mine. Okay, so, everybody's seen it. Patty showed it to me yesterday, and, since it wasn't in mine.

Commissioner Mosby: It's John's report, it was in my packet.

Tammy McKinney: Catherine, did you get one?

President Fanello: I didn't get one.

Tammy McKinney: Okay, it's here.

President Fanello: Alright, thanks. Sorry, John.

John Stoll: That's okay. Did you all get a copy of that report that I e-mailed?

President Fanello: We just got it.

John Stoll: Oh, okay. I forgot to bring a copy, but I just gave a rundown of everything. On Bromm Road, we're still trying to accommodate the property owners. They have, they've been reluctant to dedicate the right-of-way, so, we're trying to address some additional design changes in hopes of getting them satisfied to where they will sign off on a right-of-way, or maybe a drainage easement, or something that will allow us to finish that project. County Line, as you know the right-of-way engineering agreement was signed last Monday. On Jobe's Lane, the construction is still going on. Vectren has been notified that the county agreed to pay for their reimbursement. So, they should be proceeding with relocating their gas line. I'll bring a letter on Monday from Koberstein Trucking. They are asking for additional time, because of the delays associated with the gas line relocation. They didn't provide a specific time that they want the contract extended to, but they just want enough to accommodate the utility relocations. On Green River Road, I contacted Bernardin Lochmueller and Associates for a right-of-way engineering and acquisition agreement. They have submitted some questions that I've forwarded to Kevin to take a look at. Once we get those things resolved then we can bring an agreement in for approval. Lyle Road, the wetland delineation study was completed, and there are wetlands out there. There is slightly over a tenth of an acre, and that's the threshold where all the review agencies get involved. We don't know to what extent they'll consider these wetlands to be of any value. So, the next thing we have to do is get a hold of the Corp of Engineers and find out whether or not we're going to have to mitigate these wetlands. So, we'll get in touch with them and see where that takes us. The court appointed appraisers did meet out on the site last week, so, the condemnation is continuing. On Lynch Road, Section Three, Bernardin Lochmueller has submitted a draft construction inspection agreement for review. I've not forwarded that to Kevin, as of yet. There's some changes that I'm trying to work out with the consultant. Mt. Pleasant, we, as you know, did delay the bid opening until next Monday. We're still working with utility conflicts. There are possible construction delays once the contract is awarded, because there are SBC lines in the way that were not addressed when SBC submitted their relocation plans. Also, there is a water line conflict that we're trying to work out.

Commissioner Crouch: John, do you have any kind of a start date on that kind of in mind? It won't be this year, will it?

John Stoll: They could still start this year.

Commissioner Crouch: I had someone who'd listened to the meeting ask me about it. So, I said that I would find out.

John Stoll: Since there won't be a meeting on the 4th, the soonest we could award the contract would be the 11th. Usually it takes a week or so for the contractor to get his bond and certificate of insurance in. So, probably the very soonest they could start would be the week of the 18th. That might be a little optimistic, but they should

start this year. One of the things that the contractor will need to do to help accommodate the utility relocations will be the right-of-way clearing. So, it will definitely be of benefit if the contractor can get out there. The only problem is they might not be able to do the project the way it was set up, where we had hoped to close the section between Copperfield Subdivision and 41, and build the bridge over the course of the winter. Because of utility conflicts, that might not be possible. But, the contractor could still do clearing, pipe installation, and things like that. Whatever there are no utility conflicts on. So, work should still begin this year. A previous project that wasn't listed on here was the Schaeffer Road bridge. This is the replacement of an existing culvert on Schaeffer, between Mohr and Kissell Roads. We did receive a preliminary set of plans for review. Valerie Harry's been reviewing those, and submitting comments to the designers. On Stockwell Road, we are working towards trying to get that out for bid, possibly next week. The court appointed appraisers are going to be sworn in on the 29th for the Cornerstone Commercial property condemnation. We have received a counter offer from J.H. Rudolph on their right-of-way parcel. We're taking a look at that to see if it's suitable. If it's reasonable, I'll bring that in here for your review and approval. Other than that, on University Parkway, the first change order was approved, and that's really all the changes since the last meeting.

President Fanello: Thank you, John. Does anybody have any questions for John?

John Stoll: One thing too, David, you had asked about Red Bank Road and the Wal-Mart improvements. I talked to the Building Commission, and they said they will withhold the certificate of occupancy until all road improvements are done. So, I'm going to get a hold of their contractor in Indianapolis and let them know that. So, that should help ensure that we won't have quite as big of a traffic mess out there.

Commissioner Mosby: I appreciate that. Tell Roger I appreciate it too.

President Fanello: I don't think there's anyone here from the County Highway Voting Machines, Mark Foster.

Voting Machines Certification Update

Mark Foster: My report is very short. There was a meeting in Indianapolis yesterday by the State Election Commission, and the iVotronic 9.0 was certified. So, we're green for this election on our new equipment.

President Fanello: Good. We don't have to go through any new equipment.

Mark Foster: No. So, I talked to Marsha last night on the phone, and she got a call from Rob and said they'd just gotten out of the meeting and said it was approved. There's still a few minor things on some of the, like the M650, which is what we use to count the absentees, that's not been certified, as best I know. But, last year we used the M100, and I assume we'll do that again this year. That's the equipment that we've got in the election office now. But, they're still hopeful that they can get those few minor details worked out there. It's good news. So, we're all set to go.

President Fanello: Good. Thank you, Mr. Foster.

Mark Foster: Thank you.

Commissioner Mosby: Mark, the question I've been asked most here in the last day or two is, is there anyway, or why can't we put numbers on these machines?

Mark Foster: Of course, that was a discussion we had at our meeting earlier this week. There's two ways to read the statute. We tried to get some direction from the State Election Board, the attorneys up there, they won't give us a straight answer. They won't say you have to do it. They won't say you don't have to do it. The statute reads that if the system is capable of producing these numbers, then we have to do it. Well, the system can't do it. You have to, in other words, it would have to be....like your name would be, one-two David Mosby. That would be your name, and, so, you would have to put it in as part of your name. Again, there's a dispute as to whether or not that's what's contemplated by that statute. The other problem that I personally have is that I think it's very confusing. Particularly to those candidates that run in more than one county. A perfect example, say Trent VanHaaften, you know, we'll give him a number in Vanderburgh County, and then if he has a number in Posey County, he's got two numbers. You know, what number does he use, tell people that he is? Is it his Posey County number, or is it his Vanderburgh County number? Of course, then you've got your Congressional candidates or Presidential candidates that, you know, they would have 92 different numbers. Again, there is that problem. The old equipment produced the numbers. It had to produce the number, because it corresponded with the number on the punch card. Obviously, that statute would apply to that equipment, because it did produce the number. This new equipment does not produce the number.

Commissioner Mosby: I guess, my question is, is there a big expense behind this if we do it? I mean—

Mark Foster: Well, there's quite a time...first of all, ES&S won't do it. You know, they said, we will not put the numbers on there. You have to do it. So, in other words, we would have to redo our entire ballot to say, in every person's name, we would then put a number as part of that name. And, again, there would be an expense to us, as far as the time in redoing the ballot as it is now. ES&S will lay out the ballot as we provide it to them, but they won't put the numbers to it. We have to manually do that. Then they have to manually go in and make the system do it. I mean, again, the system won't do it. It doesn't have that capability. You can't say number these candidates, and it do it. It just won't do it. It doesn't have that capability. But, again, that was discussed at length at our Election Board meeting, and it was decided not to put the numbers on there.

Commissioner Mosby: But, the system is capable of it?

Mark Foster: No. The person who inputs the information into the system is capable. The system won't do it.

Commissioner Mosby: The system won't do it, but, let me rephrase the question, it can be done?

Mark Foster: Sure.

Commissioner Mosby: Okay.

Mark Foster: I mean—

Commissioner Mosby: That's what I wanted to know.

Mark Foster: –you can, I mean, it can change your name from David to Daniel too. I mean, you know–

Commissioner Mosby: Well, I understand that, but–

Mark Foster: It will print out whatever you put into the system.

Commissioner Mosby: Right, but my question was, it can be done. I mean, it's not like, no, this can't happen, there's no way.

Mark Foster: No, it will recognize numbers.

Commissioner Mosby: Okay. That's what I wanted to hear.

Mark Foster: So, but, the equipment is certified. That's what we're going to vote on.

President Fanello: Software and equipment?

Mark Foster: The software and equipment, both. It was a package deal.

President Fanello: Alright. Thank you, Mr. Foster.

Mark Foster: Thank you.

Commissioners Audit

President Fanello: Commissioners audit. Anything to report on that? Okay. I was going to say, something that might be helpful for you, Suzanne, is Tammy has printouts. You can actually look at the printouts for all of our departments. The year-to-date reports that she's put in binders over the past two or three days. So, you can look at those.

Jail Project Update

President Fanello: The jail. Wake up back there.

Les Smith: I didn't know we were down to that part yet.

President Fanello: Thank you.

Les Smith: Les Smith, with Shireman. We've had, as you all know, we've had a couple weeks of some pretty nice weather, and it's been very good for the project. The progress has went well. The, you know, things are going along pretty well on it right now. So, the, let me start down my list here. We'll address the fire damage first. We had a local engineer, Hodge, come in and do a thorough inspection, and he recommended that not only do we replace some of the decking that was damaged, we should also replace, I think it was five bar joists. So, they've been ordered. They'll be on site next week. As soon as that stuff is replaced and repaired, the roof work will start in right after that. So, you know, then it will be inspected, and everything will be, make sure that everything is up to where it's supposed to be. But, there will be new bar joists in where, in the area of the fire. The in the E, F, G area, which is the administration building in the front, all of the pre-cast panels, all of the structural steel, walls, roof deck, everything is in place

there. All the floor slabs there are poured on the first floor level, okay. They're doing all the caulking and things of that nature to seal up from the weather. They're making a, they're pouring this in three sections, because of the floor drains and everything in the sally port area. They're pouring the second of three areas of the sally port today. They'll pour the last one tomorrow. So, that's going to just, you know, that just helps out everybody. We have started setting cells in the B pod, the furthest one back. We set the cells first, and then the structural steel, and the structural pre-cast, you know, correspond with that. That's all, all that work is underway at this time. So, they're working in those pod areas, and working back toward the main building. Again, on the floor slabs, all those are poured on the first level in the main administration area. Within probably the next two weeks we'll be pouring the topping, there's a two inch topping slab that goes on the pre-cast planks on the second floor. It's just a, you know, it's not a structural, it's a dressing. It's just a smooth, hard surface that, you know, that everything works off of on the second floor. You know, the structural part is the planks and the beams of that nature. The block work in the administration area, I mean, they're working all over. They're working holding cells in the intake area. They're working in the medical area. They're working the main front office, where you go into the front of the building, there's a wall that goes full height there. That's complete except for a hole they left in it so that they could access material to the second floor, and then they'll fill that in at a later date. But, they just left a hole big enough that they could stick pallets of things, and, you know, block and whatever they wanted to take through, that they could take a fork lift and stick it in on the second floor, just to access things. If you walk out and happen to see a big hole in the wall. So, don't be alarmed at that. Our electrical contractor, they're working as the pre-cast is set. They've got guys all over the administration area there. The conduit, underground, and everything is in. They're running conduit overhead. They're connecting to the, there's conduit that's imbedded in the pre-cast planks, and they're making all the connections to that, and tying in and running back to the main switch room and making all their tie-ins on conduit. They're not pulling any wire or anything in yet, but, you know, they're running conduit all over the place. They're doing their rough-in, the plumber is in on the A pod, and that's the only underground work that still needs to be done. The electrician is working in that area. We let the plumber go first, and then the electrician is on a level up higher than the plumber. The plumber is deep and the electrician is shallow. In the mechanical room, all the boilers are sitting there installed. The pumps, the chiller, air handlers, they're working on all of the connections, the piping, the duct work, everything that ties all these systems in. There's some of the heaters that are hung in the warehouse area, of course, they're covered up and everything is protected by plastic. The duct work, like I say, and they were bringing in a truck load this morning before I left, of what they call the spiral duct work. It's round duct work. They've been hanging the square. The round has just been fabricated and they've got it on-site, and they're going to go ahead and start hanging, a lot of that that goes all over the whole area. The plumbing, they're working on the floor drains and installing in the sally port hot and cold water piping all over. They're going, again, there's pipe hangers and there's piping running throughout the whole administration area at this time. I mean, you know, they're running, anywhere there is restrooms and toilet facilities, and anything needed for water, you know, I mean, they're running the main piping to that now, so they can get it into the block walls, and get it roughed in before, you know, everything is closed in. We're in good shape there. The underground work in pod A is complete. Of course, then that allows the electrician to go ahead. The site contractor, he's got the water service, the two valve pits, one for community corrections, and one for the jail project are in. The valves are in. The shut offs, the bypasses that are coming to the buildings. They've got, they should finish that up tomorrow, Monday, Tuesday,

something like that. They have to chlorinate these lines before the city will, you know, turn everything on for them. So, that process will happen next week. The water is there and accessible at this point. So, we will, within, and I'm going, within two weeks we should have a fire hydrant there. A working fire hydrant. So, then that would be right there at the building. It would be one of several that's around the building. Okay, the structural steel is all complete, metal deck on. The administration area, they are doing the final preparations for the, getting ready for the roof. You know, the roof curves and supports, and things of that nature, and cutting holes in the deck so that they can proceed with the roof system. There is some fabricating going on on site. They've brought the material in, and they're putting it together out on...I don't know if you've happened to look, it's way out on the back behind the pods, and there's panels that form the walls of the outdoor recreation area. They're building them there on site, and then they'll just bring them and set them on the concrete foundations when the time comes. But, they would just be so big that they couldn't fabricate them in the shop and then haul them out there. So, they're just set up there, and getting that work done. They've got, they're putting the top framing on the, some of the indoor rec areas that are, two of them are there at the medical area. Then they just get a steel structure there. Then there's like a screening that goes over the top of that for security. Okay, I made a visit last week up to Indianapolis to the Integrator office, and to their warehouse, and went around with Brandon Dilger. He's got, they've got several of the racks, what they call the racks, that they put all the computer components and all the controls in, and everything is labeled, you know, Vanderburgh County with big labels and stickers that will be on there for life, I guess. But, the, they build these things there, and they operate them. You know, they build, all this security control system is all put together in an operational form there, and then they disassemble components of it, bring it to the site, and then reassemble it. They've got, there was pallets full of computers and monitors and cameras, and sensors, I mean, of all kinds of stuff that's going to be needed for the project. I questioned him, I said, you know, why did you need all this stuff at this time? He said, well, you know, we might not need all of it, but we need one of them. We would need one out of each thing. Or two out of each thing to make this component, you know, to work it and to operate it. So, he said, therefore we, of course, they locked their price in, and they'd store it in their warehouse. We have insurance certificates and everything on that material, that it is in, and secure in their warehouse where they're working. So, and it's all labeled for Vanderburgh County. Other than that, on the jail, do you got any, is there any questions?

Community Corrections Project Update

Les Smith: On the community corrections. The building foundations are all in on the perimeter, the interior foundations. They're doing, they'll probably pour today, tomorrow, and finish up the connector corridor, that connects the jail to the community corrections. The foundations for that they still have to fill and do those things, but the concrete will be there in place. So, they're working on that, and they're making very good progress on their concrete and underground work. Most of the underground plumbing is installed. They have the local plumbing inspector come out and do an inspection and test it before they cover everything up with the backfill. As soon as that's done, then it's just like what we was talking about on the A pod, the electrician comes in and puts his stuff in at the next level of the job. They unloaded a truck load of structural steel columns and beams on the job site yesterday. They've, I'm not sure if they're going to start erecting those right away. I don't see that happening until the bar joists...the bar joists are something that's

usually a five, six week, you know, seven week order, and they're, when they come, then they can make a unit out of it. They'll probably install that at that time. I was talking with Danny Bateman last week, and he said that he will have a complete construction schedule ready for us, hopefully, today. So, I will find out more about that, you know, at our 2:00 meeting on the community corrections. But, as soon as we can get a copy of that, and I'll forward it ahead to you, or make it available, you know, if you're out there, or whatever. Patriot Engineering, they are doing the independent testing on the jail. They're also doing the testing on the community corrections, you know, soil testing, concrete testing, and things like that. I've requested that they send us a copy, along with, I know they've sent one to United/DLZ, and we'll have those accessible if you would like to take a look at them or anything. Or if we see anything that doesn't come up to spec or anything, then we'll keep an eye on that for you. Okay? Anything else? Any questions? Thank you.

President Fanello: Thank you, Les.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?

Mark Shireman: We've got a progress meeting.

President Fanello: Have fun.

Old Business

President Fanello: Any old business?

Commissioner Crouch: Did we, with the election machines, the delivery of them, did we approve that for the fall also? Or do we need to redo that, Tammy? I can't remember.

Tammy McKinney: I don't remember either. I'll, and I had that on my, when I was working on the polling places with Connie the other day, I went, I made a note to check with Kinder to see if we need to do another contract for the fall, or exactly what. So, I'll get with Ed about that.

President Fanello: Would you let us know Monday night, since we won't be having a...we may need to get that on for Monday night, if we need to do something.

New Business

President Fanello: Any new business?

Consent Items

President Fanello: Then we have consent items. One thing, on the payment for the Energy Systems Group, I know we have a purchase order out there for some money that I think was supposed to be used as a down payment. Has that been processed?

Tammy McKinney: I have a P.O., but I haven't spent any money yet.

President Fanello: Okay, could you work with Dan Dowell and Old National to see if we just need to send through a requisition like this one and get that paid. Because I think that was supposed to be a down payment type situation.

Tammy McKinney: Okay.

President Fanello: So, would you work with them?

Tammy McKinney: I'll check with Dan. Sure.

President Fanello: Other than that, do I have a motion to accept the consent items?

Commissioner Mosby: Motion to accept consent items.

Commissioner Crouch: Second.

President Fanello: So ordered. I think, let's see, if we did this two weeks from today, our next meeting would be during AIC. So, do we want to set it, or do you want to wait and maybe talk to Patty? We can always make a decision at Monday night's meeting.

Commissioner Crouch: I would just as soon wait.

President Fanello: Okay, let's wait, and then we can set it. We can get with Patty and set it. Alright, do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 8:47 a.m.)

CONSENT ITEMS:

Old Courthouse Expenses: Energy Systems Group: \$488,415.15

Travel Requests:

Health Department (1) Soil and Water (4)

Request for Telephone Service: Sheriff (1)

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Brent Robertson	John Stoll
Mark Foster	Les Smith	Mark Shireman
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 27, 2004**

The Vanderburgh County Board of Commissioners met in session this 27th day of September at 5:33 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 27th. Introductions are as follows, to my right, Patty Avery, Commissioner Assistant; County Attorney, Kevin Winterheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of September 23, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the September 23rd minutes?

Commissioner Mosby: Motion to approve minutes.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of Specifications for Towing Bid

President Fanello: First item is Phil Lawrence, specs for towing bids. Is Phil here? I don't see him. Is anybody from the Purchasing Department here? Well, if it would please the board, could we entertain a motion to defer these until next week then? I'm really not happy with the towing specs. They were very light. I don't know if anybody had a chance to read them, but they are not detailed enough. The one's that the Sheriff submitted for the towing and storage are very detailed, but these are not.

Commissioner Mosby: Motion to defer.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for VC04-09-01: Mt. Pleasant Road Improvements

President Fanello: Next item is permission to open bids for VC04-09-01. Do I have a motion?

Commissioner Mosby: Motion to open the bids.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Any bids from the audience? Seeing none. The first set of bids is from Blankenberger Brothers, Inc. of Cynthiana, Indiana. Let me find the total here, they have listed as total bid \$1,455,675. I'll repeat that, \$1,455,675. The next set of bids is from J.H. Rudolph and Company, Inc. of Evansville. Their total is, \$1,686,536.10. I'll repeat that, \$1,686,536.10. That was J.H. Rudolph. The next set of bids is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total is, \$2,074,800.43. I'll repeat that, Deig Brothers, \$2,074,800.43. The next bid is from, it looks like Ragle, Inc., R-a-g-l-e, Newburgh, Indiana. Their total bid is, \$1,474,828.48. Again, Ragle, Inc., \$1,474,828.48. The last bid is from Klenck Companies, Inc. from Evansville. Their total is, I love this number seven font they use, \$1,523,166.07. Again, \$1,523,166.07. That's all the bids I have.

Company Name	Bid Amount
Blankenberger Brothers	\$1,455,675.00
J.H. Rudolph	\$1,686,536.10
Deig Brothers Lumber & Construction	\$2,074,800.43
Ragle, Inc.	\$1,474,828.48
Klenck Company	\$1,523,166.07

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Concerned Citizens Group:
Vanderburgh County Urged to Use Voter Verified Paper Trail for
Electronic Voting**

President Fanello: The first item we have under discussion items is Tammy Barnett.

Tammy Barnett: Good evening. We appreciate the opportunity to speak with you about insuring the integrity of the new electronic voting equipment that Vanderburgh County will be using. My purpose, I'll first be talking to you about the petitions, and then I'll hand the floor over to Jennifer Kennedy, who will give you our specific reasons for what we're requesting. Then, Tim Slack will also be speaking to you. After we speak, we'll be giving you the petitions, and also a handout with all of the information that we're referencing in tonight's talk. So, our purpose tonight is to present you with a petition requesting that Vanderburgh County provide a voter verified paper trail as a safeguard against computer malfunctions and tampering. In talking with the voters in this county, what's been so inspiring to us, is that this is truly a non-partisan issue. So, in the sheets you'll find signatures of Democrats, Republicans, and Independents, who all have one thing in common, and that is to ensure the integrity of our voting system. It's in all voters interest to ensure that their vote is counted according to their own intent. What's at stake is the accuracy, reliability, and, indeed, the very integrity of our election process. We will be presenting two main reasons why we believe this paper trail is needed. The first reason is to present problems caused by computer software glitches. I think all of us that work with computers everyday, I know I do computer training, we all realize that that is a very real possibility. The second reason is to safeguard against

intentional tampering with the way the software records, counts, and stores our votes. So, I would like to hand this over now to Jennifer Kennedy, who will explain these two reasons in more detail.

Jennifer Kennedy: Thanks, Tammy. Councilmembers, my name is Jennifer Kennedy. I am not, by any means, a computer or elections expert. I am simply one of many local voters who are seriously concerned about this issue of the voting machines. Basically, the more I looked into and learned about this issue, the more worried I became. That eventually led to me speaking out at the Election Board meeting last Monday. The points that we'll be making here tonight are backed up with specific examples that will be contained in the handouts that we'll be giving you after we finish. The first concern with electronic voting equipment is potential software glitches. Articles and publications, such as USA Today, The Washington Post, and The Houston Chronicle, describe accidental software glitches and random computer crashes on electronic voting equipment. Most alarming are the numerous cases documented by the Verified Voting Foundation describing miscounts and unexpected malfunctions with computerized voting machines, including those of ES&S, among other suppliers. This has happened across the country, and as close to home as in Boone County, Indiana. Investigative journalist and author, Bev Harris, has detailed how, in various elections, software programming errors resulted in votes being lost, skipped, or in some cases actually reversed. Even entire precincts have been left out of some tallies, resulting, sometimes, in election outcomes having been flipped. In many of these cases, the true numbers were only later revealed by a hand recount. Keep in mind, that unless someone actually disputes the results, a recount usually is not done. Unfortunately, the malfunction and miscount instances have been happening for the last two years, but, usually, this only makes local news in the areas that it's happened. Just fairly recently has this issue been starting to receive the level of national attention that it deserves. I believe this has left the general public with the assumption that computerized voting is reliable and not worth questioning. The Evansville Courier did report that Vanderburgh County's touch screen system worked "flawlessly" in our primary, but I believe that this just gives us false comfort, because it has been acknowledged that with similar systems elsewhere, these have malfunctioned without warning, on election eve after previously working fine. The turn around of the results may indeed be faster with the new machines, but we should not compromise accurate results for quick results. The second major problem with electronic voting equipment is the risk of intentional tampering. Studies conducted by computer programming experts at John Hopkins University and Rice University found literally hundreds of exploitable security flaws in Diebold's software. Those results were later supported by a Science Applications International Corporation risk assessment study. They also found that these voting programs could be vulnerable to malicious code programmed from an industry insider. In light of these findings, even the non-partisan League of Women Voters rescinded their prior support for paperless electronic voting machines, and they are now a major proponent of a verifiable paper trail. By its very nature, election software takes away the transparency of the voting process from the eyes of the voter. Even though we've just recently learned that Vanderburgh County's equipment is now certified, certification in and of itself is not much of a reassurance, because it's very difficult, even for testers to find accidental errors. It's nearly impossible to detect malicious code, since this is intentionally designed to be hidden and unnoticed. I've even read where some of the testers that are doing these certifications, in some cases, are not even official computer experts. Keep in mind that the accidental mishaps that I just mentioned earlier have happened despite passing certification in that area. We feel that the best resolution to these problems would be to not use the computer voting machines at all, but we realize

that the investment has already been made in this equipment. So, we feel that the next best alternative would be to provide a voter verifiable paper trail. This would mean that before leaving the precinct, voters would be able to double check their vote on a paper printout to verify that it accurately reflects their vote. These receipts would then be left at the precinct to serve as a verifiable physical voting record. This would be similar to the ATM receipt provided to verify bank transactions. Would you feel comfortable making a deposit at an ATM machine without getting a receipt? I know I would not. The most important factor here is that without any kind of receipt system, there is no ground to question or perform any kind of honest recount. In a close election, not having a plausible recount method may result in a more confusing situation than in the last Presidential election. Because of all these problems, Illinois, Washington and California have all passed laws requiring a paper trail for electronic ballots, and at least 20 more states are weighing similar legislation right now. Nevada just recently had a state-wide election using such a system, and this proved that it could be done smoothly and successfully. Ms. Abell informed us that ES&S has such a system ready to go for our machines. We realize that the cost of the printers would need to be added to the investment, but to quote a popular credit card commercial, we feel that insuring true democracy in our election process is "priceless". On behalf of concerned voters, we ask that you consider doing whatever it takes to implement a voter verifiable paper trail for our election as soon as possible. Thank you for your time and attention.

President Fanello: Thank you. Do any of the Commissioners have any questions?

Commissioner Mosby: I think he's wanting to speak.

President Fanello: Do you want to speak next?

Commissioner Mosby: Oh.

President Fanello: You do. Come on up.

Tim Slack: (Inaudible. Not at mic.)

President Fanello: Well, why don't we just let everyone speak that wants to speak, and then you said that you had a handout for us.

Tim Slack: Yes, Tammy has a handout that itemizes many of the things that both Jennifer and I have been talking about. I just wanted to take the opportunity to thank you again for being able to make this presentation, and highlight several particulars of instances of either lost data, or data that nobody even realized was incorrectly recorded with these touch screen machines. There was a software glitch, for instance, in Bernillo County, New Mexico, that just simply ignored 12,000 out of the 48,000 votes cast in a 2003 state election. The officials didn't even recognize that loss of data for ten full days after they had certified the election. Simply because there was no paper trail, no way to do a recount. Hinds County, Michigan recently spent \$1.6 million on touch screen machines, and as soon as the polls opened, they immediately started over heating. So, as a result, the polls needed to hand out actually paper ballots, but they were woefully under prepared with the number of ballots, and many of those that were cast on paper were mishandled. As a result, the state mandated a re-election, that is a whole new election, to the cost of \$25,000 to the county. So, there's subsequent costs, collateral damage, so to speak, for lost data and incorrect information. One of the individuals that is at, he's a professor of Purdue University, a gentleman named Eugene Spafford, he's also Executive

Director of the Center for Education and Research in charge of information assurance and security, writes that he would not even accept the software implicitly being accurate or verifiable, even if he had written it himself. Even if they, at Purdue, out of his department had written the software, just because of the potential for glitches and the potential for hacking. As we all know, it's a worldwide problem, and people have hacked into the Pentagon, cryptography vaults and everything. So, hackers are always one step ahead of the people who are trying to catch them, I guess, is one thing to say. The National Press Club, for instance, just earlier this month, had a presentation wherein teenage hackers were able to change or garble entire sets of data in the machines that currently are using certified software. So, the software, in and of itself, being certified is not proof against hacking or tampering. One variety, and that's Diebold again, actually has a backdoor, was proved to have a backdoor two digit code, and access code written into their software, into their programming, that allowed access to the raw voter data. I can't think of, nobody can think of, any legitimate reason for that kind of an access code to be written in, except as an ingress to tamper or change data. As a result of some of that information about Diebold, the entire state of California is suing Diebold to recover their millions of dollars invested in Diebold machines, and saying in court documents, filed court documents that Diebold, that some of Deibold's documents themselves, are being used by the state showing that there are poorly written software, and lack of cryptography in the software that Diebold is using. That's, Deibold represents 50% of the machines, the touch screen voting machines that are going to be used around the country. They produce 50% of the machines, and their software is certified, but, again, certification is no proof against tampering or hacking. Then we come to Florida, Dade County, Florida. In the 2002 state elections they had a need to do a recount, but for some reason, and through some strange set of circumstances, the entire data base had gotten lost, apparently deleted from whatever server it had been stored on, according to officials. In the fall of 2003, one Florida Senate seat was one by only 12 votes out of 10,844 cast, but 137 votes mysteriously turned up with no vote being cast for anybody on that entire ballot. So, it kind of begs the question, did 137 people actually take the effort to go to the polling booths and vote for absolutely nobody, or was there a glitch? Again, Florida law mandated that because the election had seemingly been won by only 12 votes, they said that this mandates a recount. But, again, the data had been lost. I think, the last thing to say, again occurred in Florida. The last thing for me, anyway, is that Palm Beach, Florida, one touch screen advocate who was instrumental in getting \$56 million worth of machines installed in Florida, and her county in particular, but other counties in Florida, is now adamantly in favor of conversion to paper trail addendums to those machines. She pointed out during her recent campaign, her name is Addie Green, she pointed out that a political unknown ran against Theresa Lapour, who was the initiator of the butterfly ballot that caused all of the debate and uproar during the 2000 Florida election. So, this political unknown ran against Theresa Lapour in the 2002 elections and her opponent, her challenger won the election, and his sole issue, the core issue of his campaign was to install paper trail ballots. Voter verified paper trail on the electronic voting machines. He won the election. So, he won and she's gone, and she's the one who was instrumental in installing many of the other voting machines in the other counties around the state. She championed electronic voting machines and lost the election. So, there's, this is a tipping point in history, if you will, that the newness of these touch screen machines, it's anticipated that federal law is going to be passed in 2005, or effective 2006, there are bills in both the Senate and the House, national Congress, that will ask for federal funds and a federal mandate to require voter verified paper trails on electronic touch screen machines, just to protect against loss and tampering of data. So, thank you very much.

President Fanello: Thank you. Is there anyone else wishing to speak at this time regarding this issue?

Unidentified: (Inaudible. Not at mic.) I'm not with this group.

President Fanello: No, that's fine. Come on up, since we're...just state your name for the record.

Tom Berry: My name is Tom Berry. I had Berry Construction in Evansville for several years. I recently changed the name in the last couple of years, but, anyway, I haven't been involved in politics too much until about the last year, because it seems our city...I got involved because it seems like our city is always spending money, but they don't always spend it wisely. This thing has really been bothering me, and I didn't know, I had heard about this group, but I didn't know how to get in touch with them. I think there's a lot more people like myself out there that's very concerned, extremely concerned, about our votes counting, and us not having a fiasco. You know, we spend \$50 million on a jail, \$30 million on a Vo-Tech, \$30 million on a library, I don't know what it's going to cost, I hadn't really heard any figures on exactly what it would cost to get a paper trail, but I bet you it's not anywhere near \$90 million, or \$120 million. I think it's something that we really ought to have, because, you know, if not, you might have a rebellion from the people in this town over the election, you know, if I have to start it. Because I want to make sure that my vote counts. Okay?

Unidentified: (Inaudible. Not at mic.)

President Fanello: If you want to come to the podium.

Tim Slack: When the state of Nevada put these, installed these paper trail verified ballots, ballot verifying machines on the side of their touch screen machines, they estimated, depending on which machine had been installed in the counties, that it ran between \$500 and \$1,000 per machine. So, of course, multiply that by however many machines there are, you know, how many precincts, and you arrive at a figure. But, as this gentleman just said, I'm sure it's going to be less than \$9 million. In any case, the confidence, the integrity of the vote is without a dollar sign, it's priceless, as Jennifer said.

President Fanello: Thank you.

Tammy Barnett: We've also (Inaudible)--

President Fanello: I need for you to come to the microphone.

Tammy Barnett: We've also heard the quotes as low as \$400 a printer.

Tim Slack: The ES&S machines that Vanderburgh County just recently got, and only even more recently have been certified software, are already adaptable, they're already adapted for--

President Fanello: Printers.

Tim Slack: --printer machines out to the side. So, there won't be any retrofitting necessary, except the machine itself, and to hang it out and have the paper available. The printout itself, I don't know whether Jennifer mentioned this, but that's

retained by the election commission as the official recount. It's not like an ATM receipt where you rip it off and take it away with you, you know, make sure that your vote, it's under glass, under plexiglass, and you make sure that your vote was recorded the way that you wanted it to be recorded, the way that you wanted to vote. You make sure that that was done as you leave your polling booth. Then that gets stored as a paper ballot. Then in the event of a recount, they use the paper ballot instead of the software check.

President Fanello: Thank you. Go ahead and pass out your information. Do we have anyone else. Representative Avery.

Dennis Avery: I really didn't intend to speak, but I think the enthusiasm of the people that have spoken is contagious, and I thought it was important that I say something. I was contacted just a couple of days ago by Tammy regarding this issue, and I have been following it really for several months. I've been very concerned by the fact that in Vanderburgh County we'll not have any kind of verifiable system to, so if there is a glitch, if there is a problem, what I'm frightened of, and what I'm afraid of is that the public will not have any confidence at all in the outcome. And for good reason, because if there is a request for a recount, there's no way of recounting. You just look, yep, that's the number on the back of the machine, or that's the number that was cast. There would be absolutely no confidence in the results. That should be of great concern to any public official. I was contacted because of a request that the state legislature take up legislation next session to require that every county will have a verifiable system. I have contacted our Legislative Services Agency, and they're working on legislation to that effect, but that's obviously too late for this election. It would be absolutely wonderful if you guys could come up with the necessary money to make it possible this election. If not, that Vanderburgh County certainly have a system in place in all future elections. If not, I guess, we'll just have to cross our fingers, if it can't be done this year, we'll just have to hope for the best, and hope that nothing happens, because if something does happen there will be real problems. People will lack confidence that their vote actually counted. As has been indicated, this election and the vote is so important, I am often reminded of...when I first got in politics I was doing door-to-door, and doing one of those things called delivering applications for absentee ballots, and I spoke with a Carlton and Alice Martin, and that's 30 years ago, and I still remember their names, because Mr. Martin had cancer, and Mrs. Martin, I think, had heart disease and they were both bedridden, and they said as long as they had the strength, Carlton said, as long as he had strength in his hand, he was going to cast a vote. He voted in the election, and I would hate the thought that Mr. Martin's vote or Mrs. Martin's vote would not count. I think there will be a lot of Carlton and Alice Martin's if something happens this year. So, I urge you to do what you can to resolve this issue. Thank you.

President Fanello: Thank you, Representative Avery. Do either of the Commissioners have any questions? I know I do appreciate you coming. I think it is a very important issue. I have been asking the question, and, in fact, asked ES&S the question when they were on-site here a couple of months ago, that I really think a paper trail is important. There are too many things that can happen with electronic equipment, as you cited those, and I won't repeat them, but we all know that nothing is impossible. So, I would hope that Vanderburgh County would move in that direction, and I do not know what the cost of it would be, but I'm sure that we could find out, and I'm sure that monies could be found to support that.

Commissioner Mosby: I'll just go ahead and make a comment because the resolution is on our docket for tonight, and I definitely support your position. I mean,

as a candidate for office, and, I guess, this will be about my sixth election, I've been doing this for 17 years. It's very important to me to know that every vote counts, as Mr. Avery just stated, and I would hate to think that the people in Vanderburgh County would lose confidence, either in their elected officials or the people that run the county, but it would jeopardize this election, and any other elections. I guess, you can't say it can't happen near home, because it happened in Boone County, Indiana, so, you know, that's close enough for me.

A Resolution Concerning Electronic Voting Equipment

Commissioner Mosby: But, I do have a resolution that I have submitted tonight for the docket that we'll hear in just a second. I would be happy to pass this resolution on immediately to the local Election Board for their next meeting. If we can get a price from ES&S, and find out exactly what something like this would cost, and maybe if we didn't have a, I don't know how we could do it exactly yet, but I would be more than willing to listen to anything that could be done in the next week or two to assure, I guess, myself and any other candidate on this ballot come November 2nd, probably about 40 days, I think I count them everyday, but I would be more than glad to support anything that could be done for this election. Like I said, if not, I've got a resolution that we're submitting to the General Assembly to make sure we ensure something is possible.

President Fanello: Would you like to read that resolution for the benefit of the audience?

Commissioner Mosby: I'll go ahead and read it. It says:

"Whereas, many concerned citizens have expressed concerns over a voting system that has electronic registration of votes; and, Whereas, the Board of Commissioners of Vanderburgh County agree with said concerns; and, Whereas, everyone has experienced problems from time to time with even the best electronics and computer equipment; and, Whereas, voting is the most important duty of a citizen, and ensuring the accuracy of the vote is the most important duty of those running an election; NOW , THEREFORE, BE IT RESOLVED by the Board of Commissioners of Vanderburgh County, Indiana, as follows: That the Board of Commissioners of Vanderburgh County, Indiana, respectfully request that the Indiana General Assembly adopt a law requiring voting machines have a voter verified paper record, or other non-electronic method of recording votes, in addition to the electronic method to ensure that all votes are properly counted."

So, that is the resolution that we will be voting on in a second. I will be more than happy to pass this on immediately, and see if there is something that can be done.

Tim Slack: Would you consider adding one little (Inaudible)--

President Fanello: Could you come up--

Tim Slack: --that the paper trail then be considered the official recount ballot.

Commissioner Mosby: Oh, I would definitely would add that. We will that, I guess, right at the end, Kevin, could we just add--

Kevin Winternheimer: Yeah.

Commissioner Mosby: –that the paper trail will become the official recount record.

Commissioner Crouch: Is that a motion Commissioner Mosby?

Commissioner Mosby: That is a motion.

Commissioner Crouch: I would be happy to second that. I believe the Election Board is meeting tomorrow, perhaps, we could forward that.

President Fanello: Yes.

Jennifer Kennedy: I don't know if you caught it, but at the beginning of my presentation I did mention last, this past Monday, I personally went down to the Election Board meeting then, and, basically, made the same presentation to them, and this was just my personal understanding from (Inaudible) I got from them, but my understanding was that I don't think that they are going to do anything unless they're mandated to do it. By either the state level, the federal level, or, you know, if we have the power at the county level. That was just the personal impression that I got. So, I just wanted to–

President Fanello: Thank you. I would probably ask our County Attorney to check into that. Since the Commissioners sign contracts for the voting equipment, do we have the authority or power to go ahead and buy the additional equipment, if we so desire? I don't know where the duties of the Election Board end, and where the Commissioners end, but–

Kevin Winternheimer: It's a valid question, because, generally, they control the election, but I will look into that–

President Fanello: Okay.

Kevin Winternheimer: –and get right back with you.

President Fanello: Thank you.

Commissioner Crouch: And, I guess, we probably need to follow up with the Election Board to see if printers would be certified, or if–

President Fanello: Right.

Commissioner Crouch: –they would be acceptable in this election. I don't know if that's an issue or not.

President Fanello: We had a motion from Commissioner Mosby, and a second from Commissioner Crouch, and I'll say so ordered. We can draft a letter in the morning and send it down to the Election Board, and to those in the General Assembly. I know that Representative Avery will carry on this matter. He's very interested in it. So, we do appreciate you coming and making your voice heard. Thank you.

Polling Place Contingency Plan

President Fanello: Next item is, let's see, we've got polling place contingency plan. In everyone's packet we had, I had received a letter last week from Todd Rokita, basically, asking that our county, every county, have a contingency plan in place in case there were to be some act of terrorism on election day, or some other emergency or natural disaster that would impede the election. What I would ask that we do is draft a letter to the Election Board and the Emergency Management Agency and ask them to come up with a contingency plan, and that plan be put in place. So, I guess, I just need a motion to ask them to do that.

Commissioner Mosby: I would make a motion that we would draft the letter to the Election Board and ask that Sherman over at EMA would help with this.

Commissioner Crouch: Second.

President Fanello: So ordered. I guess, we can go ahead and send that down with the resolution.

I-69 Resolution Opposing I-69 as a Toll Road

President Fanello: Next item being the I-69 resolution. Commissioner Mosby.

Commissioner Mosby: This came in light of, I guess, some things that I had read in the newspaper last week, or some things that were made aware of my attention. Or brought to my attention. It's a resolution concerning I-69, and, I guess, my position, and, hopefully, the Board of Commissioners position that says:

"Whereas, the members of the Board of Commissioners continue to support the I-69 project; and, Whereas, there has been some discussion of making I-69 a toll road; NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Vanderburgh County, Indiana, continue their support for the I-69 project, however, the members of the Board of Commissioners hereby state their position that said highway should not be a toll road. This Resolution shall be forwarded to the appropriate state and federal agencies that shall make this determination."

Like I said, I bring this in front of us because of the attention, I believe, that I-69 has gotten this week, and in the editorial as late as this morning. I don't think it would be fair to this community, or Vanderburgh County, the surrounding communities in the tri-state area that we would make I-69 a toll road. I think it would be detrimental, maybe somewhat in the line of economic development. If people thought that they were going to have to pay day-by-day to travel from Indy to Evansville and back and be charged a toll, and I'm scared it would deter people from the area. So, I would like to see this Commission immediately bring their support towards I-69 in the absence of a toll road, and only as an interstate.

Commissioner Crouch: Commissioner Mosby, it's kind of ironic, I just attended a seminar last week in Jasper for county commissioners regarding road funding, and the challenges that we're going to face in the future regarding that. I believe that everyone recognizes, including our own two gubernatorial candidates, that based on the amount of federal and state road monies that's going to be available, it's going

to be extremely challenging to fund I-69. But, we must find a way to fund it, because it is the single most important economic development project for our community. I would be comfortable voting for this resolution if you would amend it to read, "that funding of I-69 through tolls would be a funding source of last resort". This resolution as it is worded may send the wrong signal to those who will be deciding the funding for the construction of I-69. It suggests that the Commissioners would not support I-69 if toll road funding is necessary. I think I-69 is so important to the future of our community, that it would be premature to rule out any funding source without further information. So, I don't know if that is an amendment you would consider.

Commissioner Mosby: It's hard for me to consider that. I mean, we have elected officials on record stating that I-69 should move forward, and not as a toll road. I believe what you're trying to do is just give them an option to say that, well, they'll support it regardless. You know, if we make it a toll road, and, I mean, I am supportive of I-69, I guess, however it gets built. But, I would like to see the people of the tri-state area and Vanderburgh County, you know, be given what the rest of the state has been given through 65, 70, and 64, and every other interstate that has went through here, and 465 around Indy. All of a sudden we're to get a toll road down south, or an interstate down south and they want to make it a toll road. I believe there are elected officials that are on record saying that we can build this without it being a toll road.

Commissioner Crouch: You know, one of the things that they shared with us in the seminar, as you all know, the funding currently is 89 cents per dollar. So, for every dollar that we send to Washington, we get 89 cents back. There's a House version of the federal funding, road funding, that actually drops Indiana's share down to 84 cents. There's also a Senate version that will raise it to 95 cents. But, with the best case scenario, which is raising our road funding to 95%, or 95 cents on the dollar in the future, it's still predicted that we are going to be about two billion short over the six year period of that particular bill. In fact, if our funding stays flat, by the year 2006 we will not have enough money, state road money, and federal road money, to not only maintain our roads in Indiana, but there will be no money for expansion of the future roads. That is why, at this point in time, if we don't, if we cut out one funding source, then how would you propose to pay it? By increased gas tax? Or by the Bureau of Motor Vehicle fees? Or, I mean, if our funding is not going to be there, and we have to come up with some funding...to me, I'm just saying that I think it's premature to eliminate a funding source, at this particular point in time.

President Fanello: Well, and I think that makes a case for, that's why it's important for federal governments and state governments to prioritize what their projects are. I understand that President Bush has said that he would veto a transportation, an increased transportation bill. So, he's not been very supportive of transportation funding for the nation as a whole, and not for the state of Indiana. So, I think that's where, you know, we have to lobby for this to be a priority, and I think that the money that has been put into it so far, into the studies, and to get us to this point of where we are, I think everyone knows that I-69 is a priority. But, I think what Commissioner Mosby is saying here, because it says we continue our support for the I-69 project, we're just not in favor or making it a toll road. I don't know if you've had the opportunity to drive on very many toll roads, but as I have a relative that lives in Florida, my father, I have driven on those toll roads, they have a lot of toll roads in Florida, and it's, you don't have a very good feeling when you have to stop every five minutes and drop some change in the toll road. It doesn't make you very happy as a driver, or as a visitor of the state. So, I think it's an impediment to economic development to make it a toll road. I would support the resolution as written,

because I think there are ways to fund the transportation projects. Like I said, we have to lobby our Congressman to get that extra funding, and, you know, lobby those in the Senate for that extra funding. But, our President has not been very supportive of transportation dollars. So, it's a matter of prioritizing. Just like we do on a local level.

Commissioner Mosby: And I do, I would just add one thing, in some conversation that I had this afternoon, and, like I say, I'm supportive of this going forward as definitely not being a toll road. If it does come back to become a toll road, I think we're going to lose a lot of time, from what I understand, because there's going to have to be studies done to support the amount of revenue, to see if it would support the bonds to build the toll road. That's how it was explained to me this afternoon. So, you're probably going to go back through a lot of time, if this is the direction that the federal government decides to take. I think Vanderburgh County has waited long enough, and so has southern Indiana and the tri-state area, to see something like this come across. So, it just concerns me that this board would push forward to see that I-69 stays on track. That we don't make it a toll road, and that we don't drop back in two or three years and try to come forward again.

President Fanello: Because I think you do make a very good point, there would have to be studies done—

Commissioner Mosby: Yes.

President Fanello: —for a toll road, and that may delay funding from the federal transportation, and, obviously, would be a delay in time when this Governor has taken every opportunity to move this project forward as fast as possible. I don't say that in a partisan manner, it's just a matter of record. But, I think that would be an impediment, waiting, you know, extra time for toll studies. I just don't think it conducive to the economic development that we need from this project. Do you have anything else to add?

Commissioner Crouch: With all due respect, I think at this point in time (Inaudible. Mic. not on.) premature to eliminate any funding source. (Inaudible) So, I will abstain from the resolution.

President Fanello: I will second the resolution and ask that we forward it on to the appropriate state and federal agencies as soon as possible.

Commissioner Mosby: Thank you.

I-69 Community Advisory Committee

President Fanello: The next item you have is a letter that I received last week from INDOT, talking about the I-69 project, and asking that we appoint a representative for the CAC committee, Community Advisory Committee. I don't know if we want to make that decision tonight, but wanted to bring it to everyone's attention. It could be a Commissioner, it could be a private citizen, it could be, you know, a government employee. So, I kind of thought of the County Engineer, but I know he is....is he in here? Is he shaking his head no? And, Suzanne had that same thought. Or it could be a Commissioner, or someone from the, she makes a good point, the EUTS office. So, I think we need to talk with those respective people, because they do stress in the letter that it is a major time commitment to serve on this committee. So, if we

want to take the next week to think about it, talk with those representatives in the various departments, and see what would be our best strategy. So, I will put it back on the agenda for our next meeting.

Workforce Investment Board

President Fanello: The next item you have is information from the Workforce Investment Board. I attended a meeting on September sixteenth regarding the Workforce Investment Board, which, the purpose of the meeting was, basically, to reinvent the Workforce Investment Board, because it had primarily been a stagnant board over the past. There were representatives from every county, Spencer County, Posey County, Perry County there at the meeting, and we were all in the same boat that no one has ever contacted us from the Workforce Investment Board. As you see all these counties have board vacancies. They were all in the same boat that nobody had let them know that we had vacancies. So, this is their first initiative to try and reinvent the Workforce Investment Board, with the support of Mayor Weinzapfel. If you went on to read in the letter, it is, they are looking for consulting support services to reinvent the board, define their reinvention process. As you can see, they believe it's going to cost around \$50,000. They are seeking \$40,000 of that from the Indiana Department of Workforce Development. They are going to contribute \$5,000 themselves from the Workforce Investment Board. So, therefore, they are seeking another \$5,000 from us and the surrounding counties who participate in this board. I think it very important as we hear about the issue of jobs every day, so, anything that we can do to initiate any improvement in that, I would be in favor of. This would fall in line with the use of our economic development money. So, I would suggest that we do make some sort of contribution to this initiative.

Commissioner Crouch: The four vacancies, are they wanting the Commissioners to come up with those four?

President Fanello: Yes. We need to come up with four board vacancies. They are looking for private sector people for those appointments. So, what I would ask, maybe if each of you come back with a couple names, and I'll come back with a name. So, we need to do that right away over the next week or so. The next issue is also the commitment for any monies to count towards the additional \$5,000 that they need. I just kind of wrote down the population of each of those counties, I mean, we make up 72% of that region listed on here. If you did it on an allocation basis, if you want to do it on a pro-rated basis, we could contribute around \$3,600 would be a fair amount based on population. And we do have the money in our economic development account for this.

Commissioner Crouch: (Inaudible).

President Fanello: \$3,600 is what I came up on a pro-rata basis based on population.

Commissioner Crouch: So, they weren't proposing to have each of the five counties contribute \$1,000?

President Fanello: No, and I don't know that it would be fair to have each of the....they didn't propose that, and I don't know that that would be fair either. Like I said, we make up 72% of the population out of those counties.

Commissioner Mosby: Would, are you proposing that the county pay all of it? Or are we going to split it with the city?

President Fanello: No, I'm proposing that we pay a pro-rata basis, approximately \$3,600, or up to \$3,600.

Commissioner Mosby: But, are we going to split that with the city though?

President Fanello: We could, yes. We could look at splitting it with the city.

Commissioner Mosby: Okay.

President Fanello: I mean, I wouldn't go any higher than that, just based on population.

Commissioner Mosby: I would make a motion that we talk with the city, and Mayor Weinzapfel, to see if he would want to split the \$3,600, which represents about the 72% that Vanderburgh County represents.

Commissioner Crouch: Second.

President Fanello: So ordered. I will draft a letter to Mayor Weinzapfel, and ask him for a portion of that.

Contract with PCI: Inspection Services of Old Courthouse Project

President Fanello: We have one contract, PCI. Kevin has reviewed the contract. I don't know if there are any questions. If not, I would take a motion to pass the contract.

Commissioner Crouch: On the very last page, page 7, at the top, should that be 132?

President Fanello: I think you're right. I did notice that the other day, and I forgot to say something to Keith about it. I'm pretty sure you're right, following the formula there.

Commissioner Crouch: So, if that would be amended to 132, I'll make a motion to accept the contract as reviewed or recommended by the County Attorney.

Commissioner Mosby: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Is there anyone else in the audience wishing to address the board at this time? Seeing none. Moving on to old business.

Unidentified: (Inaudible. Not at mic.)

President Fanello: Oh, okay.

Connie Johnson: My name is Connie Johnson, and I live at 1946 Rollett Lane. We have some problems with a creek that runs behind our house, and it is Bayou Creek. I know everyone has heard about Carpentier and Bayou Creek. The problem is, is when it rains we get, the, it cannot, the creek that runs behind our house is not dredged out enough to accommodate that water and take it on. So, it backs up on our property. Okay? So, there is five houses on the east side of Rollett that, when it rains, the geese love it, they have a little pond back there, but we, as homeowners, do not. Like I say, I'm kind of new at this, and I didn't know where to start, so I just started calling people, and here's just a little summary of people that I did call and contact about our problem.

Madelyn Grayson: Connie, do you have a copy of that for the record that I could have.

Connie Johnson: Yes, I've got some more copies. I'm sorry, I just didn't grab enough.

President Fanello: I'm wondering if we shouldn't hold this until we start our drainage board, we're going to start our drainage board meeting here in a few minutes. Would you mind—

Connie Johnson: Yeah, that's fine.

President Fanello: Okay.

Commissioner Mosby: I was going to say, I know exactly which creek you're talking about. I'm not sure this is a drainage board issue, this is a Commissioner issue, but this is the same project, Mr. Stoll is here. We have got what we call the Carpentier Creek master plan is back. This creek directly flows into Bayou Creek, which Bayou Creek in turn flows over to the east, towards the river, on down to the south towards the river in two different areas. We have identified all this in the master plan, even the area...I mean, I live four or five blocks from you.

Connie Johnson: I know you do.

Commissioner Mosby: I've been down there when Bruce Wilkey and everybody else, you know—

Connie Johnson: Well, we bought their house.

Commissioner Mosby: You bought Bruce, okay, you got Bruce's house.

Connie Johnson: So, we're just continuing the problem.

Commissioner Mosby: You're at the right spot, because this is something that we brought up two or three years ago and American Consulting Engineers has done the whole master plan. They have identified the problems, and we're looking at what is the cheapest, easiest, quickest route. What we have in turn found out is if we go to the east and we cut across, or where Bayou Creek goes across Red Bank, shoot across the tracks into the river through the open field is going to be the quickest, cheapest way for us to get there. One way we're looking at about \$21 million, I believe, John, and the other way we're looking at somewhere in the neighborhood of three and a half to four million dollars. They have also identified a retention pond for Kuester's Field.

Connie Johnson: Yeah, because it floods also. When, you know, it's not just ours—

Commissioner Mosby: Right. They would like to have that property as a, to retain water during heavy rains where it comes down on you, which you're, basically, being use to retain water.

Connie Johnson: We would like our yard back, is what we would....to what I can understand, the kids used to play, I mean, soccer, baseball, all that, and we have, I mean, we're paying taxes on 300, you know, feet of property, and we can only use a hundred. You know, so, it's just, it's an on-going problem, you know about it.

Commissioner Mosby: That's why—

Connie Johnson: It's just that I'm frustrated because everybody that I've called has said that it's not their problem, not their problem, not their problem. It has to be somebody's besides mine.

Commissioner Mosby: No, it's our problem, and that's why we've done the master plan. I'm, you know, like I say, I'm very familiar with what you're talking about, and we have, we've identified like three or four problems. I mean, one problem would be going all the way to the river on the, I guess, you would call it the south end. I mean, which would go through Burdette Park, through Lilly Creek, on out through, you know, all the farmers fields, a long distance. Then we also run into a lot of wetlands and mitigation and things like that that we've looked into. So, we found out to solve it the easiest, I guess, would be go to the east, but we also need to acquire some land where the water is coming from Reiter and DeShields down the creek, cutting out the bank at Kuester's Field coming underneath, that's been identified, and on past you down. So, John, do you want to add anything to this? Or, if I forgot.

Connie Johnson: You can come to my house and start anytime.

Commissioner Crouch: Mrs. Johnson, I did talk to Mr. Stoll about it several times, and I did e-mail you on Thursday and it came back undeliverable.

Connie Johnson: Oh, okay.

Commissioner Crouch: So, I apologize for that, but I did ask John to look into that.

Connie Johnson: Okay. Do I need to sit down now?

Commissioner Mosby: No, you can stay there. We might want to ask you a question.

John Stoll: When Suzanne contacted me about it, I checked and Mrs. Johnson is within the city limits. The projects that, I guess, were recommended in the American Consulting study that would have benefitted her, were either well downstream, like you said, David, or the retention pond. The only downside is, I didn't know where any funding was to pursue the retention pond at this point. That's the biggest downside of all of it. I mean, none of the projects are really funded. We could help out, but, at this point—

Commissioner Mosby: I know we've talked, and that's what I've been trying to pursue with the Building Commissioners. I mean, hopefully, that they're still going to be able to find this funding that....the assistant.

John Stoll: Yeah, Pat.

Commissioner Mosby: No, no, Building Commissioner.

John Stoll: Oh, Steve Fuchs.

Commissioner Mosby: Steve Fuchs was talking about some funding, and that's what we were trying to pursue.

John Stoll: I hadn't talked to him in a while. It was the local match that I was concerned about.

Commissioner Mosby: Oh.

John Stoll: Whether the federal money was there or not, since our Riverboat/Drainage Fund was cut down so much for next year, and things like. So, the biggest problem is going to be coming up with the money to implement any of those. But, if it could be funded, then they would potentially help out Mrs. Johnson's problem, and a number of other one's out there.

President Fanello: Thank you, John.

John Stoll: You're welcome.

President Fanello: So, the issue is money at this point. Like Ms. Crouch said, I think everyone is aware of the issue, and Commissioner Mosby has stated he's talked with others about the issue, so, all we can continue to do, I guess, is to look for the funding—

Connie Johnson: Now, we were told at one time—

President Fanello: —and, you know, see how we can go—

Connie Johnson: —there was funding there, by the Building Commissioner, as far as...our neighbor is Marcia and Fred Dennison, and they were told that there was some money put aside for that. That happened years ago though, and it never was addressed, even years ago. So, like I say, it's not a new problem, it's an on-going problem. You know, I don't, I think if it was your backyard you would want to have something done.

Commissioner Mosby: I agree, I mean, because I've been dealing with this since 1990. I mean, when I was on the City Council I dealt with it. Of course, then, I mean, the same as today, if we came and dredged out behind your house, we would end up with a hole, and nowhere to go, if the city did that. I mean, the county is going to have to clean, I mean, it's our problem. I'm going to admit it, you know, we're going to have to clean out from the river over to give it a place to flow. If we came and cleaned a section from Broadway to the city limits back when I was on City Council, we were going to end up six foot deep trying to go uphill into the county. It will never happen. So, we have to clean the county end first and let it flow. It's our problem.

Connie Johnson: And that's what we were told too.

Commissioner Mosby: Right.

Connie Johnson: That the county was—

Commissioner Mosby: We have dealt with American Consulting. I talked with them last week about this whole thing, and they were still trying to....and they have worked with Steve Fuchs, you know, to see if he can come up with any money, and then we would have to come up with a match.

Connie Johnson: So, what you're saying is, the problem won't be fixed until there is money? Is that what the bottom line is?

Commissioner Mosby: I'm hoping, I wish Steve Fuchs would call me next week and say he's found a source of funding, you know, the three, or four, or five million dollars that we need.

Connie Johnson: So, what are we supposed to do, nothing? I mean, there's nothing we can do to get that initiated? Or is this too bad, too sad?

Commissioner Mosby: No, I mean, I can see how close he is, because he's trying to identify these sources. If not, you know, we can go back and see if there's something we can do immediately with the amount of money....as John said, I mean, the Council keeps cutting funds, and they've cut our Riverboat funds again this year by half a million dollars, and that's the only money we have to work with. Our next step would be to go to the Council and say, you know, if this was your house would you fund it?

Connie Johnson: Because, you know, of course, with the water standing there, of course, it's just a breeding place for the mosquitos. We can't even sit outside on our deck, our front yard, or anywhere, because the mosquitos are bad. I have called the Health Department, as you'll notice, and they came out and said that....they did spray, but, you know, with....of course, you hear of the West Nile virus and all that, and you're kind of leery about all that. You know, it's just we can't enjoy the outside at all because of the mosquitos, and because we don't have a backyard to enjoy.

Commissioner Mosby: You know, I can talk with them, see where we're at, possibly if we're closer to funding I can have Patty call you this week sometime, but, like I say, if not, it would be go to the Council and we try to get the funding to clear up the problem. We can give them some answers.

Connie Johnson: Okay.

Commissioner Mosby: I mean, we've got the plan, and we know exactly what we need to do. I mean, they've identified everything that there is to identify.

Connie Johnson: Because one of our concerns was, and, I mean, I wrote a letter to the editor, was that with all the construction, of course, you know, I mean, everything goes down stream, I mean, that's a proven fact.

Commissioner Mosby: That's exactly what I was talking about a while ago.

Connie Johnson: And, you know, it's just that, you know, it hasn't been monitored correctly. I mean, they've been dumping, dumping, dumping, and, you know, somewhere along the way, just like my article said, they have to be accountable for what they're doing to homeowners. I'm all for the west side improvements. I'm all for that, I like those. I like the stores and everything that's out there, but they should

not be allowed to do some of the things that they're doing. I think it's an oversight on the city's part that it's not being taken care of. It's homeowners like us that can't get any funding because, and we're the one's suffering because of somebody else's mistake. It's not just, you know, everything, it's just a combination of everything.

Commissioner Mosby: I mean, later we're going to have drainage board, you're welcome to stay—

Connie Johnson: Oh, I'm going to stay.

Commissioner Mosby: Okay, that's good.

Connie Johnson: Okay, thank you.

President Fanello: Thank you. Is there anyone else in the audience wishing to address the board.

Unidentified: I'm her neighbor. I would like to maybe say a few comments.

President Fanello: Okay.

Greg Laine: Okay, I'm Greg Laine, I'm 2000, I'm right next door on the very end there. I've been there since '97, December. It's silted in, since I've been there it probably was about four and a half foot deep, and it's probably about half that now. We've got other issues, Daniel Wertz school, when it rains real hard, it backs up, it washes up to their soccer field. I think that's a health condition there. Kids are playing in that, and there's a lot of foul stuff coming out of that creek. I don't know where it's coming from, but every now and then I get a little log jam, I get to cleaning it out, and you find condoms, this that, sewage overflow. There is a pump station up there, and I don't know what's going on, when you get a bunch of rain, the sewer, raw sewage dumps into that ditch. I could get a collection if people want to look at it, to see where it's coming from, but it is a health hazard. That's getting up on school property, children are out there, there's hepatitis and all other kinds of stuff floating around up there. Do you know what I mean? So, it's not just an issue of the mosquitos. There is a health condition going on there, so, you know, that's, basically, all I've got to say.

President Fanello: Thank you. Is there anyone else that needs to speak to this issue? Okay. We can discuss it further in drainage board, if we need to.

Old Business

President Fanello: Old business, we had, or Commissioner Crouch had brought up the agreement for delivering election equipment, and Tammy spoke with Kinder moving and storage. They're more than willing to do again, except they have asked for an increase in price due to the, I don't know if hassle is a good word, but the amount of time involved in the project. They have asked for a \$4,800 contract, which is an increase over the \$3,270 that we paid in the spring. I know that we don't usually like to advocate increasing prices, but he's only willing to do it at this charge. He does have all of the maps and everything that he did to get ready for that election delivery. It's not just something that you can do overnight. He put quite a bit of information together. So, that is the price that he has quoted. I went back to the other three price quotes that we had in the spring, if we paid him the \$4,800, that

would bring his contract totals for the year to \$8,070, which Shetler had asked for \$8,000 for the year. United had asked for, United, which is Geiger, I think, had asked for \$6,760 for the year, and I'm not so sure that if they would have done the primary they may not have increased in the fall. So, those are the prices we have, and I'm not sure how you want to go from here.

Commissioner Crouch: Kevin, do we need to rebid this? Since it was only a primary.

Kevin Winterheimer: No, it's a service contract. You can award it without bidding.

President Fanello: My only fear is the amount of time involved. You know, what that, if we go out and try to find somebody different, you know, how much time they have to get ready for election day. Like I said, there was a lot of time put into it, and I don't think, well, you remember some of the e-mails that went back and forth. But, I don't think we want to jeopardize delivery on probably the biggest election that we have.

Commissioner Crouch: Would there be any merit to maybe calling, or having Tammy call and get price quotes? Then we can make a decision Wednesday. Because we have to go with the most responsive, and it may be that Kinder is the most responsive—

President Fanello: Right.

Commissioner Crouch: —because of the experience. I would just feel a little more comfortable if we did at least go through the calling and getting quotes.

President Fanello: Well, Shetler already gave us theirs, it was \$8,000 for the year, if they had done the primary. So, I imagine they're not going to be any less than \$4,000 for the fall. So, I think we can pretty much be....I don't think the prices are going to change. I don't know why they would, because they wouldn't have any additional information from which to change their prices. We can have her call again, I just, I don't think it's going to really bring us any different information. Then we're going to meet October 6th, is that correct? So, we could get a contract in place next week. I can have her call, but I still think it's going to be probably higher than the other two price quotes we get. But, like I said, like you said, maybe based on the most responsive, and then maybe, you know, next year, not next year, but the following year you can bid out the service again. So, is that what you want for me to check them?

Commissioner Mosby: That's fine.

President Fanello: Okay.

Commissioner Mosby: That's fine with me.

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

Commissioner Crouch: A couple...of old business. Or, why don't you go ahead. You've been sitting here a while.

President Fanello: Okay.

Dan Dowell: I didn't know if....Dan Dowell, Energy Systems Group. I didn't know if the Commissioners had an opportunity to think about the transformer relocation that Brent brought up. Are we prepared to talk about that tonight? Or would you rather wait to do that at a later time.

President Fanello: I'm fine. I don't know, Commissioner Mosby, did you have an opportunity?

Commissioner Mosby: I went by there.

President Fanello: Huh?

Commissioner Mosby: I went by there.

President Fanello: Okay.

Dan Dowell: I think it works to the county's advantage to put it in the building out there. For all the reasons that Brent laid out for you.

President Fanello: Okay. Do I have a motion to accept ESG's recommendation?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dan Dowell: Thank you.

President Fanello: Sorry you had to wait so long.

Dan Dowell: That's alright.

President Fanello: Commissioner Crouch.

Commissioner Crouch: A couple of little things, the Waggoner, Irwin, and Scheele, you had said that you were meeting on the 16th.

President Fanello: I'm meeting with him tomorrow at 10:00.

Commissioner Crouch: Oh, okay. Then did you all get an opportunity to look at that Keep Evansville Beautiful letter that they sent about the intersections.

President Fanello: I did. I was actually going to put it in the....is that the one from Karen Reeder?

Commissioner Crouch: Kalah Jerstad.

President Fanello: Kalah Jerstad. No, I still have not seen that letter. I have not seen—

Commissioner Crouch: Okay, I've got it, so, here, why don't you have Patty make a copy.

President Fanello: Patty, could you make a copy of that?

Commissioner Crouch: We can put it on the next agenda.

President Fanello: I remember you saying about it next...we'll put it on the next meeting.

Commissioner Mosby: Oh, I did see this.

President Fanello: Okay, either I misplaced it or something, because I do not have a copy.

Commissioner Crouch: The other issue is on the insurance with the jail. Do we have, have we ever gotten any information back on when the Building Authority is going to set up, or whether our insurance carrier...only because we have that appropriation request in.

President Fanello: Appropriation request?

Commissioner Crouch: The one for Lodging of Inmates. We don't-

President Fanello: Right.

Commissioner Crouch: -I'm sorry.

President Fanello: Okay.

Commissioner Crouch: But, it just kind of made me think about that whole insurance issue, and if we'd ever gotten any information back on that yet.

President Fanello: I don't know that they've compiled all of the information or not. In fact, I sent them an e-mail a couple of weeks ago to either Eric or Kevin to look into that, on where we're at on compiling all of the costs. You're talking about the fire in the old jail.

Commissioner Crouch: Correct.

President Fanello: Okay, and I don't know that all the information has been compiled, because I've not received any response back. So, we can check on that.

Commissioner Crouch: Then the November 1st meeting, did you want to do something

President Fanello: If you want to go ahead and make a motion to cancel that meeting.

Commissioner Crouch: I'll be happy to make a motion to cancel the November one meeting, the day before the election.

Commissioner Mosby: I'll second that.

President Fanello: So ordered. If someone would make a, I know Patty asked Commissioner Crouch if she could make it in on October 6th for a meeting, and she

was okay with that. If somebody could make a motion to go ahead and advertise that meeting for 8:00 in the morning.

Commissioner Mosby: Motion to advertise for 8:00.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Crouch: Then with the ES&S, are we, I know the Clerk's office said they made application for the second, you know, set of monies, the additional \$535,000. Are we anywhere in terms of making a payment to them?

President Fanello: The first payment is due November 17th, I believe, and I'm not sure how much money is left there. The Auditor had, I had asked them about that a couple of months ago. Do you remember how much is sitting there? We thought we would need an additional appropriation if another reimbursement didn't come through, is that correct?

Bill Fluty: (Inaudible).

President Fanello: You asked me off the top of my head, it's five hundred and something, I think.

Bill Fluty: I believe there's \$250,000 in the Council account. Then I think the remaining funding was from reimbursement. I think we've made one payment, and I think there's \$230,000.

President Fanello: So, we still may be a little short. When did they think that they would know about the next reimbursement?

Commissioner Crouch: I don't know. They told me that they made application, sent the application off today for the \$535,000.

President Fanello: Okay, and today is the 27th. I would say that if we haven't heard from them by the time, you know, it comes around to, time to file appropriations for the next, in October, you know, we may have to ask for an additional appropriation. I think, actually, I think that figure is closer to \$600,000 for the financing payment. I can pull that out and let you know.

Bill Fluty: It may, I know the deadline for an appropriation is about the middle of October. That money wouldn't be available until late November most likely. I don't know when the payment is due.

President Fanello: It's due November 17th. So, it would be voted on at the first of November. So, I'm sure if we—

Bill Fluty: We would have to wait for state approval.

President Fanello: Right, which you usually get in about two to three weeks, right?

Bill Fluty: Usually the third week, sometimes later depending on how they (Inaudible). It's cutting it a little close, but it's possible.

President Fanello: Well, why don't we look into it this week, and, if needed, we can take it to the Council on Wednesday and ask them for an amendment. I brought that issue to light a couple of months ago, and didn't get any response back on it. Alright, thank you. Commissioner Mosby, do you have anything else? Okay.

County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: The first item I have is a request for a street plan approval. This is for an extension of Tutor Lane. This is located north of Florida street and west of Burkhardt Road. It lies between Oak Grove and Vogel for the next main east-west street. Basically, they are just doing this short little section of road, just a couple of hundred feet. It will be a concrete street, with curb and gutter. They are just going up and down at a half percent grade. I've reviewed the plans and request they be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I've got a request for a revision on the Metro Avenue plans that were approved last week. Last week we approved the street plans for the extension of Metro for that soccer complex. When the plans were submitted the consultant showed that six inches of rock underneath the concrete street. I got a call from the developer today requesting that that be deleted on the basis that that is not required as part of the county's minimum standards, and on the basis that the previous sections of Metro Avenue had not included that rock as well. He is correct. We did not require that stone underneath the concrete pavement. So, I would request that this modification to eliminate this be approved, subject to Morley and Associates providing us with an amended plan eliminating that rock.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have the cover sheet for the Stockwell Road culvert plans. This is for the culvert that would go underneath Stockwell Road, and an additional twin pipe structure that would go underneath the Norfolk Southern Railroad tracks. This project will address the flooding issues, the modeling flooding issues that were developed through the FEMA project. So, basically, once this project is constructed then the whole east side will not have an increase in the flood elevations, and that will eliminate the need for flood insurance for the whole east side. So, I would request that the Commissioners sign off on this cover sheet.

President Fanello: Do I have a motion?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: On that same project, too, I also have the notice to bidders for getting that out and advertised this week and then next week, with the bid opening scheduled for October 18th. I request that that be approved for advertising.

Commissioner Mosby: Motion to approve advertising notice to bidders.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have our Corp of Engineers application for the Lyle Road project. This is needed because of the wetlands that were found out there. On the up and downstream ends, the two culverts that currently exist on Lyle Road, based on the wetland delineation study we barely had over the point one acres threshold that kicks this into Corp of Engineer's jurisdiction. So, hopefully, we won't have too much of a mitigation issue to deal with, but getting this to the Corp will at least get the review process started. So, I would request that this be approved as well.

Commissioner Mosby: Motion to approve letter to Corp.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next I have a letter that was submitted by Koberstein Trucking. They are requesting a time extension request for the Jobe's Lane water and sewer project. They are requesting this on the basis that, because of the conflicts with the SBC and Vectren lines that are out there, they did not put a specific time to which they would want the contract deadline extended. They basically want to keep this open ended until they know when the utility relocations have been done. So, they can, basically, get all the time that it takes for the utilities to get out of the way. Once the utilities are out of the way, then when the sewer is in the ground, they will have to wait 30 days before they can test everything. So, the project will continue into November, but given the fact that the utility relocations are beyond the contractors control, I would request that this time extension be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: To be consistent, I'll abstain.

President Fanello: I'll say second, and so ordered.

John Stoll: The utilities are out there working. So, hopefully, it won't delay the project significantly, but there is some justification for that. So, hopefully, we'll get things moved quickly, and it won't delay us, and we'll still get it done by the end of the year. It wouldn't delay it significantly more I should say. The last item I've got is a request to sign off on the maintenance agreement for the ArcView, GIS software. This is for \$700, and it is with ESRI. I don't know if you want me to sign it, or if I need the Commissioners to sign it, or what.

President Fanello: You really need the Commissioners to sign it.

John Stoll: Okay. I would request the Commissioners approval.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: No. Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Chris Walsh: Chris Walsh, foreman at the Garage. I don't have anything to add to the weekly report, but if there's any questions, I would be more than happy to try to answer them for you.

Commissioner Crouch: Chris, I've gotten, I've spoken to Dennis before about Ashmore Estates, some concrete work out there, and I know there's a small amount in the budget. If you can just kind of-

Chris Walsh: Sure.

Commissioner Crouch: -I know he's been gone, but just kind of put a little reminder.

Chris Walsh: Actually, we were getting ready to start, hopefully, by the end of this week to do some more concrete work.

Commissioner Crouch: But, I better not call him and tell him, until I hear from Dennis.

Chris Walsh: I'll mention it to him.

Commissioner Crouch: Okay.

Chris Walsh: I'll see him tomorrow probably.

Commissioner Crouch: Thanks.

Chris Walsh: Thank you. Good night.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Yes, I just have a couple of matters to follow up on that were raised at the last meeting, the previous meeting. A question was asked about what we did with an office holder not complying with the purchasing policy. As an elected official the Commission has no direct authority over the conduct of elected officials. However, you do approve their claims, and award their contracts. The, I guess, one of the most severe remedies that you can do, is the Commissioners may withhold payment and not approve payment on that contract, if they haven't brought the contract to you previously for approval. Of course, how that office holder reacts to that, or your reaction to how quickly they bring those contracts to you, and in what manner could affect future award of contracts if they do not comply with your desire. The purchasing policy of 2.25 of the county code requires that all professional service contracts over \$1,500 be in writing, be reviewed by the County Attorney, and approved by the Commissioners. You may want to consider expanding on that, and adopting additional rules accordingly in the purchasing policy. Also, depending on what the specific complaint against an elected official may be, if there's no appropriation or an insufficient appropriation to pay for a contract, the Commissioners should not approve payment, and the Auditor is prohibited, by law, from paying a contract for which there is not funding to cover. Under Indiana Code 36-2-6-12, any contract that requires the county to expend more money than is appropriated is declared void by law. A county office holder who enters into an agreement in excess of the appropriations for that office commits a class B misdemeanor and is liable on his bonds if he tries to spend more money than has been appropriated for a particular activity. So, I don't know if that answers the questions completely, or if you have additional questions, but you may want to take a look at your purchasing policy and put in...maybe take a look at it and see if there aren't more requirements that you may want if this becomes a continuing problem.

President Fanello: Well, I think that's a good point. I would, I know Commissioner Crouch has submitted some suggestions, and I have some suggestions, but I'm really not liking what I'm seeing on the claims. That's after looking at every department. I'm seeing deficiencies in every department. I don't know that it's intentional. I think maybe a lot of it is just a lack of understanding, or lack of even knowing that there's a policy in place, because there never was one until we took office in 2001, and adopted one in 2002. So, I would like to, if we can over the next couple of weeks, would like to make some changes to the purchasing policy, and to better define "professional services", because there are a lot of things being bought out of contractual accounts for which people think are just routine things, and they're not getting agreements for them. Like I said, I think that's probably just a lack of understanding on some of those things. So, if you all have things that you would like to submit over the next week or so, I would ask that you do that, but I think it's time that we need to put some tighter controls in place, and explain those controls so that everybody understands them. I would like to do that over the next couple of weeks, because I'm really not liking what I'm seeing as I'm reviewing the claims. I just want to say, as we're reviewing the claims, I would still hope that the Auditor's office and Purchasing department is doing a review of those as well, which I'm sure that they are. I don't want them to think just because we're looking at them that we may catch everything that comes across our desks.

Kevin Winternheimer: The other issue that I was asked about was whether we could create a Riverboat Fund. Under Indiana Code 36-1-8-9, it allows units of governments that receive tax revenue from the riverboat, to establish a Riverboat Fund. Money in that fund may be used for any legal or corporate purpose. That's about as broad as you can get. Money in that fund does not revert to the General Fund at the end of the year. In other words, it stays in there. I made a call to the

Local Government Finance, was not able to reach anyone who could answer my questions. I want to make sure of what they would consider the procedure. The statute itself did not specify any sort of special procedure for establishing this fund, but I wanted to double check. But, I will keep trying to get a hold of someone up there to see if they require some sort of special procedure to establish that, if you're interested in pursuing that.

President Fanello: I know you brought it up, and actually I went back to the minutes, because I knew that I had brought it up. Actually, the first year that we were in office I had asked that same question. I would be in favor of setting up that fund. But, I guess, the Council doesn't actually have to appropriate the money in the fund if they don't want to, right?

Kevin Winternheimer: Yeah.

President Fanello: That's the catch 22, but maybe if we establish the fund, and send a letter in support of not using Riverboat funds for operating expenses, at least we would be on record for it.

Kevin Winternheimer: I would assume, I think there's been other discussion, that would be the purpose of it, or the limiting purpose of it. It could be used for just about anything except operating costs. That's all I have, unless you have anything else for me.

Commissioner Crouch: There was a letter, I don't know if you have received a copy of it from the Knight Township office regarding abandoned railroad properties.

President Fanello: That's the letter I was thinking of whenever you brought that one up.

Commissioner Crouch: You haven't? That doesn't ring a bell?

Kevin Winternheimer: No, I'm sorry.

President Fanello: I think I just saw that on Thursday or Friday or something.

Commissioner Mosby: Yeah.

President Fanello: I had actually put a note on it to put it on the agenda the next time.

Commissioner Crouch: I'll give it to Madelyn so she can make a copy for the record, and then if you can get a copy to Kevin.

Kevin Winternheimer: Okay. I'll take a look at it. That's all I have.

President Fanello: Okay. Anything else?

Superintendent of Buildings

President Fanello: Superintendent, which is substitute, Mrs. Avery.

Patty Avery: You have Tammy's report, and she has also left a late surplus letter from the Election Office.

President Fanello: Okay.

Commissioner Mosby: Motion to add letter to consents.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Crouch: You don't happen to know, Patty, the antennae update.

President Fanello: She gave me a, because it was an e-mail or some discussion. You had asked about Internet, if they could provide Internet service. They would be willing to quote us Internet. Cinergy said that they would also be willing to do that. As you know, Cinergy is a current tenant, they have a long term lease, but she didn't really, couldn't find any new information other than the example of the antennas on Old National Bank. I don't know how you all feel about it, but I personally probably would pass on that, at this time. I don't know that I want to put a lot of antennas on the Old Courthouse, at this time. So, if we want to make that, if somebody wants to make that in the form of a motion.

Commissioner Crouch: I'll move that we pass on the request to install an antenna on the Old Courthouse roof.

President Fanello: To install one?

Commissioner Crouch: Or not to install, but to allow them.

President Fanello: To allow them to install one?

Commissioner Crouch: Well, isn't that the request?

President Fanello: That was their request.

Commissioner Crouch: To not allow. I'm sorry.

President Fanello: That's okay. I just want to make sure we clarify.

Commissioner Crouch: To not allow.

President Fanello: Not allow.

Commissioner Mosby: I will second that.

President Fanello: Okay, and I will say so ordered, and we will send Mr. Kolb a letter just letting him know that we will not be approving that.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. You have previously received the minutes from the advisory board meeting, as well as our work report. That is all we have for you tonight, unless you have any questions.

President Fanello: Any questions? Thank you.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Soil and Water report.

Commissioner Mosby: I'll make the motion to approve Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered. Do I have a motion to approve Ozone Officer's report?

Commissioner Mosby: So moved. I did both together.

President Fanello: Oh, I'm sorry. I missed that.

Consent Items

President Fanello: Consent items.

Commissioner Mosby: Motion to approve consents as amended, with addition.

Commissioner Crouch: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. We will start drainage board in five minutes.

(The meeting was adjourned at 7:04 p.m.)

CONSENT ITEMS:

Jail Expenses:

Williams Brothers Lumber and Construction, Inc.: \$1,883,945.20
Mel-Kay Electric Company: \$122,118

Travel Requests:

Health Department (3) County Engineer (1)

Employment Changes:

Public Defender (1) Recorder (3) Burdette Park (7)
Auditor (2) Sheriff (2)

Auditor: Submit Financial Statement.

County Clerk:

Submit Monthly Report for July 2004.
Submit Surplus Letter for Refrigerator

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Patty Avery
Madelyn Grayson	Tammy Barnett	Jennifer Kennedy
Tim Slack	Tom Berry	Dennis Avery
Connie Johnson	John Stoll	Greg Laine
Chris Walsh	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 6, 2004**

The Vanderburgh County Board of Commissioners met in session this 6th day of October, 2004 at 8:10 a.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 6th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of September 27, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the minutes from September 27th?

Commissioner Crouch: So moved.

President Fanello: Second and so ordered.

Specs for Towing Bid: VC-026-2004

President Fanello: First item under bid advertisement are the specs for towing bids. Phil, we noticed that we're going to have to change the received date—

Phil Lawrence: Yeah.

President Fanello: —because we don't have a meeting.

Phil Lawrence: I've renewed, or clarified the ad. The ad will go out and be on October 15th and 22nd, and receive them on Monday, November 1st. The specs have been changed to reflect all of the comments that the jail, the Sheriff and the jail department made. It is just one bid, not two.

President Fanello: Now, do these on page, I guess, seven, are those...because I had given this to Eric to look at, do those match?

Phil Lawrence: Yes.

President Fanello: These new specs back here?

Phil Lawrence: Match the—

President Fanello: I mean, are they consistent?

Phil Lawrence: Yes.

President Fanello: Okay. Alright, do you want to change it to November 8th, is that what you said?

Phil Lawrence: November 1st.

President Fanello: Well, we won't be here November 1st.

Phil Lawrence: Okay, November 8th.

Commissioner Crouch: I'll move that we approve the specs for the towing and storage of nuisance, wrecked, abandoned and impounded vehicles to be opened, the sealed bids on November 8th.

President Fanello: Second, and so ordered. Thank you, Phil.

Phil Lawrence: Thank you.

Permission to Advertise Sale of Surplus Vehicles

President Fanello: Next item is permission to advertise sale of surplus vehicles.

Tammy McKinney: Yes, I need permission to advertise. I was just speaking with Kevin, because on the ad I only have it advertised once, and he's thinking that it needs to be advertised twice.

President Fanello: Okay.

Tammy McKinney: So, Madelyn, what I need to ask you is, you have the ad, when can it be advertised? The sale is the 21st.

Madelyn Grayson: I think if I get it to them this morning, they can do it this Friday.

Tammy McKinney: Oh, okay. That's what I didn't know. So, we can advertise the 8th and the 15th?

Madelyn Grayson: I think that should be okay.

Tammy McKinney: Then be set for the 21st.

President Fanello: Yeah, okay.

Commissioner Crouch: I'll move approval of the advertising for the county vehicles, to be advertised October 8th and the 15th.

Commissioner Crouch: Second, and so ordered.

Request for Action: Harlan Avenue

President Fanello: Next item is request for action on Harlan Avenue. You have a memo in here that Les Smith, our construction site manager sent me. I fell probably what we need to do, if it's acceptable with Kevin, is to send a letter to CSX asking them to cease that type of activity.

Commissioner Crouch: I'll make a motion that we send a letter that is drafted by the County Attorney for our signature to CSX.

President Fanello: I'll say second and so ordered.

**Election Equipment Delivery
(Contract with Kinder Moving and Storage)**

President Fanello: Next item is election equipment delivery. Tammy, do you want to handle discussion on that?

Tammy McKinney: Sure. I got two quotes back for the transportation of election equipment. One was an e-mail from Kinder verifying the amount that they had quoted me. The second one was a fax from Geiger that I've included. So, basically, I just need your direction on which firm you would like to contract to do the transportation.

Commissioner Crouch: I'll make a motion, based upon the information provided and the quotes given, that we award the transportation of election equipment to Kinder, which was the lowest bidder.

President Fanello: Second, and so ordered.

Tammy McKinney: Okay, following that, I've placed in front of you an agreement, thinking that was the company that you would prefer. So, if you'll, and Kevin has seen this agreement, so, if you would go ahead and approve that, I'll send that to Kinder for their signature.

Commissioner Crouch: I'll make a motion that we approve the agreement for election equipment moving services with Kinder Moving and Storage.

President Fanello: Second, and so ordered.

Contract with WNIN: Broadcast of Commission Meetings

President Fanello: Next item is the WNIN contract, and Kevin has reviewed that contract.

Commissioner Crouch: I'll make a motion that we approve the WNIN agreement that has been approved by the County Attorney.

President Fanello: Second, and so ordered.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?

Dennis Fischer: Yes.

President Fanello: Come forward, sir. State your name.

Dennis Fischer: Hi, my name is Dennis Fischer. Good morning. I see that Mr. Mosby is not here yet. The matter I wish to present to you is in regard to the tax sales. For several years now I've purchased tax certificates at the annual tax sale, and Bill is here today, I think he can attest to this also that I have, and other friends

of mine have, some attorneys from Indianapolis, who are big hitters, myself and another fella just buy a few properties. But, in the past, the Auditor's office has been very expeditious in the way this is handled. In other words, when someone comes in to pay their claim, immediately, within a day or two, we get a blue sheet, I bring it in to the office, into the Auditor's office, and they get it in on a Friday, and we get paid the next Friday. Here's an example. As you can see, it's not a small amount, but it's not hundreds of thousands, but, nonetheless, that represents, that surplus \$43,000 represents to me over \$82 a week lost interest. Now, I'm sure there's a lot of accounting ability here and tax ability here that could probably attest to the fact that the government, on a federal-state level, offers interest when their money is kept. Now, I'm wanting to know why the Commissioners, with all the other tasks and work that you have, would, because it's not budgeted, and because it's our money, why you have to approve, and even at that, have to audit the tax sales? When in the past they have been handled so efficiently and so proficiently that we have safeguards, because I check it myself, no one wants to pay more than they owe when they come in to pay it. So, that's a safeguard right there, plus we have a third party safeguard as the Auditor. Now, just as an example of Mr. Mosby not being here today is a good example, because unanimously you agreed, I understand, from your secretary that all three of you have to sign this blasted thing. Well, Mr. Mosby is not here for some reason or another, excusable or inexcusable he's not here, so, he can't sign that. So, that's already delayed me for one week. As I said, it's our money, it's not yours.

President Fanello: Let me explain to you what we're doing. The Commissioners by law are required to approve, or to look at all claims, and to approve claims.

Dennis Fischer: Is this a new law?

President Fanello: No, this is not a new law. The Commissioners have instituted a new procedure where we are reviewing each claim because of deficiencies we've found in departments who are not following policy and procedure.

Dennis Fischer: In this department?

President Fanello: All departments.

Dennis Fischer: In this particular department?

President Fanello: In all departments.

Dennis Fischer: But, in this particular department?

President Fanello: Sir, it is law that the Commissioners approve every claim. That's the law. Now, each Commissioner does come in, and I have to commend each Commissioner comes in at least two or three times a week and goes through claims and initials them. We don't do them in the meeting here, we do them, we initial them and send them down to the Auditor's office. We have been sending them down, I believe, as fast as we can. Now, if there's something different that we can do with tax sales, I don't know, but I'm not going to approve a claim that I haven't seen and doesn't have any documentation to it. Because, by law, I'm held responsible.

Dennis Fischer: Isn't a tax claim different, since it's not budgeted and it is our money?

President Fanello: That I don't know, and that's something that the County Attorney could look into, but all claims, there is no exceptions in the state law. It just says that all claims are to be approved by the County Commissioners.

Dennis Fischer: Well, I guess, I'm a little confused in regard to why there can't be a waiver, since it's not budgeted, it's our money, it's not the county's money.

President Fanello: But, once we waiver one person, then somebody else is going to say well, I need my claim faster. I mean, we have to stick to certain policies, and I have taken the opportunity to talk with other County Commissioners from both sides of the aisle in other counties to see what they do, and they are actually looking at the claims and signing off on them. So, I don't know, you know, if we can start making exceptions, because then we're going to have another person come up and ask for an exception.

Dennis Fischer: Is this a unanimous thing where all three of you have to sign it? Is that uniform in all counties?

President Fanello: Yes. Yes, it is.

Dennis Fischer: So, if one's not here we're in bad, we're in harms way?

President Fanello: Well, it doesn't matter if he's not here at this meeting, because we don't look at them in the meeting. They're stacks this high, basically. We look at them, they are available on a daily basis for each Commissioner to initial off on, and look at them, then they go down to the Auditor's office, and then they're sent through the meeting in a docket type style for us to make a final approval.

Dennis Fischer: What about our interest we're not being paid?

President Fanello: That I don't know. That's something we'll have...Kevin, do you have any suggestions on that?

Kevin Winterheimer: No, I can look into it.

Dennis Fischer: I believe that, you're a CPA, is that correct?

President Fanello: Uh-huh, and I understand your dilemma. I really do.

Dennis Fischer: I think the government is obligated to pay interest on money held for their own audit. Now, that's my understanding, and I'm quite sure that people like Mr. Griffin in Indianapolis, and other attorneys throughout the country, and those people coming here are heavy hitters.

President Fanello: Right.

Dennis Fischer: There's no reason, because the Auditor's office has been totally efficient and proficient, and in communication totally. I come up here and talk to Patty and poor Patty is, you know, where are you, where are you, where are you? They all have to sign, this, that, and the other. It's just a quagmire. It's a mess.

President Fanello: Well, we, you know, unfortunately we are part time. This is a part time position. We do, I have to say that each one of us has been making every attempt to come in and look at the claims on a daily, or every other day basis to sign

off on them, and they go down to the Auditor's office. But, you know, the first time something happens with one, we're all three held responsible, that's just the law.

Dennis Fischer: Now, when you say, one other thing, when you say that by law that you have the right to audit every claim, is this inclusive of the tax sale?

President Fanello: It's inclusive of all claims. There are no exceptions in the statute. I've looked at it, there are no exceptions. I'm not saying it's the most efficient way of doing things, but it, you know, we're held responsible. That's the law.

Dennis Fischer: May I ask one other question, please?

President Fanello: Sure.

Dennis Fischer: Why did you all of a sudden decide to start now? I've been doing this for years and you haven't done this in the past. There's never been any glitch in this system. It's worked perfectly.

President Fanello: Well, it hasn't worked perfectly. You know, just because—

Dennis Fischer: Tax sale, now, I'm not talking about other things.

President Fanello: Well, but those are claims. But, just because things get through fast and efficient, doesn't mean they're correct. Fast does not equal correctness. So, we have had a couple of things that have gotten through without our knowledge, and now we're making sure to review the claims, and that they are proper and accurate. I know the Auditor's office is, you know, doing what they need to do, and the Purchasing Department is doing what they need to do. So, we have, you know, put in place new procedures. They may not always be the fastest route, but we're trying to make sure that they're correct, because we're expending millions of tax dollars, you know, every week.

Dennis Fischer: Not to slight your intelligence in any way, but even with someone experienced, like myself, and I do have a degree in accounting, I have to know exactly what that sheet represents before I can actually intelligently audit it. It makes no sense those numbers on there unless you know what to look for, and so on and so forth, unless you're trained in that particular thing. So, I question anyone's ability to be able to audit that proficiently, unless they absolutely know what those figures mean. Even with the other sheets that you require, because I've brought them up here to Patty to expedite it. Unless I go back to my original thing and start figuring this, that and the other, it's not easy to figure.

President Fanello: Well, unfortunately, ignorance is not a defense under the law. Kevin would probably attest to that.

Dennis Fischer: Pardon me?

President Fanello: Ignorance is not a defense. I mean, we have to take the time to look at them to make sure. You know, we're looking for different things. We're looking to make sure there's documentation attached to the claim. You know, we're looking for proper signatures, and things like that. I can't say that we're attesting to every amount on there. I would hope that the Auditor's office is doing their job as far as that's concerned. But, by law we're required, and Kevin can state that, we're required by law to approve every claim.

Dennis Fischer: So, it's more of a thing of trust rather than checking the figures so much, adding and subtracting, it's a matter of....I understand what you're saying.

President Fanello: Yeah. I mean, I understand completely where you're coming from, and I understand that it costs you money. If Kevin can look into maybe a speedier way that this can be done.

Dennis Fischer: Oh, I would appreciate that Kevin. Thank you for your time, and I again want to especially thank Mr. Fluty for his past performance, which is sort of mind boggling to me why the delay, and, well, he said that you would have to talk with the Commissioners. He was very discrete, and, so, I thought, well, I'll come up and talk with you. Thanks.

President Fanello: Well, we appreciate you letting us know. We obviously appreciate you doing business with the county, and we want to make sure that you're taken care of. We'll have Kevin look into this issue and see what we can do, but the Commissioners are taking a little more pro-active approach in looking at all of the bills that go through the county. All the monies expended.

Dennis Fischer: Well, you have a good gal in Patty over there. She's going to grab Mr. Mosby when he comes in and get his signature on that too.

President Fanello: Alright.

Dennis Fischer: Thank you.

President Fanello: Thank you, Mr. Fischer. We appreciate it. Thank you.

Dennis Fischer: Thanks, Bill.

Madelyn Grayson: Dennis, I probably should make a copy of that blue claim, since it was discussed in the meeting, for the permanent record.

President Fanello: Seeing no other public individuals in the audience, we can move on to old business.

Old Business

President Fanello: Is there any old business.

Bill Fluty: I would just like to add something to Dennis', what he's doing. The money that actually that he's trying to get back is his money that he puts up the day of tax sale. So, that \$45,000 came out of his pocket that day. That's not budgeted funds.

President Fanello: Right.

Bill Fluty: We hold it in a fund until redemption of that person who's property he's bought on tax sale. It's figured per day in interest, and that's done through our office, plus Dennis checks it, and all the rest do check us. Then it's also audited by the State Board of Accounts. They're working, if it isn't redeemed, they're looking to see if that interest is repaid. It doesn't go through Purchasing, there isn't a P.O. for that-

President Fanello: Right.

Bill Fluty: –and it's not budgeted funds. So, it's more of an in and out.

President Fanello: Well, would you do us this favor. I've talked with Allen County, and I've talked with St. Joe County, and they're looking at all claims. Could you see what, if they handle tax sale claims any differently? Would you mind placing a call to them and–

Bill Fluty: I can do that, but I really think that what we had in place was the proper way to handle tax sale, because of the interest, and it's figured on a daily interest basis. So, I believe that what we were doing, whether Allen County or Hamilton County are doing something different, I think it would be to our best interest to keep this tax sale moving on. We do have nice tax sales, and keep our people coming in and buying property, and that we continue to do what we're doing. So, I would ask that you do something different with tax sale.

President Fanello: Well, I would appreciate it if you would check with those other counties, because, you know, as we've been looking at these claims, I've been asking as I run into Commissioners, or Council people, what they're doing in their counties, and Allen and St. Joe are, in size, pretty much comparable to Vanderburgh County, and they have a lot of claims as well. If you could check with them, I would appreciate it.

Bill Fluty: In the past we've always had a model tax sale. They have looked to us to see how we have handled ours, in the past. How we handled it, and how we expedite our claims. So, I believe we're probably one of the best in that area.

President Fanello: I don't think we've probably been the best in approving claims. So, I'm going to disagree with you on that.

Dennis Fischer: I'll leave with one last comment. Will you check into that–

President Fanello: We will.

Dennis Fischer: –when I get back (Inaudible).

President Fanello: If I have to make the call myself, I will check into it.

Dennis Fischer: About the interest on that. At least if you're going to do that, we don't want to lose our interest.

President Fanello: Right. We'll have Kevin look into it.

Dennis Fischer: Alright, thank you.

President Fanello: Thank you, Mr. Fischer.

Dennis Fischer: Have a good day.

New Business

President Fanello: New business? Any new business? Department head reports, County Engineer.

County Engineer

John Stoll: First I have a public roadway easement grant for the extension of Metro Avenue. This is the right-of-way dedication that is being done in conjunction with the road plans that I brought to you, I believe it was a couple of week's ago. This was the one where Spurling was here, and they are parcelizing this ground for a soccer complex, and this is just the right-of-way dedication needed to help finish that project out. I've had Kevin review this deed. He was okay with it, so, I would request that the Commissioners accept this.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered. Alright. Right here? Thank you, John.

John Stoll: Then I'll return that to the consultant, then they can proceed with having it recorded. Then I'll get a final, recorded copy back to Madelyn. Next, I have some interlocal agreements between Vanderburgh County and Warrick County for the construction of phase three of Lynch Road. These interlocal agreements, basically, establish Vanderburgh County as the lead agency on the project. They establish the payment terms on the change orders, the initial payments and all that. As far as all payments go on this project, in addition to establishing us as the lead agency, I've had attachments on here of the INDOT-Vanderburgh County agreement, and the consultant inspection agreement. Basically, it says that Warrick County would be bound by all terms of those agreements as well. Here again, I've had Kevin review this, he was okay with it, so, I would request that these interlocal agreements be approved.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

John Stoll: Also on the Lynch Road project, I have the State-Local public agency agreements between Vanderburgh County and INDOT. This is the agreement that establishes the federal aid funding for the project. They've estimated the total project cost to be \$5,750,000. Then the twenty percent local match would be \$1,150,000. I've had Kevin review these agreements, and he had no changes on these, so, I would request that these also be approved.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

John Stoll: Then, next, I have two other letters that need to go to INDOT for phase three of Lynch. The first letter is the letter that we need to attach to the construction engineering agreements for the project. The construction engineering will be done by Bernardin Lochmueller, and the amount is, I believe it's \$618,000. We don't sign the construction inspection agreements initially. What we do is we send a letter to INDOT, and then INDOT will review the agreements, return those to us after they

have reviewed them and approved them. So, this letter needs to be signed by the Commissioners just forwarding all the construction inspection documentation to INDOT, and then later on they'll return them to us for final signatures. So, I would request this letter be signed by the Commissioners so the agreements can be forwarded to INDOT.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered. Thank you, John.

John Stoll: The final letter on that project is the engineer assignment letter. This is a letter that's required that basically establishes who will be the lead project engineer on the inspection on the project. Bernardin Lochmueller has assigned Ted Colbert to this project. This letter just states the county's concurrence with Bernardin Lochmueller establishing him as the lead inspector on the project. So, I would request that this letter also be approved.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

John Stoll: Next, I have the contract on the Mt. Pleasant Road project. This is project VC04-09-01. The low bidder was Blankenberger Brothers, and the amount was \$1,455,675. I would request that this be approved by the Commissioners.

Commissioner Crouch: So moved.

President Fanello: And before I second, we currently have all that money in place? Or, you weren't sure about—

John Stoll: Yes.

President Fanello: Okay.

John Stoll: All the funding is there.

President Fanello: Okay. Second, and so ordered.

John Stoll: Next, I have a sidewalk waiver request for section two of Crowne Ridge Subdivision. Basically, section two lies up here. This connection lines up with this Basil Drive. Section one has sidewalks throughout the subdivision. They were requesting a total waiver of sidewalks throughout section two. There was really no good way terminate the sidewalks in any logical manner. Since they had them throughout here, the only two options I could see would be either run the sidewalks down both sides of this street and out to Green River, and then leave the sidewalks off of this street. Or put the sidewalks throughout both. I mean, along both sides of all streets in section two just to be consistent with section one. At this point, it didn't really make a whole lot of sense to me to run sidewalks down this street and not this one. That would leave that cul-de-sac as the only street in the whole subdivision that had no sidewalks. So, on that basis, I would request that the sidewalk waiver for section two of Crowne Ridge be denied, and then they would be responsible for putting sidewalks in on both sides of all streets.

Commissioner Crouch: Move denial of the waiver.

President Fanello: Second, and so ordered. Do we need this for the record?

John Stoll: The next item I have is a design agreement between Vanderburgh County and Congdon Engineering for the Oak Hill and Bergdolt intersection project. Several weeks ago Congdon was selected as the consultant on this, and I've been working with Kevin to get the agreements resolved. Now that they've made the changes that Kevin had requested, so, I would request that the Commissioners approve the agreement. It's for the amount of \$68,600.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

John Stoll: Next, on the St. George and Oak Hill project, the parcel at the northwest corner of St. George and Oak Hill, the Schuck parcel, we've been going back and forth with the property owner trying to resolve that last parcel. He was originally offered \$12,500, and he had counter offered \$32,000, which was rejected. Then we had agreed to offer him \$1,500 additional for a driveway relocation, plus remove his trees along his Oak Hill frontage. He was not willing to accept that, but he has come back with another counter proposal that if we take down his trees along St. George Road, plus give him \$2,300 for a driveway relocation, then he would be willing to accept. So, basically, we would give him the original \$12,500 offer, plus an additional \$2,300 for his driveway relocation, and then remove all the trees on his frontage. I would request that that be approved so that we could settle that parcel.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

John Stoll: The last item that I have is a street plan approval for, a street plan approval request for Section 7C of Cross Pointe Subdivision. Basically, they are only going to build this short little section of Buente West Court off of Virginia Street. We've reviewed the plans, and most of the pipes in the subdivision just barely meet the minimums for cover, and for pipe slopes. So, they do meet the ordinance, but I would recommend approval subject to if their as-built plans, so if that they have not met the minimums that they say they're going to provide on this, that they will be responsible for digging up the pipes and relaying them to meet the planned elevations. Because while it meets the ordinance, there is no margin for error, the way they've got it designed. So, on the basis that they'll be responsible for fixing any errors if they don't hit these elevations, I would recommend approval.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

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

President Fanello: No. That's all. Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good morning, Dennis Hudnall, County Highway, in case you forgot. The first item I have is that we were paving a road out on Chapel Hill, and the roller got over a little too far, and clipped a driveway, and it broke a chunk out of it. We didn't have the ability to repair it because it's one of these aggregate, fancy design type things. So, I asked the homeowner to get an estimate from the contractor that put it in, because it was only a few weeks old. He got that estimate, and it's \$250. I would like permission to take that out of my budget to pay DB Homes, Incorporated that \$250 to repair this driveway.

Commissioner Crouch: So moved.

President Fanello: Second, and so ordered.

Dennis Hudnall: Okay, and the second item I have is that we're in the process of putting these concrete crews together because of the subdivisions. I know Ashmore Estates is probably our first. We went out and we marked that up. It takes a while from the time we go out and put our paint on to where the locates come in. All the utilities have to be located before we can dig anything. So, we did go out to Ashmore Estates yesterday, we've marked it up, we're waiting for the locates, and we'll try to do these in a sequential process, because the locates are only good for 20 days. So, we can't get too far ahead of ourselves of marking these up. Bromm Road is the last road we're paving. We'll be done with that probably at the end of this week or the first of next week. After that we'll pave no more roads, and we'll concentrate solely on concrete. So, we have got marked and we're ready to go on them. I have to buy a few tools to put these crews together, concrete finishing tools. So, by the end of the week we'll be started on Ashmore Estates.

Commissioner Crouch: Thanks, Dennis. I will call Mr. Deputy and tell him it will be probably within a month.

Dennis Hudnall: Yeah, well, we've marked it up, and John sent Tom Goodman out there to, you know, to look at it to see the best procedure for us. We're, basically, it's one whole side of a road that we're just going to tear up, but I can't tear the whole road up all at one time, I do it up in sections. So, the process just in that one subdivision is going to take a while, but we have Strawberry Hill, Gun Powder Lane, it's endless of concrete work. So, instead of concentrating just on paving, I'm going to have to start concentrating on paving and concrete work. So, we're going to have to have two crews. It's kind of robbing one process to do another one. We're trying to get everything done, but we want to do it good. We don't want to just patch it up and go. We want to make sure it lasts. Okay, the next item is Phil Lawrence had sent a bid package out for VC-14-2004 for a dump truck, snow plow and a spreader. He's received those back. He tabulated the bid, and it seems the low bidder would be Town and Country Ford with a bid of \$45,218.96. I recommend that we purchase that from Town and Country, which is the low bidder.

Commissioner Crouch: So moved.

President Fanello: I'm assuming money...you've checked the budget?

Dennis Hudnall: Yeah, it's in there.

President Fanello: The money is in the budget. Second, and so ordered.

Dennis Hudnall: The last item I have, this is an expensive item. We have a gradall, it's a 1998, or a 1988 gradall. This gradall, since I've been at the County Highway, we've been able to repair it at, you know, medium cost, and keep it running. This is not a highway gradall, this is a bridge crew gradall, which is a different budget than highway. This gradall broke while I was gone, and it's a \$20,000 to \$25,000 break. This is an old gradall. Frankly, I hate to keep sinking \$20,000 into something that the transmission slips and so forth. So, I think, what we're doing is, I can fix this, but something else is going to go wrong in the future, and that's the way it has for the last two years. But, when it starts costing \$20,000 and \$25,000, I think I ought to start looking at an alternative, like trying to get the bridge crew a new gradall. What I did, I went through my budget, and I said through transfers, via transfers from other accounts, what can I give up in order to come up with \$270,000? The only thing I can come up with, via transfers, is \$150,000. I'd like to go before the County Council and see if I can procure the rest of the money, because this piece of equipment is very, very important to the bridge crew. It's used every day. I think you've seen it in use when we were putting culverts in. The gradall, there's two of them, there's a 4100 and a 5100, and the 5100, they just give me a rough estimate. They said you've got government discounts and so forth with these. The 4100 is an estimate of \$235,000, and the 5100 is an estimate of \$270,000. The 5100 gives us a greater ability, instead of contracting out the larger pipes, this larger gradall will be able to accommodate that, and we wouldn't have to contract them out. When they get too large for the gradall, we contact John, and John contracts them out. So, if I do, if I'm able to purchase this gradall, I think the bigger one would probably be better. But, there again, I don't know how much money we can come up with, or even if you want to buy one, or if you want me to repair this one.

Commissioner Crouch: We did get a statement, I think, last week. Do you remember what our unappropriated balance is in Cum Bridge? I know we have sufficient funds in there.

Bill Fluty: (Inaudible. Mic. not on.) Around \$4 million. At least that.

Dennis Hudnall: That's enough.

Commissioner Crouch: I believe that that is enough to meet our long term plan—

President Fanello: Should be.

Commissioner Crouch: — for Cum Bridge, I believe, as I recall. So, with that, I do believe that there comes a point in time where you're throwing good money after bad. I move approval that the County Highway Superintendent be allowed, or the County Engineer be allowed to go to County Council for the additional appropriation to purchase the 5100, which is the equipment that he would recommend that would enable us to assume more of the larger jobs that we are currently contracting out.

President Fanello: I'll say second, and so ordered. You'll get with Phil about putting out a bid for—

Dennis Hudnall: Yes, what I have to do before, I don't know exactly how much these cost, so, I had, while they came out to look and give me an estimate on repairing the

old one, I just went ahead and had them give me a rough estimate on the 4100, but that's not a firm, they just give me a price in the ballpark. So, when I ask for money, I would like to get, you know, pretty close within a few thousand dollars, and then let it bid. Because these guys know that it has to go through a formal bid process and a closed bid. So, the transfers, like Materials, Equipment Repair, and Garage and Motor, I left some in there because I've got until the end of the year. I have to leave a little bit in there. But this \$150,000, if I can come up with probably \$120,000, I think it would do to purchase this piece of equipment.

President Fanello: Okay.

Dennis Hudnall: Okay? That's all I have, unless you have any questions on the weekly report.

Commissioner Crouch: Have you gotten anywhere in terms of finding a place, or a site where you can park the mowers? Remember, before you had left you...I'm sure you haven't had an opportunity.

Dennis Hudnall: No.

Commissioner Crouch: Okay.

Dennis Hudnall: What I, the mowers are assigned to two operators, one is Mark Bassemier, and one is Mike Young. Then, I have an old one that is assigned to Randy Mango. They could park them at their houses, or I could find one of my vendors, like, say out on the east side that has a fenced in area, and we can...the only thing of it is, these guys have to have access to it at least by 7:00 in the morning. Sometimes those vendors don't even open until 8:00. So, as soon as I find a place, I'll put it before you and get it okayed before we start taking them out.

Commissioner Crouch: Welcome back.

Dennis Hudnall: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: No report today.

President Fanello: Do you, I just have one question, on the CCD Fund, are we going to advertise on that?

Kevin Winternheimer: Yes.

President Fanello: Okay.

Bill Fluty: I have a question, Kevin. Mill Terrace, we are getting close to the billing. I need the number for those 60.

Kevin Winternheimer: Yeah, I received an e-mail from Scott Peck just the other day, and he's just about to finalize this, I believe, with Old National Bank, who's he's been working with. So, I've been pushing him along, but I'll continue to do that, because

I know you're under a time crunch too to get this done, to be able to get the notices out. So, as soon as I hear the final figures and all that I'll let you know.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I have my weekly report along with...I wasn't here last Monday, and I wasn't for sure if I'd put in my packet that I have a tenant at the Old Courthouse that wanted to terminate his lease. So, this morning I put the e-mail before you, just as a review or an update, but then, I also gave you a letter from a Mr. Collier that wants to lease that space.

President Fanello: He's okay with the work going on right now?

Tammy McKinney: Yeah, he's been over there. So, he sent me a letter, and he's a sales rep, so he's just, that's going to be his main office. He's not there all the time. He just needs a home base to work from.

President Fanello: Okay.

Tammy McKinney: So, if you approve that Mr. Pokorney terminate his lease, and then we can start a new lease with Mr. Collier. I'll put that lease on the agenda for Monday night.

President Fanello: Okay.

Commissioner Crouch: I'll move approval.

President Fanello: Second, and so ordered.

Tammy McKinney: I believe I put in your packet, just as an FYI, I just wanted, since we have a contract with Tri-State Transportation, did that get in your packet?

President Fanello: Yes.

Tammy McKinney: Okay, just the rate increase that they initiated, that was just an FYI. Then I also had Madelyn pull the latest contract that we have with them, just to let you know, in case we get flooded with a lot of complaint calls, I wanted you Commissioners to be aware of that.

Commissioner Crouch: Tammy, do we need to amend the current contract in anyway to reflect that price increase?

Tammy McKinney: I believe it says in the contract--

President Fanello: It says in there that they--

Tammy McKinney: --that they can charge up to that amount.

Commissioner Crouch: Okay.

Kevin Winternheimer: Yeah, that's what I was going to clarify. His letter says it's an increase of five dollars, but what the contract says, and maybe it's just the terminology he used without giving it much thought is that he's entitled to charge five dollars, not an increase of, unless he was not charging anything.

Tammy McKinney: Well, I believe the original contract was that they could charge like \$2.50 either way.

Kevin Winternheimer: Right.

Tammy McKinney: Then when we only could fund the program \$75,000, that's when the new contract said that he could charge up to five dollars.

Kevin Winternheimer: Right, so the bottom line is that he can charge five dollars, not an increase of five.

Tammy McKinney: Right, he's not charging ten.

Kevin Winternheimer: To five dollars. That's in the contract.

Commissioner Crouch: His letter is just informing that he's going to start doing that?

Tammy McKinney: Yeah, I just wanted to let you know.

Commissioner Crouch: Okay.

Kevin Winternheimer: It doesn't take any approval, because the contract says he may charge five dollars.

Tammy McKinney: It's just more of an FYI.

President Fanello: Okay.

Commissioner Crouch: Okay.

Tammy McKinney: Then, I think that's all I have, unless anyone has any questions for me.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. Our work report you have presented to you, and that's all we have, unless you have any questions.

President Fanello: No, thank you, Gary.

Soil and Water Conservation District

President Fanello: Soil and Water.

Commissioner Crouch: I'll move approval of Soil and Water Conservation District and Ozone Officer report.

President Fanello: Second, and so ordered.

Commissioner Crouch: I don't think we have the Ozone Officer report. Do we have an Ozone Officer report?

President Fanello: I don't think we do.

Commissioner Crouch: Maybe we don't have that.

Tammy McKinney: She might be busy with the move, and I might not have gotten one.

Commissioner Crouch: Let me amend my motion just to include Soil and Water Conservation District.

President Fanello: Second, and so ordered.

Consent Items

President Fanello: On consent items, as far as travel, do we have our transfer yet for travel yet? We put in for a transfer to increase—

Tammy McKinney: We put in a transfer for \$5,000, and that should be approved today at Council.

President Fanello: Okay, well, why don't we, just in case for some reason it wouldn't get approved, can we just make that contingent on—

Commissioner Crouch: Certainly. I'll move approval of consent items—

President Fanello: Oh, we've got one more change, I'm sorry. Kevin looked at the Simplex contract, and he would like the indemnity clause to be removed. So, we need to strike that out.

Commissioner Crouch: I would move on the travel requests that they are contingent upon the transfer being approved by County Council today, and then on the home indemnity, is that correct?

President Fanello: It's the fire system maintenance.

Commissioner Crouch: The fire system maintenance agreement, that the indemnity clause be removed or stricken from the agreement, and I will make those in the form of a motion.

President Fanello: And all other consent items?

Commissioner Crouch: And all the other consent items.

President Fanello: Okay. Second, and so ordered.

Commissioner Crouch: I'll move that we adjourn.

President Fanello: Second. So ordered.

(The meeting was adjourned at 8:57 a.m.)

CONSENT ITEMS:

Travel Requests:

Treasurer (1) Health Department (1)

Employment Changes:

VCCC (2) Prosecutor (1) Sheriff Department (1)

Auditor (1) Cum Bridge (1) Circuit Court (1)

Coroner (1)

Sheriff:

Submit Weekly Jail and Community Corrections Reports.

Interlocal Agreement with Martin County (Transfer of Inmates).

Agreement with BI/Simplex: Fire Alarm System (VCCC)

Agreement with BI: Global Positioning System: Home Monitoring

Area Plan Commission: Vanderburgh County CRS Recertification

Those in Attendance:

Catherine Fanello	Suzanne M. Crouch	Bill Fluty
Kevin Winternheimer	Tammy McKinney	Madelyn Grayson
Phil Lawrence	Dennis Fischer	John Stoll
Dennis Hudnall	Gary Hohman	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 11, 2004**

The Vanderburgh County Board of Commissioners met in session this 11th day of October, 2004 at 5:38 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 11th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of October 6, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the October 6th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: I'm sorry, so moved.

Commissioner Mosby: Oh, motion to approve.

President Fanello: And I'll say....second, or, you weren't here.

Commissioner Mosby: That's why I hesitated, I wasn't here.

President Fanello: So, you made the motion, right? I'll say second, and so ordered.

**Permission to Advertise:
APA-002-2004: Crushed Stone
APA-003-2004: Stone and Gravel
APA-006-2004: Oil Products
APA-008-2004: Batteries
VC-036-2004: Transportation for Family & Children's Services**

President Fanello: Bid advertisements, Phil Lawrence.

Phil Lawrence: I would like permission to advertise five bids. We'll open the first four; crushed stone, stone and gravel, oil products, and batteries at the Board of Public Works, and VC-036-2004, transportation for family and children services here November 8th.

President Fanello: I'm sorry, Phil, I was looking at something. You said that these will be opened at the Board of Public Works meeting, that's why you had the November 4th on there?

Phil Lawrence: Right.

President Fanello: Okay.

Phil Lawrence: But transportation and services bid will be opened here November 8th, as opposed to the 4th.

President Fanello: Okay, are there any questions? Do I have a motion to—

Commissioner Mosby: Motion to approve advertisements.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Phil.

Phil Lawrence: Thank you.

Commissioner Mosby: Thank you.

EUTS Articles of Agreements

President Fanello: First item under discussion is the EUTS Articles of Agreement. I believe all the appropriate attorneys have looked at this, and the major change is allowing Henderson County a seat on the policy committee. I believe that's the extent of the change.

Kevin Winternheimer: Yeah, there were also the...I may have the name wrong, but Kentucky Department of Transportation, whatever, is a non-voting member, and there may have been another Kentucky official that's a non-voting member that was to be added to that board, and an INDOT member too, as I recall.

President Fanello: Right.

Kevin Winternheimer: But, they are non-voting members.

President Fanello: I think we added, did we, we added Henderson County as a voting member, is that correct?

Kevin Winternheimer: Yes.

President Fanello: Okay. Are there any questions?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Burning Emergency

President Fanello: Next, Commissioner Mosby.

Commissioner Mosby: Yes, I want to declare an open burning emergency from now until next Monday at 5:30, I guess, depending on unless it rains. But, with the dry conditions and everything, they want to bring in all unincorporated areas of Vanderburgh County 24 hours a day until October 18th.

President Fanello: Okay.

Commissioner Crouch: Second.

President Fanello: So ordered.

Election Equipment Payment

President Fanello: Next item is the election equipment payment. Since they lived up to their agreement of getting the equipment certified, I thought it prudent to go ahead and put the payment in here. Are there any questions?

Commissioner Mosby: Motion to approve payment.

Commissioner Crouch: Second.

President Fanello: So ordered. Then I would like the board to approve for Tammy to request what would be, I guess, a temporary appropriation for the remaining amount of the first payment that comes due on November 24th, I believe, to 5/3 bank for the leasing of this equipment. It's \$67,098. I'm not sure, Bill, do you know when we're going to get our reimbursement, or have you heard anything?

Bill Fluty: I talked to Carla a while back, but she didn't know.

President Fanello: Okay, we can, Tammy, if you might follow up and ask them if they've heard anything. Do I have a motion for Tammy to do that?

Commissioner Mosby: Motion.

Commissioner Crouch: Second.

President Fanello: So ordered.

Fire Department Request for Additional Hydrants at New Jail Site

President Fanello: Sheriff Ellsworth. You're the next one on the list.

Commissioner Mosby: You're up.

Brad Ellsworth: I am?

President Fanello: Yes, you are.

Brad Ellsworth: What about?

President Fanello: Request for fire hydrant. We thought you did that on purpose.

Brad Ellsworth: Timing, it's all about timing. Brad Ellsworth, Sheriff. I think there's a letter in front of you, and it's from the...thank you, David, appreciate it.

Commissioner Mosby: It's from Jim Fuchs.

Brad Ellsworth: Apparently on the day of the ceiling/roof fire out there, the Evansville Fire Department had some trouble, or at least noticed that there might be a potential for future trouble on the distance of the closest fire hydrant to the building. Assistant Chief Fuchs and some other firefighters went out there and had some suggestions, and looked at some places, and apparently found a place, and I'm really just, this was a phone conversation with me, found a place that was in line with the main water line, if they placed another hydrant that it would make access to the entire building much easier and much better. Also if they go off the only existing hydrant, that if that is dedicated to the inside sprinkler system, it could cause a cut down or a less water flow to the outside building and then feed from the outside of the building. So, at the suggestion of the Fire Department, I'm here asking that we consider looking into further, possibly get with, you know, John Stoll and at least investigate that further. I know there is some time critical factors that if they lay pavement over the area where they would dig up and retrench and put a new hydrant in, obviously, it would be more expensive to retrench and lay pipe after they lay the pavement down. So, you know, we can do more research, this is, I just wanted to get this up right away, because they brought it to our attention. That's really all I know at this point.

Commissioner Crouch: Sheriff, I know that the plans, I believe, had fire hydrants and, you know, the proper, whatever it was that we needed to address this. This isn't an additional cost, this is just, basically, saying this is where they recommend it being placed?

Brad Ellsworth: I really don't know at this point.

Commissioner Mosby: I think in talking to Bernardin Lochmueller, they had three and this calls for five. So, it might be the addition of two extras, which is not going to be that expensive. I mean, the water line is already going to be there, and, I guess, what he's saying is true. I mean, before we pave anything or put in the parking lot, it would be best to just go ahead and set the hydrant. But, I think it calls for three if I remember correctly. I had this conversation with Bernardin Lochumeller the next day after that happened. They said, well, they're not in yet, but, yes, it does call for three around the building. I think they're asking for five, probably due to the fact they carry like a thousand feet of five inch, and that stuff is hard to drag. So, probably what they're trying to do is space them every thousand or twelve hundred feet. I could see that. We'll just have to talk to Bernardin Lochmueller and ask them.

Brad Ellsworth: Yeah, I'm kind of half blind. I'm coming in with one eye on this, and got notified about this, I think I brought it up on Friday. So, that's really the first that I had heard of it.

Commissioner Mosby: They did all the site work our there, so.

President Fanello: Well, maybe, John, could you talk to Bernardin Lochmueller and maybe get a handle on that, and see if there are any additional costs, or what the total number will be after we get finished with it?

John Stoll: I'm not sure what the going rate is for new hydrants, but if there are a couple more that are required that weren't in the contract, it would probably be a few hundred dollars per hydrant. I'm not sure exactly what the price is, but it shouldn't be too expensive, I wouldn't think.

President Fanello: Okay.

John Stoll: I'll just have to check too and see what was originally called for. Like David said, if there were three and we need five, we'll have to pay for two more, if they weren't in there. But, if they had a unit price, it would just be the same contract price they had in there for the other three.

Brad Ellsworth: Is that something possibly we could investigate this week--

President Fanello: Sure.

Brad Ellsworth: --and come back at next week's meeting with costs and more information, exactly how many hydrants. I know it calls for a couple hundred feet here east of the centerline. You know, he says a fire hydrant, so, I don't know if he's talking about one. We can find out a little more detail.

Commissioner Mosby: I'm sure we could get with Bernardin and probably figure that out in a couple of hours. I'll be glad to call them again.

Brad Ellsworth: I just, I wanted to bring it to your all's attention before they started laying pavement across, and then we're digging that up too.

President Fanello: Yeah, we'll come back next Monday.

Keep Evansville Beautiful Request

President Fanello: The next item is the Keep Evansville Beautiful request. You've probably all seen the request, and they made a suggestion that we contract through BFI for routinely sweeping the curbs and medians, and I don't know if that's something that both of you are interested in, or if we want to pursue any cost proposals from BFI on doing that. Okay.

Commissioner Mosby: Can we take it out of the money with the Solid Waste?

President Fanello: That is something that we can check on with Joe Ballard.

Commissioner Mosby: We have \$15,000 that we have set aside.

President Fanello: Right, there is money in there for street sweeping. So, let's check on that and see.

Commissioner Mosby: I think we ought to get a bid, or just get some quotes from BFI, and there's a couple of other places that do it.

President Fanello: Okay.

Commissioner Mosby: Get three quotes and see what they can come up with.

President Fanello: Tammy, could you work with Joe Ballard and maybe call the different trash companies and get some quotes?

E-911 Request

President Fanello: The next item is the E-911 request. I included in your packet a letter that I received from Clayton Grace, who's the director of Central Dispatch,

asking for us to submit an appropriation of \$49,389 out of the E-911 Fund. I did take a look at the fund, and I think the fund could support that appropriation. It couldn't support too many of those appropriations, I think the balance is not a very healthy balance. But, that's up to the board, I guess.

Commissioner Crouch: If it wouldn't come out of 911, where would they go, to the city and county?

President Fanello: Apparently they did speak with the city and the city doesn't have any money for this. So, they're asking us to take it, the full cost out of the 911, because normally Central Dispatch is 2/3, 1/3, but the city does not have any additional monies at this point, and they're asking for it all to be taken out of the 911 Fund. Which it is a justifiable cost according to the statute. But, I think, after looking at the fund, I think it would have somewhere around a four hundred and some thousand dollar balance after next year's revenue and budget, which I don't think is a real healthy balance for that type of fund. But, I think we could probably get by with this one appropriation.

Brad Ellsworth: I might be able to clear up a little bit of that also. Brad Ellsworth, again, Sheriff. I'm on the Dispatch board, and I'm sure you're aware of this, but the money for the surcharge on all E-911 calls all go, even though it's made in the city, all goes into the county coffers and is controlled by the County Council. So, that's why the board felt that it was appropriate this come out of that fund and asked for that appropriation.

President Fanello: I think it's appropriate. I did have one question, are we, is there any Homeland Security money that could be applied towards this? Are we getting any that-

Brad Ellsworth: We are, but that's not-

President Fanello: It's not for-

Brad Ellsworth: -earmarked for those kind of purchases.

President Fanello: Okay.

Brad Ellsworth: We've talked about that at EMA, about the things that they are, the feds are regulating what we purchase with that, and it's not always what we think are the priorities. So, no.

President Fanello: So, I don't know if the board would like for Tammy to submit an appropriation. Like I said, I think the fund could handle this appropriation, but probably not too many more big ones.

Commissioner Mosby: I'll make a motion that we submit it for \$49,389 out of E-911.

Commissioner Crouch: Second.

President Fanello: So ordered.

I-69 Consulting Party Appointment

President Fanello: Next item is the I-69 consulting party appointment, which you remember INDOT asked us for a recommendation. Ken Robinson, we did contact Ken today, and Ken is interested in filling that vacancy, or filling that board position, if you all would be interested in putting him in there.

Commissioner Mosby: I'll make a motion to appoint Ken Robinson.

Commissioner Crouch: Second.

President Fanello: So ordered.

Lieberman Group: Gatekeeper Contract

President Fanello: The first item under Commission contracts, and only item, is the Lieberman Group. You have in there a contract, and the contract does now reflect a 10% administrative fee, which was voted on a couple of years ago. Also Kevin changed the termination clause to be noticed by either party, instead of putting just a date in there, as was in the previous contract.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?
Luzada.

Luzada Hayes: Good evening. I'm Luzada Hayes, the Executive Director of the Evansville Coalition for the Homeless, and also the facilitator for the task force to end homelessness. Tonight I would like just a few minutes of your time, first to thank you for your participation. The Commissioners office has been involved in the planning process since October of 2002. So, the Commissioners office was very supportive of this project in the early days, and has continued to be very active in the planning process. Tonight I would like to provide you with a copy of the draft that was released on October 1st for public comment. I just wanted to make sure the Commissioners had a copy of that draft. Then just wanted to update you on the planning process and where we hope to go with it in the future. This has been a community wide, very comprehensive approach. It did begin in October of 2002. We gathered a task force of various community leaders of which the Commissioners was a part. We tried to look at homelessness from a variety of different aspects. We collected data, we met, we discussed, we pulled in focus groups from folks that were currently homeless. We also did folks that had formerly been homeless to ask them what helped them most. What helped them get back on their feet. This attempt is part of a national movement. It's not something we just dreamed up one day and said, oh, let's end homelessness. However, we do believe it's a very good approach to take. For the last 15 to 17 years, we have been managing the problem of homelessness. It was only a couple of years ago that someone said why don't we

look at the root causes of homelessness, and actually try to address those issues independently and actually look at ending homelessness as we know it today. So, the report you have in front of you has been the last two years work of a very long, many hours. At this point it's up for public comment. We would welcome the comments from the Commissioners. It is a comprehensive plan that includes the City of Evansville and Vanderburgh County. A lot of our data is county based. We don't actually have any services, homeless services in the county. Most of them are in the city, but we know folks that become homeless in the county will come to the city to utilize services. This theory is completely a paradigm shift. It is looking at our existing services and how they're created, that basically just provide immediate assistance. They are crisis based services. We need to keep those services going, but at the same time start looking at ways to prevent homelessness from occurring, and that's a huge piece of the plan, preventative services, as well as building the infrastructure that includes affordable housing for the lowest income group in our community, roughly the folks that make \$15,000 or less a year is the population group that is having the most difficulty in finding affordable housing. And developing ways to increase incomes, not only skills set of some of our lower paid workers, but also as a community the jobs that are going to actually help people afford the cost. Our housing costs, unfortunately, have risen much higher than our income costs throughout the last 11, 13 years that we tracked. We hope to end our comment period on October 31st. We'll go back to the task force, they will look at the comments that will be made, make any changes to the plan, and then we hope to release a final plan for implementation by the end of the year. So, if you have any questions, I would be glad to answer those. Otherwise, just wanted to say thank you again for your support. Patty Avery from your office has been very instrumental in the writing and the drafting of the plan, and I would be safe to say that we would not be ready for release had it not been for her assistance, and for your generosity in letting her work on this project. So, thank you for that. We welcome your comments. Your participation is vital to, not only the completion of the plan, but also the implementation as we move forward, as a community, to actually start looking at ending homelessness.

President Fanello: Thank you, Luzada. Does anybody have any questions at this point? Thank you.

Commissioner Mosby: Thank you very much.

President Fanello: And thank you, Patty, for all that you did on the draft. Is there anyone else in the audience wishing to address the board?

Old Business

President Fanello: Under old business, just an update, Waggoner, Irwin and Scheele will be here next Monday to make a presentation regarding their efficiency study for us. We need to set a project update meeting. We did not do that last week. We could either do it before our Commissioner meeting next week, if that's appropriate for everybody.

Commissioner Mosby: Okay.

President Fanello: Okay, why don't we say 3:30. That will give us two hours before the regular Commissioner meeting.

Commissioner Mosby: That's fine with me.

President Fanello: Alright. Does either Commissioner have any other old business?

Commissioner Crouch: I have kind of a draft audit report on the Commissioners and Superintendent of County Buildings. I'm going to give that to you and, and then if everyone can take a look and then come back.

President Fanello: Okay.

Commissioner Crouch: I think you'll find it's pretty much standard, along with what we're finding in other offices. So, nothing really out of the ordinary.

President Fanello: Did you have any claims pulled for us to look at? I know we've been doing that for all the other departments.

Commissioner Crouch: Well, I went down to the Auditor's office and actually sat in the conference room.

President Fanello: Okay.

Commissioner Crouch: But, I can have them brought up.

President Fanello: Okay, if you don't mind, just for us to be consistent.

Commissioner Crouch: Okay.

President Fanello: I just made sure that I've let everybody look at the claims when I've looked at them. Thank you, Suzanne. Any other old business. Mr. Rector?

Dave Rector: Dave Rector, Building Authority. As your well aware, the Health Department has now vacated the building. Purchase orders have been issued to the contractors to start the courts renovation project. I have a slight delay in the way of an obstacle, with Human Relations still in the space needed for the courts. We're working on trying to find space for them to relocate to. I know we've had some discussions about that, and I hope by the end of the week to have a couple more floor plans and cost estimates associated with that to show you all. In the meantime I don't think probably we ought to start construction, so that we get started and mobilized and then have to delay to relocate them. We'll try to move this along as quickly as we can.

President Fanello: Does anybody have any questions of Mr. Rector?

Commissioner Mosby: Thank you.

President Fanello: Thank you.

New Business

President Fanello: Is there any new business that anybody has? Seeing none, we'll move on to department head reports, County Engineer.

County Engineer

John Stoll: The first item I've got is on the Mt. Pleasant project. We have not selected a consultant to do the inspection on that project. I would like to request approval to contact American Consulting to do the inspection on that, and get an agreement put together.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The second item is also regarding consultant selections. Several weeks ago, maybe a couple of months ago, I can't remember when exactly it was, but we took some proposals for the proposed federal aid project at Burkhardt and Virginia Street, and no selection had been made on that as of yet. I would like to request approval to hire R.W. Armstrong for that project.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a set of street plans for Spring Lake Valley Subdivision, Section One.

Commissioner Mosby: I'm just trying to help you.

John Stoll: This site is located off Mohr Road next to the CSX railroad bridge. Here's the railroad bridge, here's Mohr Road. Phase one of this subdivision is going to go down to approximately, I believe it's either the boundary here on lot 19 or lot 20, and they'll pick up all of this area. We've reviewed the plans, and the consultant has made the changes that we had requested. So, on that basis, I would request the plans be approved.

Commissioner Mosby: Motion to approve plans.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is also in regard to Spring Lake Valley Subdivision. The consultant has requested a sidewalk waiver on that sub, and given the small lots and the terrain out there, I think it's unlikely that they would build sidewalks that would be ADA compliant. So, on that basis, I would request approval of the waiver.

Commissioner Mosby: Motion to waive sidewalks.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Chris Walsh: Chris Walsh, County Highway. I don't have anything to add to the weekly report, except for that I would like to tell Commissioner Crouch we did start on Ashmore Estates this morning. So, we started on the worst section of it. I would estimate a couple of weeks maybe.

President Fanello: Thank you, Chris.

Chris Walsh: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: No report tonight.

President Fanello: Have you had a chance to look at the issue on the tax sale claims that came up last week?

Kevin Winternheimer: No, I haven't.

President Fanello: I know you've been busy with a couple of other issues.

Kevin Winternheimer: Yeah, I will look at that.

President Fanello: Alright.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I did include the lease agreement for the new tenant at the Old Courthouse. I submitted that with my report. So, I guess, you can go ahead and approve that.

President Fanello: Do I have a motion to approve the lease agreement.

Commissioner Mosby: Motion to approve the lease agreement. I just seen it.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, let's see, I have a late travel request to add to the consent items from the Surveyor's office. I believe it was for the conference that was last week. They might have done some volunteering for that.

President Fanello: Do I have a motion to add travel request to the consents.

Tammy McKinney: Also, we were—

Commissioner Mosby: Hold it, you don't have a second yet.

Tammy McKinney: Oh, okay.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: I've got a lot of things to get to folks. I've got a late pink slip from the Clerk. I believe it's for the Election Office, though, that came in today.

Commissioner Mosby: Motion to add pink slip.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then I have a request for service from Circuit Court, and I don't believe this will require a tech visit, but I just wanted to put it in the minutes, just in case for some reason it did require one.

Commissioner Mosby: Motion to add request for service.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Also, something else that I wanted to put in the minutes was the Election Office is requesting three of the surplus computers that are located at the Old Courthouse. I've talked with Tim VanCleave, and since he knows the speed and what they need, he's going to go over there, get three of them, give the serial numbers to me, so we can put those back on the fixed assets for the Election Office. Then, what I've put in front of Commissioner Fanello is the P.O.'s for the programs and everything that's needed for those computers to have them up and running for the Election Office. Matt Arvay has signed off on those. So, if the Commissioners could sign off on those P.O.'s we can get that stuff ordered and have it here by Friday. That's what I was told by the Election Office.

President Fanello: Is this printer for just the additional three computers? Or is this just a printer that they need in general for the office?

Tammy McKinney: I think it's to support the three additional computers.

President Fanello: Three additional ones?

Commissioner Crouch: I think they had, I guess they are just being overwhelmed with work. They had indicated they had 400 absentees today, and 200 ballots. Pretty busy.

President Fanello: Yeah, and I just have one question for Bill. This is just from looking at all the claims and the audit, what is the general rule of where equipment is bought from? Because I'm seeing it bought from 2000 accounts, 3000 accounts, 4000 accounts, and I'm assuming that if it is a fixed asset, which I think is our threshold \$1,000 or \$1,500 for it to be capitalized? I'm assuming that those come out of 4000 accounts, but what is acceptable to come out of 2000 accounts? None of them should be coming out of 3000 accounts. Like we have the printer coming out of a supply account, is that appropriate?

Bill Fluty: It should come out of equipment.

President Fanello: Okay, so they have it, I don't know if they have any money in their equipment account. I would just ask that you check on that. I don't have a problem with the requisitions in general, as long as they have money in the appropriate accounts.

Tammy McKinney: Okay.

President Fanello: Thanks for clearing that up, because I just noticed that on some people's claims, and things I think people are confused about account numbers.

Tammy McKinney: Also, the last thing I have is Woods and Woods currently leases the old jail from the Courthouse Foundation, and, I guess, in one of the rooms is the old bars from the jail that they would like removed. I asked Kevin who is the owner of these bars, and it's the Commissioners. So—

Brad Ellsworth: I'll take them. I may need them.

Tammy McKinney: Well, I have spoken with Eric about them, just as—

Brad Ellsworth: Is it a door? A cage front?

Tammy McKinney: It's everything. I mean, there's doors, there's—

Commissioner Mosby: It says there are 50 plus sections.

Tammy McKinney: I mean, there's short sections, there's long. I know the museum would like some, and then I spoke to Eric thinking that you would want a little display of, you know, where we started, you know, where we go.

Brad Ellsworth: We would like a door, at least a door if they're going to throw them away.

Tammy McKinney: So, I'm just asking for direction of what to do with them.

Commissioner Mosby: I mean, have you been over there? I'm guessing it's the bars from the old jail, I don't know if they've been cut off and stored or what.

Brad Ellsworth: I can go over and look at them. I would like at least a door.

Tammy McKinney: Yeah, but I think there was like a hundred of them, can you...I asked the girl, I said is there like 50, and she said, oh, yeah.

President Fanello: I don't know if they're part of the building.

Commissioner Mosby: Would you go over and look at them? See what you got?

President Fanello: I don't know why we would be declaring them in our surplus.

Brad Ellsworth: I don't know if we ought to use them in the new facility, but-

Tammy McKinney: No, I mean, not to use them, but I thought, you know, like a little-

President Fanello: Kevin, what do we-

Tammy McKinney: More surplus things.

Kevin Winternheimer: You could, you might want to get, find out how many the museum wants.

President Fanello: Okay.

Kevin Winternheimer: That seems like an entirely appropriate, you could just give them to them, and then, of course, any other department that might want them, including the Sheriff's Department, or anybody else.

President Fanello: My goodness.

Kevin Winternheimer: But, then, if they're worth something, again, if they're worth something, you could auction them off, you could set a price, if you think they're worth "x" dollars per section and make them, but I don't know who would be over there to handle the sale or handle that. But you have a lot of different options.

Brad Ellsworth: Is there any benefit, Brad Ellsworth, Sheriff, to contacting like the Historic Preservation Society so that we don't get into something where we scrap it, and then somebody say if we had only kept that.

Tammy McKinney: Well, in fact, Dennis Au came to me and just said, you know-

Brad Ellsworth: That's really who I was kind of thinking of.

Tammy McKinney: -he goes I just know the museum wants some.

Brad Ellsworth: Okay.

Tammy McKinney: But, I think if they had any real value to them, he would say, you know, we want them.

Brad Ellsworth: Yeah, keep those, or, okay.

Tammy McKinney: I mean, I can double check with him, but-

Brad Ellsworth: I was just thinking before hearing about it when they're melted down, that somebody says well, we should have kept that.

President Fanello: Commissioner Crouch asked do they need to be declared surplus or anything? Or do we need to make a motion?

Kevin Winternheimer: You can do that, but, I guess, the crucial thing is think about what you want to do with them.

President Fanello: Okay.

Kevin Winternheimer: But, yeah, they are no longer needed, so they meet the definition of surplus property. You just have to decide what you're going to do with them. You could even sell them for scrap iron if it came to it.

President Fanello: Tammy, why don't you—

Commissioner Mosby: Do you want some?

President Fanello: —see who all needs them, and come back to us next week and give us a report, so we can make a final determination.

Tammy McKinney: Okay.

President Fanello: If somebody wants to go ahead and make a motion—

Tammy McKinney: The zoo.

President Fanello: —and declare them surplus.

Commissioner Mosby: I'll make a motion that we declare them surplus, and then decide what we want to do.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: I think that wraps up my report, unless anyone has any questions.

President Fanello: Thank you, Tammy.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. I would like a few of the bars.

Commissioner Mosby: I gotta ask why?

President Fanello: Yeah. We're not gonna—

Steve Craig: Well, our bath house has been broken into several times, and we've entertained the idea of this year putting barred windows on them so that they can't break back into it. We could have them fabricated into the windows. We've already got them on our gift shop.

Commissioner Mosby: That's fine.

President Fanello: That's not a, okay, let's think about that.

Steve Craig: I don't need a lot of them, just a few. All seasonal phases of the park are closed for the year, and our rentals on our chalets and our buildings and the Discovery Lodge are still going strong. The Discovery Lodge is rented three times this week. We're about ready to wrap it up. We've started several fall projects, which you've probably seen on the worksheets. Other than that, we're just getting ready for next year.

President Fanello: Alright, does anybody have any questions? Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to—

Commissioner Mosby: Motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Would you want to make a motion (Inaudible)?

Commissioner Mosby: Motion—

President Fanello: One change.

Commissioner Crouch: I did notice that Mr. Lieberman is here, and there is an item on the consent that I am not comfortable with. It's actually a letter that is on our, it says a Lieberman Group letter, but it's on our stationery and it has signature spots for the three of us. It looks like, it appears to me that it's trying to sell a package. I don't know if we ought to make a recommendation on a package. I don't know if that's something that we ought to have on our stationery with our signature.

Phil Lieberman: Phil Lieberman, the Lieberman Group. We developed the software package for the Vanderburgh County Sheriff, and we have marketed that package. It's now in 16 counties. We wanted to inform the Commissioners of the other counties about this package, and we needed to have some weight to the letter, and we thought that if it came from the County Commissioners here, then it would perhaps be read by the other county commissioners. If it came from just me, it probably would just perhaps not be read. So, I was asking for your one, or all of you to sign the letter, so that they would read it. It's strictly a marketing letter.

President Fanello: Does the Sheriff have any interest in signing the letter for Phil?
As a user of the—

Brad Ellsworth: We're very pleased with the product, and I would be glad to write a recommendation letter to the other Sheriffs and/or county executives. We may have already done that.

Phil Lieberman: You have.

President Fanello: You have done that? Okay.

Brad Ellsworth: I thought we had.

President Fanello: Okay, well you've--

Brad Ellsworth: Now that I think about it, I thought we had signed, so.

President Fanello: Well, with that in mind, I mean, with the Sheriff's, you know, agreement about it, I don't have a problem sending it out.

Phil Lieberman: Actually, if just one person would sign it, perhaps you could sign it instead of the three of you, and it could come from you.

President Fanello: Any comments?

Commissioner Mosby: Whichever way everybody is most comfortable with.

President Fanello: Are you still (Inaudible)?

Commissioner Crouch: (Inaudible).

President Fanello: Okay, I'll send it out as President, and especially after hearing the Sheriff. So, I don't have a problem with that.

Brad Ellsworth: Just another interesting item, I can't talk enough about it, but at the last Sheriff's conference, the state, not Board of Accounts, but--

Phil Lieberman: (Inaudible).

Brad Ellsworth: Right. Came down and told all the Sheriff's that that was the preferred method. That they enjoyed getting it in the electronic format, and in this format. So, when they sell something and say this is the way we like it--

Phil Lieberman: It was the Indiana Department of Revenue.

Brad Ellsworth: That's what I was trying to think of, yeah. When they were touting it to the other Sheriff's it was pretty amazing, because sometimes they don't always know what they're touting.

President Fanello: Thank you, Sheriff.

Commissioner Mosby: So, are we taking this off?

President Fanello: Why don't you go ahead and take it out, and I'll sign one as President.

Commissioner Mosby: I'll make a motion to withdraw the letter and let the Commissioner President sign it.

Commissioner Crouch: Second.

President Fanello: So ordered. And, do I have a motion to accept all other consent items as amended?

Commissioner Mosby: Motion to accept consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:17 p.m.)

CONSENT ITEMS:

Jail Expenses:

James L. Shireman, Inc.: \$55,000

United Consulting Engineers and Architects: \$16,905.03

Energy Savings Expenses: \$580,354.50

Travel Requests:

County Surveyor (1)

Area Plan Commission (1)

Requests for Telephone Service: Circuit Court (1)

Employment Changes:

Circuit Court (1)

County Clerk (3)

Health Department (3)

Auditor: Submit A/P Vouchers.

County Clerk: Submit Monthly Report for August 2004.

Weights and Measures: Addendum #12 to Lease Agreement.

Those in Attendance:

Catherine Fanello
Bill Fluty
Madelyn Grayson
Brad Ellsworth
Chris Walsh
Members of Media

David W. Mosby
Kevin Winternheimer
Phil Lawrence
Luzada Hayes
Phil Lieberman

Suzanne M. Crouch
Tammy McKinney
John Stoll
Dave Rector
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 18, 2004**

The Vanderburgh County Board of Commissioners met in session this 18th day of October, 2004 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, October 18th. Introductions are as follows, to my right, Superintendent, Tammy McKinney; Kevin Winternheimer, County Attorney; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of October 11, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the October 11th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Girls in Bloom 2005

President Fanello: First item of discussion is Girls in Bloom 2005.

Patty Avery: Patty Avery, Commission office. I'm here tonight on behalf of the Girls in Bloom steering committee. As you might recall, we put on the first annual Girls in Bloom arts festival for 5th to 8th grade girls at the end of April this year. The Commission played a very active role, and actually initiated the project. You provided us an infrastructure, we were able to receive phone calls in the office, and use the office address as our mailing address for the event. It was a tremendous success, as you saw when the committee came back and we brought the thank you from the girls. We had 200 participants, counting girls, performers, and girls parents who came along with them for the day. We had very, very positive feedback. So we would like to request, the committee has asked me to come and request, that once again you sponsor Girls in Bloom for next year. The committee is very eager to proceed. Last year we raised about \$2,200 from area businesses and individuals to support the event. So, we would like to ask for the Commission once again to take it on as a Commission event, along with the school corp, area businesses, and area not-for-profits.

President Fanello: With that, I have a letter from Velinda Stubbs, who is the principal of Cedar Hall Elementary School. Velinda sent this over today, just discussing the success that she felt the program was, and the amount of time that the mothers had to spend with their young daughters, because a lot of the mothers are single, and they don't get to spend a lot of quality time with their daughters. Serving as chair of that committee, I know it was, everybody on the committee worked so hard, and I know Patty put in a lot of time, and everybody on the committee did. I think it's one

of those ways that local elected officials can be involved in an education type setting and promoting parents working with their children. So, I would hope that this Commission would approve it for next year also.

Patty Avery: The committee's already invited Suzanne to participate in the steering committee, Thursday morning. She'll be there.

Commissioner Mosby: I would make a motion that we do the second annual Girls in Bloom event.

Commissioner Crouch: Second, and thanks to you, Patty.

Patty Avery: Oh, and to you. We'll come back and discuss possible venues for the event, and working with you to make the event a reality next year.

President Fanello: Alright, thank you, Patty.

Patty Avery: Thank you very much.

President Fanello: I'll say so ordered.

Madelyn Grayson: Catherine, do you have a copy of that principal letter?

President Fanello: Sure.

Evansville Police Department Request & Centre Information

President Fanello: Our next item is the Evansville Police Department request. They were requesting, I believe, renting the Centre for a couple of days. They are telling me, they sent me up a note earlier and said that they do not need it on Sunday and Monday, the 29th and 30th. So, I guess, they're just needing it on Friday, the 29th, October 29th.

Commissioner Mosby: (Inaudible. Mic not on.)

President Fanello: Oh, the 29th and 30th, I'm sorry.

Commissioner Mosby: (Inaudible). They want it for Friday and Saturday–

President Fanello: Two days.

Commissioner Mosby: –but not Sunday and Monday.

President Fanello: Yes, but not Sunday and Monday.

Commissioner Crouch: We also had a letter from John Bolton–

President Fanello: Right.

Commissioner Crouch: –requesting that any overtime, etcetera, that is incurred, or any additional costs, extra costs be picked up by whoever we waived for. He said that the administration, the city administration's policy is that also. So, any time they also provide a room to someone at the Victory or at Roberts Stadium, they do make

that stipulation. I also spoke to him about the 30 day notice. I told him that I thought that was too short. That not-for-profits, the people that we waive it for—

President Fanello: Right.

Commissioner Crouch: —already will be too far down the road. He said that he would be agreeable to 60 days. I don't know if you all want to recommend that.

President Fanello: I don't know. I think he needs to be agreeable to what we want to be agreeable to.

Commissioner Crouch: Sure.

President Fanello: I think you're right. You know, once they send out the letter, if they're having an event there, they're sending out the letters and, you know, they've put out a lot of notice. I don't know what to do about that one, what would be acceptable. I think almost 90 days would, at least 90 days. What do you think?

Commissioner Crouch: I'm comfortable with that.

President Fanello: Okay. I would settle on 90 days. Commissioner Mosby?

Commissioner Mosby: That's fine. I'll go with that.

President Fanello: So, do I have a motion to approve the Police Department's request with the stipulations as stated in John Bolton's letter regarding overtime and the 90 day notice?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. We will, I'm assuming the Commission wants to keep this as policy for anybody that comes along.

Resolution Regarding IT Services

President Fanello: Next item is resolution regarding IT services. This resolution comes about from discussion with the city. If you remember, a couple of years ago when we were negotiating a contract with ACS, it was really the desire at that time, on the county side, to go out for an RFP, but all the resources were not available on the city side, and the costs of going out for an RFP is not inexpensive, and the money was not available, at that time, on the county side either. But, with the CIO coming on board, he feels like he can take on a majority of the work, and is going to start and would like to start getting quotes for someone to assist him with writing that RFP. I definitely think it a worthy cause. The reason we're bringing this up now is, I think we're already....Matt, do you want to come up to the podium? I think we're already, what, a year and a half into our contract?

Matt Arvay: Yeah. I'm Matt Arvay, CIO. The current contract expires in June of 2006. It started, I believe, July of 2003.

President Fanello: Right. So, we're already into the majority of the contract, and Matt feels like he needs at least 18 to 24 months to prepare an adequate RFP for this size facility, especially with this being a city and county RFP.

Matt Arvay: We'll have to expedite that process to meet the requirements.

President Fanello: Right. So, in speaking with the Mayor last week, he also is in agreement, and cooperation wasn't always there with the previous administration on this issue, and Mayor Weinzapfel is very agreeable, and really wants to do this. I think it a better way for us to procure, hopefully, less expensive technology costs, and maybe making some changes in technology along the way. So, I guess, I would ask this board's support in giving Matt Arvay direction and moving forward with this request.

Commissioner Mosby: I'll make a motion, if that's what you're looking for. I'll make a motion that we move forward in conjunction with the city.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Matt.

Matt Arvay: Thank you.

Waggoner, Irwin, Scheele Efficiency Report

President Fanello: Next we have Waggoner, Irwin and Scheele. We have Kent Irwin here and Jay Perry.

Kent Irwin: Good evening. I'm Kent Irwin, with Waggoner, Irwin, Scheele and Associates. I'm here this evening to provide you with a copy of part one of our operations review that we've been conducting here in Vanderburgh County for the last several months. Before I begin, I would like to congratulate your county on hosting the Association of Indiana Counties conference. Jay and I were down here for almost two weeks with both IAAC and the AIC, and we felt that both the city and the county did an excellent job of hosting two very good conferences. We heard a lot of positive comments about the events and the workshops and the facilities that you had here, at both of them. I think it's something that you can be very proud. The operations review report that we have, I'm not going to read every paragraph and sentence, but I would certainly like to go through and highlight the work that we've completed thus far, and what is yet to be done. We're taking on this review as a matter of looking to bring about more efficiencies in how you deliver county services, and I can say that given the project that we did for the City of Evansville, which was very similar to this, this one is limited in scope in terms of what authority the Commissioners have, and what you can do with that authority, and the individual departments and agencies for which you have oversight. In looking at how we can go about realizing cost savings and efficiencies in bringing about more comprehensive operations and coverages of various services that you do provide, we looked at other counties of similar size here in the state of Indiana, and they're listed there on that page; Allen, St. Joe, Elkhart, Hamilton, Tippecanoe, Porter, Madison, Monroe, Delaware, and Johnson. All counties very close in size, and close in terms of size of population, but also in terms of the kinds of service that are provided. We also are looking at and understand, I think, some of the critical needs that are facing you as County Commissioners, and one of the factors that we are

going to be looking at throughout this report, and the second, part two, of the report are cost avoidance, things that you can do to save money. Some of those may require spending money to save money, but looking at cost avoidance measures that will increase the productivity and improve the operations of the county. Secondly, modern equipment technology, you just passed a resolution regarding our IT, and we believe there's some things there that can be done that will not only save money, but will also make your day-to-day operations more effective. Thirdly, we're all aware of the budget challenges that Indiana government faces, particularly local government and county government, respective of the reassessment, what's been going on through the state, delays in funding, etcetera. So, everyone is looking, I think, more closely these days at how we can go about using the precious resources we have in a more effective way. So, part one of this report will detail the findings of your office, the Commissioners office, and some broad concerns that are under the authority of the Commissioners. Part two will detail specific findings and recommendations specific to the departments under your authority, as well as some independent contracts that you have for operations of facilities, such as the Auditorium and Convention Centre. We'll also look at the City/County Purchasing agreement, and we have copies of that, and this is something that was reviewed as a part of the city study as well. One of the first things that, I think, became very obvious, and that is the staffing of your office, and that with the two employees that you currently have, the level of your staffing, you simply cannot perform the array of services that many of the other counties are doing. Now, some of these functions and services may be being performed in other offices, other departments, but as we take a look at some of the other counties, I think you'll get an appreciation for the kinds of service that other counties are providing through their Commissioners office. We have some recommendations here that we think will not only bring about money, but will save you money through time. Hamilton County on page three, they have six employees; a Safety Risk Manager, a Human Resources Manager, a Human Resources Assistant, they have a Switchboard Operator, and an Administrative Assistant, and a Financial Advisor to the commissioners. This is a contracted position that they have there, and what that person is responsible for is taking a look at, not only what their budgets are, but making forecasts into the future. This person also negotiates with the state, respective of monies that they believe they're due and owed that, in some instances, has not been forthcoming, either at all, or in a timely way. They've just recently filed, I believe it was a \$50 million lawsuit against the state to recover, what they believe is their fair share of EDIT dollars from those tax collections that they don't believe they've received the proper amounts. That's the general scope of what they do in Hamilton County with those six employees. In Allen County, up in Ft. Wayne, you guys would think you're in heaven if you walked in to their office, thirteen support staff in the County Commissioners office. From not only Human Resources, Risk Management, a Financial Coordinator, we have a Legislative Assistant who is responsible for tracking what's going on at the legislature respective of the county, and actually going down to Indianapolis and spending some time lobbying on behalf of Allen County. They have a Secretary of Special Projects, they have a Public Information Officer, a Purchasing Director, they have a Grant Coordinator, an Executive Assistant, and an Insurance Manager. Again, some of those functions may be spread throughout other places, they may be contracted here, but this is what Allen County dedicates to it's full time staff. They have some part time assistants that go along with that. Tippecanoe County up in Lafayette, they have nine employees; a Commissioners Assistant, again, a Grant Coordinator, a Human Resources Office with three people in it, and three people working out of the Commissioners office. Again, we've identified the core functions or duties that each one of these employees are performing. Monroe County, Bloomington, they have eight employees; Grants Coordinator, Financial person,

Executive Director, they have an Economic Development Coordinator that works out of that office, and Human Resources and other support staff. St. Joe County has ten employees, again, they array from personnel to GIS to purchasing and various support assistants. So, as we move on to page three and drawing from that information and what we know about the performance of some of these functions in other counties, as well as what's happening here in Vanderburgh, there's a primary concern here with dealing with compliance issues, particularly as they relate to Human Resources. Compliance issues respective of federal employment law, like the Fair Labor Standards Act, Family Medical Leave, Americans with Disabilities, where regardless of union contracts etcetera, you need to have standardized processes in place to respond to those particular employment laws. Other matters of minimizing safety risks we see as an avoidance of costs. We look at grant administration, grant coordination as a means for bringing additional dollars in to the county through a coordinated effort. So, our first recommendation would be to either retain a grant coordinator, either it be a county employee or an independent contractor to be responsible for seeking and securing alternative funding for various programs. But not only being new dollars for brand new projects, but also looking for ways to replace your General Fund spending with federal or state supported spending. Often times these grants will allow for a percentage of that grant to go towards the administration or the compensation of a grants person. We believe, and I think you'll find in some of these other counties that that position will more than pay for itself. That that person will be able to bring in revenues that would not only take care of whatever the salary and the benefits would be, but many times over in terms of the revenues that can be brought in. Secondly, we are suggesting that you retain a financial advisor, again, be it a county employee, or an independent contractor. Hamilton County retains an independent contractor, as I had mentioned earlier, I believe they're spending like \$12,000, and, again, they claim that they get every bit of that, and much more back in terms of the service that he provides to them. In addition, you may want to give serious consideration to consolidating your bookkeeping functions and operations into the Commissioners office, as opposed to having separate bookkeeping functions in the various departments; Highway, Burdette, etcetera. I know in Madison County they have it all consolidated in one office, under the Commissioners, so that the Commissioners are very much in tune as to what's going on. They don't have to go out and visit all satellite offices to learn about the condition of finance, and there is more efficiencies when those people are housed and working in close proximity to one another. Our third recommendation is in the area of Human Resources. I think as you noticed the various other counties and the amount of effort, or not effort, but the amount of money and what they're putting into the Human Resources area is something that is lacking here in Vanderburgh County. I talked to Kevin early on in this process and we're still doing things like we did like 50 years ago. This is a big operation. It is a big business, but we're almost running it like the corner grocery store when it comes to Human Resources. You think here in Evansville, Vanderburgh County, any business that has 50 or more employees has a Human Resources person. You certainly have many times that many people, and I know that there's a little bit going on in all departments, but in terms of a in-house person, I see that as a major recommendation that you ought to give some serious thought to. This is not to say that what's being done is wrong or bad or anything like that. I think what's being done through the Council and that office and maintaining the job descriptions is a function that is rightfully theirs. It's part of the Council, but what we're talking about here is having a person who's not only looking at compensation issues, but also risk management, benefit administration, insurance, etcetera. Again, the first two recommendations we view as a means of increasing county revenue, or having a neutral impact on county revenue. The third recommendation is viewed as a cost

avoidance measure. Following the staffing, another area, and this is kind of a similar recommendation to that which we have identified as part of the city's assessment, and that is an area of customer service, and a county help line where there is centralized citizen complaints. A good number of your complaints, in the Engineering office for example, come to the Engineer. I mean, this is your Engineer. I mean, the guy that you're spending the big bucks with, who is, not that he shouldn't be dealing with citizen complaints and citizens, but we certainly could do this in a little more cost effective manner through setting up some kind of an arrangement where you could have a county help line. This may be an area where you could look for a cooperative agreement between the City of Evansville and yourself. I think we have to look at those opportunities and think like that as we work through any changes that you may bring about. The City of Indianapolis, they operate under the UniGov system, as you all know, that they have instituted a Mayor's action center where complaints come in, it's staffed, and you don't get "the City Hall", or the "Courthouse" runaround where, you know, you just simply tell people to call this guy. I mean, the person who takes the call will and should get back to the caller, and provide them with a report on their problem. Or when and if it is resolved, a follow up. Thirdly, there's a lack of formal performance appraisals in the areas under the supervision of the Commissioners, and without performance appraisals management does not have a documented accounting of employee work performance, and therefore cannot effectively set department wide goals. The recommendation here is to put a performance appraisal review program in place to not only establish accountability, but to set work priorities for the future. Personnel policies, we've reviewed the existing policies and would like to suggest that that's another on-going process. Likely a function that would come under the Human Resources department or person, but looking at your policies, they need to be reviewed periodically to comply with legal requirements and reduce liability exposure. We've listed here some examples of some of the policies that would need to be reviewed now, and updated, including an active military duty leave policy, the USERRA policies that are applicable to any of your employees who would go on active duty, and what their rights are when they return. There should be mention in your handbook of your HIPPA policy. I know you've got a plan, you've got a program, but it really needs to be at least summarized in your handbook. Your FMLA policy, just a slight change here, but, you know, providing for the process that an employee would go through to request Family Medical Leave, and how you go about proving those medical certifications, approving the leaves, and the return to work of the employees, but a process for doing that. Your sexual harassment policy, in our view, and having been through several major investigations with other counties where we were called in as an independent investigator to assess whether or not there was a valid complaint, you need to have clear reporting and notice requirements as a part of your policy, so that employees know what the process is going to be, and how an investigation is going to occur, if and when it would happen. Finally, the FLSA policy, as you probably know, the Labor Department has issued new regulations here, but we need to make sure that we've established a work week, our record keeping is up to snuff, and that we don't have people working in multiple positions, that if they do, that we're paying them correctly in overtime. The Sheriff's department, for example, has a K-9 Unit that we make sure that we have provided for time off for care and groom and training of the dog, 365 days a year. Two weeks ago I spent a full day in the federal court in Hammond as an expert witness for the Lake County Sheriff's Department where they had 12 K-9 officers who sued the county for back pay for not being paid for that off duty time for care of the dog. The settlement turned out to be \$240,000 in back pay for those officers, including attorneys fees. It could have been much higher than that, but this is something that I think the Sheriff needs to be alert to, and we want to make sure we avoid those kinds of complaints and any potential litigation.

ADA policy, medical exams, reference background checks are some other areas where the policies may need to be updated for those topics, reprinted, and then redistributed to county employees. Department performance evaluation, here we're not talking just about employee performance, but the department, whether it be Highway, Burdette Park, Weights and Measures, whatever department, that right now there's no systematic establishment of performance measures in Vanderburgh County. In the private sector, most businesses measure performance on the basis of profit. The public sector, no, it's replaced by service as a primary tool. While service is more difficult to measure than profit, there are tools that can aid the county in the process. We listed several examples here, I think the first one, if you didn't do anything else, you would give consideration to the International City-County Management Association Center for Performance Measures. They have a data base from other cities, other counties already in their system. They have benchmarks for inputs, indicators, outputs, efficiency that you can take your data, plug that in, and that then provides you with a benchmark from which you can measure performance of those departments, whether it be Highway, whether it be Weights and Measures, Police, they have programs for each one of those areas. We've listed the websites and the phone numbers where you can gain information and take a look at what's going on. CitiStat is another program. It was pioneered in New York City after Mayor Giuliani. It was put into effect in the Police Department, and, again, it provided for a way to measure department performance and a way to distribute the resources of the department where they are getting the biggest bang for their buck in terms of expenditures for personnel, equipment, vehicles, tools, etcetera. Then there is some other books out on the subject, the book, "Does Your Government Measure Up?", is an excellent read, as well as some other performance measures like there's Six Sigma which is a private sector management tool. It has been adapted, the City of Ft. Wayne has been using it under the term of the, well, it's been the previous and existing term of this Mayor. We think you ought to take a look, a hard look at looking at those kinds of programs, so that you can access and regularly monitor the performance of your departments. Fuel purchases, another area that there may be some possible cost savings. Again, another possible way to partner with other public agencies, like the city, like the school corporations. Job descriptions, over time the job descriptions here in Vanderburgh County, as I understand it are, basically, looked at when people want to see their job upgraded, to get more money for a job or a person. Many of these job descriptions have not been updated since they were first prepared. 1992, I know in the Highway Department was the last time there's been any comprehensive review. These descriptions, even though they're not being processed, or we're not suggesting that anybody go get a reclassification, the job descriptions, in and of themselves, need to be reviewed periodically, and updated, and make sure that all employees have a copy of their job description. Here are some of the changes that we are presenting and adding to certain job descriptions as they may need, including; Americans with Disabilities Act statement that will be standardized for each job; abilities to, you know, provide confidential or maintain confidentiality. Some other basic types of statements that we're looking at as well as making sure that the duties reflect what the employee is actually doing now. Not what they were necessarily doing back in 1992. But, those descriptions will be presented to you, the one's under your authority we're updating and we're nearly through with that process, and we'll present those to you as part of our report in part two, which we would like to come back here next month and present to the Commissioners. The, one of the last items on page 14 deals with FLSA compliance. As I'd mentioned, the wage and hour rules did change. We've analyzed each of these descriptions for their compliance, and the basic test, and that is to determine which one's are exempt and which one's are non-exempt from the overtime regulations. Exempt, non-exempt means you have

to pay time and a half for those hours worked over 40 in a work week. You go beyond those minimum requirements here with most of your non-exempt employees under union contracts by paying time and half after eight hours in a day. So, I think you're well, you're very well compliant. You've gone beyond the minimum standards. Excuse me, I think some of the difficulty in administration has come with how do you deal with exempt employees? From our review of your job descriptions we've listed here, those descriptions that meet the tasks for being exempt, starting with your Superintendent of County Buildings through the Weights and Measures Director, people who are essentially working as department heads or working in professional positions. Again, we note here, provided each position is paid more than \$23,600 a year. That is the new minimum level, everything below that you have, anybody who makes less than that is automatically non-exempt under the new rules. So, as jobs change from time to time you need to look at those, and if there is any change in the exempt or non-exempt status, then you would need to treat the employees accordingly, with regard to their method of compensation. Number eight, talking with, particularly your department heads, your people in the Engineering department, and I think there's a bit of confusion over how do you deal with exempt employees? They don't get time and a half, but what happens when they do work extra time? We believe, that as Commissioners, as department heads, there ought to be some flexibility, and we provided a model policy that would provide for two things, one of which you could flex a schedule over your two week pay period. So, where if I work 50 hours one week, I can flex it the next, provided that I work a total of 80 hours in the two week pay period. So, that, you know, right now you have to work, you have to work 40. I think this would give you a little latitude in terms of people who put in one week, where they're putting in a lot of extra time, and then the 2nd week they could flex that time, provided that they stay within that 80 hour requirement. I have run this policy by the State Board of Accounts for the Monroe County library, we just updated their policy, and this meets with their standards. You have to keep track of time of exempt employees, unlike the private sector where you do not. In the public sector for ghost employment reasons, state statutes, we still have to keep track of hours. We've also, not only flexing that time for your exempt employees over a two week period, but also we've provided a model policy for exempt employees where you could provide some excess benefit time. Where they could get some "comp time", if you will, but it's not FLSA premium comp time. Whatever policy that you would want to establish there, or consider, just don't make it look like the non-exempt employees. So, it's different than the time and a half after 40. That it is something beyond that. I think what we have here 45 hours, Jay? To where, after 45 hours in a work week, those exempt employees could get an hour of time that they could bank. You could put a ceiling on it. Now, this is just a model policy that we've drafted for your consideration, but I think it is one that would accomplish this for the exempt employees, and especially those who are in exempt positions that do get called out, and do have to do additional work. In the event that you can't find a union employee to go out and get that limb out of the street, then, you know, someday to be able to either flex a schedule or provide that exempt employee with some additional time off, and, I think, but you would need to establish some policy and some perimeters for doing that. This in a nutshell is part one. Part two will be, we would like to come back, like I said, next month. I don't know when you're going to be meeting, but the first of the month would be good on our schedule, and provide you with part two, and the job descriptions that go with each of these individual departments. Jay or I are here, we'll field any questions that you may have here yet tonight on what we've presented.

President Fanello: So, on part two you're going to come back and discuss Purchasing Department—

Kent Irwin: Yes.

President Fanello: SMG contract, and do you have any specific recommendations for Burdette and Highway that you'll be discussing?

Kent Irwin: Yes.

President Fanello: Okay. And you'll have the job descriptions?

Kent Irwin: Yes.

President Fanello: Okay. Does anybody have any questions for Mr. Irwin? They're going to take it all in.

Kent Irwin: There's a lot there.

President Fanello: I would like to set the time when you come back. We don't meet on November 1st, but is November 8th acceptable to your schedule?

Kent Irwin: That's a Monday? Monday the 8th?

President Fanello: Yeah, we meet every Monday at 5:30.

Kent Irwin: Okay.

President Fanello: We're just not going to be here, we usually don't meet the night before election.

Kent Irwin: Very good. We'll be here and look forward to the drive. Thank you.

President Fanello: Thank you, Mr. Irwin.

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, I'll just hand out a spread sheet for you guys to look at your leisure regarding the Auditor's office, the audit on that. So, is there any other old business?

Commissioner Crouch: Did, Kevin, did you ever get an opportunity to look at Knight Township's request from several weeks ago about railroad, abandoned railroad properties?

Kevin Winterheimer: Yes, but not in any detail. I'll get back to you on that.

Commissioner Crouch: Okay. Then the dumping, CSX dumping, were we going to draft a letter, or send them some kind of a-

President Fanello: Patty asked Les for pictures. She has the pictures, and she has drafted a letter. Les dropped off the pictures today. So, we'll put a copy, I didn't know if you, since we voted to sign it, do you want me to sign it, or do you want all three to sign it? Okay, she can, we'll put a copy in your box. Anything else?

New Business

President Fanello: Any new business?

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: If I might, Rob Faulkner is here to give you an update on the Plating Works property.

Rob Faulkner: I'm Rob Faulkner. As Kevin indicated, I'm here to give you an update on Evansville Plating. Last week, on the 13th, the judge signed the order giving us title to the property. It's been recorded. So, what I'm here to do is to make a suggestion about how we probably should proceed from here in order to optimize the property so that we can realize the most revenue from it when it sold. The property currently is M-2, and the Jacobsville master plan has it designated as commercial. So, what I was going to propose is that we look into down zoning it to say a C-4 with a use and development commitment so that some of the C-4 uses, which the neighborhood might find inconsistent with the master plan or objectionable, we could take out, and still keep it, you know, quite marketable. So, I would propose to sit down with the Jacobsville Neighborhood Association, and also the DMD, and work out a use and development commitment to bring back to you for your review. Also there is a piece of right-of-way that cuts across a corner of it, which at one time had the purpose of lining up with Fourth Street before the expressway was built. I would suggest that we vacate that, square the property off, and also there's a piece of alley that runs down through it that had been used by the Plating Works, but had not been officially vacated. So, that's the second thing that I would propose to have authority to do. Finally, there is a piece of property on the corner of it, and in order to evaluate the feasibility of maybe acquiring that property to square it up and make a complete parcel, to get an appraisal of that corner to see, so we can bring it back to you and you can evaluate whether it's feasible to possibly to do that, to make it a more marketable piece of property. Any questions?

Commissioner Crouch: Rob, when you said it would, down zoning would fit in with the Jacobsville master plan.

Rob Faulkner: Yes.

Commissioner Crouch: Have you talked to Area Plan? Does that work with their master plan also? Or can you check on that?

Rob Faulkner: Yeah, we'll look at the master plan. In fact, when we do the rezoning, they'll, part of their staff field report talks about how it's consistent with the master plan, but I'll...that's a good point. I'll check into that as part of our analysis. Questions?

President Fanello: How do, what direction do we want to give Rob besides...do we want him to proceed with looking at the down zoning and preparing information?

Commissioner Mosby: I would say look at the vacation of that little corner too, because that will square it off.

Rob Faulkner: That's what I was talking about. That's primarily it, what I was talking about.

Commissioner Mosby: I would say go ahead and start the vacation process, to vacate that, and then down zone it at the same time.

Rob Faulkner: Then I can bring back a use and development commitment as a proposed one to look at filing a rezoning application.

President Fanello: Yeah, and before you file it we could get the answer to Suzanne's question—

Rob Faulkner: Sure.

President Fanello: —and see how it fits into the—

Rob Faulkner: Yeah, I could come back with that as well.

President Fanello: Okay. Do I have a motion to ask Rob to proceed with—

Rob Faulkner: What about the appraisal?

Commissioner Mosby: How about the what?

Rob Faulkner: Obtaining an appraisal on that one property, so that we can (Inaudible).

President Fanello: Oh, the last piece of property.

Commissioner Mosby: Yeah.

Tammy McKinney: It's an old white building. I don't know if you—

Commissioner Mosby: The southwest corner, I believe. Isn't it right there on the corner?

Tammy McKinney: It's been up for rent, or for sale for a long time.

Rob Faulkner: An appraisal wouldn't be something real expensive. I suspect we may have surplus, money in the surplus property to cover that.

Tammy McKinney: Yeah, I think right now we have something that we could use to cover that.

President Fanello: Why don't you, could you get price quotes on that?

Rob Faulkner: Sure.

President Fanello: And let us know, and make sure we have enough money in our budget.

Rob Faulkner: Sure.

Commissioner Mosby: Do you want a motion? I mean—

President Fanello: I think you probably should make a motion, that way he's clear.

Commissioner Mosby: I'll make a motion to get price quotes on an appraisal, and then, I guess, look into vacating of the corner and the rezoning, the down zoning.

Rob Faulkner: Is that motion actually to go ahead and proceed with the vacation then? Because, that's not, that's kind of a ,it's not something that requires much analysis, and mechanics as rezoning. It could be, we could go ahead and start that.

Commissioner Mosby: I would say so. I mean, it would be agreeable with me.

Commissioner Crouch: Second.

President Fanello: So ordered.

Rob Faulkner: Thank you.

President Fanello: Thank you, Rob. Kevin, did you have anything else?

Kevin Winternheimer: That's all I have.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: Earlier in the project meeting I brought to you a lease for a tenant at the Old Courthouse, and I wanted to know if you had any thoughts regarding that. I would ask that you accept that.

President Fanello: Any questions? Okay, do I have a motion?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Also in my meeting packet I spoke with the Public Defender on Friday, and he is interested in obtaining some of the space that the Health Department is going to leave behind in the basement for storage of their records. I don't really expect a decision, I just wanted to bring this to you and let you know that he is interested in that.

Commissioner Crouch: I'd asked Tammy today if anyone else had expressed an interest. She said, no, but I would suspect that if we ask them, there would be some

other interest. I don't know, I kind of think we ought to evaluate what other needs there are out there.

President Fanello: Right.

Tammy McKinney: Something with the Public Defender, those records do have to remain secure. So, it would have to be in a caged area, like their current records are. So, that's something that we have to consider too is putting them in a secure area.

President Fanello: I kind of would like to know the status, I think this brings up a good question of what space is being utilized in the basement. I haven't been down there for a long time to look at it, but do we have things that could be, records that could be moved out of there?

Tammy McKinney: Purge some records.

President Fanello: I think it's...yes. I think it's, you know, we should be looking at those things to free up some space.

Tammy McKinney: Well, and speaking of freeing up space, I've put before you a spreadsheet of computers. These are the computers that are at the Old Courthouse with a list of the non-profits, or agencies that have sent letters to me. I think I only have like three left over.

President Fanello: Okay.

Commissioner Crouch: Tammy, this is after all of the offices have been given an opportunity?

Tammy McKinney: Right, in fact, Tim Van Cleave went over Friday and got those three computers that he needed for the Election Office.

Commissioner Crouch: Do you need us just to make a motion to accept this, so you can then contact the non-profits?

Tammy McKinney: Please. Yes.

Commissioner Crouch: I'll move that we go ahead and accept this as presented.

Commissioner Mosby: I'll second that.

President Fanello: So ordered.

Tammy McKinney: And, I also need to enter a late pink slip into the consent items for the Highway Garage, or Cum Bridge.

Commissioner Mosby: Motion to accept pink slip.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then also I put before you a memo that the Auditor's office, the representative for the insurance wanted me to let you know that the PERF representative is going to be here on November the 9th, and just asked that the department heads allow their employees to go. He's going to give a presentation every hour from like 9:00 to 1:00, and just allowing employees to go if they wanted to hear his presentation.

President Fanello: Has everybody been made aware of this meeting, Bill?

Bill Fluty: Not yet.

President Fanello: But, are you going to make everybody, or is your office going to make everybody aware of this?

Tammy McKinney: Charlene was just getting the details, and we got the room set and everything.

President Fanello: Okay.

Tammy McKinney: So, I'm sure she'll be putting them out with probably the paychecks next week.

Bill Fluty: It will go out with the open enrollment for insurance.

President Fanello: Okay. Thank you, Tammy.

Tammy McKinney: Sure.

President Fanello: We already had Burdette Park's report earlier.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's reports?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: And a motion to accept consent items as amended?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.¹

¹ Consent items listed on page 21.

**VANDERBURGH COUNTY
REZONING BOARD
OCTOBER 18, 2004**

The Vanderburgh County Rezoning Board met in session this 18th day of October, 2004 at 6:27 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The rezoning petitions were heard during the course of the regular Commission meeting.

First Readings

President Fanello: We will now hear our rezoning agenda. We do not have any first readings.

Final Readings:

**VC-17-2003: Petitioner: Peter M. McCullough
Address: 2751 Allens Lane
Request: Ag to R-3
Action: Approved 3-0**

**VC-8-2004: Petitioner: Cross Pointe Commerce Corp.
Address: 7100 E. Virginia
Request: Ag to C-4
Action: Approved 3-0**

President Fanello: We have two final readings, the first one being VC-17-2003, 2751 Allens Lane, change from A to R-3.

Tom Bodkin: Good evening ladies and gentlemen, Tom Bodkin, 20 Northwest Fourth Street, counsel for the petitioner. This particular parcel of issue lies between St. Joe Avenue and Mesker Park on Allens Lane. You may recall about a year ago or so we were here rezoning a piece of ground just across the road from this, we went for a down zone there from C-4 to C-2. This is a zoning from Ag to R-3. It's a very exciting condominium development for the northwest side of Evansville. To my right, your left is a schematic showing you what's going to be there. This is what they'll look like, to your right, and my left. The petitioner, Pete McCullough, his mom and dad and the Fehrenbacher family are the folks who are at work. Let me give you a bit of background about the units. This is going to be a condominium project. We met extensively with the staff of the Plan Commission to determine exactly what zoning category we needed for the condominium, and R-3 is that category. That's why we've asked for an R-3. The units, I can tell you that the interior will not be public roadway, it will be private, so you won't have any maintenance responsibilities for those roads. There will be two entrances to the area. One, I'll walk over here and point to it for you and then I'll come back. Those two entrances to the entire development. The major entrance matches up with the entrance right across the road with regard to the units we built, which are apartment type units, right across the road last year, that are under construction now. We've met with Bill Jeffers on numerous occasions to work out where the storm water needs to go, and I can tell you two things of interest there. Number one, the water will be taken under Allens Lane, through piping, and put into the little creek downstream of the bridge. That's significant because that leaves the upstream area free for further development in the future. Secondly, Pete's working with the Surveyor to deal with quality issues, because we're acutely aware of your MS4 issues out there, and we are working with Bill to make sure we address those, as well as quantity issues. We've talked with your County Engineer, and with EUTS with regard to the roadway issues that need

to be dealt with. There will be, as you can see, passing blister is the wrong word, excel/decel to get in and out. Those really get dealt with at site review, but we're showing you where they're going to be. These again are condominiums. It's very exciting, because we don't have a lot of those on the west side. The Plan Commission met on this matter a week ago, well, last Wednesday, a week ago almost. I believe the vote of the Plan Commission was to recommend it. That vote, save one abstention, correctly so, was unanimous. It's an exciting opportunity for us. It's an exciting opportunity for this area of the county. To our west, basically, is one owner who has no objection to this rezoning. To our south, where it says Leisure Living Condominiums, is property owned by Deig Brothers. There is, in fact, a big borrow pit there, as I recall, and some equipment sitting around. They have no objection. There's some folks who live to our north who have no objection. And, I can tell you the Westside Improvement Association also, not only has no objection, they are here, they'll talk, I hope, but are also in support of this project. There are no remonstrators. It is a good opportunity for us to move forward with residential development in this part of the county. Pete McCullough is here. If you have any questions in detail, he would be happy to answer them, as would I to the extent that I have that knowledge.

President Fanello: Are there any questions for Mr. Bodkin? Are there any remonstrators in the audience? I have to ask that question.

Fred Padget: In this case we are not going to remonstrate. I'm Fred Padget, and I represent the Westside Improvement Association. I did want to come down tonight because so many times we come in and ask for help or assistance, or we come in and have a problem, or we come in and we're against something. I just wanted to come down and let you know that we're not always against things. Here's a project that we do fully support, and we think it will be a great asset to the west side. The developer, Mr. McCullough, he invited me to meet with him and review the plans way up front, which is exactly the way that we think it should work. We appreciate that, and we thank Pete for the invitation to do that. We reviewed the plans in quite detail, I guess, we spent, I guess, an hour and a half or so, took a walk around some of the other property and seen some other things he's doing. But, this concept of the free standing residences operated similar to a condominium, I think, is a great thing for the west side. There is little maintenance involved with it. I think that will be attractive to a lot of people that would like to live in that kind of a setting. I guess, it's unusual to use the word innovative and retro in the same sentence, but this design plan, to me, is kind of innovative, but at the same time, it's retro. One of the things that I liked about it was that it kind of goes back to the old concept of a lot of neighborhoods in cities where there's an alleyway with the garages facing the alleyway. So, that the front of the house is the only thing that you see from the main street. You don't see the garage. They're around behind. I think that's quite innovative today, and at the same time it is retro. The drainage and traffic plans we went over those, but we'll leave that to the technical people. Basically, it's a good project. Many westsiders, I think, want something like this. I've had several people talk to me about they would like to stay on the west side, as they get older they don't want the maintenance of a home, this kind of answers that question. We believe there's a need for it, not only on the west side, but in Vanderburgh County. So, we think it's a good project. We fully support it. Best of all, I guess, is that we have a developer here that is, one of the developers that tells us what he's going to do, and then he goes and does it, and he's responsive to us in the meantime. Thank you. If you have any questions, I'll gladly answer them.

President Fanello: Thank you, Fred. Is there anyone else here wishing to speak to this rezoning? If not, do I have a motion to approve?

Commissioner Mosby: Motion to adopt VC-17-2003, and call the roll.

Commissioner Crouch: Second.

President Fanello: Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes.

Tom Bodkin: Thank you ladies and gentlemen.

VC-8-2004

President Fanello: Next rezoning we have is VC-8-2004.

Jim McKinney: Good evening, Commissioners. My name is Jim McKinney, I'm president of Cross Pointe Commerce Corp. here to request a rezoning from agriculture to C-4, what we know as Lot E4. This is a piece of property, a part of Cross Pointe, which is on Virginia Street adjacent to the rest of Cross Pointe. Unfortunately through our process of rezoning, we had failed to get this one parcel rezoned C-4 with the rest of the development. It went before Area Plan Commission. I understand it was unanimous except for one vote, and that was only with regards to the fact that a private covenant was being requested, under which this parcel of ground would be in agreement by the owner to complete Columbia Street, when Columbia Street would be built to this parcel of ground. Which we are in agreement to. A few weeks back there was a comparable request with regards to the private covenant for a lot at the corner of Burkhardt and Columbia, and the private covenant has been drafted, has been provided to your attorney, it was show to John Stoll, both of whom I understand have approved it. It parallels exactly the agreement they had reached before, and I wish to offer this.

President Fanello: Are there any questions for Mr. McKinney? And everyone has seen the private covenant.

Commissioner Mosby: I guess, you've seen this.

Kevin Winternheimer: Just for the record, they, on the covenant, they've agreed to dedicate and build their half of the street when the other half is dedicated and built, or to be built. That was John Stoll's request. He did not want half a street built too early. So, that was the change in the final covenant, and they put that in the agreement.

Jim McKinney: Do you want me to present the covenant to you.

President Fanello: I have a copy of one. Do we need, do you have one, Madelyn?

Kevin Winterheimer: We'll have to give it to Madelyn.

President Fanello: Okay, yes, we will need that one. Thank you.

Commissioner Mosby: With that being said, I'll make a motion to adopt VC-8-2004, and call the roll.

Kevin Winterheimer: Just before you call the roll, let's note that there is no audience, so we have no remonstrators, except for the media, and he's not saying anything.

Commissioner Mosby: John, do you want to remonstrate?

President Fanello: Thank you, Kevin.

Commissioner Crouch: I'll second. Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes. Rezoning passes.

Jim McKinney: Thank you very much.

President Fanello: Thank you, Mr. McKinney.

Commissioner Mosby: Thank you.

President Fanello: Before we adjourn, I had, do we have any minutes to approve from the last rezoning?

Madelyn Grayson: We approved those at the Commission meeting following the last rezoning meeting.

President Fanello: Right. I did forget one item under consent items that someone had asked me to bring up. In regards to the voter outreach program that's going on right now, I noticed that we signed a contract tonight for demonstrations at Eastland Mall. I think the Election Board a couple of weeks ago voted, which I think was a good vote, to have the voter outreach performed in a bipartisan manner. But, I've had a complaint from the person who has been hired as the Democrat appointee, that they are not getting paid the same as the Republican appointee. So, I don't know, they asked me to bring that to the attention of this board. I believe ES&S is signing contracts with these individuals. So, I don't know what we can do about that. But, I don't think it's fair that somebody get paid \$25, and another person get paid \$15, if it's supposed to be a fair and bipartisan effort.

Commissioner Crouch: This is the first that I've heard of it. So, I don't know how to respond to that. I guess, we could ask Kevin to look into it and see if there's...I mean, is there any-

Kevin Winterheimer: Well, I was going to suggest Tammy.

Commissioner Crouch: Well, moving right along.

Kevin Winternheimer: I mean, they may have a reason. I think the appropriate thing to ask them is why they are differential, and see if they have a reason. I have no idea.

President Fanello: Can you check? I think it would be appropriate for you to check on that. Can you have a conversation with the appropriate people in the Election Office, and probably the person at ES&S would be Tom O'Brien, and Patty has his number.

Kevin Winternheimer: Okay.

President Fanello: But, if you could have those conversations and let me know, let us know in the next few days what you find out.

Kevin Winternheimer: I will.

Madelyn Grayson: Do you want me to pull that document?

President Fanello: No, I think the contract is fine, but that made me remember that somebody had brought that to my attention the other day. Do I have a motion to adjourn, if there is no further business?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:37 p.m.)

CONSENT ITEMS:

Jail Expenses:

Williams Brothers Construction, Inc.: \$740,777.27
Peyronnin Construction Company: \$238,252.86
Mel-Kay Electric Company, Inc.: \$ 184,950.00
Integrator.com: \$15,750.00

Travel Requests:

Center Assessor (1) County Clerk (1)

Employment Changes:

Cumulative Bridge (1)	Auditor (3)	Burdette Park (1)
Prosecutor (2)	VCCC (2)	Commissioners (1)
Sheriff Department (4)	Circuit Court (1)	

Election Office: Voter Outreach Contract: Eastland Mall.

Health Department: Renewal of STD Grant.

Sheriff Department: Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello
Bill Fluty
Madelyn Grayson
Kent Irwin
Tom Bodkin
Others Unidentified

David W. Mosby
Kevin Winterheimer
Patty Avery
Rob Faulkner
Fred Padget
Members of Media

Suzanne M. Crouch
Tammy McKinney
Matt Arvay
Bev Behme
Jim McKinney

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
PROJECT PROGRESS MEETING
OCTOBER 18, 2004**

The Vanderburgh County Board of Commissioners met in session this 18th day of October, 2004 at 3:37 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, October 18th. This is our project update meeting, and I think everybody knows everyone at the table here, so I won't go through any formal introductions. We will stand and say the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Old Courthouse

President Fanello: Our first project update is the Old Courthouse.

Brent Robertson: Good afternoon, Brent Robertson with Energy Systems Group. I'm pleased to announce that progress is going well at the Old Courthouse, depending on the weather, of course. In the last couple of weeks, just as a general note, all the trades have increased their manpower. We have about, an average crew of about 35 workers a day there. It kind of fluctuates two or three depending on what's going on. The HVAC portion, the duct work, we are continuing to hang the duct work in the offices. The unoccupied rooms are about 90% complete. We are starting, just this week to get into some of the tenant occupied rooms and start that portion in there also. Overall, we're about 60% complete with the duct work. The heating and cooling water piping, the main loops in the sub-basement and the attic are, actually they're probably about 90% complete. The foreman told me a while ago the attic would be complete probably tomorrow, and the sub-basement is also almost complete. The equipment room piping is about 60%, and overall we're about at the 50% mark with all the HVAC piping. Equipment-wise, all the HVAC equipment is on site. The chiller is set in the pit now, and we're just waiting to finish up that when we can get our grating put on the top of it, and go ahead and get the dirt back filled and seeded and strawed around that. The fan coil units are about 50% installed, and the air handlers are about 30% installed. Just as a note, we're, in the next couple of weeks we're trying to finish up enough to start up our new system, rather than start the old radiator heat up. We've put some valves in, that if it does, the temperature does drop, and we need to, we can start the old radiator heaters going. But, hopefully, with a little cooperation out of the weather, we can go ahead and get the piping done, and the air handlers going, so that we can start that new system up. As far as plumbing goes, the fixtures for the women's restroom will probably be installed next week, assuming that we can finish up the partitions and the flooring in there yet this week. That will get that item complete and ready to open up, and then we'll start on the men's rooms. Electrically-wise, the main electric gear has all been set, and is about 80% connected. We should be ready for our, to set our temporary transformer in about two weeks. The surface mounted raceways in the offices, we're starting that work this week. Overall, the electrical distribution is about 60% complete. General trades, the penetrations for the HVAC, we should be completing that up in a couple of weeks. We're starting that in the occupied rooms right now, and trying to work with the tenants there. It's kind of an inconvenience for them. So,

we're just going as they let us in. The drywall bulkheads are about 80, or about 40% complete. The architectural work in the women's restrooms are 95% complete. The window upgrades, the paint removal, we're starting to accelerate that portion. They are running a little behind, and they've brought in a second shift, when weather permits to make better use of their rented equipment they have out there. They have about 30% of the carpentry work and the glass installed in the windows, and we have several of them that are ready for paint. I had the painters scheduled last Tuesday, which is the day it started raining. So, as soon as we have some clear days, we'll be in to get about 30 of the windows painted up and complete. There is a couple of items that I'm wondering if any decision has been made on. The Urban Transportation Study people relocating, is that, are we still on hold with that?

President Fanello: As far as I know. I'm waiting to meet with Mr. Rector this week. He said that he had some cost figures for C.K. Newsome Center. So, as far as I know the Mayor hasn't made any final decision yet.

Brent Robertson: Okay.

President Fanello: Mr. Rector is out until Thursday. So, I didn't know that until this morning.

Brent Robertson: Okay. We just, we've held off ordering equipment for those rooms, and that's six to eight weeks out. So, the sooner we can know one way to go would be the better.

President Fanello: Okay.

Brent Robertson: Then, I don't know, Tammy, did you want to discuss the Quantum Health relocation?

Tammy McKinney: We can. There's a lease agreement that I just put in the packet for, one of the current tenants was going to move into another space at the Old Courthouse, because the construction is getting to his office area, and the new office that he wants to move into is more square footage. So, we would be getting more rent from this tenant. We're just bringing that up now in case you had any questions for Brent on any of the construction.

Brent Robertson: If they want to move, and it's okay with you all, then we can jump into that area that they're wanting to move into and finish it for them, so they can move over there. Then we can have the room they're in right now unoccupied.

President Fanello: They are wanting, permanently, to move into that location.

Tammy McKinney: Right.

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

Tammy McKinney: Brent, did you get that e-mail that I forwarded to you from the Cinergy guy about the switch room?

Brent Robertson: Yes. As far as I know, Mounts Electric has been talking with them.

Tammy McKinney: I also included that e-mail in the Commissioners packet.

President Fanello: Well, that was going to be one of my questions, how does that affect this project?

Brent Robertson: It doesn't to any consequence. I know I've talked to Dave Schleter, I think is his name, that is the manager of Cinergy Com there, and I've just encouraged him to, you know, whatever he wants to do, to make sure and get county approval, and, you know, if he wants to use Mounts to do it, it would be a little more efficient, the sooner we would know it. But, it doesn't really affect our project any.

Tammy McKinney: I guess, my one question was is what he's talking about is that needed for Cinergy to continue with their work? I know he says it going to—

Brent Robertson: I think he's basing that all on projections. He's, from the numbers that he showed me, he looks to be about 90% at capacity on his generator that he has now. Some of his panels that he has in there, he did say that he could, you know, maybe change some things around to lower that load on some of them. But, I think he's looking at a projection that if they continue to add, you know, switches and so forth, and probably by next year, I think, he's saying he will be over what he's got right now. So, I think he's having to do something. It's not critical, like in the next month or so, but he's going to have to be doing something.

Tammy McKinney: But, since we're doing the renovations, he want's to go ahead and upgrade their switches, right?

Brent Robertson: Right. One of the air conditioning units that we moved is, that's where he's wanting to put his other generator too, I think. That's something that kind of got him started on that, I guess.

Tammy McKinney: I just wanted to bring that up while Brent was here, so if you had any questions for him.

President Fanello: I guess, I would like to know how this second generator, how does that affect our monthly utility cost? Does it have any affect on our costs?

Brent Robertson: As far as I would know it shouldn't at all.

President Fanello: Okay.

Brent Robertson: Were there any other questions at this time?

Unidentified: (Inaudible).

President Fanello: Okay, that makes more sense.

Brent Robertson: It's just an emergency thing when the power goes out, it kicks on.

President Fanello: Okay.

Commissioner Mosby: Is it diesel?

Brent Robertson: Uh-huh.

President Fanello: Okay.

Commissioner Mosby: (Inaudible).

President Fanello: All the things I didn't know. Just asking. Now, we, I haven't seen a monthly, or a meeting report in our packet for a while.

Brent Robertson: I apologize for that. I am behind about three meetings getting the minutes typed up.

President Fanello: Okay.

Brent Robertson: As soon as I get those done, I'll forward them out.

President Fanello: It's pretty important that we get those with our packets.

Brent Robertson: I understand.

President Fanello: So, if you could get those caught up, we would appreciate it.

Brent Robertson: Nobody's fault but mine.

President Fanello: Are there any questions for Brent? Thank you.

Brent Robertson: Thank you.

President Fanello: So, do we want to go ahead and make a motion to let Cinergy know that it's okay to go ahead with the second generator?

Commissioner Crouch: So moved.

Commissioner Mosby: Second.

President Fanello: So ordered. So, you can go ahead and let them know, Tammy.

Tammy McKinney: Do you want to go ahead and approve the lease?

President Fanello: We'll wait until we get to our other meeting.

Tammy McKinney: Okay.

County Highway

President Fanello: Road projects.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I would just like to bring you up to date on where we are on the paving list. This is my working map, so it's kind of scribbled up. (Inaudible) Okay, as far as the paving, the roads that have been planned to be paved for this year, we have one road to go, and if it stops raining I'll get that. But, at the present time the rain has held us up, and that road will be Boonville-New Harmony, and that's from Petersburg Road to Highway 57. It's approximately 1.2 miles. At the present time we've paved, to date,

26.95 miles. Last year we paved 20.94 miles. So, we've paved a lot more this year than we have last year. The paving took place in, let's say, in the north we've done 12.63 miles, west we've done 10.85, and east we've done 3.19. The reason why the east is the small number is a lot of the subdivisions out there are concrete. So, on that map you see things marked in red, that's the ones that we're planning to do the concrete in. The only one we have to go to pave would be Boonville-New Harmony. The roads on the east side are in pretty good shape. We've done a couple of them. Pollack Avenue was one of them. Then we've got to do Carrington Drive and things of that nature. Some of them just need patched, they don't need paved. So, to date, we've, as soon as the rain stops we've had Ashmore Estates we've got it all tore up and ready to pour the concrete, but we're the one that started this rain. As soon as we put the backhoe in the ground it started raining and it hasn't quit yet. So, maybe we should have done that in August. But, I think it's been real well. We're trying to get more and more each year paved. I think the county roads are, I would stand them up against any county in the state. I think they are in good shape. We have identified some for next year. The only thing that I would like to see, if we could, citizen input is usually at the last minute. It's when we hold a Commissioners meeting, and we've gone, my foreman have gone out and they say, well, let's put this out. We've measured them, we've checked them, and we've said, yeah, it goes on the paving list. That's how we deemed that it needs. We're making an assessment every time that we go to a road. Then we have this hearing, and, then, now we're adding to the list. Well, we only have the capacity for so many miles. And, if we keep adding those miles, we're going to have to subtract something off. So, if we could get citizen input a little quicker, and we can go out and measure them, see how much they are going to cost, see if we have the capacity on those things, then we can plan a lot better. But, last year we had two or three of them added at the last minute. Rose Avenue, I remember was one. Frye Road, we had a petition on that one of 15 or 16 people that we had to get. We had to widen that for the school busses, and so forth. But, we've started our concrete crews out. The only thing that's holding us up is the weather. So, in my opinion, I think we're in really good shape out there. I've put together three concrete crews, and we're going to try to hit these subdivisions pretty hard in the next few months. Before the next paving season.

President Fanello: How much did you say, you said north was 12.63 miles, and west was what?

Dennis Hudnall: I got 12.63 miles for north, I've 10.85 miles for west, and I've got 3.19 miles east, and then I still have to do Boonville-New Harmony. When I get that done, it's approximately 1.2 miles. So, it will come up to about 13 and a half miles.

President Fanello: Okay, for the north, okay. Then, let's see, citizen input, we've usually asked what, in February? Because we've usually held our road hearing in March.

Dennis Hudnall: March.

President Fanello: So, you suggest maybe we put out advertisement in January or something?

Dennis Hudnall: I would say probably you would get more input, because we have approximately 600 miles of road, and it's hard to get to everyone of them, because we've got crews out and we have to check on them. So, as you're driving down a

road, you'll say, wow, this is in bad shape, and we add it to a paving list. Then we rank them in order from the worst road to the best road, to the best worst road, I guess. When we do that, then we come and we present our list to you. But, that list is not in concrete. That list is just our opinion of what could be. If you've got citizen input of some road, you know, that might be a half a mile long, and we haven't been on that road that year. So, if we could get that input we could check it out a lot quicker, get you the information that the Commissioners need to make the assessment of how much of our resources we've got available, how much money, and how many miles that we can actually do. So, we have to go by capacity. We did do almost 27 miles this year, that's more than it's ever been. So, we do have the capacity to do at least 27 miles, we know that.

President Fanello: Are there any questions for Dennis? Thank you, Dennis.

Dennis Hudnall: That's all I have.

President Fanello: Do you want your map back? Dennis, do you want your map back?

Road Projects & County Engineer Report

John Stoll: I'll just go through the projects where there's been some changes. The first one is the Bromm Road culvert. We've gotten a verbal agreement with one property owner that we need right-of-way from, but the other side of the road there's an on-going dispute between some property owners, and I don't think we'll ever get any right-of-way dedicated on that side. Basically, one wants to make sure that another one has no access, and that's not an issue we can help or hurt on. It's something that's not the county's problem. But, regardless, the property owner has not seemed too cooperative in dedicating any right-of-way. So, I don't know that we'll get that one resolved. So, if we can't get that, that's going to put the culvert replacement on hold indefinitely. The next project that there was a change was the Jobe's Lane sanitary sewer and water project. Construction is continuing. I've talked to the Water and Sewer Department about how we need to go about paying the tap fees for the low and moderate income property owners on the project. In discussing that with them this morning, what I was going to do at tonight's Commissioner meeting was just ask you to authorize me to sign all the applications for those water and sewer tap fees for the low and moderate income people. Then once the county applies for it, we'll pay the fees, and then, ultimately, it will be switched over to the individual property owners names, once they go out and make their \$15 water meter deposit. So, I'll take care of that at the meeting this evening.

President Fanello: You can go ahead and do that now. I'd asked Patty to let everybody know that whoever was going to be here today, that they didn't have to come back at 5:30.

John Stoll: Oh.

President Fanello: So, if you're prepared, you can go ahead and do it now.

John Stoll: Okay, I've got it back there. If you want to, what I was going to do was request approval to sign the applications for, on behalf of the county, for those low and moderate incomes households out on the Jobe's Lane project.

President Fanello: Do I have a motion?

Commissioner Mosby: I'll make a motion to approve John to sign the agreements.

Commissioner Crouch: I'll abstain.

President Fanello: I'll second, and say so ordered.

John Stoll: Okay, I'll get that in the works this week. Next, on Green River Road, we have received a revised set of plans that have been updated since the field check meeting. Bernardin Lochmueller is in the process of preparing a right-of-way agreement. They had some questions for the County Attorney, and Kevin has addressed those questions. So, they are in the process of finalizing that agreement. I hope to have something by next week's meeting. The next project where we saw some changes was the Lyle Road project. The court appointed appraisers have reported back, and they've determined that the value of the parcel being condemned is \$550. The fees for the court appointed appraisers is \$1,500. We're in the process of getting claims processed for checks for those amounts. We'll at least get the right-of-entry on to the property. We will still be waiting for a response from the Corp of Engineers in regard to the wetlands. As of yet they have not responded to the paperwork that has been submitted to them. Next, on section three of Lynch Road, as you know, the interlocal agreement between Vanderburgh and Warrick Counties was signed. The state LPA agreements were signed by Vanderburgh County and we sent those to INDOT. The construction inspection agreements with Bernardin Lochmueller have been sent to INDOT for INDOT's review. INDOT will open bids on this project tomorrow. Next, on Mt. Pleasant Road, the construction contract has been awarded to Blankenberger Brothers for the \$1,455,675. We are waiting on them to submit their certificate of insurance and their construction bond before they get a notice to proceed. I also have the agreements for American Consulting to do the construction inspection on this project. This is in the amount of \$153,600. I can get those here in just a minute for your approval.

Commissioner Mosby: I make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, John.

John Stoll: The next project where we've seen some progress is the Oak Hill and St. George intersection project. We've reached a tentative agreement with one of the two remaining parcels. This was the one that I brought to you last week, the one owner at the northwest corner of St. George and Oak Hill who wanted the trees removed as part of the project. He's not signed off on paperwork as of yet, but right now we don't see any reason why he wouldn't. Next, on the Oak Hill and Bergdolt intersection project. The design agreement has been signed with Congdon Engineering. Next, on the Rodenberg culvert, on this update I had that the property owner has still not signed a right-of-way dedication, but since I put this together we received word today that the property owner will sign off on the right-of-way subject to being compensated \$500 for that right-of-way. So, I was wanting to request that the Commissioners approve the compensation to Terry Hatfield of \$500, and then we can finally get this project moving ahead.

Commissioner Mosby: Motion to approve the \$500.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, on the Rule 13, the request that we made for a 90 day extension for submittal of Part C has been approved by IDEM. So, that won't be due until February now. Next, on the Schaeffer Road bridge project, we had some revisions made to the preliminary plans, and in doing so we will have to acquire some right-of-way on that project. Valerie Harry has contacted the affected property owners, and we're trying to work the right-of-way acquisition out on that. Next, on the Stockwell Road culvert, Harper Ditch project, the court appointed appraisers have been out to the Cornerstone Commercial properties parcel, this is the northeast corner of the project site. I believe they are due to report back with their award amounts, I think it's on October 29th. We have changed the bid opening to next Monday, instead of this evening, because of all the changes we were, not changes, all the questions we were getting on the project. Plus, there was a rather large INDOT bid letting tomorrow, so we wanted to give the contractors ample opportunity to review this project as well. So, it is postponed until next week. Then, the third item on that project was that we had a settlement offer on the J.H. Rudolph parcel on this project. I can give you copies of that as well. Page two of this basically outlines what they're asking for. They say that they would like the county to reimburse Rudolph the cost of A and B, which J.H. Rudolph would be responsible for. Basically, that is the driveway modification, which there's a cost estimate attached in here, and that is \$12,788. That would be item A. I'm sorry, that's item B. Item A is the gate relocation, and they're asking for compensation of \$6,999.10 on that. In addition to those two items, they're asking for us to place a guardrail along the south side of their property. If I can show you that, I didn't have a copy of that. They've asked for the road, their entrance road, which comes in through here to be widened to miss our construction here on the north side of their drive. So, the additional widening they will do will be in the vicinity of this red line here. In conjunction with that, on item C, they are asking for us to provide guardrail along those two locations through our project. So, we could do that, basically, as a change order to our contract, because we have quite a bit of guardrail that's already going to be installed out here. So, we'll just add, it's in the neighborhood of 100 feet of additional guardrail once we get the construction contract awarded. But, this came about after we got it out for bid, so, I don't see any problem in addressing that guardrail request. Then item D, there is a telephone box that needs to be moved to accommodate the driveway widening, and the guardrail installation. This is another item that Rudolph has asked us to take care of. That will cost in the neighborhood of \$5,000. We have not gotten the final costs back from SBC on that, as of yet, but American Consulting is working on that. It sounds like it could be as little as \$2,500, but as much as \$5,000. So, basically, Rudolph will settle, and sign off on the needed right-of-way for the project subject to us agreeing to the terms of this letter. So, I would request that this, that we settle with Rudolph in accordance with the terms of this letter.

President Fanello: And our total cost is going to be.

John Stoll: The \$12,788--

President Fanello: \$12,788.

John Stoll: --plus the \$6,999.10, plus the guardrail, which that will probably be in the neighborhood of \$20 a foot, we'll probably have to put in 100 to 150 feet, so that will

be \$2,000 to \$3,000, plus the relocation of the telephone box, which could be another \$5,000.

President Fanello: And what would be our options if we didn't accept these terms?

John Stoll: Condemnation.

President Fanello: Personally, I think they're ridiculous. I don't know what the other two think. Has the County Attorney been involved in any discussions with J.H. Rudolph?

John Stoll: No. The bad part is, with condemnation it will set the timetables back on the project substantially, and—

President Fanello: Could cost us more than—

John Stoll: That, plus with FEMA pretty antsy about wanting to get their maps published, I'm afraid that if they did publish the maps, then the whole east side would be subject to having to deal with flood insurance, because they would be raising the flood elevations by a couple of feet, if they go ahead and publish the maps before we get this project done. So, that's the biggest drawback. If they chose to do that while we were condemning, it could penalize quite a number of property owners out there on the east side.

President Fanello: Are there any questions from the other two?

Commissioner Mosby: Is this the only piece of property we've got left that we're dealing with?

John Stoll: Yes. The condemnation on the Cornerstone—

Commissioner Mosby: Cornerstone, yeah, that's—

John Stoll: —is already in the works. So, this is the only remaining piece.

Commissioner Crouch: John, the kind of the quote, the \$12,788, is that something that Rudolph came up with themselves? Or did they go to an outside source?

John Stoll: They did that themselves.

President Fanello: I would almost rather see some outside quotes.

Commissioner Crouch: Did we get an outside? Or would that slow it down?

John Stoll: It could slow it down, but we can get, since we're not opening bids until next week, and with there being no meeting the following week, the soonest that this could be awarded would be November 8th.

President Fanello: So, we're not going to put ourselves really behind if we took some time to—

John Stoll: Right.

President Fanello: –check on that?

John Stoll: Right.

Commissioner Crouch: I would be in favor of it. I don't know who you would recommend. Is there someone you would recommend take a look at it, as a ball park?

John Stoll: E & B Paving is the only other contractor here in town. The problem, excuse me, the problem with this is they've asked for all this additional driveway widening, and they were going to do it themselves. So, we weren't really setting it up to get a temporary easement on there, since they would take care of it themselves. If another contractor went in and did it, then we would have to get Rudolph to sign off on temporary easement documentation as well. Whether or not they would ask to be compensated for that temporary right-of-way at that point, I don't know. But, that's the risk, I guess, that we run if another contractor was brought in to do the work. I can try and come up with some cost estimates based on what we've taken on other projects, as well as what American Consulting has had on other projects, and see how accurate this number is, relative to what we've seen on other bids.

President Fanello: Yeah, not necessarily that we would have somebody else come in and do the work, but if we could have some idea if this is close to–

John Stoll: A realistic number.

President Fanello: –then, I think that would be appropriate.

John Stoll: Okay. One other thing too in regard to the guardrail request. Part of the location where they are asking for the guardrail is not on Rudolph property, it's on Norfolk Southern Railroad property. I told them that we were not interested in going back to Norfolk Southern given how bad we get hammered with conditions from the railroad every time we've gone to them. With all the additional costs they've added to this project, we didn't want to go back and open the door for Norfolk Southern to nitpick the project again. They said that they would like us to still pursue it, but if we can't put the guardrail along the Norfolk Southern, on the Norfolk Southern property, it wouldn't kill this deal in their mind. So, the 100 or 150 feet of guardrail could be shortened, depending on whether or not we actually do put anything on the railroad property.

President Fanello: Okay, well, I think if you checked out this one item. I mean, we're kind of in a catch 22 situation here. But, if you could check out the one item, and it seems like we have time to do that.

John Stoll: Okay. Yeah, I'll bring that back, hopefully, at next week's meeting. That was the only other item that I had on the projects.

President Fanello: Okay, did you have anything else that you were going to bring tonight that you wanted to do?

John Stoll: Yeah, there were a couple of things. One was a street acceptance request on Asbury Pointe Subdivision. This is section one of that subdivision. It is 860 feet of Asbury Pointe Drive, 576 feet of Kingsley Court, and 153 feet of

Cookman Way. These streets were inspected last week, and it is requested these be accepted for maintenance.

Commissioner Mosby: Motion to accept for maintenance in Asbury.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a street acceptance request for section three of East Pointe Business Park Subdivision. This is 1,006 feet of Marco Drive, and this was also inspected last week, and it's requested this street also be accepted for maintenance.

Commissioner Mosby: Motion to accept for maintenance.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The only other item I had, and I hadn't had a chance to talk to Kevin about this as of yet, but we'd received a request from the Indiana Geological Survey to do seismic surveys along the right-of-way for Kimber Lane, Burkhardt Road, County Line Road, and Kansas Road. I believe I forwarded Commissioner Fanello and Commissioner Crouch a copy of that. I didn't know, from Kevin's perspective, whether or not there was anything to be concerned about, as far as granting them permission to work within the right-of-way to do this testing. The way they wrote their e-mail to me, they said the data collection would be done by Andre Pugin of the Illinois State Geological Survey, with the assistance of Eric Kvale of Indiana Geological Survey. The equipment consists of a Suburban with an attached two wheel trailer that they would drive off on the shoulder of the road. The source of energy is, basically, the snapping of a large hydraulically stretched rubber band. Return signal is picked up by an array of geophones that are strung 100 feet behind the trailer. They expect to be able to fire all the data in less than five days, dependent on the weather.

Kevin Winternheimer: I don't have any problem with it. As long as he, if he's going to be partially in the road, that he maintains some kind of traffic controls, so that nobody gets injured on those.

John Stoll: Okay.

Kevin Winternheimer: But, I don't have any problem with it. He says he's going to stretch a large rubber band. So, I don't think he's going to harm anything.

John Stoll: On that basis, subject to them providing adequate traffic control, I would request that permission be granted for them to do that seismic testing on those streets.

Commissioner Mosby: Motion to approve seismic testing.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: I believe that's all I have.

President Fanello: Any questions for John? Thank you, John.

John Stoll: Thanks.

Commissioner Mosby: Thanks, John.

Burdette Park

President Fanello: Burdette.

Steve Craig: Steve Craig, Manager of Burdette. On Monday, October 25th, Lew Colten, project engineer from Northeast Aquatic Center is flying in to Evansville and spending a couple of days with me. We're going to verify all the utility locations at the site where the lazy river project will be. I want to make sure that the utility connections are the same as what the drawings say they are, and that they coincide with all the existing utilities that we have there, so that everything that they are going to have on the drawings is going to fit right up with what we have, and there won't be any problems with trying to get them connected. Lew has indicated to me that the drawings and the paperwork is about 95% done, and as soon as he finishes his visit with me, he will go back and finish all the paperwork and make sure that the drawing are all, like I said, to coincide with what our utilities are. They indicated that they should be able to wrap up in a short time after he gets back and get us a final draft of the lazy river project.

President Fanello: Any questions for Steve? Thank you, Steve.

Steve Craig: And I have my worksheets, was all I had for the regular meeting.

President Fanello: Alright. I think you're okay.

Steve Craig: Thank you.

President Fanello: Thank you, Steve.

Commissioner Mosby: Thank you.

Jail Project

President Fanello: You're up.

Les Smith: I'm up? I've got some pictures here from last week. I've got three different pictures. I didn't get a chance to make some copies if you want to just look those over. They are all from a little bit different angles. Les Smith, James L. Shireman, with the construction management on the jail. We've got the dust settled now anyway, so, we don't have to worry about dust control. All the progress is going along pretty well on the jail. Like I say, you know, last week we had, you know, we've had several weeks of really, you know, nice weather, and things have really been going well with it. Of course, last week, I mean, you know, it was the monsoon season again. So, the outlook is that it's, you know, we should have some good weather coming up late this week, early next, so, we're going on and going to fight

through, do whatever we've got to do, you know, as far as, you know, getting through the mud or whatever. So, it's just part of the project, and part of the cost of doing business for the contractors. On all the fire repairs, they are complete. You know, they've put the roof curbs in that caused the fire in the first place. So, that's all in and installed. All of the material, all of the joists, decking, everything that was blackened or was damaged in anyway by the fire has been replaced with new material. You know, there was nothing left in, nothing repaired in anyway, shape, or form. Everything was completely new material. The roof installation has started back in that area, so, it will be progressing again as the weather, you know, allows us to do that. You can see, I think there, on some of the pictures you can see where they have started the roof installation. So, the precast cells back in the B pod are going in. The remaining cells for the B pod are on site, we are going to pull those in tomorrow with whatever means we have to do to get them in on site. They are going to proceed with setting those things, you know, this week. All the structural steel, structural concrete, and all that will be back there to where the crane can reach it to pick it off trucks and set it into the project. That will proceed. The weather, whatever, is not really going to affect the progress of the project. They're still on schedule to be done with the B pod by the end of October. As soon as they finish that, they'll go to A pod. The schedule of that is to finish before the end of December. That is what our schedule is set up to be right now. So, we're hitting that. So, that's looking pretty good. On floor slabs, all of E, F and G are complete. That includes the sally port. They've started working on some sidewalks, inside and outside. There's some raised sidewalks in the sally port area, and then they're also doing sidewalks on the perimeter on the outside, getting started with that preparation. We started pouring the second floor slab topping, the two inch thick topping that goes on the precast, you know, it just finishes off the precast slabs, and makes a smooth floor surface. That's approximately 80% complete on the second floor of the administration area. That's going very well, by the way. It looks really nice up there. We've got a pour scheduled for tomorrow, you know, we'll just have to play that by ear, because that area isn't completely dried in and roofed, so we'd have drips and things that we've got to contend with. But, that's not really holding anything up at this time. Okay, the site contractor has, we're working on preparing parking lots to receive the stone, base and the perimeter road. Now, of course, this weather has put us back, because everybody has, again, still plowing through and working, you know, the masonry contractor is running his fork lifts through, and trucks through, and whatever else. So, it will take a little time on that to prepare and get everything back in shape to put that stone down. But, you know, again, that's not really affecting or impacting the schedule on anything. So, but, anyway, and as that goes, Patriot will be out there testing all the stone and all the sub base and everything. Before everything goes down, they'll do proof rolls, and then as the stone goes down, they'll do the compaction tests to make sure that that's all up to spec. Block work on the inside in the administration area is on-going, the restrooms, the office, the holding cells, all that area, which is in E, F, and G is approximately 80% complete. As soon as we finish with the final topping floor slab on the second floor, the block layer will go up there and start. He's got like, I'm just shooting a number here, I think it's 13,000 block to lay up there. So, he's got quite a bit of work on that second floor. So, he'll be getting started on that right away. But, again, you know, that's, things are getting less and less everyday of to where the weather impacts what we're doing. That just goes, you know, everyday we get something covered up. That's less impact on weather-wise, and plus we can close in when it does turn cold, that we can close in and control it and put heat in. We will do that. The electrical contractor, they're still, they're running conduit in all areas where the precast is set. They've got workers out in the B pod connecting the cells, running

the conduit under the slab, getting ready to start pouring slabs in that area. I mean, it's, they're, half of it, again you can look at the pictures, half of B pod is set, and they're there, you know, they're getting ready to start pouring slabs in that half that's already set and done. So, it's progressing. The mechanical contractor, they're working in the mechanical rooms, the boilers, pumps, chillers. The air handler is doing all the connections. They're running pipe all over the administration area, and making those connections into the mechanical room. They're running duct work. The cooling, the hot/cold water, everything is being, you know, going on in those areas. Okay, the extension of the line for the fire hydrants, and we'll talk about fire hydrants in just a second on this, there's a loop that goes around to the south side of the building for our fire hydrant on the south side. They're running that line around to make that connection. The assistant chief from the Fire Department was on site, and he, as you all already know, that he requested that another fire hydrant be added. At the time I wrote this, that Williams Brothers pricing would work. I've since got the price back, and it was \$3,800 and I believe 40 dollars. You know, that might be a dollar or two one way or another, but I know it was \$3,800 and 40 some dollars that I got in this morning. So, that work, if that's, you know, something that we want to do, I think it's a, you know, a safety or life safety thing. If you all will direct me to do that, I'll proceed with that and get that done right away.

President Fanello: Do we have any discussion on that?

Commissioner Crouch: The original plans that had the fire hydrants, I believe, Commissioner Mosby had said three.

Commissioner Mosby: Three, I think,

Les Smith: It called for three fire hydrants on the original drawing.

Commissioner Crouch: And that was deemed to be adequate at the time?

Les Smith: Well, it's designed for, there's access on all sides, and, yes, it was deemed to be adequate at that time. The Fire Chief seen that, hey, one more fire hydrant would really be a benefit to fighting a fire if that remote thing would ever happen. But, the way he explained it to me was that it would be a place where they would hook in and pump into the sprinkler system. Dave, you might be able to tell a little...is that what they do?

Commissioner Mosby: Yeah, you pump into a standpipe system.

Les Smith: Into a siamese.

Commissioner Mosby: (Inaudible). It's for positioning of a truck where you can position a truck near the standpipe and pump directly into a standpipe activated system. So, I mean—

Les Smith: It would just be a back up system, to where they could hook in and pump more water in the building if needed.

Commissioner Crouch: And we learned that we needed this based upon the little fire—

Les Smith: No, I don't think that that had anything to do with it. I think, just the Assistant Chief came out and just made a, you know, he was looking at the site drawings, looking at the access and everything. He just requested that, you know, or made the comment, he said, I really think that would be a good idea. I mean, it's up to you all of how you want to approach it. I mean, it's, I think that the site drawings, as they were designed by Bernardin Lochmueller, they were designed to meet all the requirements, you know, that they felt like that was, you know, needed at that time. Or at any time really.

Commissioner Crouch: Because someone will ask, this isn't at fault of the designer or whoever did the design.

Les Smith: No, I think it's just an additional safeguard is what I would feel. I don't think it's anything to do with their design, because I feel that they've designed it to meet all the requirements. You know, all the life safety requirements. I think it's another safeguard, or another back up that would better serve the jail, is the way I understood it from the Fire Assistant Chief.

Commissioner Mosby: Commissioner, I don't know if I can help you any here, but—

Les Smith: Yeah, you've got to know this business.

Commissioner Mosby: I guess, a lot of what we would be looking at is with the size of the building and the aerial trucks coming in, it's always better for each pump to be sitting on it's own fire hydrant pumping to an aerial. Once you set these trucks up and start spraying, I mean, it takes a lot of water. So, if there's three hydrants available, that's adequate for three pumps, and if you're trying to bring aerial systems in to set up to shoot for more of the top, it's better for that truck to be sitting on a hydrant of it's own, instead of trying to get water from another truck. It splits the truck in two trying to pump two different ways. So, I would say it's more probably to have the availability of the fire hydrants more so, since there's nothing else up and down that road. That's what they ran into the day of the fire. It's, really, up and down Harlan there's nothing.

Les Smith: He requested that it be out more toward Harlan Avenue is where he, he said this would be the logical spot to put it.

Commissioner Mosby: If there was one or two hydrants on Harlan, and then we had three in our complex, which would be five, it would probably be adequate. But, since there's nothing on the roadway, and the nearest hydrant is across the tracks, that day that had to call and stop all train traffic to drag lines across. So, I'm sure that's what they're looking at.

President Fanello: So, this one will go on Harlan then?

Les Smith: No, ma'am. It will be—

Commissioner Mosby: It's going to be inside the fence.

Les Smith: It will be on site.

President Fanello: Inside.

Les Smith: It will be on site.

President Fanello: I'm sorry.

Les Smith: But it will be toward the Harlan Avenue area.

President Fanello: Oh, okay.

Les Smith: It will be more to the east side of the site, and it would be near, and the Fire Chief described it, there was so many feet east of the service road, which is, the service road is the one that goes into the loading dock, and that area. So, it would be probably a couple of hundred feet off Harlan Avenue. So, it would also be, maybe accessible by to something on Harlan Avenue if needed to.

Commissioner Mosby: I don't know how many feet are in between these hydrants, but each one of our trucks only carry like a thousand feet of five inch. It's the hose that they drop, and we only carry a thousand feet. We can carry about three thousand two and a half, but only a thousand. So, I know they like to have them within a thousand feet of each other, so that we're not double laying. I know that was a concern that day too that they were going to have to double lay a lot of trucks in, and basically lose a lot of trucks and equipment. So, I would make a motion to comply with the Evansville Fire Department.

Commissioner Crouch: Second.

President Fanello: So ordered.

Les Smith: Okay, we'll get that done then. Okay, back in structural steel, all of the structural steel in E, F, and G is complete. Roof decking is being prepared to receive the roof. The roof, again, has started. All the steel stairs are installed, both front, back, everything going into the administration area. They've poured the concrete into steel pans to where they're, you know, they're useable. We're using those stairs at this time. The structural steel contractors fabricating the enclosure panels for the outdoor rec area on site, because they're very large, steel panels that will receive, well, some of it receives glass, and there's mesh and whatever on that. But, that's all being done right there on site. The workmanship, I mean, the quality, I think people are really, we've got a, you know, had some of the union guys that we were talking to the other day, you know, and I, you know, talked, commented to them that we've really got, you know, some good, quality people on this project, and they're making a good effort to do us a good job. I really feel like that, you know, the quality and the workmanship is very high. Also, I wanted to comment and thank Dennis, he come out and mowed the, or had the sides of the road mowed. So, that made things a lot better.

Community Corrections

Les Smith: On the community corrections, all the building foundations are in, complete, back filled, and includes the corridor, the connector corridor to the jail. All the underground plumbing is installed. It's been tested with the local inspectors. All the structural steel has been erected, and they're ready for the bar joists and the decking. The bar joists and decking are scheduled to be delivered by the end of this month. They're precast walls which will go up against a steel structure. They will

weld and attach directly to the steel structure. That's scheduled for the first of December for delivery. Patriot Engineering is performing their site testing also. They are copying us, United/DLZ with all their reports. So, I've got copies of test reports and stacks of them. So, if anybody wants to see them, everything, so far, has been coming in, you know, within spec, and looking pretty good. Is there any questions?

President Fanello: Any questions for Les?

Les Smith: Thank you.

President Fanello: Thank you, Les.

Les Smith: Pray for a little more dry weather.

President Fanello: Is there anyone in the audience wishing to address the board? Seeing none. I will take a motion to adjourn our project update meeting.

Commissioner Mosby: Motion to adjourn project update meeting.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 4:31 p.m.)

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Brent Robertson	Dennis Hudnall
John Stoll	Steve Craig	Les Smith
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 25, 2004**

The Vanderburgh County Board of Commissioners met in session this 25th day of October, 2004 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 Board of Commissioner meeting, October 25th. Introductions are as follows, to my far right, Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, County Attorney; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of October 18, 2004 Commission and Rezoning Meeting Minutes

President Fanello: Do I have approval of the October 18th Commission and Rezoning minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of October 18, 2004 Project Progress Meeting Minutes

President Fanello: Approval of the project update.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Advertise:
APA-004-2005: Gasoline and Fuel Oils
APA-005-2005: Surfacing Materials
APA-016-2005: Liquid Asphalt
APA-025-2005: Commercial Fuels**

President Fanello: Bid advertisements and openings.

Phil Lawrence: Thank you, Madam President. I would like permission to advertise. These are the annual price agreements for gasoline, surfacing materials, liquid asphalt, and commercial fuels.

President Fanello: Okay.

Commissioner Mosby: I will make a motion to advertise APA-004, 005, APA-016, and APA-025, all for 2005.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: I have a question before you move on.

President Fanello: Okay.

Kevin Winternheimer: Phil, is there a de-escalator clause on those gasoline bids? Hopefully, maybe gasoline might come down some day. Because we're paying an awful lot right now.

Phil Lawrence: We would love for that happen, but—

Kevin Winternheimer: I mean, is it built into the specs?

Phil Lawrence: Yes.

Kevin Winternheimer: Okay.

Phil Lawrence: The price goes by OPUS, kind of follows it.

Les Smith: So, if it comes down at the pumps, it should come down—

Phil Lawrence: It will come down.

Kevin Winternheimer: Okay, thanks.

President Fanello: Phil, while you're here—

Phil Lawrence: Okay.

President Fanello: I don't mean to catch you off guard, but—

Phil Lawrence: That's alright.

President Fanello: —something I would like for you to look at over the next couple of weeks, we don't have a meeting next week. As the Commissioners have been reviewing the claims, I've noticed that I think there's probably opportunity for us to be able to bid out more things in the City/County, and maybe even you doing them together. Maybe in the Highway Department, or Burdette Park along with the Parks Department in the city—

Phil Lawrence: Uh-huh.

President Fanello: —but even other things as simple as office supplies, because I'm noticing a lot of different, not, I know you bid out some office supplies—

Phil Lawrence: Right.

President Fanello: –but it seems like people are purchasing from many different vendors, and I’m not sure that they’re purchasing off of the, from your department, or from the bid list, or whatever. I would like for you to maybe do a little research over the next couple of weeks–

Phil Lawrence: Okay.

President Fanello: –and maybe come back with some recommendations of other things that we can bid out. But, I think there’s probably some more opportunity there for us to be bidding out more items than what we are.

Phil Lawrence: Okay. Good. In fact, we’re looking at doing all the janitorial together. We want to put all the pest control together. So, yeah, we’re looking at that now.

President Fanello: Okay.

Phil Lawrence: Okay, thank you.

President Fanello: Thank you.

Open Bids for VC04-10-01: Harper Ditch

President Fanello: We have a bid to open for the Harper Ditch project. Do I have a motion to instruct the attorney to do that?

Commissioner Mosby: Motion to open bids on VC04-10-01, Harper Ditch.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Are there any bids from the audience on either of the projects? Seeing none. The first bid is from Blankenberger Brothers, Inc. of Cynthiana, Indiana. Let me find some totals here. Okay, their total bid price is \$1,166,637. The next bid is from Bowen Engineering from Fishers, Indiana. Their total is listed as \$1,187,863.28. The next bid is from J.H. Rudolph and Company, Inc. of Evansville. Their total bid price, \$1,215,624.99. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total bid price, \$1,085,425.33. The last bid on this project is from Ragle, Inc. from Newburgh, Indiana. Their total is, \$956,628.43. That’s all the bids I have.

Company Name	Bid Amount
Ragle, Inc.	\$956,628.43
Deig Brothers Lumber & Construction	\$1,085,425.33
Blankenberger Brothers	\$1,166,637.00
Bowen Engineering	\$1,187,863.28
J.H. Rudolph	\$1,215,624.99

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Open Quotes for VC04-10-02: Owensville Road Culvert #1194
Removal and Replacement**

President Fanello: Next, we have permission to open quotes for Owensville Road culvert.

Commissioner Mosby: I'll make a motion to open quotes on VC04-10-02.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: The first bid is from Blankenberger Brothers, Inc. Their total is, \$38,402. The next bid is from J.H. Rudolph and Company, Inc. Their total is, \$38,605. The next bid is from Deig Brothers. Their total, \$41,668.50. The next bid is from CCC of Evansville, Inc. Their total is, \$31,111.32. One more bid. The last bid is from Koberstein Trucking, Inc. of Princeton. Their total is, \$32,775. That's all the bids we have.

Company Name	Amount of Bid
CCC of Evansville	\$31,111.32
Koberstein Trucking	\$32,775.00
Blankenberger Brothers	\$38,402.00
J.H. Rudolph	\$38,605.00
Deig Brothers Lumber & Construction	\$41,668.50

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

One Book, One Community

President Fanello: First item on discussion is the One Book, One Community.

Evelyn Walker: Good evening. I came primarily to thank you all for being a sponsor of this year's One Book, One Community, and letting Patty Avery be part of our committee, allowing her that opportunity. I have brought brochures with me. This year's book, in case, just a little background, this is the third year for doing One Book, One Community. In previous years we had Vernon Jordan in for our first person, and Rick Brad last year, and this year the committee has decided to do a local author, so, we have gone with Mike Whicker's book, Invitation to Valhalla. We've also added another component this year, we're doing a youth book that Margaret McMullan, who's a professor at U of E wrote. Mike, by the way, is a

teacher at Reitz High School. So, we're doing a children's book also, or a middle school book, and it's called, How I Found the Strong. So, this is about the Civil War, and this is about World War II, and this one is also set in Evansville at the shipyards. If you're not familiar with it, it has a lot of local tie ins, which is one of the reasons that we decided to do it. We'll be doing, the Victory will be our culmination. We have lots of book discussion groups going on, and the culmination will be November the 11th at the Victory, and we'll be having a panel of experts, some of whom have served on LST's, and some Rosie the Riveters, and Captain Jornlin, and Mike. Shelley Kirk will be our moderator for that night. I want to pass these out and thank you for, again, participating. Your name is included on here. Some of our sponsors are; the two universities, the news stations, Barber and Shoulders, Barnes and Noble and you guys, the Vanderburgh County Commissioners, and the City of Evansville. You can read them for yourself, I don't need to go through all of them. But, anyway, I forgot to say that I'm Evelyn Walker, and I'm the Associate Director of the Public Library, which if you haven't seen, you really ought to. It's awesome. We're just so proud of it. I'm popping my buttons about the whole thing. I'm also chair of the One Book, One Community committee for this year. So, if you haven't read the book, that's fine, come anyway. We want you to be there, and, again, thank you so much for being an endorsing sponsor of this wonderful community-wide reading event.

President Fanello: Thank you, Evelyn. Are there any questions for Evelyn?

Evelyn Walker: Okay, then I'll see you there.

Commissioner Mosby: Thank you.

President Fanello: Thank you.

Election Equipment Demonstrations

President Fanello: Next item on the agenda is the election equipment demonstration. I think Kevin is just reporting back to us on the discussion we had last week.

Kevin Winterheimer: Yes, I contacted ES&S, Tom O'Brien, with that company, and said the Commissioners had some questions about why the two people hired to do the equipment demonstrations were paid different rates. He indicated to me, first of all, that the contracts were not the county's contracts. They were, these people were hired as independent contractors for ES&S to put on these demonstrations. He also indicated that he was somewhat surprised when he noticed that the two people were being paid different rates. He said he questioned that, as to why that was occurring, and I don't know who, but he questioned, I guess his local people, and it was indicated to him that the reason was, is that's what they were instructed to do by Clerk, Marsha Abell. I asked him to have someone here. I don't know if they've sent somebody or not to discuss this. Anybody from ES&S here? I guess not, but that's, I guess, the crux of my report for tonight is that he had that same question, and did not know why they were being, why it was suggested that they be paid different rates.

President Fanello: We did ask somebody, or Patty asked somebody to be here from the Clerk's office, and they just indicated that they were overwhelmed right now with the election and couldn't be here. Just as a reminder to the Board of Commissioners, even though ES&S contracts with these individuals, it's still coming

out of our money. It's part of the voter outreach money. That's part of our contract that we signed earlier this past year with ES&S. I don't know if either Commissioner has any questions.

Commissioner Crouch: I believe that the individual that's being paid, is paid the same amount that the prior individual that was in that spot was being paid. Now, whether that is an issue or not, but there hasn't been any change in that. I also, it's my understanding that the Election Board is going to pick up this issue at their meeting Wednesday, at 7:00 a.m.

President Fanello: I would make a suggestion that, you know, since, I believe the Election Board voted a few weeks ago to make this a bi-partisan effort, because that effort did not happen in the Primary, I believe that in the spirit of a bi-partisan effort, they ought to make every attempt to pay both individuals the same rate. Otherwise, you know, paying the Republican a higher rate, and the Democrat a lower rate does not give the image to the public that this is a bi-partisan effort to accomplish a successful voter outreach program. So, I would suggest, and would entertain a motion from someone for us to send a letter to the Election Board for their meeting on Wednesday morning that we don't necessarily condone this pay differential, but that we would ask that they look at paying both individuals the same rate, in the spirit of bi-partisanship. Now, I'm not saying it has to be the high rate. It could be some rate in between, but I'm not necessarily sure I agree with \$25 an hour. But, they ought to at least be paid the same rate.

Commissioner Mosby: I'll make the motion that we request that they be paid the same rate, and just leave it up to them to set the rate. So, if they want to take the difference, I don't know what they're being paid now.

President Fanello: Twenty-five and fifteen.

Commissioner Mosby: So, if they want to split the difference at \$20, I'll leave that up to them, but I'll just make a motion that we ask them, in the spirit of bi-partisanship, that they pay each individual the same rate.

Commissioner Crouch: Since there's no one from either office and this is going to be discussed Wednesday and there hasn't been enough information shared regarding the issue today, I'm going to pass on that.

President Fanello: I will second the motion, and ask that a letter be drafted for the signature of myself and Commissioner Mosby. Just to make sure that we're giving the image of a bi-partisan effort. I think that's important.

Public Comment

President Fanello: Is there anyone from the audience wishing to address the board at this time?

Dennis Woehler: That would be me.

President Fanello: I'm going to take you under new business, because I've got several other individuals that need to speak, but is there anyone else in the general public that needs to speak at this time? Okay.

Old Business

President Fanello: Old business. I don't think I have any.

Commissioner Crouch: I just have an audit on the County Highway.

President Fanello: Okay.

Commissioner Crouch: I don't think it's anything new and unusual. Just more of the same.

President Fanello: While you bring this up, since I asked Phil to look into something, I'm going to ask our County Auditor to look into something as well. I'm noticing a lack of understanding of what account numbers need to be used. I would like for us to come up with an idea of how we can inform all of the departments of the appropriate account numbers to use for their purchases. I think I gave Tammy back half of the requisitions that were sent up today, because they just simply do not have the correct account number on them. When I'm looking at the claims, these are claims that have, you know, stemmed from prior purchases, they do not have the correct account numbers on them. People are purchasing supplies out of contractual accounts. They're not purchasing equipment out of equipment accounts. Or they're purchasing them out of supply accounts. Or they're purchasing contractual out of supply accounts. It's really ridiculous. I went back to the State Board of Accounts website today and downloaded the publication for County Auditor's and just reminded myself of what things should come out of the correct account numbers, and I think we have a serious problem with that. I would like for us to also come back in two weeks with an idea of how we're going to solve that problem, because I believe that budgets that are passed for next year, there are many expenditures in the wrong account numbers. I've spoken with several individuals in our departments, and they've said, well, I've always done it that way, or the Auditor's office told me to do it that way, or Purchasing Department told me to do it that way, or somebody told me to do it that way. Just because it was done that way doesn't mean it's correct. So, I don't know if this would call for a training session, a county-wide training session, which I think we're going to need anyway on requisitions and purchase orders. But, I would like for us to take up that issue, and try to get that issue resolved.

New Business

President Fanello: New business. I have Dennis Woehler who wants to speak about the dental insurance rates.

Dennis Woehler: Dennis Woehler, ONB Insurance. So, this is kind of new, old business. It's a new rate for the dental plan. I have copies for each of you, of the renewal. Now, this is a voluntary product, but still I would say the renewal would warrant you all's blessing. We shopped it to three of the most competitive carriers. Nobody could beat HRI's rate, and it's for sure that nobody has a better network than theirs currently, since they have about 95% of the dentists in the area contracted. It would be my recommendation at this time that we continue on with this with your blessing.

President Fanello: Are there any questions for Dennis on this? Do I have a motion to renew at the proposed rates?

Commissioner Mosby: I'll make a motion that we renew.

Commissioner Crouch: Second.

President Fanello: So ordered. Did you also have some things for us to sign from the regular health insurance that we—

Dennis Woehler: Yes, I have the, I will actually bring those by the office tomorrow.

President Fanello: Okay.

Dennis Woehler: I have the formal proposals, which will be the exact rates that you all voted on last month, or August I guess it was. No, it was September.

President Fanello: While you're here, I received something in the mail today. I don't know if each Commissioner got it, but it was in response to the letter we had received from Governor Kernan about the implementation of the prescription drug pricing program.

Dennis Woehler: Yes, and I have checked, I've investigated that already for you. I'm glad you brought that up. While it is not a great benefit to the county's plan, per se, we can have a little bit of benefit from it, because at this time HMO's are exempt from this program, and that's 90% of your plan. But, we can implement it for the PPO product.

President Fanello: Okay.

Dennis Woehler: I was told by the Anthem rep that it would have to go to the state government for an appeal of some sort in order to include the HMO product, because, at this point, HMO's are excluded from this program.

President Fanello: Okay.

Dennis Woehler: But, obviously, anything that would save us any money is worth implementing. So, I'll get you more information on this plan.

President Fanello: Okay, well, they had sent me this. I don't know if you want to take what they had sent me here. I don't know if it's the same thing that you already have. I just received it.

Dennis Woehler: Actually your letter was the only thing that I had received up to this point.

President Fanello: Okay, well, you might want to take this as well.

Dennis Woehler: But, I discussed it with the rep.

Madelyn Grayson: Dennis, can I make a copy of that for the record?

Dennis Woehler: Sure.

Madelyn Grayson: I can do that right now if you want.

Dennis Woehler: You will be getting a mailer and more copies of this, because they're going to put the offer out to everybody with an Anthem plan in the whole state. Or all the municipalities and so forth. So, it will be a limited benefit, but a benefit nonetheless.

President Fanello: Okay. Thank you, Dennis. Dave Rector you have a letter that you want to, an issue that you want to talk about.

Dave Rector: Does everybody have a copy of the letter with the new IRC changes? I think it's probably a question for Kevin, and I don't know if Lisa has talked to you yet or not. The city is going to do the same thing. This past August, I think it was, IRC has changed the way they go about gas limits on being able to purchase on the transportation agreements. Instead of the Nymex price, which I do that now because of our usage in the Civic Center, I purchase and try to hedge in the commodity market, and buy gas at a better price than what's going to go off in Nymex. As I cited in the letter, as an example. I bought November at \$5.75. To give you some idea, in the letter I said it was \$7.00, at that time I wrote the letter, Friday it was at \$8.11, today it's at \$7.96. So, with that, that's \$7,500 difference, now, today versus when I bought, just for the Civic Center for the month of November. I think it's going to be an opportunity, if we can put the county and the city and pool all of our different areas, the Center, the Victory, Lloyd's pool, Wonder ice rink, Robert's, the zoo, there's a number that have high enough gas usage that we can pool together in a pooling agreement that they've set up. I'm nuts for doing this, it's going to be a lot of work. But, trying then to nominate the daily usage of those, and project and hedge ahead of time. At worst all we're going to do is pay Nymex what we're doing today. If we can buy ahead of time, for instance December is going like nine now, it's looking like January and February is up to ten. You know, you ask the question do we go ahead and jump in here and buy now with thinking what it's going to do. As you can see, if we get in there and we do it right, there's opportunities there to really save some good money. My question is, and I guess for Kevin too, both the city and county, is this something that you want me to pursue seeing if we can do? Then we'll have to decide, I'm thinking in pro alliance and Vectren thinking, because the Building Authority already has a transportation agreement with Vectren for purchasing gas. We can probably put everybody under that, and it may be just an agreement between our boards again. But, I'm just trying to get some feedback from you all.

President Fanello: I think it would be a good idea. You know, anytime we can try and save money on, if you can purchase in bulk.

Dave Rector: I mean, I'm thinking, like I said, just for this building for the month of November now, we're looking at probably \$7,500 difference just in the price of gas we've bought, when we've bought and where it is today. So, what could that mean city-county wide for all the buildings that are eligible.

Commissioner Mosby: I would make a motion to have him pursue it. I don't see how we can not.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dave Rector: I'll get back with you then. Maybe we give Kevin a copy of the letter—

President Fanello: Right, we'll get him a copy.

Dave Rector: –and I'll give you a holler and we'll talk about it.

President Fanello: In fact, here's one.

Dave Rector: Then, if we could, maybe we could jump ahead with some of Tammy's business, in case you've got questions for me with the surplus furniture, equipment inventory we did. Do you want to address it?

Tammy McKinney: Well, I never got a finalized list.

Dave Rector: I was told it was brought down to you.

Tammy McKinney: I didn't get a copy of it.

Dave Rector: Oh, I wonder–

Tammy McKinney: I guess, it was....anyway, I think it was Friday, Dave and I inventoried the vacant space left by the Health Department, some miscellaneous equipment they left, and then a general survey of what was left in the basement. There's a lot of stuff.

Dave Rector: A page and a half of items there. I don't know, there's about 21 desks, 12 chairs again, different credenzas, bookcases, file cabinets. I think if we can get these declared surplus with your board, and then my board this week when we meet. We've got some people wanting some stuff, the south sector Police office, the Clerk's office, the airport–

Commissioner Mosby: I think Steve is saying–

Dave Rector: Tonight, Burdette is wanting some things, so we may be able to get rid of a lot of it right within county-city offices.

President Fanello: If we're going to....I would just ask that whoever gets whatever, that we get some kind of final list that these–

Dave Rector: Of where it went.

President Fanello: Exactly, and that it be run through here so that it's part of the record that we know where items went.

Dave Rector: As before, as we get down, I mean, if we've tried to give it to everybody we can, if there's no objections from your board, I'm sure mine won't, I mean, I got to the point, if you want it, get it out of here.

President Fanello: As long as we have a trail of where it went.

Dave Rector: But, we'll try to give it to our own groups that can use it first.

Commissioner Mosby: I would make a motion that we go ahead and pass the list on to different offices, make an inventory–

Dave Rector: I thought that I would send a list to all elected officials, like we do everybody, there's more surplus furniture, some of it has (Inaudible), if you want it, go get it. If not, within two weeks, three weeks time we'll start giving it away.

Commissioner Mosby: I'll make a motion that we send this to all elected officials, and that we keep a final inventory of where everything goes.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dave Rector: Okay, Tammy, I thought you had a copy. I'm sorry.

Tammy McKinney: That's okay. That's alright. We'll just get together.

Dave Rector: Okay. Thank you.

President Fanello: Chief Williams has a contract that he wants to talk about.

Eric Williams: Eric Williams, Sheriff's office. I spoke to Commissioner Fanello before the meeting about this, and I apologize for getting this to you late, but BPW just got it up to me. This is the addendum to the SBC sonet agreement that will allow public safety to begin using our NCIC to IDACS and our warrant checks, and drivers status in our patrol cars. Basically, it's moving the sonet connection from one location to another, on the other side of the fire wall for us. This has been hanging out there for a year now. So, the extra funds to do it are budgeted within the P-42 project. But, if you could look at it tonight.

President Fanello: Okay.

Eric Williams: There's nothing much on it to detail. It allows us to move the sonet connection in this building that serves public safety on the other side of our fire wall. Then the NCIC will allow us to turn on service to our patrol cars. It affects the city police and fire.

Commissioner Mosby: I'll make a motion to accept the addendum.

Commissioner Crouch: Second.

President Fanello: So ordered. One other item of new business, I have a insurance check here that, I believe, the Commissioners need to endorse. It's made out to Commissioners and Lefler's Body Shop, and I think is in reference to a Sheriff's vehicle that was...it's a Ford Taurus, unit number 9616. I don't know if that's, that's not a Sheriff's vehicle. Is it a Sheriff's vehicle? Okay. So, I just want to enter this as part of the record and get our signature on it.

Commissioner Mosby: Motion to enter into the record for endorsement.

Commissioner Crouch: Second.

President Fanello: So ordered. I don't think there's any other new business.

Dan Dowell: Catherine?

President Fanello: Yes, oh, I'm sorry, Dan, you're sitting right there, and I had you listed on my piece of paper. Come on up.

Dan Dowell: I'm forgettable.

President Fanello: You're sitting right in the front row.

Dan Dowell: Dan Dowell, Energy Systems Group. I'm here tonight really to show the Commissioners the Evansville, excuse me, the Vanderburgh County Courthouse was given an award by the Evansville Chamber of Commerce for environmental excellence. We received it last week, in recognition for, in the category of energy and renewable resources. It's a John Biacini environmental excellence award for 2004. Just to read an outline of the award;

"The environmental awards program is open to all members of the Chamber. It is the Chamber's intention to recognize businesses and individuals that have implemented outstanding environmental strategies into their operations. These include; innovative environmental practices that reduce waste, air emissions, or costs, and benefits the health and welfare of the Southwestern Indiana region."

Again, the category that the Courthouse was up for was energy and renewable resources. Specifically for this category is for projects or programs that prevent pollution, either reducing energy usage, or by producing energy using very low emissions technology. This includes efforts to significantly increase the energy efficiency of buildings or processes. So, the award, while it came to Energy Systems Group, I think is a result of the foresight of the Commissioners in addressing the needs of the building over there, and the types of environment that you implemented, the types of solutions that you had made decisions on implementing all went to the recognition of Energy Systems Group. But, it really is in recognition of what you guys have done for the Courthouse. So, I wanted to share that with you.

President Fanello: Thank you, Dan. Does anybody have any questions? Thank you. Moving on to department head reports, County Engineer.

County Engineer

John Stoll: The first item that I have is a right-of-way services and acquisition agreement for the Green River Road project between Lynch Road and Hirsch Road. This with Bernardin Lochmueller and Associates, and the amount not to exceed is \$73,000. This amount not to exceed is based on figuring long form appraisals on all parcels. That would be the upper end of what we would pay. Realistically, we should end up paying quite a bit less, because not all the parcels will require review appraisals, of long form appraisals. So, they figured it on that basis, but it should end up being less. I've had Kevin review the agreements, and he was okay with it. So, it's requested these be approved.

Commissioner Mosby: Motion to approve agreements.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, at last week's meeting we discussed the J.H. Rudolph parcel on the Stockwell Road and Harper Ditch project. I did contact Rudolph, and I spoke to their estimator, he was going to take a look at his prices and then get back with me. He was working on the bids for the project, so, he said it might be after the bid opening before he would get back with me. So, as soon as I know something more on that parcel, I'll let you know. The next item I have is also an agreement. This is with R.W. Armstrong, and this is for the design of the Burkhardt Road-Virginia Street intersection project. This is for \$81,270. Here again, I've had Kevin review it, he was okay with the format, so, I would request that this also be approved.

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a supplemental agreement for the Green River Road-Millersburg Road project. This is for an additional \$10,373.50. The reason for this supplemental is due to additional soils work that's required, because it's a federal aid project. Also to design a temporary run around for the southeast corner of Millersburg and Green River. This agreement is federally funded, so, at this point, I'm just requesting that you authorize me to forward this to INDOT. Like I said, the amount is \$10,373.50. Of that amount, we will end up paying 20%. So, I would request that you approve me to send this to INDOT. INDOT will then review the agreement, and once they approve it then they will send it back for your signatures at a later date.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Last, I just want to let you know we're working on two additional quote projects. The quotes are being set up to be received in here at the meeting on November 8th, and this is for a culvert out on Rodenberg Avenue, and also another culvert slip lining project on Seven Hills Road. Other than that, I don't have anything else.

President Fanello: Thank you, John.

John Stoll: Thanks.

Commissioner Mosby: Thank you.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First I have, a couple of weeks ago I put before you a plan to try to buy a new gradall, because our old one was starting to be too expensive to repair. I told you that I'd review the accounts and try to consolidate and transfer, try to come up with some money in the

bridge crew. Now, this is not highway, and then, whatever remaining funds that I need, I could go through the County Council process, to ask them for more. I have the transfers if you would like to see them and review them before. We came up with, by consolidating some of these accounts, we came up with \$230,000. We had to leave some in the accounts to last for the next two months. We left very little in there. We projected that everything is in fairly decent shape. So, this is more important than those. If you've got any questions on those, I would be glad to answer them.

President Fanello: Does anybody have any questions?

Dennis Hudnall: Okay, also a couple of weeks ago we were paving out on Chapel Hill, and we damaged a brand new driveway. I asked the Commissioners to give me permission to pay, at \$250, to get the driveway repaired. Because that was the estimate that his concrete contractor gave us. They did send us a bill, and it has been repaired, and I have a blue claim here. I just wanted to explain it to you. The last thing I have is just to bring you up to date on some of the things that we're doing. We've finished our paving, and we started the concrete projects, like in Ashmore Estates. We're going to start Strawberry Hill tomorrow. We're saw cutting all of these places throughout these subdivisions. We don't want to get too far ahead of ourselves. Then going back and as we progress in this, and we know that the weather is going to be good, we'll tear those up, barricade them, and then the next day pour the concrete in them. Ashmore Estates is really extensive. We're going to be there a while. Strawberry Hill, Gun Powder Lane very extensive. We're going to be there a while. Also a project is out on First Avenue bridge, which we do, basically, every year. We have to have that milled down and we'll pave that. So, even though we've paved the last road, which is Boonville-New Harmony between 57 and Petersburg Road, we still have, we still will buy bituminous material for these patch jobs. Some of them are pretty extensive. So, we are doing the concrete. We're going to put our resources to that. We're going to try to get as much as we can done. That's all I have, unless you have questions on the report.

President Fanello: I just have one thing. I received a letter from a David Miller on Marlene Drive. Have you seen this?

Dennis Hudnall: Yes, I have.

President Fanello: Okay.

Dennis Hudnall: We went out and looked. It's, the culvert is nowhere close to that, and there is a little piece of the pavement missing, but in his letter he states so many things, and I can't...I went out there to visit him, and he wasn't home. I'm still trying to do that, but what he is talking about is not on our county easement, it is way past it. We have a 50 foot right-of-way, and his is about 75 to 80 feet. I want to explain that to him in person, instead of on the phone.

President Fanello: Okay.

Dennis Hudnall: Because he seems kind of concerned there.

President Fanello: Right, he does. So, you'll-

Dennis Hudnall: It has been reviewed a couple of times before that letter.

President Fanello: Okay.

Dennis Hudnall: We have gone out there.

President Fanello: Okay. I think each Commissioner got a copy of this.

Madelyn Grayson: May I make a copy of that for the record?

President Fanello: Yes.

Dennis Hudnall: That's all I have.

President Fanello: That's all I have. Does anybody else have anything. Thank you, Dennis.

Dennis Hudnall: Have a good night.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: Yeah, I just have a couple of matters. First is, if possible, I would like to have an Executive Session on November 15th. I'm doing it now so that I don't forget to ask you, but November 15th at 5:15. We've received an offer to settle one of our lawsuits, and I would like to discuss it with you in Executive Session, if that's convenient.

President Fanello: You don't want to do it November 8th?

Kevin Winterheimer: No, I'm trying to remember. It's one of Tim Born's cases—

President Fanello: Okay.

Kevin Winterheimer: —and I think he's out of town that day.

President Fanello: Okay. So, 5:00?

Kevin Winterheimer: If you can, 5:15.

President Fanello: 5:15, okay.

Kevin Winterheimer: It shouldn't take 15 minutes, if you can make it.

President Fanello: I'll make a motion we have an Executive Session, November 15th at 5:15.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winterheimer: The other thing is a report on Mr. Folz's letter on the possibility of donating some of the abandoned railroad right-of-way. We're looking into that. There's a couple of issues there before we would do something like that. One of the

issues is that we want to make sure that it is properly before the local assessors to do that, and it's not, it shouldn't have been assessed by the state, since it involved trackage. The other question that arises is, that if it, in fact, was abandoned railroad property, it may depend on whether or not the railroad owned a mere easement, or whether they owned it in fee. If they owned a mere easement, it's a possibility that it may belong to the individual property owners that abut it, and shouldn't be assessed as a separate track anyways. But, we're looking into it, and we'll keep that in mind and report back to you later. That's all I have.

President Fanello: Thank you, Kevin.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add two late pink slips and two late travel requests to the consent items.

Commissioner Mosby: Motion to add pink slips and travel requests.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, I just want to let the Commissioners know that I spoke with Kinder this afternoon, and everything, we're all on track for pick up and delivery on the 1st and the 3rd.

President Fanello: For the election equipment. Good. Are there any questions for Tammy?

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. The first thing I have is the summer camp sponsorship letter that I've submitted to you, and I would like permission to send this out to companies, like we always do, about sponsoring kids at the day camp.

President Fanello: If you don't mind, I have a couple of suggestions on that. Patty was going to work with you on it, maybe to shorten it a little bit, so that we can catch their attention. Just from past experience, sometimes long letters don't, they get thrown in the trash. So, just as a helpful suggestion, if you wouldn't mind working with her on that.

Steve Craig: That's no problem.

President Fanello: Just to maybe shorten it up a little bit. Then I think it would be fine.

Steve Craig: Was there any questions on our advisory board minutes?

President Fanello: On the costs for the Discovery Lodge–

Steve Craig: Yes.

President Fanello: –is that something that you want us to, have you brought that, you haven't really brought that to us to make a recommendation.

Steve Craig: No.

President Fanello: As a recommendation.

Steve Craig: Yes, we had went to the board, because we keep having people that want to get in early, and I've brought crews in as early as 3:00 in the morning, and had them clean and that. They suggested a charge for people wanting to get in early, if I had to bring people in early, because we brought them in at 5:00 this weekend, so that they could get in at 9:00 instead of 10:00, the original time. It was something that I think should go before you.

President Fanello: Do you know if other facilities do that? Do they charge a fee?

Steve Craig: Yes.

President Fanello: They do, and this fee is comparable to those fees?

Steve Craig: That's the, the advisory board thought that that was minimal. They talked both ways.

President Fanello: Okay.

Steve Craig: That would cover our eight man crew that we bring in for a two and a half hour clean up.

Commissioner Mosby: Is it costing us overtime to do this?

Steve Craig: Our union workers that works it, it is overtime.

President Fanello: Do you, I don't know if there are any other city/county/state facilities like the O'Day Discovery Lodge. It's kind of unique. Are you aware of any across the state that might have similar fees? Or if our fees are in range with that?

Steve Craig: I think they're very reasonable.

President Fanello: Okay. Does anybody have any questions? Does anybody want to make a motion to accept that recommendation?

Commissioner Mosby: I would want to make sure that this covers our costs of overtime.

Steve Craig: It does.

Commissioner Mosby: It will cover the cost? I'll make a motion that we take the fee as recommended, if somebody wants in earlier. I guess, it's up to their discretion, so, I would take the fee that's recommended.

Commissioner Crouch: Second.

President Fanello: So ordered.

Steve Craig: We have our weekly work reports, and other than that, that's all I have.

President Fanello: Thank you, Steve.

Steve Craig: Thank you.

President Fanello: Thanks for the drawings that you put on our desk.

SWCD & Ozone Officer Reports

President Fanello: I don't think there's anyone here from Soil and Water or Ozone.

Commissioner Mosby: I would make a motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: And do I have a motion to accept the consent items, as amended.

Commissioner Mosby: Motion to accept consent as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. We'll start drainage board in five minutes.

(The meeting was adjourned at 6:24 p.m.)

CONSENT ITEMS:

Jail Expenses: Vectren Energy Delivery: \$962.50

Travel Requests:

Burdette Park (1) Health Department (2)

Requests for Telephone Service:

Circuit Court (1) Superior Court (1)

Employment Changes:

Health Department (1)	Prosecutor (4)	County Clerk (1)
Auditor (1)	Sheriff (1)	Area Plan (1)
Burdette Park (1)	VCCC (1)	County Highway (1)

Auditor: Submit Financial Statement.

Treasurer: Submit Monthly Report for September 2004.

Legal Aid: Maintenance Agreement with VanAusdall & Farrar.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Evelyn Walker
Dennis Woehler	Dave Rector	Eric Williams
Dan Dowell	John Stoll	Dennis Hudnall
Steve Craig	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 8, 2004**

The Vanderburgh County Board of Commissioners met in session this 8th day of November, 2004 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, November 8th. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of October 25, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the October 25th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Open Bids APA-002-2005: Crushed Stone
APA-003-2005: Sand and Gravel
APA-008-2005: Batteries
APA-006-2005: Oil Products**

President Fanello: First item is permission to open bids, and I believe we have, Phil Lawrence is here. I believe the first four were opened in the Board of Public Works this morning.

Phil Lawrence: Yes,

President Fanello: Okay.

Phil Lawrence: Here are the two that Kevin is going to open tonight.

Kevin Winternheimer: Oh, okay.

President Fanello: We need a motion, well, first—

Commissioner Mosby: I'll make a motion to open VC-026-2005, towing and storage of county vehicles.

Commissioner Crouch: Second.

President Fanello: So ordered. But, before we do that, we need a motion to accept, to take under advisement the bids opened this morning at BPW.

Commissioner Mosby: Motion to take under advisement APA-002, 003, 016, and 025.

Commissioner Crouch: Second. Will we get a copy of that?

President Fanello: Ask Phil. So ordered.

Open Bid VC-026-2005: Towing and Storage of County Vehicles

President Fanello: Now we'll open the towing and storage.

Kevin Winternheimer: Are there any bids from the audience on any of the items that are bid to be opened tonight? Seeing none, we have several bids here. Okay, the first bidder is Tri-State Towing, and they're from Evansville. Let me see, well, there's no easy way to do this other than read down the list, I guess. Towing of automobiles, pick-up trucks, \$60; towing of motorcycles, \$45; towing of a truck over one ton, \$85 per hour; towing of semi-truck, \$95 per hour; towing of semi-truck with trailer, \$95 an hour; towing of bus and large RV, \$95 per hour; towing of ATV, \$45; towing of tractors, backhoes and trailers, \$85 per hour. Per hour charge for recovery, \$95 large; \$65 small. Per hour charge for towing of county automobiles, SUV's, pick-up trucks, and vans, \$55. Under the towing of county owned vehicles, towing of automobiles, pick-up trucks, vans, \$45; towing of motorcycles, \$40; towing of a truck over one ton, \$75; towing of semi-truck without trailer, \$95 per hour; towing of semi-truck with trailer, \$95 per hour; towing of bus and large RV, \$95 per hour; towing of ATV, \$45; towing of tractors, backhoes and trailers, \$85. Service charge for jump starts, changing tires, and delivering fuel, \$30. Additional charge for towing outside of county for autos, SUV's, trucks and vans, \$55. Then on storage, nuisance, wrecked, abandoned and impounded county vehicles, for the non-county owned vehicles, storage of automobiles, pick-up trucks and vans, \$10; storage of motorcycles, \$5; storage of a truck over one ton, \$15; storage of semi-truck without trailer, \$25; storage of semi-truck with trailer, \$40; storage of bus and large RV, \$25; storage of ATV, \$5; storage of tractors, backhoes and trailers, \$15. Under storage of bicycles, zero. Okay, the second envelope I opened is also from Tri-State Towing. Is anybody here from them? Why do I have two envelopes?

Unidentified: Because we were told to send one original and one copy.

Kevin Winternheimer: Oh, that's, okay, it's just a copy then? Okay, that's fine. Okay, the, what I believe is the last bid on this item is from John's Towing of Evansville. Is that right, Phil, there was just two bids?

Phil Lawrence: There should be three.

Kevin Winternheimer: Should be three, oh, okay. We'll look around here.

Phil Lawrence: Yeah, there it is. That one right in between.

Kevin Winternheimer: Oh, this one. Oh, okay. Okay, going back to John's Towing, make sure there isn't another sheet, I thought I saw two sheets. For non-county owned vehicles, towing of automobiles, pick-up trucks, vans, \$30; towing of motorcycles, \$30; truck over one ton, \$50; towing of semi-truck without trailer, \$80; towing of semi-truck with trailer, \$80; towing of bus and large RV, \$80; towing of ATV, \$30; towing of tractors, backhoes and trailers, \$40. Per hour charge for

recovery, \$35; per hour charge for towing outside county, \$40 and one dollar per mile, I believe. Now, going to county owned vehicles, towing of automobiles, trucks, vans, \$20; motorcycles, \$20; truck over one ton, \$40; semi-truck without trailer, \$40; semi-truck with trailer, \$50; towing of bus and large RV, \$40; towing of ATV, \$20; towing of tractors, backhoes and trailers, \$40. Service charge for jump starts, changing tires, and delivery of fuel, \$20. Additional charge for towing outside of county, \$30 and 50 cents per mile. List other charges, they've got flat tire, jump start, fuel delivery, lock out, \$25, drive shaft, whatever that is. Oh, I guess, that went with the other charges, and then the flat tire, jump start and fuel delivery, lock out, \$20. Their lines didn't exactly match up when I first looked at it. Then for non-county owned vehicles, this is nuisance, wrecked, abandoned automobiles, pick-up trucks and passenger vans, \$3; motorcycles, \$3; storage of truck over one ton, \$5; storage of semi-truck without trailer, \$5; storage of semi-truck with trailer, \$7; storage of bus and large RV, \$7; storage of ATV, \$3; storage of tractors, backhoes and trailers, \$7; bicycles, no charge. Other charges, hazmat clean up, \$4.50; drive shaft removal, \$25. Oh, there's two more, I'm sorry. Is that right? The next bidder is A & J Trucking, Inc. of Evansville. Okay, here we go. Again, this is A & J Trucking, Inc. For non-county owned vehicles; automobiles, pick-up trucks and vans, \$35; motorcycles, \$35; truck over one ton, \$35; semi-truck without trailer, \$35; semi-truck with trailer, \$35; bus and large RV, \$35; towing of ATV, \$35; tractors, backhoes and trailers, \$35. Per hour charge for recovery, \$35; per hour charge for towing outside of county, \$35. Under county owned vehicles, the whole list he has no charge. Under additional charge for towing outside of county, he has 50 cents per mile. Now, on nuisance, wrecked and abandoned and impounded vehicles, these are non-county owned vehicles. For the entire list he has \$3 for each item. We have one more here. The next one is Hamrick's Diesel and Recovery Service, Inc. of Evansville. Okay, towing and storage of wrecked, abandoned, impounded....let's just make sure that I'm on the right list here. These are, again, this is storage of wrecked, abandoned, impounded and nuisance county vehicles, starting with non-county owned; under each item for automobiles, motorcycles, the various trucks, semi-trucks, bus, trailer, RV, ATV he has for each item, \$50. Per hour charge for recovery, \$50. Per hour charge for towing outside of county, \$50. Under county owned vehicles, for each item starting at the top with the cars and the pick-up trucks, the motorcycles, the various size trucks, busses, RV's, ATV's and tractors, and for jump starts, changing tires, delivery of fuel, no charge. Under the additional charge for towing outside the county he has one dollar per mile. Now, going to non-county owned vehicles, these are wrecked, nuisance, wrecked, abandoned, impounded, storage of automobiles, pick-up trucks, and vans, well, as a matter of fact, for each item listed there he has \$10 for each item. It says other charges to be assessed, he has \$10. I believe that's all the bids we have on this particular item.

Commissioner Mosby: Motion to take bids under advisement on VC-026-2005.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Open Bids for VC-036-2005: Transportation Services for the
Office of Family and Children**

Commissioner Mosby: Motion to open bids for VC-036-2005, transportation services for office of family and children.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: I believe I only have two bids for that. Is that right, Phil? The first bidder is Need-A-Ride LLC, from Evansville. Let's see, okay, I guess there are six items, I believe. The rate of fare for up to four passengers, \$12. Now, let me see, item number one, rate of fare will be \$12 for up to four passengers per one way trip, from one pick up point to one destination within Vanderburgh County. That item was \$12. The rate of fare will be \$21, and it looks like they've got RT, whatever that is.

Unidentified: Round trip.

Kevin Winternheimer: Round trip, okay, very good. For trips which pick up at a pick up point, go to one destination, wait, return to the original destination, provided the entire trip shall not exceed one hour. That was \$21. Item number three, a charge of \$7.50 for each en route stop to drop off or pick up an additional passenger. Item number four, for out-of-county trips the charge will be \$1.50 per mile between the Vanderburgh County line and the pick up point or destination, plus \$10. Item number five, a charge of \$3 for each trip where a vehicle is dispatched inside Vanderburgh County and the rider does not ride after scheduling. That was \$3. Let's see, then he has listed if a cost of performance bond is required, it would be, I assume an additional \$3,000, for the bond. We have one more. The next bidder is River City Yellow Cab Company, Inc. from Evansville. Their prices, and since we went through what the items were, for item number one, it's \$11.50; item number two, \$20; item number three, \$5.75; item number four, \$1.50 per mile, plus \$11.50; item number five, a charge of \$3 for each trip; and, let's see if they have any, if a performance bond is required, I assume it's an additional \$518. I believe that's all the bids we have on that item.

Commissioner Mosby: Motion to take bids under advisement on VC-036-2005.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Open Quotes for VC04-11-01: Rodenberg Avenue
Culvert Replacement and Removal**

President Fanello: Now we have permission to open quotes. We have two quotes to open, the first one being VC04-11-01, Rodenberg Avenue.

Commissioner Mosby: Motion to open quotes on Rodenberg Avenue.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: We have several of these. The first bidder is J.H. Rudolph and Company, Inc. of Evansville. Let me find their total here. The total quote is listed as, it's an itemized proposal, but their total appears to be, \$24,100. That was J.H. Rudolph. The next bidder is CCC of Evansville, Inc. Their total quote,

\$22,777.16. The next bidder is Koberstein Trucking, Inc. of Princeton. Their total, \$26,275. The next bid is from BMB, Inc. of Newburgh, Indiana. Their total quote, \$41,574.50. The next bidder is Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total quote, \$17,295. That is all the bids that I have on that project.

Company Name	Bid Amount
J.H. Rudolph	\$24,100.00
CCC of Evansville	\$22,777.16
Koberstein Trucking	\$26,275.00
BMB, Inc.	\$41,574.50
Deig Brothers	\$17,295.00

Commissioner Mosby: Motion to take bids under advisement on Rodenberg Avenue culvert removal.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Quotes on VC04-11-02: Seven Hills Road Culvert Sliplining

Commissioner Mosby: Motion to open bids on VC04-11-02, Seven Hills Road culvert sliplining.

Commissioner Crouch: Second.

President Fanello: So ordered. This is our last one.

Kevin Winternheimer: The first bid is from Koberstein Trucking, Inc. Their total quote, \$11,962. The next bid is from Deig Brothers Lumber and Construction Company, Inc. Their total, \$4,762. The next bidder is BMB, Inc. of Newburgh. Total quote, \$19,243. The last bid is from CCC of Evansville, Inc. Their total, \$10,027.83. That's all the bids I have.

Company Name	Amount of Bid
Koberstein Trucking	\$11,962.00
Deig Brothers	\$4,762.00
BMB, Inc.	\$19,243.00
CCC of Evansville	\$10,027.83

Commissioner Mosby: Motion to take bids under advisement for VC04-11-02.

Commissioner Crouch: Second.

President Fanello: So ordered.

Election Equipment Audit

President Fanello: Before we start with our first discussion item, how many people in the audience are here to speak to the election equipment audit issue? Okay. I think, if it pleases the board, if we could, I know Robb McGinnis is here, and I know he's from out of town, is that a problem, Kent, if we move on with this issue first? Okay. We're here to serve the public, so, I think we have people here to speak, we need to do that first. If that's okay with the board. First, let me just start with saying that with any advancement in technology there are always phases that you go through, and testing is always a good thing to make sure things are working properly. I went, to make sure what our duties were as a County Commission, I went and pulled the statute regarding our involvement in voting machines. The statute reads, and it's 3-11-5-22.

"Adoption and purchase or procuring a voting machine determinations, section 22. A county executive may adopt and purchase or procure a voting machine only after determining that the machine, (1) complies with this chapter, (2) is thoroughly reliable and correct in its operation, (3) is readily understood and operated, (4) cannot be fraudulently manipulated, and (5) will unquestionably maintain the secrecy of the ballot."

The County Commissioners last year entered into a \$2.9 million contract to purchase touch screen voting machines. We entered into a lease purchase agreement. We have only paid part of that agreement so far. I believe the total we've paid to date is \$1.1 million. The equipment was certified by the state right before the election. I don't think we're questioning that, and I don't think I'm questioning the results, per se. But, I am interested in making sure that the taxpayers get their \$2.9 million worth of money. That's very important. Everybody's vote should count. Everybody's tax dollars should count as well. Patty White in our office, where did she go? She's back there. We have been taking several complaints over the past couple of days. Patty logged all the complaints today that came in, and has typed them up for the Commission, right before the meeting. I'm going to go ahead and have Patty come up and read off some of the complaints that we received today. I received a letter on Friday from an inspector, we also received an e-mail from somebody, which it's not related to the equipment, per se, but to the process. Then I've done a little research today picking off articles that have just come out since the election last week regarding touch screen machines and regarding questions to our vendor. So, let's go in that order, and then I know there are some people in the audience who would like to speak to that issue as well.

Patty Avery: The first call we received today was a voice mail, and the gentleman who called said he had voted at Lodge, and that when he had cast his vote for President it marked a straight party ticket, instead of the single Presidential vote. He said it took the poll workers about 20 minutes to straighten out the situation. Another gentleman who voted at McCutchanville called today, and he said that he voted just after a technician had worked on one of the machines, and he said that he was never presented with the final vote screen. He waited for a minute or two, in his words, when the machine powered down, the machine turned itself off. He said because he had waited in line so long, and he knew how many people were waiting in line behind him, he didn't ask for assistance. Because, obviously, that was the first question I asked him, when this occurred, did you ask for assistance? He said I felt so bad about all the people behind me, I didn't feel I could. Then another

woman called this afternoon saying she had voted at Central, and she had problems when she reached the bottom quarter to the bottom half of a screen. She said that she would mark one candidate, and then the curser would jump up to a previous race than what she had voted, change that vote, and she found it, obviously, incredibly frustrating. She said, she talked to one of the poll workers, and they said, well, just vote a straight ticket then, and go back and alter then your other choices. She didn't feel comfortable with that. She said she spent about half an hour working with the machine, and trying to get it to register. She said, especially in the school board it was a problem, because of the way the screen fell. She would vote for one person, the curser would skip and register her vote for another person. She was very persistent. She said she was absolutely determined to not leave until she knew that it had marked each of the people that she had voted for. But, she said that it took a good half an hour, which, obviously slowed the system for everyone behind her. I've also printed out for you a letter to the editor that was in November Fourth, and these individuals voted at Dexter, and they talked about one of the machines wasn't working, and then within 30 minutes the second machine failed, and after 40 minutes the third machine failed, and there was no one on site to fix the machines. That when they finally came, then because of all the electronic malfunctions, she said a number of individuals left, because they didn't feel they could wait that much longer. So, I do have copies of that letter to the editor for you.

President Fanello: Okay, and then I know City Councilman Keith Jarboe was wanting to be over here if he got out of the City Council meeting early enough. He did experience two people in his precinct who hit a straight party box, and got the opposing party's information. Now, I know some people have said that's impossible, but I just pulled off of the Internet another county, not in the state of Indiana, that the exact same thing happened. One county precinct reports showed the wrong number of voters, shorting that county by about 50,000 votes. Law.com, we're going to get to the auditing procedures, they have questioned the auditing procedures of ES&S. Santa Clara, California, this person had, their screen had a box on the left hand side, and a box on the right hand side, they were voting about an amendment to something, and when they touched the left hand side, it brought up the right hand box. So, it brought up the opposing one that he wanted. In Florida, there were problems with casting the absentee ballots, something to do with the software glitch. Same thing in Ohio, more votes were cast than there were people in the precinct voting. In Florida and Ohio, these reports say when they tried to vote for John Kerry, they said the machine either wouldn't register the vote at all, or it would indicate on the review page that the vote was cast for Bush instead. I'm hearing these reports from different people, people are calling me saying well, I saw on the news here, or there that certain things happened, and I think, you know, these are the things that we need to be aware of, and we need to make sure that the equipment is going to work properly. As far as equipment breaking down, we did hear a lot of reports about the equipment breaking down on election day. I'm not exactly sure how many broke down. But, I did receive a letter from an inspector who was not very happy. He said that he called at 7:45 in the morning for someone to fix his machine, and it took until 12:45 for someone to get there, and then all they did was stick a paper clip in it, and it worked. I'm going to ask, and I'm going to request, we're all here to serve the public. We don't need, you know, unprofessional comments, we don't need laughing at individuals. We need to be here mature, to serve the public. I believe one official is going to be on the County Council, and you're going to spend some of this millions of dollars worth of money. It's important. The other thing that he was upset about, which was more of an election procedure issue was the fact that the election office delivered a listing to him of 50 voters who had voted by absentee ballot. That was as he was promised. Then at 11:05 they delivered another listing

of absentee ballots. He goes, "fortunately none of these additional people had come in to vote in person", or else he would not have known about it. The other person that sent an e-mail, and I have copies for all of the people on the board, she said she was quite surprised that when she went to sign in to vote that her father-in-law, someone had signed in under her father-in-law's name, and had spelled his last name wrong, and had written down the wrong address. Then she looked up a few lines further up the page and saw that her son had signed in, but her son has not lived here since 1994. So, her concern is, I would simply like to know how someone can sign an erroneous name and address and then be allowed to vote. Now, all of these things concern me, and I know that the Democrat party has sent a letter to the election board regarding election process issues, and I think those issues rest with the election board. But, what rests with this board is the fact that we are the administrators of a \$2.9 million contract for touch screen voting machines of which are receiving numerous complaints all across the nation. This is not a partisan issue, this is a people issue. With that I'm going to turn it over to some people in the audience who have expressed an interest in telling us about some of their incidences and what they have heard. Do you want to go first? Just state your name and address for the record.

Tammy Barnett: Hi, I'm Tammy Barnett, and I live at 636 Woodbriar Court here in Evansville. I was involved as a volunteer on election day, and my first duty was to stand at the polls at Plaza Park, where by the way, I think there are four precincts that vote there, and that is just entirely too much. It was amazing how difficult it was for people to maneuver in and out of that parking lot. Many of them had to return later just to be able to find a parking space. But, what voters were telling us is that there were problems with the equipment, that it was slow, that some of the equipment they had been told had broken down. Their wait was anywhere from an hour to over two hours. So, we saw many elderly people turn around because they were physically unable to stand to wait to vote that long. My second duty as a volunteer was to do phone banking. I called voters in four different precincts, and of the people that I got to talk to, all of them mentioned that there were voting equipment problems that day, that they had to come back. I would say a good third of those people were not going to be able to go back, they were elderly voters, and they were being told their wait would be anywhere from two to three hours. One woman I talked to was almost in tears because she said this was going to be the first election that she was unable to vote, because she had arthritis, and she was not able to stand any more than 30 to 45 minutes at a time. So, that's some of the things that we, as volunteers, experienced. I'm so glad that the County Commissioners are taking this investment of taxpayer money very, very seriously. I read in the Courier in Saturday's edition of the Evansville Courier, and not meaning, I don't want this to be also a partisan issue, because I think the faith in our election system is a bi-partisan issue. It's the cornerstone of our democracy. We have to have people be able to trust the election system. If we're going to be using these new voting machines, we want to make sure that they are performing accurately. County Clerk, Marsha Abell said that the company will do it's own audit. Well, to me, as a taxpayer, that's not an audit. That's like the IRS calling me and saying we're going to audit your tax records, and I say, you know what, I'll just audit them myself, and I'll get back with you. Would that be acceptable to the IRS? Absolutely not. A company auditing itself is not a true audit. As taxpayers of Vanderburgh County we deserve better than that. We deserve an independent audit. Thank you.

President Fanello: Thank you. Would someone else like to speak? Mrs. Smith.

Betty Knight-Smith: Betty Knight-Smith. My daughter voted at Scott One and waited three hours to vote. That's unacceptable. She had had leg surgery, and she stood for three hours, and the reason she did is because her mother's name was on the ballot.

President Fanello: Does anyone else want to speak?

Jennifer Kennedy: My name is Jennifer Kennedy. I live at 1318 E. Indiana Street, here in Evansville. I just wanted to attest to another situation, since I'm not sure if some of these individuals are going to come forward and speak for themselves. I volunteered on election day as well, and I worked for about six hours at the McCullough Library poll. I was working outside, I was one of the people greeting and thanking voters. I know at least one individual, a female voter, came out after voting and mentioned to me that the machine had broken down while she was voting. Obviously, she was not happy about that, she was pretty annoyed, and my fear is that all of this negativity, controversy about the electronic voting machines is going to, I mean, hopefully not, but my fear is that it may encourage, or I should say discourage some people from voting at all. If it causes longer waits, longer lines at the polls, I know at McCullough people were having to wait an hour or more at some points. My fear is that it's going to discourage people from voting. Also, I just wanted to mention with this being the first time that we've used the machines in an actual election, I would encourage that there be, as Tammy was mentioning, an independent audit, at this point in the process now, so that if there is anything to find, that it can be found now before we proceed with using them in future elections. Thank you.

President Fanello: Thank you. Is there anyone else wishing to speak?

Tim Slack: My name is Tim Slack. I live in Newburgh, Warrick County. Actually, I was in Ohio doing poll monitoring during the election, so, my stories are anecdotal, and they tend to be kind of a mathematical thing. One of the county's, one of the precincts that is in Cleveland registered over 4,200 votes for President Bush out of 638 that were cast in the precinct. I mean, that's the real number. So, there's 3,800 ghost votes in there somewhere that were downloaded out of these machines. Some of the machines are Diebold, some of them are ES&S. The problem, I think, lies in the untraceability of any kind of malfunction in the machines. The inability to do any kind of tactile vote recount. Some of the other stories that I have picked up off of the Internet, similar to what you were talking about, different stories are starting to show up where a precinct will report that apparently a hundred or two or three hundred individuals go to the precinct, wait in line for an hour, two, three hours, and then apparently cast no vote whatsoever, because their vote doesn't show up voting for anybody or anything. Obviously, that's a mechanical error, a machine error rather than taking all that time and the energy to go to the precinct and cast the vote for nobody whatsoever.

President Fanello: Thank you.

Chuck Meny: My name is Chuck Meny, I live at 11229 Seib Road. I voted in McCutchanville number one, and some of the machines broke down fairly early. My wife and I went there about 11:00, there was a huge line, so we went home and got lunch, we came back, the lines were even worse. It took us finally three hours to vote. There were many, many people behind us who had to wait another hour or maybe two in order to vote. I was there with a woman who had voted, she said for 65 years in that particular precinct, and she said, you know, never was there a

situation like this. She had never experienced anything in 65 years comparable to what was going on there, the amount of time that people had to wait. She had a very difficult time standing, you know, all that time. Just, you know, she's 80 some years old. It seems to me that, you know, technology is not always what it's supposed to be. You know, I have a computer, most of you do, and there are many, many times when I punch one thing and something else happens. I am not at all sold on these machines, and I think they need tremendous examination. They need some kind of proofing. Somebody made the remark that slot machines in this country have more security than these voting machines, better security. Now that is really terrible. So, I think that this whole touch screen, this whole electronic voting thing needs to be re-examined, and I think it needs to be examined very, very carefully.

President Fanello: Thank you. Is there anyone else in the audience wishing to speak? Any public first? Well, I think there are many different issues surrounding this election. I mean, obviously, we had an increased turnout that we weren't expecting. Obviously, probably some people did not show up for training, and that does hurt on election day. We have to take, the county will have to take steps to address that in the future. But, I believe for a \$2.9 million investment in voting machines, we need to make sure that they are working properly. I did speak with our Chief Information Officer, Matt Arvay, today who has called several places. He's also been trying to get in touch with you, Mr. McGinnis, and he would like to take on this issue as he is a technical person, and involved in computers and all that stuff. I'm nowhere near that technical. I think we should appoint him to look into this issue. I think we do deserve independent audit results. I realize that ES&S is going to audit. I would like to know what's happening with the equipment right now, where the information is being stored, who has access to that information at this point, and how secure it is until we do have an independent audit. I spoke with the County Attorney earlier, and he feels, and he can reiterate his sentiments that we are well, you know, within our rights to ask for an independent audit, since we do administer the contract, and it is part of our constitutional duty. I don't know if you have anything that you want to add, Mr. McGinnis, but I would probably ask just your cooperation if we move forward with an independent audit.

Robb McGinnis: (Inaudible. Not at microphone.)

President Fanello: I need for you to come to the mic. so we can get your comments on the record.

Robb McGinnis: As far as the audit itself, we will be performing an audit, what did you say, Monday?

Marsha Abell: Monday morning.

Robb McGinnis: Monday morning, which the technicians come in and pull the data off of all the machines. That's typical, we do it for every election. We would encourage that the IT people, or whomever you would like to be there, please do. Again, we encourage that. It's standard practice for us to run these audits after every election. As far as the equipment and where it's locked down—

President Fanello: I'm assuming it's all in the election office, at this time. I know the election office hasn't been open for a few days, so, I'm assuming everything is in there.

Robb McGinnis: So, it would be locked in the election office. We have the data stored on the PC network itself. We also have all the data that is still on the units themselves. So, we can go back and pull the data, the votes off the units again. But, when I got the call that you were interested in doing this, I said, again, we're already planning on an audit, if you would like to have outside people come in to work along with us, that's fine. We encourage it. It's not a private thing that we do. It's something that happens in all of our counties every election. Just a couple of items, you really can't, I should say, I can't address issues as far as what a voter says they saw on the screen—

President Fanello: Exactly.

Robb McGinnis: Unless you're looking over someone's shoulder, all I can address is this, they have gone through more testing than any piece of equipment you can imagine. The Federal Testing Authorities, the counties, the state's, they vote every scenario repeatedly, they try to break it. Not one time, ever, have we had an issue where the cursor was down at the bottom, and it just happened to jump up to the top and erase a vote. We wouldn't see the light of day. We wouldn't get out of the Federal Testing Authority, in order to even bring it to the state to get certified. We would have to have that letter from the Federal Authority before we can go to any state and apply for certification. Those things, like I said, you don't want to say, tell a voter who said, you know, they waited in line, which is another issue I will address, you don't want to tell them you're wrong, because you don't know unless you're right with them. But, again, you can say we've not seen it happen anywhere. None of the testing authorities, none of the states have been able to make that happen, and that's exactly what they try to do is have a scenario like that pop up.

President Fanello: But, not to say that it couldn't happen, because anything can happen. If you can hack into the Pentagon, anything can happen with a touch screen voting machine.

Robb McGinnis: Well, they cannot, outside folks have been given our source code and review and they have not been able to hack into it, because they are all stand alone units with proprietary software that they have not been able to hack into.

President Fanello: But, it's not to say that a malfunction couldn't happen that day.

Robb McGinnis: Well, again, in regard to malfunctions, when we talked, somebody laughed about the paper clip, the reset button, what we found election day was different than the primary was the turn out. We had long lines of people, and this was around the country were reports of people waiting eight and ten hours to vote. It was just a huge turn out everywhere. What was different from the primary is that, obviously, the poll workers were doing their job, but they were just trying to bring up a new ballot before the other one had recorded the votes, so the machine shuts down and we have to reset it. It doesn't lose anything. It comes back to where it was, but the question to me was why do you think it didn't happen in the primary? We didn't have the turn out. They didn't have the lines to where the judges, the judges were putting the PEB in, in the primary, and they would take it out, let the person vote, well, they may not have had another voter for two minutes. So, they didn't automatically reset it. I think a lot of your poll workers may have known this, whether some that didn't show up to poll worker training, there are several issues that popped up, but, again, it wasn't the machine malfunctioning. That was not the case. Again, in the audit trail, when we print this out, which, obviously you can have copies of the audit, and it will show you what happened. So, when I hear machine

malfunctions, do I know that none of your 500 and some machines went down? No, I don't. Again, that's part of the follow up with the election board that we do. We identify the issues that we did have, and then identify a plan with the county to make sure that those things don't happen again. But, as far as reports of wide spread units going down, what you had is folks that were very busy trying to get people in and out, and they were, it's just a procedural thing, they were doing incorrectly. So, did I address, I'm trying to think if there were any other issues.

President Fanello: I think you've addressed it. I think we just have to be cognizant of the fact that there are some of the same complaints across the nation, coming from both Democrats, Republicans, small counties, large counties. La Porte County reported—

Robb McGinnis: Punch card.

President Fanello: —a problem...yeah, they, you know, so different things happen, and so I think in order to put those fears to rest that we need to take the necessary steps to do an independent evaluation.

Robb McGinnis: Well, and a couple of the issues that you had mentioned that I got reports on as well, were operator error. Most of the system problems that we saw, which by the way, just for the record, the equipment throughout the country worked beautifully. For the turn out that we had, we counted approximately half the ballots in the country, and we had very, very few issues in the entire country. It was a fantastic day. Are there issues like these items that we need to clean up? Absolutely. But, we really had a very good day, and the few issues that I did see that you had reported, it was back at the central location where a total, an absentee total was added twice, and that type of thing. Which, it comes on the screen and they catch it, but if the results get released before they catch it, then it's out that some total got added in twice. Again, that's not the iVotronic itself, that's a network operator issue. So, there are lot of issues that come into play with everyone's election. Again, I respect the folks that came in tonight to speak, take the time to come in and talk with you, but, again, I think what we're overlooking are the thousands and thousands of voters that you did have that thought you had a great day, and enjoyed voting on the system. Because that's what we hear around the country.

President Fanello: I don't think anybody questions that. I mean, obviously, it's easier to use. Was a little disappointed in the amount of time it took for us to get results back, and thought that we were going to get results quicker. I think that's something that should be addressed in the future. I don't know what contributed to that problem.

Robb McGinnis: Well, I understand that they were still voting, at least in one precinct—

President Fanello: Right.

Robb McGinnis: —till almost 10:00, which was typical around the country. There were still so many people still in lines, and I will say, it didn't matter if it was on a punch card system, a touch screen, an optical scan system, this was across the board throughout the country, the lines were just tremendous. We had a lot of folks that had not voted in quite some time, or perhaps had never voted. So, it's a brand new process when they're going into a precinct, and we have found through reports

that they were spending an inordinate amount of time looking over their ballot. Which we don't want to say, I think in Indiana it's supposed to be three minutes or so is what they're supposed to get. Well, that typically is not enforced anywhere if they take the time to come out to vote, we want to make sure that their vote gets counted. Again, with all of our studies, we found that people were taking the same amount of time, on average, with every type of voting device made. It was just an across the board type of thing, because of a huge turn out with a lot of new voters.

President Fanello: Now, someone reported to me, and I don't know if...were you here on election day?

Robb McGinnis: I was not. I was in South Bend.

President Fanello: Well, St. Boniface School there was some problem with some equipment there, and I would like a report back on that, on what happened with that issue. Was there an issue there at St. Boniface?

Marsha Abell: I don't know of any issue that came into the election office.

Robb McGinnis: As far as the report that I got, and, again, we will issue a report, the reports that I got from our technicians, that almost every one of the calls they had to look at a machine was just to hit the reset, because the PEB was inserted while it was still recording the vote from before. Again, it just locks the thank you screen with thank you for voting on there. After a vote, we press the vote button, it takes a couple of seconds or so for it, basically, to boot back up so you can bring up the next voter's ballot. If there were units that we had to physically replace, we will give you that report as well, and why we had, what the issue was with the unit. But, typically, again, if we have a problem with a unit, where it just goes down, not this reset thing, that's not a break down, that's a machine doing what it's supposed to do, but if we have a terminal that we actually have to replace, they call in and say it just went blank, they are instructed just to close that unit up. We typically would go out and remove the, close that poll for them, that unit, so at the end of the evening all of the units have been closed, and we just shut it down for the day. In this case, actually, we probably would have brought a back up unit out to replace it. We can provide a report of any units that we had to replace, just so the Commissioners are aware of the number of units, first of all, and what the issue was with the unit. We can provide that to you.

President Fanello: And everyone delivered their equipment back? Nobody had to go out from the election office and pick up equipment after 6:00, did they?

Robb McGinnis: I don't think so.

Marsha Abell: (Inaudible).

President Fanello: Six p.m.

Robb McGinnis: I did not hear of any issues with that.

President Fanello: Okay.

Marsha Abell: (Inaudible).

Robb McGinnis: So, we did send back up units out, just because they needed them, rather than units that went down we were replacing, we did send back up out to the field. But, after every election we're happy to provide a report to the Commissioners stating just how many units we had to swap out, and this is the reason that we had to do it, because we log all of the calls into our network, so that we can track them after the election.

President Fanello: Okay, thank you, Mr. McGinnis. Did anybody else have any questions for Robb?

Robb McGinnis: Thank you.

President Fanello: Thank you. Keith Jarboe, did you want to speak to the election equipment issue?

Keith Jarboe: Thank you.

President Fanello: State your name for the record.

Keith Jarboe: My name is Keith Jarboe. On election day I was working at the polls for Mr. Hatfield who was hurt and couldn't work. I wound up, I had to work as one of the clerks due to the fact that we didn't have enough people that had shown up to get the polls open. Throughout the day, what was, I had the judge from our precinct come and talk to me, and she said that she was a little disturbed, because she had three different individuals state to her that they had pushed the straight Democrat, and when they went to review the ballot, the Republican candidates came up. So, they went back and redid it. On one occasion she was there and the individual had told her that this had happened, went back and did it again, it did once again, the wrong party had come up. The judge herself said that she did it, and the same thing had happened, that the opposite party had come up. Apparently, at the next attempt, then it went correctly. I can tell you that I did not personally see it. It was just reported to me at the polls. I probably should have called in on it, but we didn't. It was probably our mistake. I'm kind of concerned due to the fact that if that could have happened, how many people punched the button, hit vote, indicating they were done, and walked away from the machines. You know, we'll never know, but there was a report of three different occasions at one poll that that happened.

President Fanello: Thank you, Mr. Jarboe. Sure.

Robb McGinnis: I heard some reports of that as well. Again, without being right with the voter, it's difficult to tell. All that we can say, again, in testing, with this election for all of your public tests, it did not happen once. That being said, that is why with the new federal bill, they required us to put a review screen in, just in case. I know just in demonstrations quite a bit, I would look at the ballot, and I will be talking, and I will go to push one candidate, I push the candidate below them. I see that I've done it, I go back and change it. The bottom line is, regardless of what you touch as you're going through the screens, we put in a review screen for that very purpose. Because just touching the screen does nothing, as you know, until you hit the cast vote, which, again, the reason we put it on top of the unit, you can't say, well, I accidentally hit the cast vote button before I made the change on the mistake. You can't accidentally do that. The review screen is there to say these are your selections, make sure this is what you've chosen before you hit the cast vote. So, again, without being with the voters and seeing that, and I take everybody at their word as well as you do. That being said, there is a review screen that is going to tell

them these are your selections, make sure that's it before you vote it. I just wanted to mention that.

President Fanello: Thank you, Mr. McGinnis. I don't know if either of the other members of the Commission have anything to say, but what I would like to see us do, because I do believe it a conflict of interest for ES&S to have complete control over an audit of their own equipment and software. I would like to see us appoint Matt Arvay, our IT person, and I would like to see us appoint a Democrat and a Republican to get a handle on the process. In the meantime, Matt is contacting some independent agencies for costs. He's calling information security firms, and he's calling accounting firms who have technology divisions to see who is interested. He had one lead today on an auditing firm. But, maybe more interested in an information security firm. I did a little search myself out on the Internet, and had seen where other counties and other states, you know, do the exact same thing, and call for independent audits, and have independent audits. They either use accounting firms or information security firms. So, there is precedence out there for that. But, that's what I would like to see us do. Once we appoint one Democrat and one Republican to kind of get a grip on this issue, I would like for it to be someone who was not involved on election day, but someone who can come in from the outside and get an outside person's perspective on the process.

Commissioner Mosby: I will support Commissioner Fanello's, I guess, motion, or I'll make a motion, and I'm not in any way doing this because I want it to look like a recount, because I definitely don't. It's not a recount. It's not examining the votes. As far as I'm concerned, the election is over. The one thing I do want to see come out of this, you know, is we most definitely make the voter feel comfortable with the system that we have bought. That we get the best, you know, possible system for the three million dollars that we're about to spend, or that we are spending of the community money. I want people to know that we have a safe system, a safe voting system here in Vanderburgh County. I don't want to in any way discourage any voters in the present or future, you know, from coming out to vote. I think some of the things that we have to look at do not go along with ES&S or the voting machines. The long lines I think are due to, you know, our own people and the election office. We need to look at the precincts that we know vote heavily. I was at Plaza Park School that morning, you know. I had Betty Hermann's husband on me, I had Jeff Ahlers on me, you know, I had Jeff Kniese on me, you know, for people standing there two, three, and four hours in line. You know, machines broke down waiting for ES&S to send somebody out, you know, to get machines back up. As far as I'm concerned, you know, I blame our own people for that. If we know a precinct in the past has voted heavily time and time again, don't send four machines, send six or eight. Don't send four machines to a precinct that votes half the amount of people. I heard that all day long. Well, they got four machines, and they're only voting 300 people. We've got four machines and we're voting 700 or 800 people. You know, these are the types of things that we have to look at, you know, in house. If we have to purchase more machines, that's fine. If we have to re-allocate more machines, that's fine. But, I want to see this Commission do this, because I want to see that, number one we do get the best, you know, possible product that we get for our three million dollars, but I also want to see us gather all this information, and if in some way pass it on to the next Commission, and the next Commission work with the election office in making sure that for the community, that the next election, and in future elections run as smooth as possible. That's what I would like to see come out of all this. I will definitely support the motion to do an independent audit just so that we can get the best possible information. I'll make that in the form of a motion.

Commissioner Crouch: I agree with our fellow Commissioners that the election process is the basis of our whole democracy, and people do need to have confidence in it. I have no problem seconding that motion, just a couple of clarifications, you had indicated one Republican and one Democrat outside, are you talking outside of Vanderburgh County?

President Fanello: No, just outside of the election process, I guess. I know you said that you were going to be here on Monday, but I would like for someone to be with anyone from now on until the independent audit is completed. I would only like the election equipment information reviewed by a team of people, and not just by ES&S people, or just election office workers.

Commissioner Crouch: And would that be I, as the Republican member, would make a nomination?

President Fanello: Yes.

Commissioner Crouch: Then, if you have scheduled Monday, would you be able to get this done?

President Fanello: Well, we may need to....what time are you...?

Robb McGinnis: (Inaudible).

Madelyn Grayson: Robb, can you please come to the microphone?

Robb McGinnis: I don't believe there is a time set. We can set a time over the next day or so, and what the Commissioners know. I know your IT—

President Fanello: He's here all the time.

Robb McGinnis: —is here all the time, and they, I know, have worked with us and have done a very good job. I know they have been overseeing certain portions, and, as a matter of fact, they back up the data off of the computer network downstairs. So, it's backed up at another location. I don't know if you would prefer them, but I know that they've been helpful to our people all along the way, and I think they've done a nice job. If you would like them to be with our people. Whomever you would like. It does not matter to us.

President Fanello: I don't know if you're opposed to meeting for a few minutes and appointing somebody or not, since we're not prepared with names tonight. Or, let them do it Monday night, and let them join in in the process after Monday night.

Commissioner Crouch: Have Matt there on Monday?

President Fanello: Have Matt there on Monday.

Commissioner Crouch: That's fine with me.

Robb McGinnis: Whatever you need from our end, again, we're happy to do it. So, let us know.

President Fanello: Okay.

Robb McGinnis: At a different time other than Monday, whatever decision you've come to, just let us know.

Commissioner Crouch: So, there's not a time limit? You don't have to have this audit completed by a certain time?

Robb McGinnis: The audit on Monday, I don't know. Marsha, do we have to have...I don't think.

Marsha Abell: (Inaudible).

Madelyn Grayson: Marsha, can you come--

Robb McGinnis: That was why we started after the ten days is up for the recount, then we just get it out of the way.

Commissioner Crouch: Would there be a problem starting it Tuesday, knowing this far in advance? That way we could make our appointments Monday.

Robb McGinnis: I certainly wouldn't think so, no.

President Fanello: Okay. We will make our appointments Monday night.

Robb McGinnis: Okay. I'll let you know when we will do it Tuesday.

President Fanello: Thank you, Suzanne.

Madelyn Grayson: Commissioner Fanello, may I make a copy of the various information?

President Fanello: All this stuff? Yes.

Madelyn Grayson: And may I make a tape change also?

President Fanello: Yes.

(Tape Change)

President Fanello: You want to grab this after the meeting and make a copy of it?

Madelyn Grayson: Yes, that would be great.

President Fanello: With that being said, we'll move on to our next agenda item which is our efficiency study results and Kent Irwin is here to give us that report.

**Kent Irwin
Waggoner, Irwin & Scheele & Associates
Efficiency Study Results**

Kent Irwin: Hi, I'm Kent Irwin with Waggoner, Irwin & Scheele & Associates and I'm here this evening to present part two of the operations review report that we had provided you with part one a couple of weeks ago. Part two is the completion of this study along with, and I've provided a set of job descriptions for the County

Commissioners, departments that are under them along with these updated descriptions, are a listing of job titles or the job category that they're in as well as their fair labor standard act status respective of the overtime provisions of the FLSA. I would suggest that you take these under advisement and review. They have been through the process of employees reviewing their existing descriptions as well as filling out new job questionnaires that were a part of this process and collectively we've prepared a draft job description that went back to the employees for their review and sign-off. The only descriptions that are not part of this manual are the descriptions for the union positions at the Highway department which the superintendent is currently reviewing. Outside of that I believe we have either covered or we have questionnaires for everyone else. Once those descriptions from the Highway are forwarded to us we will then make those revisions, include them as well as part of your manual and, at that time, I think it would be the Commissioners desire, if you will, to adopt those descriptions as your officially updated job descriptions inasmuch as they haven't been updated comprehensively in over ten years. Some of the key differences in the descriptions from what you've had in the past, there are some ADA, Americans with Disabilities Act statements that are included in each description. We have also re-verified the duties and the job requirements that employees are required to meet in order to perform the job and on each description, unlike your old description, there is an employee acknowledgment section at the end where employees can be provided a copy of their description, date it and the office or the Commissioners office keep a record then of every person who has received their description. And in the event of any dispute, any conflict, that you have that as an ongoing record as well as for use in conducting performance evaluations, recruiting new employees or evaluating accommodations under ADA or using the description as part of the Family & Medical Leave process when verifying medical leave for employees under FMLA. Job descriptions in and of themselves have multiple uses I think, as you all know, but its important that they be accurate and I think as we mentioned last time that they need to be reviewed periodically. And I would suggest at least once a year that supervisors and employees go over the descriptions and make sure that they are current. Having said that, and I've got two sets here for the Commissioners and you will be adding other descriptions as they come to us, and we will certainly make every effort to have that completed as quickly as possible. So part two, and I've already furnished you with a copy of the report, this report completes the review of the remaining departments that are under the County Commissioners authority, and we've stated here on the first page the comparative data that we've collected and which counties that we've looked at, to collect that information and they're all close in terms of population and, I think comparability, although we start with Burdette Park, and you have a very unique park system here at Burdette that really doesn't exist in too many other places here in Indiana. We have basically two recommendations for making some improvements at Burdette. One being in the area of marketing and promoting the use of the park especially with the use of the Internet and your web page, some of the information is there. Other places take their web pages and you can actually make reservations, you can take a virtual tour, you can do a number of things via the Internet that I think would expand the use of the facilities. Secondly, we've looked at the possibility of establishing either a marketing person or devoting one set of duties and marketing to an existing employee and making that an ongoing and permanent function within the park staff. On the bottom of page two we have provided you with some data on fees that are a part of your system as well as we've collected external fee information on things from pool passes to miniature golf to camping and camp sites, to show where your fee structure compares to others. And with the exception of single day pool passes and rental rates for basic park shelters, most park fees lag behind the external market

respective of similar services at other parks. So this may be one area where you may want to look at increasing revenue to make the park more self-sufficient as well as consideration, which is often a common practice where you're providing park services for Vanderburgh County and out-of-county people, that it's common to have a slightly higher fee structure for those people residing outside of Vanderburgh County who use your park facility. On the bottom of page three we've compared the Vanderburgh staffing and number of employees to the other counties. This data is particularly difficult to make any kind of conclusion simply because these other counties do not have the type of facility that you have at Burdette. But this will give you the snapshot in terms of numbers of employees and the amount of money that is spent on them. An important variable is that Vanderburgh County relies quite a bit on Community Corrections workers and there's a lot of demand from other agencies as well in the city and in the county to use Community Corrections workers. And I think as that supply dwindles, then there's going to be some need for a reassessment of staffing in order to continue to provide the service that is currently being provided through those particular people. We looked at Weights & Measures and there is a couple of ideas here one of which, the appointment of a Weights & Measures inspector is optional in counties with lower population. Now that doesn't affect you, however, the state of Indiana allows for adjoining counties to share Weights & Measures responsibilities via agreements with the respective Board of Commissioners. The recommendation here is that because you're very uniquely situated with some smaller counties in and around you and your Weights & Measures department could expand their services through inter-local agreements and you would obviously want to secure the funding to do that from the other counties. This is one opportunity where you could generate some additional revenue and provide a quality service to counties beyond your borders. Secondly, a lot of the equipment that is used is more or less by hand. When inspectors go out to a Wal-Mart or to a big store they virtually write down every serial number of every register by hand and they go back the next year and do it again. We believe that through the use of laptops or some other computer software, that those things could be entered in right then and not have to come back and retrieve the data and duplicate that effort again in the office. And here again, getting with your IT people and looking at what's possible, this could potentially be a cost savings and it certainly would make for a more productive use of time. In the Highway department on page five, it was reported to us that the Highway department does not currently have enough personnel to accomplish all of the tasks assigned to them in a timely and efficient way. We have collected data from other counties, we've looked at not only the population, but we've also looked at the number of full-time employees that they have, the road miles in those counties and the miles of road per county Highway employee. So you get that kind of comparison where you can make, regardless of the geographic size, although there may be some differences for terrain and types of road and etcetera, but this information collected from the counties and as reported on the road miles from the Association of Indiana Counties reveals that, you know, you've got enough staff, but there may be some other barriers to performing work in a timely and efficient manner. It could be equipment, it was reported to us that your equipment is generally sufficient. Then there are some other possible barriers and they really relate back to, look on the top of page six, the current organization of job classifications can be one barrier for not having enough people to do things in a timely and efficient way, a second being the paid time off policies and thirdly, being the overtime policy. And we show here some comparisons and organizations and job classifications beginning with your group. The Vanderburgh County Highway department currently has four distinct position classifications dedicated to road repair and nine dedicated to vehicle and equipment maintenance. A review of six similar counties shows that the number of specialized positions within the

Highway department dedicated solely to vehicle and/or equipment maintenance is much greater than occurs in other county highway departments. And here you see this reflected below, in Vanderburgh County you've got four positions dedicated to road repair, you've got nine positions dedicated to vehicle equipment and maintenance. And I might add that some of these job titles are not reflective of modern job titles and usually they're free of reference to gender. And I would suggest that what little can be done here in the way of change certainly ought to reflect what the job titles are in terms of being closely matched with what the employees are doing. You can see here in comparing to Allen County right below you the types of titles that are in use there as well as the breakdown of six positions dedicated to road repair and five dedicated to vehicle equipment and maintenance. Following the next page we've got Hamilton County, Johnson County, Madison County, and you might note, with the fewer number of job classifications it would give your supervisors more flexibility in the way of assigning duties and getting work done that needs to be done. And in our view, these are way over specialized job classifications, especially given the type of work that is being done and as you compare it to what is done in other counties around Indiana. Page eight, we've included Tippecanoe and Monroe. But any look at restructuring, I think if you start here, we've also included an appendix to this section which details the types of duties and responsibilities that these jobs are responsible for performing. Another barrier in terms of having enough people at any one time could be, and we're not suggesting here that you take away or begin moving in a direction of lessening benefits, but you certainly need to be aware of what your benefits are costing and the impact that they have on staffing. So again, when people say we don't have enough people to do the work, we have to try to explain well, why don't we? On page nine, you can see here that given an employee in the Highway department and with five years' experience, under your policies, they're going to be receiving 42 paid pays off in a year, including holidays, vacation, sick days and personal days. Taking a look at the policies of the sum total of these other counties, you can see what your paid time off is compared to the other counties. The same shortage, if you will, in staffing goes to overtime policies and how you treat overtime, where you've got a very generous overtime policy that provides for time and half after eight hours in a work day. The federal law, the minimum you have to meet is time and a half after 40 hours of actual work in a work week. This creates either more overtime or more comp time for people having that particular policy in place. So these are all things that as you look to the future, you want to take in consideration as you develop new policies and you look at what your overall staffing needs to be, we need to look at it as a whole in terms of some of the barriers that are there.

President Fanello: Kent, can I stop you for a second?

Kent Irwin: Sure.

President Fanello: Does that occur just in the Vanderburgh County personnel policy or is that just in the collective bargaining agreements or both?

Kent Irwin: I think it's in both.

President Fanello: Okay.

Kent Irwin: The Sheriff's department, I see the Sheriff is here, he may have a different policy under the FLSA for law enforcement officials, but that is (inaudible).

Bill Fluty: That's not for county employees. It's 40 hours worked per week before you –

Kent Irwin: So there is a difference between the collective bargaining agreement and the policy in the handbook. Your Highway superintendent indicated a need for better short term and long term planning for projects, highway projects. He has begun a process of researching work orders to determine the amount of time, number of employees, resources utilized in completing certain tasks to assist him in better budgeting of personnel and resources. That effort should continue and as we have noted in part one, there are benchmark systems in existence for public employers in which to base your comparison of work, money, what you're doing, the International City Management Association has one there and its not expensive, where cities and counties can plug into and begin to develop performance standards so that the allocation of your resources are going to be compatible with what those resources are. One area, on top of page 11, where you do very little contracting out in the Highway department, one area where you may want to look at an arrangement and that is in the area of tree trimming. It does consume a lot of employee work time. This may be something that you could look at in terms of comparative pricing for contractors to do that work. On page 11 should be item number four, instead it's listed as five, but there are many dual functions of Vanderburgh County government and the city of Evansville government that have been combined into city/county departments: planning, you've got your purchasing department, you've got animal control. The one area where no consolidation has occurred is in the area of road repair and maintenance, specifically the city street department and the county Highway department. I think, as you all know and are aware, the Chamber of Commerce and citizens groups around the state have been investigating and advocating consolidation of city and county government across Indiana. While you may not realize a Unigov-type structure here, I think there is one area where you may want to investigate setting up a department through an inter-local agreement. I've spoken with Mayor Weinzapfel, he is certainly interested in discussing this with the County Commissioners, and exploring the feasibility of combining the resources, the personnel of the county Highway department with that of the city. This is one thing under the original Unigov in Indianapolis and Marion County that was done and they have a Department of Public Works that takes in all of Marion County, and I think it would serve as a good model for you to study and to review and I think it could be an area of, not only cost effectiveness, but a way of delivering these services in a more efficient way. The County Engineer, one area that was brought to our attention and that is certain exempt personnel not being able to receive compensatory time off for the extra hours that they put in. We have included reference to this in part one in our last report and this is something that the Commissioners may want to consider respective of the County Engineer. Another item being that of training and making sure that those training opportunities are there for these skilled technical people and that they be reviewed on an annual basis between the Engineer and the County Commissioners. We had some general findings and recommendations, one under health insurance, and this is a recurring theme in local government respective of the skyrocketing cost of health insurance for employees. We think that you would be well served by an insurance consultant who does not have an interest in selling you insurance, acting as a third party administrator that's simply weighing out the various options that you have. And there are many as you get into the variables of looking for health insurance coverage and how that weighs in against the other benefits that you provide. But simply for comparative purposes and your information to use in the future, this is the most current data we have on page 13 of average health insurance participation percentages of employees and their premiums. So this you can have as a jumping

off point in terms of to look at the employees' contribution to their health insurance program. And at the bottom of the page are prescription coverage, vision coverage, dental coverages, that are provided either with yes or with a no in the other counties that we surveyed. On page 14, we met with the SMG folks, took a tour of the convention center, we were vendors and users of the Centre during our couple of weeks down here with IACT and AIC. This is an area that was reviewed as a part of the city operations review and we have provided you with a snapshot review of your operation regarding the convention center auditorium. As noted here in the second paragraph, the city's contract expires with SMG on December 31st. In their contract there is a three year cancellation option after it's gone on for three years. The city can cancel with no cause provided notice. Well, they have provided notice and they are currently in the process of renegotiations with SMG. Specifically, the city is seeking to establish more specific performance standards, modeling after a previous contract with Ogden Entertainment Enterprises, a former management firm. The Ogden contract had linked management fees to gross revenues with provisions to the city in the event that the net profits fell below predetermined targets, there will be some refunds to the city. That particular condition did not find its way into the SMG contracts and this is something that the city is striving to do and redefining what it is that is going to be performed and what the money that they're spending, these management fees for what they're going to get for those fees. Your contract expires in January of '06. In it, it states that you may terminate for just cause. Just cause meaning you're not complying with the contract. You would have to give notice, they have 30 days to correct those deficiencies. A little different than that with the city. According to the information that we have been provided by SMG, they're currently subsidized with two percent of the six percent hotel tax which is roughly \$670,000. And compared to other Indiana convention centers, you are second largest and they are receiving the second lowest subsidy which they reported to us. In '03 the management fee was \$187,304.66. Full-time salaries, \$807,000 plus for 34 employees. Of that, 231,000 is for salaries of the six Teamster employees. And it's reported that those SMG employees are shared amongst five venues in Evansville, city and county. Privatization of entertainment centers is something that is increasingly popular in the country. The Reason Public Policy Institute is a not-for-profit organization that evaluates the privatization transactions throughout the county and we're seeing more in the way of private management of municipal facilities, and they provide some ranges of management fees in how they're normally based. The recommendation here is, when a new contract is negotiated, it should include specific performance standards that are linked to the management fees. In that the city of Evansville and Vanderburgh County have contracted the management of public facilities to the same contractor, it is recommended that the city and county officials work in concert to ensure best practices for all venues with an emphasis on increased revenue and productivity. We would also recommend that an independent cost analysis of the Centre be conducted and evaluate the agreement against best practices including a comparative analysis of an in-house operation to private outsourcing. Then in the event that you want to shop around, put together an RFP and go through a bidding process and if you do that, I would highly recommend that you engage a person as a third party who is knowledgeable in public/private partnerships respective of facilities such as this, to assist in evaluating those bids and providing you with that kind of third party objective analysis. Finally, the last section of the report involves the purchasing arrangement and we've noted here on page 15 the breakdown according to the agreement in percentages of budget paid by city and county employees. And in the middle of that second paragraph quotes the statutory authority that has been conveyed to the purchasing department and relieving the County Commissioners individually and collectively of any further responsibilities.

I think some of this needs to be clarified. I think we need to be a little more specific respective of what's a responsibility for purchasing operations, what do those jobs require, what do you expect and I think it doesn't have to be elaborate but we would certainly recommend that the city and county officials develop together a procedures handbook that spells out and clarifies the responsibilities for bidding and purchasing functions, and then it be distributed to the city and county department officials who are responsible for the purchasing in their individual department. A more minor but could be a cost savings, and that is just making greater use of the state bid list that would reduce time for competitively bidding some purchases, where the state has already done much of the work for you. And then finally, evaluating with the city technology upgrades to implement an automated purchase order and payment system between you and the department. I know this is a lot of information on top of all the other information you've got here this evening, but it is certainly intended to provide a starting point for making some improvements and for the County Commissioners to have needed information in order to make the assessments that you need to make with all the various and very highly budgeted departments that you have under your authority. Jay and I would be happy to address any questions that you may have and I'll stop.

President Fanello: Do either of you have any questions? I would like to say that Kent makes a very good point about the SMG contract. I don't know if anybody has been following the expenditures of that, but you know, they have an operating account that we, as Commissioners, sign off on their purchases, but they do not follow our purchasing policy nor do they – I'm not sure if they're competitively bidding their services or their products and that's something that we need to check on or the future administration needs to check on. But that contract is, I believe we're way overspending in that area. Their legislation does end next year for their 675,000, and I've heard from several legislators, the ones who are in majority, that they will not be supporting legislation to continue that subsidy. So I think that's one that really needs to be looked at very heavily and renegotiated before it ever expires in 2006. My thoughts on the Purchasing Department is its completely falling short of doing what it needs to do and all purchases are suffering in the meantime. I've spoken with city officials about that as well, but there needs to be great reform in the Purchasing department coordinated with the Auditor's office, who I feel needs to do a little bit more in regards to reviewing requisitions and purchasing. So hopefully, the new administration will undertake that, but there's some severe problems in both departments.

Kevin Winternheimer: You mentioned the, I don't know how familiar you are with when Marion County went to the Unigov system, but you mentioned the combined Works Board Department, I had heard that when they did that, when they went through their bargaining unit contracts, they essentially took the best for the employees on both sides. So whoever got the highest pay in that category, they went to that pay level, whoever had the best insurance, whoever had the most days off, they went to those most days off so the cost per employee went way up. Were you familiar with that or is that a true statement?

Kent Irwin: I don't know.

Kevin Winternheimer: I was just curious because I had heard that's what they did. It wouldn't surprise me if that happened but its an interesting concept.

Kent Irwin: And I haven't really compared the salaries and benefits of the city and county here in Vanderburgh either, which I'm assuming they're going to be fairly close inasmuch as it's the same bargaining group.

President Fanello: Well, I believe that's one area that could be consolidated or an inter-local agreement because, you know, here we are purchasing the same kinds of goods in two separate departments and it seems to me like there would be great cost savings in purchasing those items in bulk and that's not happening right now.

Kent Irwin: Well, I think this provides probably the best opportunity for the city and the county to enter into an inter-local agreement and I think the efficiencies are in the facilities, they're in purchasing in bulk, they're in planning, and assigning the work on roads. I mean, to me, as a student of government, that's much easier than trying to restructure Assessors' offices and shut down all kinds of elected officials' duties and responsibilities that may not happen before I-69 is built from Indianapolis to Evansville, whereas this is something that has been done in Indianapolis in Marion County that should serve as a model if you want to move in that direction. And they have now had some time to evaluate how well it works and how its working.

President Fanello: And would you mean that to encompass the County Engineer's department also?

Kent Irwin: Yes.

President Fanello: Okay. Thank you, Kent.

Madelyn Grayson: May we make a tape change please?

President Fanello: Yes.

(Tape Change)

First Reading of an Ordinance Concerning Central Dispatch
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Madelyn Grayson: Thank you.

President Fanello: You're welcome. Thank you, Kent and Jay. Next item we have is the first reading of an ordinance concerning the Central Dispatch board.

Kevin Winternheimer: Yes, if I might, what this ordinance does is it amends the inter-local agreement regarding Central Dispatch, regarding the board of directors, and it allows the board members to have a proxy, an alternate, if they are unable to attend. The current agreement, as I recall, for most of the elected officials, the Mayor, the Commissioners, the Council members, they already do this. They would like the rest of the members, essentially, to be able to do this, and it would make it easier for the board to get and keep a quorum, should any of these people be out of town on business, or something like that. This comes with, the city has already passed it, and it comes with the recommendation of the Central Dispatch board itself.

President Fanello: Is there anyone in the audience wishing to speak to this? Brad, did you have anything you wanted to say?

Brad Ellsworth: Just quickly, Sheriff Brad Ellsworth. We would support the passing of this ordinance. I think the whole board is in favor of that if we are absent to be able to send a designee in our place.

President Fanello: Okay.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Then we'll have—

Kevin Winternheimer: I was just going to request that it be on next week.

President Fanello: Okay. That's what I was just going to say.

Prosecutor's PRI Line

President Fanello: Okay, the next two items I'll take together. The first one is a claim for the Prosecutor's office, and I just wanted everyone to be aware of this. I think they are aware of it, that they bought a telephone system that is different than the one that we have. I've had a long discussion with SBC about the ability of other departments to go out and do things without the Board of Commissioners knowing about it, and I think they're fully aware that that will not fly in the future. So, I guess, I would just like to know if each Commissioner signs off on this, and is okay with this. They have assured me that the new lines are less cost than the current lines. I've asked them to prove that. Matt Arvay has undertaken an audit of the telephone bills. So, it's up to us what we want to do, but we do have a telephone system in there that is not compatible with our current telephone system.

Commissioner Crouch: Did we not get a claim once before approving that payment of the system? Maybe not the monthly one.

President Fanello: We probably did, but I've been looking at different claims, and trying to pick out different things at different times so. So, well, the system is already in. It went in without us ever knowing about it, so. I just want everybody to be aware of it before we make a motion to pass it, and pass it. But, it is out there. It's something we need to be aware of. So, do I have a motion to approve it?

Commissioner Crouch: I don't know if we have much choice on it.

President Fanello: No, and I did talk with Jay about that. Actually, we may have some solutions for the future. Not Jay, what's his name? John McClercan at SBC. He is checking into it, because the contract does not have the Board of Commissioners signature, and therefore is not a valid contract. So, I guess, we can pay it in the meantime, but he is checking into what our possible solution could be.

Commissioner Mosby: I'll make a motion to pay it.

Commissioner Crouch: Before I second that, Kevin, what would we do in an instance like this? If we decided not to pay this?

Kevin Winternheimer: Is this the monthly charge, or is this installation?

President Fanello: This is a new monthly charge. They, apparently, they bought their new system out of a grant. They actually bought the equipment out of a grant. But, these are the monthly phone charges that we're paying for out of the Commissioner budget. Because had we, I mean, obviously, we would not have approved a new system without running a contract through here. The contract is signed by someone in the Prosecutor's office.

Kevin Winterheimer: I would have to look at the contract and all that. I'm obviously not familiar with whatever they signed. I would have to see. I guess, ultimately, they could have their phones pulled by the company. That's typical language in a phone contract, but to be exact I would have to take a look and see what their contract says, and I have no idea.

Commissioner Crouch: I'll second.

President Fanello: Okay. I'll, John McClercan is checking on that at SBC, and I'll let everybody know what he finds out.

Purchasing Audit: Requisitions for Computer Upgrade (Kronos)

President Fanello: The next one was a bunch of requisitions that came to our office regarding computer equipment. This is just one of tens of tens of tens of examples that I've had of requisitions that have the wrong account number on them. I don't understand why the Auditor's office is not enforcing that they use the right account number. I think you're going to have to do it whenever they submit transfers, whenever they submit appropriations. Someone should be checking to make sure the account numbers are correct. Some of the people working in some of these departments are not accountants, they're not, you know, they don't care about account numbers, and I think that's the Auditor's office responsibility to make sure they have the right account number. I don't know why we're buying computer equipment out of a 3000 account.

Bill Fluty: Has that claim came through our office?

President Fanello: It's a requisition. I haven't approved the requisition.

Bill Fluty: So, we've never seen that?

President Fanello: No, but there many that have gone through that, claims that I have signed off on, and Tammy is sitting there, how many stacks of claims have I handed back to you, why do they have this account number on them? She's got about six of them in her office right now. She's calling the departments asking them, and they're like, well, we've always bought out of that account number. It's because nobody is enforcing to them what the correct account number is.

Bill Fluty: Obviously, any claim that you do get and you see something, send it back to the office. As they come to you first, you're actually monitoring those. So, you ought to send those back to the office holder and department heads and get the right numbers on them. When they come to us that's what we review them for. But, I don't have that information right now.

President Fanello: Tammy's got some of them on her desk right now. Why don't you get with the Auditor....you know, the office holders and department heads have just

said, you know, these are departments all over the county have just said, that's where the money is, nobody's ever complained about us buying it out of there before. So, I don't know. The Auditor's office is going to have to, your guys are going to have to take a step in trying to educate some of the departments about what the proper account numbers are.

Bill Fluty: I think really the audit process started with the buying of the asphalt from Jerry David.

President Fanello: Bill, I don't care where it started. What I'm saying is the fact that at some point in time, somebody has got to start enforcing what the correct account numbers are. I mean, I can sit out here and rehash everything that's gone wrong in the county over the past year, but that does not change the fact that you guys need to enforce the proper account numbers.

Bill Fluty: If you would just let me finish, Catherine. That's where it began, and I think you're still in the process. I think you've only gone through I think two offices. We've met several times, and we've recommended some things that I know still aren't being done, and we're happy to work with you on anything you do, but you haven't gotten to the final conclusion of the audit. So, we haven't gotten the direction on how you want to proceed. But, once you get to the end, we'll start implementing those processes. But, as of right now, I think, you've only gone through two offices.

President Fanello: Well, I think, Suzanne has gone through, yeah, she hasn't finished all of ours yet.

Bill Fluty: So, we've been waiting for information—

President Fanello: I think—

Bill Fluty: —and the conclusion of your audit. So, when that gets done, I guess, we'll get together with Purchasing—

President Fanello: Okay.

Bill Fluty: —and the Commissioners and review what you're seeing, which I don't have that account, so I don't know which one you're talking about. But, as claims come through us, we do look at those after you've signed off on them. And if they do have a problem, or we think we have an issue with them, we'll check back with the office holder or with the State Board of Accounts and see if this should be paid or not.

President Fanello: It's just, you know, a lot of them, Tammy has spoken with a lot of them, and their excuses are, well, we've always done it this way. You know how hard that is to change, change what's always been done. But, I think, you know, at some point in time, we've just got to cut off and say....I mean, I think we all three have seen what the reoccurring problems are. I think Suzanne could probably make a list of them, I could probably make a list of them. I think we're pretty much in agreement what the reoccurring problems are.

Bill Fluty: May I see that?

President Fanello: Yes.

Bill Fluty: I think I'm familiar with this one. This is the County Council paying for computers—

President Fanello: Right.

Bill Fluty: —they asked for a transfer, and I can't remember where this money came from, but actually it was put in a Computer Data Management line item—

President Fanello: Right.

Bill Fluty: —and they're trying to buy a computer out of Computer Data Management.

President Fanello: Data Management.

Bill Fluty: You don't—

President Fanello: I don't think that's appropriate, because I looked on the State Board of Accounts website, and I'm assuming that, you know, if we're following county ordinance and our fixed asset policy, I assumed that all equipment is bought out of a capital account, which is a 4000 account. You know, the State Board of Accounts doesn't call for buying equipment out of a 3000, which is basically for services.

Bill Fluty: I remember that the Council set that up to buy computers out of. That was the original reason that we set that up, so, I think they're just continuing on with what they did. There have been computers bought out of that line item.

President Fanello: I know, and I just don't think it's appropriate. It doesn't match with the State Board of Accounts who does our audits. It does not match their guidelines.

Bill Fluty: And I remind you, for the last nine years our audits have had no exit report on them. So, they've looked at these, and I think they've have had some agreement that that's okay. But, Tom Simpson I don't think is in, and I can always ask him.

President Fanello: Can we ask him? Because it does not follow their guidelines that is on their Internet.

Bill Fluty: When you get the audit finished, we would be glad to work with you.

President Fanello: But, I'm going to send a message, and I'm going to, you know, let's send it back to them, and let's look at the State Board of Accounts guidelines. But, I did print them out, and I would be happy to forward them to the other two Commissioners. I would be happy to forward you a copy.

Bill Fluty: Please send them back to the office that you actually have an issue with.

President Fanello: Okay. Alright. They'll probably call you.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?
Yes.

Kenneth Grimes: Hi, my name is Ken Grimes. My concern is the Lyle Road project. I live at 1702 South Red Bank Road. My concern is that there are cheaper alternatives to raising Lyle Road. One of those being the dredging of the natural waterway that runs through the park. As Mr. , I think Mr. Irwin just pointed out, that it is a fine park, but a lot of it gets flooded, every year, all the time. The park is not useable by those who use it. Therein lies a manner in which the county would gain if it prevented flooding. But, all along the waterway there is land that's being held hostage to flooding, because of lack of dredging. That dredging, in itself, is a much cheaper alternative than raising the road. As I pointed out at a previous meeting, many years ago it was a much deeper natural place for water to flow through, and there was a lot of that's flooding. My using this as, or if you would reconsider dredging, I would love to present, on paper, to the Commission, pointing out some alternatives, but, you know, I just wanted to make that comment, and limit myself to that, because there has been some litigation filed because of this situation. So, that's another cheaper way out. I mean, it limits litigation. There are other things and other people that are concerned about water staying on their land about ten.... I think the guy across the street has about ten acres that he never farms because the water just sits on it, and it's a direct result of not dredging the creek. So, there's pending costs, I mean, there are costs that might come about, and there's, and it's simple, it's not a complicated thing, you know, it's just returning the natural waterway back to where it has been in the past. So, I don't have anymore comments about that, I just want you to reconsider it, if you possibly could.

President Fanello: Thank you, Mr. Grimes. Does anybody have any questions for Mr. Grimes?

Commissioner Crouch: Did we not address that with the Carpentier Creek study?

Commissioner Mosby: It's a part, yeah, it's a part of Carpentier Creek, but you can't dredge just that one section right there at Burdette. It would have to go all the way to the river, and that's the cost estimate I think ACE came up with \$21 million.

John Stoll: I was going to say, I thought it was \$17 million, but it's a multi-million dollar project.

Commissioner Mosby: It's an astronomical amount of money.

John Stoll: I won't disagree that the drainage is poor through there, but even if we had the money to dredge the creek from Nurrenbern Road all the way down to the river, getting the environmental permits would be a very difficult task, because of all the mitigation you would have to do in dealing with DNR and the Corps of Engineers. So, even if we had the money, I don't know that we could deal with the environmental issues on the project. I believe that was pointed all out in the Carpentier Creek study as well.

President Fanello: Thank you, John. Is there anyone else in the audience wishing to address the board?

Jerry Jones: Jerry Jones, 4039 Lyle Road. Again, I want to thank the Commissioners for the support on funding the upgrading of Lyle Road, 2003, I think, the money was allocated. We'll certainly be glad when it's all done, you know. A special thanks to Kevin, and, of course, John, they've done an extreme amount of hard work. One more thing, we were talking about, well, you guys have been talking about Burdette Park, they had a study and a slide presentation here once, and my

brother and I used to run the rink years ago when we were in high school and college and after we became teachers we still went out there. There's so much income that could be gotten, I know you've got to spend money to make money, and the more I get to thinking about it, as I visit this park from time to time, it's such a beautiful, beautiful area for families, and when it's cool, like now, people went roller skating. When it's in the summer time, if it got rainy, people went roller skating. Even when the sun went down, families would come down, and I just think if there's money out there somewhere in the future, the way the west side is advancing, I believe it would be an excellent choice. It's something to think about. I know you all have, but I just thought that I would put my two cents in about Burdette. Thanks again, Commissioners.

President Fanello: Thank you. Yeah.

Kenneth Grimes: I think it's going to be expensive no matter how you look at it. One way or the other, and I think that once the dredging occurs, if it can occur, you're looking at 50 years before it fills back up, or something like that. I mean, like I said before, it never occurred when my mother, who was born along the creek was a child there. They didn't have these kinds of problems. So, I mean, contrary to some of the comments, dredging is a better alternative than...it was never an issue until probably more intensive farming started becoming a factor down there, and the silt filled the creek, not anything else. It's the farming and the silt that filled the creek. Okay, thank you.

President Fanello: Thank you, Mr. Grimes.

Old Business/New Business

President Fanello: Any old or new business?

Commissioner Crouch: Have we ever resolved the insurance claim with the jail and community corrections? Or do we have a status on that?

President Fanello: I think I sent an e-mail about that a couple of weeks ago.

Commissioner Crouch: Yeah, it was some time ago.

Kevin Winternheimer: No, I'm trying. On the community corrections facility, I've been trying to schedule a meeting, we must be the three busiest people in town, because we can't seem to get our schedules together, but I'm still trying. I'm trying to get a meeting together, because I think that's ready to be filed out. I'll report back, and I'll continue my efforts to get...before we sign any papers, I want to make sure that everything is resolved, that, with the building owner as well, that's the purpose of getting the insurance people, the Sheriff's department and myself together. Hopefully, we can get that done this week.

President Fanello: Thank you, Kevin.

Bill Fluty: Kevin, old business, Mill Terrace status?

Kevin Winternheimer: I tried calling Scott Peck the other day and I couldn't get through to him. I will try again. I know that's, I don't know what the hold up is on

that, I thought he was making good progress with the bank on that, but I will follow up on that as well.

Bill Fluty: As tax time gets closer they've been calling to see if they're going to be billed for November 10th, which I've assured them they are not.

Kevin Winternheimer: Yeah, no.

Bill Fluty: They are trying to prepare for that billing.

Kevin Winternheimer: I'll check with him and see where we're at with that.

County Engineer

President Fanello: Department head reports, County Engineer.

John Stoll: First I have a request from Newburgh Development for a sidewalk waiver on Hawthorne Estates Subdivision. This is located on Seib Road immediately north of Eagle Crossing Subdivision. Due to the terrain out there in that subdivision, I would recommend that the sidewalk waiver be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The second thing I have is a revised proposal from J.H. Rudolph for settling the right-of-way acquisition needed for their, from their property for the Stockwell Road project. Since this was last brought up at the meeting several weeks ago, I received a revised proposal, actually just a revised cost for the driveway work from Rudolph. Originally, back in September they had requested \$12,700 and I believe it was 88 dollars. Yes, it was \$12,788. Getting back with Rudolph to review the costs, as you had requested, they have now changed the costs to \$10,767. That's in addition to the other things that were in their original request, which were fence relocation, and that was for a cost of \$6,999.10, and also for providing some additional guardrail, and taking care of the SBC relocations adjacent to their proposed driveway relocation. So, basically, their proposal is about \$2,000 less than it was last time. I would request that this be approved. The reason that I would recommend that it be approved at this point is because the condemnation will cost more than what it will save if we continue to try to negotiate this. So, I would recommend that it be approved, subject to the conditions they outlined in their September 20th letter, and then revised with their November 4th letter.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Then, in conjunction with that, I have the agreement for SBC to actually take care of the relocations out there in order to provide the driveway widening as J.H. Rudolph had requested. This is for \$3,948.89. I would recommend that this also be approved so we could comply with the terms of the Rudolph settlement.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, on the Stockwell project, I would like to request that the contract for the project be awarded to Ragle, Incorporated for the total of \$956,628.43. Ragle was the low bidder on the project. This is contract number VC04-10-01.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: One thing I would like to point out on that contract, as you might remember, this was originally designed to try and offset some of the impacts of the FEMA studies that were going to raise the flood plain elevations all across the east side. FEMA was going to publish flood plain maps that would raise the elevations by the neighborhood of two and a half feet. This project was designed with the intent of trying to minimize the impacts out on the east side. The way it's turned out now, FEMA has turned around and there's a new contract with Morley and Associates to re-study the entire east side. So, the deadlines on the Morley study are in August of next year. There are no guarantees that the results of the Morley study will mirror what our design on this project was based on. However, we need to proceed with this project, because if we don't, FEMA can proceed with publishing flood plain maps that raise the elevations all throughout the east side, which in turn would make the whole east side subject to thousands upon thousands of dollars in flood insurance. So, even though we can't guarantee that what we've come up with with this design will be the same solution that might have been recommended if the Morley study was done first. It was based on the best available information, and, therefore, that's why I recommended it go ahead and be awarded. But, it's mainly to protect the east side from having to pay excessive flood insurance premiums all over.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request approval to go to County Council for transferring \$30,000 from the Darmstadt Road culvert account, which was account number 2030-4725 to account 2030-4733, which is the Schaeffer Road culvert. The reason for that is to cover some increased costs associated with the cost estimates we've gotten from the consultant on that project. Part of the reason that the cost increases are we're having to provide extra pipe out there on that project in order to

eliminate the need for some steeper one to one slopes. So, I would like to request approval on that.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Also, I would like to go to County Council to also request approval to transfer \$175,000 from the Mt. Pleasant Road account, the Road and Street account, which is 2160-4328, and also \$175,000 from the Lynch Road, Road and Street account, which is 2160-4827, to the University Road, University Parkway Road and Street account, which is 2160-4741. That was with the intent of trying to get a design agreement signed for the next phase of the project, which would be from Upper Mt. Vernon Road to Marx Road. The consultant has given me some estimates, they are in the neighborhood of \$350,000, and I would like to go to Council to request those transfers.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last County Council request is to transfer \$40,000 from the Riverboat Infrastructure account, which is 1490-3112, to the Jobe's Lane Riverboat account, which is account number 1490-3114. This would be to cover the remaining costs we have on the project, without having the state reimbursements. Basically, we don't have any guarantees on when the state reimbursements are coming in, as of yet. In order to provide the cash flow needed to pay out our remaining obligations with the construction contract, and pay out our obligations on the water and sewer tap fees, \$40,000 would take care of that, and then when we got the state reimbursements at a later date, we could just quietus those back into the Riverboat account. So, it's not going to obligate more county money to the project, it's just we need the money up front now for cash flow.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: I'll pass.

President Fanello: Second and so ordered.

John Stoll: Okay. Next, I have two blue claims. This is to set aside the TIF funds for the Green River Road project, and for the Lynch Road project. The first one for Green River Road is to set aside \$350,000, and this is for right-of-way for section one of the project between Lynch Road and Hirsch Road. The second claim is to set aside \$750,000 for construction of Lynch Road, Phase Three between I-164 and the Warrick County line.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have an invoice from INDOT. This is for reimbursements for a railroad grant that EUTS applied for. This is for a reimbursement of \$977.50. This is for pavement markings at various railroad crossings around the county. I request that the Commissioners approve this.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: We will get some more reimbursements later. It's just all the work hasn't been completed as of yet. Next, I would like to request that contract number VC04-10-02, the Owensville culvert replacement, Owensville Road culvert replacement, be awarded to CCC of Evansville for \$31,111.32. CCC was the low bidder on the project.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a supplemental agreement for the utility relocations on section one of the University Parkway project. The original agreement amount was for \$126,819. This revised agreement amount is \$207,819, which is an increase of \$81,000. The reason for the increase is Vectren had originally provided cost estimates on the basis of doing the work with their own in-house crews, and now they're using contractors on all that. This is federal reimburseable, so, we're only responsible for 20% of this increase. But, in checking with INDOT, this is a valid request for increase by INDOT's terms. So, I would request that this also be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have an agreement for maintenance on our Xerox copier. This is for \$204 a year. I would request that the Commissioners sign off on this. We've already gotten a purchase order on it, but they've sent us this paper that needs to be signed. So, I need it to go through with your signatures.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is a request for street plan approval. This is for an apartment complex on the southeast corner of Schutte Road and the Lloyd

Expressway. Eagle Village Drive is what they're going to call this street. Basically, what they're doing here is there's an old 50 foot right-of-way that was dedicated along this area, which is basically the south boundary of their parking lots. In order to access this, they are going to upgrade the existing rock driveway here with the county standard of 29 foot asphalt street. I've reviewed the plans, and I would request that the Commissioners approve this.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Madelyn Grayson: John, did you have a supplemental agreement for University Parkway? There it is. Okay.

John Stoll: I was going to say, I knew it was up there somewhere. That's all I have, unless you have any questions on anything else.

President Fanello: I think you covered it all, John. That's what happens when you go two weeks without a meeting.

John Stoll: I was going to say, I've got several more. It could have been even worse.

President Fanello: Thank you.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have is last week you asked me about Mr. David Miller out on 416 Marlene Drive. So, the next day I went out to look at this property, and some of the complaints. Unfortunately, it's off of the county easement of what he's complaining about. We checked the culvert. There is some potholes on Hogue Road and Marlene. So, we've got a work order and as soon we put a pothole patch crew together, we'll get out and get those. But, the pipe is causing no problem, or causing these potholes at all. So, I've tried to contact Mr. Miller and I'll do that. On several occasions I've tried to call him, but, evidently, he works during the day. I'm going to have to call him after hours.

President Fanello: Okay.

Dennis Hudnall: We have paid attention to it though. We have it taken care of.

President Fanello: Thank you. I appreciate that.

Dennis Hudnall: The only other thing I have is if you have questions on my report.

Commissioner Crouch: Dennis, did you get the e-mail from Jeff Kniese, the one I forwarded you about Burkhardt Road between Morgan and the Lloyd?

Dennis Hudnall: Yes, I've been working on that for, I was out on Upper Mt. Vernon and I talked with Mr. Kniese, and we've had a crew out there. We should have finished up today. If not, it will probably be a couple of hours in the morning. We've gone between Morgan Avenue, all the way to the Lloyd. Even though some of that is city and some of it is state, we didn't care. We're going to start...it took us quite a while because we had to shovel this by hand. We don't have a street sweeper, we have a broom that has a rotary on it, and it, I use that out on Burkhardt Road with the traffic, it's going to throw all this gravel and dirt up around these businesses and things, and we're really going to have complaints. So, if we're going to start doing these....I got a letter from Operation City Beautiful, and we've been scheduling those types of things to be done, but we're going to have to look at other equipment, because we're going to be required to do different types of things now. The city has a vacuum that actually sweeps the road. Ours is more like when we mill a road down, in order to pave it we use this broom to sweep all of it off. But, it causes a dust plume, and it's really kind of a road hazard in the city, or in the populated areas to use it. So, we may have to look at different equipment in order to accomplish some of these things. But, we should have been done with it today.

President Fanello: Thanks, Dennis.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: I don't have a report, but while I'm here I'll save myself a phone call. Bill, I haven't heard from you on the annual list of litigation and claims, when I have to do that. It's not laying on my desk somewhere is it?

Bill Fluty: That actually is done by the State Board of Accounts. They haven't presented that information to me to send to you.

Kevin Winternheimer: Okay.

Bill Fluty: So, when they give it to me, I'll send it to you.

Kevin Winternheimer: That's fine. I just want to make sure you weren't waiting on me on that. Otherwise, I have no report.

President Fanello: Thank you, Kevin.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add two late pink slips to the consent items.

President Fanello: Do I have a motion to add the late pink slips?

Commissioner Mosby: Motion to amend.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. I guess, the first thing and only thing I have is, that Burdette did receive the beautiful business award from Operation City Beautiful at their yearly function. That's the second year in a row that we've won it, and I think third overall. Then I have my work sheets. Other than that, that's all I had.

President Fanello: How did the meeting go with Northeast Aquatics? Weren't they down last week?

Steve Craig: It went excellent. They were impressed with it. We laid it all out, went up into the woods to make sure that everything, you know, matched up where they thought it would. The only thing that we seen with the infrastructure was that the electrical generator, or not generator, transformer that's down there is probably not going to be large enough to accommodate the pumps that they have. But, that would be just a problem of getting Vectren to run the line from the main, which it's a straight shot from the main road. We've got the numbers off of it, and contacted Vectren, and they said it's just something that we need to design with them when we make a decision on putting it in. We will give them our infrastructure plan so that they can design it with it. We already have the transformer there, it's just not large enough right now to run everything.

President Fanello: When will Northeast Aquatics be finished with it?

Steve Craig: I expect any day. He told me two weeks, which it was two weeks ago today, I think, that he was here.

President Fanello: From that they would prepare the bid?

Steve Craig: Yes.

President Fanello: Okay. Did they have a time frame on how long it would take for them to prepare the bid?

Steve Craig: No, he didn't say. We would have to get it for our approval, and give it back to them. I can give him a call tomorrow and find out how long it would take.

President Fanello: Yeah, to see where they're at in the process, and how long it's going to take.

Steve Craig: Yes, ma'am. Any questions?

President Fanello: Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's reports?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: And a motion to accept consent items.

Commissioner Mosby: Motion to accept consents as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. And a motion to adjourn this very long meeting.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 7:57 p.m.)

CONSENT ITEMS:

Jail Expenses:

United Consulting Engineers: \$962.50
James L. Shireman, Inc.: \$55,000

Energy Savings Contract Payment: Old Courthouse:

Energy Savings Group: \$605,442.15

Travel Requests:

Health Department (6)	County Engineer (1)	Commissioners (1)
County Assessor (1)	Voters Registration (2)	Knight Assr (1)

Requests for Telephone Service:

Superior Court (1)	Treasurer (1)	Sheriff (1)
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Employment Changes:

Cumulative Bridge (1)	Area Plan (1)	County Clerk (3)
Auditor (2)	Sheriff (1)	VCCC (3)
DADS (1)	Burdette Park (1)	

Auditor: Submit A/P Voucher.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Patty Avery
Tammy Barnett	Betty Knight-Smith	Jennifer Kennedy
Tim Slack	Chuck Meny	Robb McGinnis
Keith Jarboe	Kent Irwin	Brad Ellsworth
Kenneth Grimes	Jerry Jones	John Stoll
Dennis Hudnall	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded by Madelyn Grayson. Transcribed by Teri Lukeman and Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 15, 2004**

The Vanderburgh County Board of Commissioners met in session this 15th day of November, 2004 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 November 15th. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of November 8, 2004 Commission Minutes

President Fanello: Do I have approval of the November 8th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. Phil Lawrence. Is Phil here? Okay, we will move on to discussion items, and if Phil Lawrence comes in we'll move back to Purchasing.

Election Equipment Audit

President Fanello: The first item is the election equipment audit. Matt Arvay is here tonight to give us some information.

Matt Arvay: I've got a few hand outs here tonight. I was able to find two groups that actually proposed and gave us some budgetary numbers.

President Fanello: You gave me two of these.

Madelyn Grayson: Matt, do you have a set for the record?

Matt Arvay: The budgetary numbers range, the SysTest group is a group that ranges from \$35,000 to \$40,000 to do the tests. It's basically to review current processes and procedures with the electronic voting equipment, perform an audit on the election night results, and to perform a mock election with the machines. The SysTest group, they were one of three groups that the federal government selected to certify these voting machines. It was SysTest, Cyber, and Wiley. SysTest was the only group that was able to certify it from a hardware and a software standpoint. From hardware they tested things like temperature and emissions, and then they ran through a series of tests on the software, and then they gave the certification. So, they did certify the ES&S equipment that we use here in the county. If these budgetary numbers are something the Commission would like to move forward on, they would propose more of a formal proposal with a scope and methodology and

a deliverable. The other group is more expensive, as you can see, and they went ahead and did more of a formal proposal.

President Fanello: Are we supposed to add the three costs and that's the total cost of their proposal?

Matt Arvay: Yeah, you can, if you want to do all three things that are proposed, you would add them all up. If not, if you just wanted to do an audit of the election night results, you would just take that line item. If you wanted to just do the mock election, kind of did it like a shopping list.

President Fanello: So, theirs is about \$112,000, is that right? Is that what you have?

Matt Arvay: That's what I have.

President Fanello: Well, obviously, I would suggest that we go with the lowest cost bidder. I don't know if we want to take a week to look at this. They will give us a more formal proposal.

Commissioner Crouch: Where would we pay for this out of?

President Fanello: We actually have the money in our IT budget. I believe we could either pay from it as a contractual service item, but we do have money in Contractual Computer. So, we do not need an additional appropriation.

Commissioner Crouch: The audit tomorrow, will that, how will this differ from that?

Matt Arvay: I'll be there tomorrow. I haven't been through the process yet, so, I can't really answer that at this point. But, I will be there tomorrow with ES&S to make sure that I learn the process. I met with Marsha Abell last week to get a crash course on the system. So, I'm still getting up to speed on exactly what they're going to do. They're going to be comparing the numbers to computer print outs, making sure that the machines are zeroed out, but exactly how that differs at this point, I don't know.

President Fanello: Well, and I think the major difference is that ES&S is auditing themselves, which some could perceive as a conflict of interest. I believe it probably is in our best interest to do an independent audit, which I haven't run into anybody who disagrees with that at this point. So, that's the major difference, they will be auditing themselves.

Matt Arvay: That's true.

Commissioner Crouch: Are other counties or other cities, etcetera doing independent audits?

Matt Arvay: Actually, they are. I don't have a list of them, but I can. They were going to provide a few references that I can forward to the Commission this week. I believe in Colorado they were doing it, I believe Ohio also may have done some things. They use the Diebold system versus this iVotronic system, but there are some people that are doing it. When I called SysTest they kind of laughed, because a CIO is going through the same thing out in Colorado.

Commissioner Mosby: Do you want a motion for....I'll make a motion to get a formal proposal.

President Fanello: From SysTest?

Commissioner Mosby: SysTest, yes, the lowest provider.

Commissioner Crouch: I'll second that. You know, the \$37,500, while it may be in our budget, it's still a substantial amount of money. I was hoping that the audit tomorrow with you as Chief Information Officer, and then the Republican and Democrat appointees would be able to answer a lot of these questions, and reassure the public, or be able to address the problems that surfaced. So, you know—

Matt Arvay: I can provide you with a report with ES&S after tomorrow's audit.

President Fanello: Patty, did ES&S get back with us on a time? ES&S has refused, I won't say refused, they sent Patty an e-mail this afternoon, I believe, they have still not gotten back with us on a time to tell our appointees to meet tomorrow. I mean, that's unacceptable. I don't know how we can proceed tomorrow. We can't go home and call these appointees tonight, or call them early in the morning and say be somewhere in 30 or 40 minutes. I would ask that ES&S not proceed tomorrow until our appointees are notified of the time, and we give them ample time to be there.

Matt Arvay: Okay, I'll call Robb and Linda Bennett, because those are the two folks I've been trying to communicate with, and see exactly when they are going to show up and reschedule this thing.

President Fanello: You know, we're making a \$2.9 million investment in this voting equipment. To spend \$37,000, while that is, you know, a lot of money, it is still a drop in the bucket compared to \$2.9 million worth of equipment. Which, this equipment, there are many articles out there, we went through this last week, of computer glitches happening across the country. In fact, there was one in the 9th District that I heard about on Friday, actually overturned an election. It was a different type of, it was an optical scan machine, but they still run on computers, and there was a computer glitch. I think if we're going to spend \$2.9 million dollars on voting equipment, with no paper trail at this point, and no legislative required paper trail, that we need to, you know, make sure that we're getting our money's worth. I don't know why anyone would be scared of an audit, or not want to do that. So, I had a motion and a second to get a formal proposal from SysTest, and we need to make our appointments now.

Commissioner Crouch: I would like to appoint Tom Massey. He's an attorney with Bowers, Harrison, Kent and Miller, and he has recently, or he served as a Republican appointment to the Election Board, along with then County Clerk, Betty Knight-Smith, and Wayne Trockman, the Democrat appointment from 1994 to 1996. He was most recently Mayor Lloyd's appointee to the Police Merit Commission from 2000 to 2004. I think he has the kind of election understanding, and he was the Deputy Director, or Deputy Attorney in the Election Office for about eight years also. So, I think he has the experience and understands the process, and I would like to nominate him.

President Fanello: Okay, do I have a second on that?

Commissioner Mosby: Second.

President Fanello: And, um—

Matt Arvay: I also wanted to make mention that a USI professor, Peter Caithamer, I hope I'm pronouncing that right. He ironically was having a November colloquium on the electronic voting, and he's offered to volunteer to assist in any manner in this audit or review of our processes. So, if that's okay–

President Fanello: Why don't you, I would suggest, if it's okay with the other Commissioners, you get in touch with him and have him be with you and the other two....we're getting ready to make our other appointee.

Matt Arvay: He's an assistant professor of mathematics at USI.

President Fanello: Okay, and, Commissioner Mosby, do you have a Democrat appointee?

Commissioner Mosby: I would like to appoint Tammy Barnett.

President Fanello: Okay. Tammy has been to this meeting a couple of times. She was even here last week, and I believe she is a regular citizen, I'll say, not a public official or anyone who's participated in an election in the past. So, that will be a good compliment to Tom, who does have experience. She'll bring an outside perspective to the audit. Do I have a second?

Commissioner Crouch: Second.

President Fanello: We have a motion and a second, so ordered. Thank you, Matt, for working on that this past week.

**Second/Final Reading of An Ordinance Concerning
the Central Dispatch Board**

President Fanello: Next item is the second reading of the ordinance concerning the Central Dispatch Board.

Kevin Winternheimer: Yes, as stated last week, what this attempts to do is allow the, most of the elected officials on the board currently have the right to have a proxy, or to designate someone to appear in their absence. This gives the other members that right. It's been passed by the city, recommended by the Central Dispatch Board, and I have not heard any comments on this otherwise.

President Fanello: Are there any comments? Anyone in the audience, or Commissioners?

Kevin Winternheimer: I'll just make a further note, as a reminder. We will need to forward this on to the County Council, because this does amend the working agreement, the inter-local agreement between the city and the county. So, we'll need, they'll just need to give their approval to it to make it effective.

Commissioner Mosby: I'll make a motion that we adopt.

Commissioner Crouch: And I'll abstain.

President Fanello: And I'll say second and so ordered.

Commissioner Mosby: You need to call the roll.

President Fanello: We need a roll call vote, right?

Kevin Winterheimer: Right.

President Fanello: Roll call. Commissioner Crouch?

Commissioner Crouch: Abstain.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote aye. Ordinance passes.

First Reading of an Ordinance Establishing an IT Governance Structure and Approval Process for Enterprise Technology Resources

President Fanello: The next ordinance we have is the first reading of an ordinance establishing an IT governance structure. What this does is amend the current Data Board ordinance. Actually, replaces the current Data Board ordinance. The Data Board has looked at it, the courts have looked at it, the Mayor has reviewed it, and he will be obtaining approval on the city side. Matt has actually worked very hard on it. I don't know if there are any questions or not, but, basically, what this does is actually give more involvement to all departments. The Mayor is concerned on his side, and as I am concerned on our side that we have a lot of different offices kind of doing their own thing, and going about the approval process in a different way. I think what this does is establish a structure and an approval process, and it establishes some accountability for all the technology funds being spent, which the majority of them are spent jointly between the city and county. It does give a lot of representation on the business review committee. It also allows for a technical review committee, and allows for every department to participate in a sub-committee. I believe it, obviously, enhances the participation more than what we have right now. Are there any questions? Okay, do I have a motion to approve on first reading?

Commissioner Mosby: Motion to approve on first reading.

Commissioner Crouch: I'll abstain.

President Fanello: Okay, and I will second and so order. I ask that second reading be put on for next week.

First Reading of an Ordinance Concerning Public Construction Projects Awarded by the County

President Fanello: The next ordinance is an ordinance concerning public construction projects, and I believe deals with drug testing, and Kevin can explain that one.

Kevin Winterheimer: Yes, and I apologize on the, we'll need to amend this, on section one, on the title, this comes off of something the city did a few weeks ago, and I did not change, believe it or not, under the title of section one it says

amendment of city code. That needs to say county code. I thought I caught all of those, but what this does, it has two aspects, the first aspect is that it states that if you are a contractor doing a construction project over \$10,000, that you will be required to have a random drug testing program. The minimal requirements are set forth on page two, and continues on to page three, but you are required to have this drug testing program in place in order to submit a bid or a quote on a county project. Many, many companies have this type of program in place, but you would be required to have such a program, at least this stringent, to bid on a county project. The second aspect of this ordinance is found on page three, and what that requires is that each contractor or subcontractor bidding on a county project will be required to, at the time they submit their bid or quote to be licensed by the Building Commissioner's office to that type of work. That requirement will make sure that everybody has the appropriate masters, or so forth, certificates, licenses that are needed to do the various components of the work that is being done. That, in a nutshell, is what this ordinance involves. This was passed by the city a few weeks ago.

President Fanello: Are there any questions?

Commissioner Mosby: Motion to approve on first reading.

Kevin Winterheimer: With the amendment to...on the title to say county.

Commissioner Mosby: With amendment that section one says county code.

Commissioner Crouch: I'll abstain.

President Fanello: Okay, and I'll approve this, since it calls for random drug testing, which I believe is extremely important. I'll ask that it be put on for second reading next week. Let's see, Phil Lawrence didn't come in, did he? Old business, or public comment.

Public Comment

President Fanello: Anyone in the audience wishing to address the board at this time? Yes, sir.

C.J. Risch: On what you've already talked about?

President Fanello: Anything you want to bring forward.

C.J. Risch: I live in Ivy Meadows Subdivision out off of Oak Hill Road. The subdivision has been finished approximately two years. The streets and improvements still have not been accepted by the county. The Engineer's office says that there is nothing else they can do for us. I guess there is some relatively minor work, I believe, that the contractor still needs to do. The contractor is Chuck Murphy, he's not working with us. I believe you have a copy of a petition that the neighbors all signed and sent to him, but he's ignored it. Is there anything that the Commissioners can do in a situation like this?

President Fanello: Where's our County Engineer? Is he back there?

Tammy McKinney: He stepped out.

President Fanello: Did he step out? If you want to hold on just a second until our County Engineer comes back in here. I'm going to get John Stoll up here and see what, have you explain this situation.

C.J. Risch: Actually, I've talked with him.

President Fanello: Oh, you did talk with him? I kind of need to hear his perspective.

C.J. Risch: Okay.

President Fanello: And his side. Can you hang around for a few minutes?

C.J. Risch: Sure.

Madelyn Grayson: Sir, can you state your name for the record, on the microphone.

C.J. Risch: Yes, my name is C.J. Risch.

President Fanello: Is there anyone else in the audience? Seeing none.

Old Business

President Fanello: Old business. Kevin, I think I sent you...I'm sorry.

Bill Fluty: I've got something.

President Fanello: I think I sent you an e-mail the other day. Dave Dial called from WNIN, and they are about ready to, they are waiting for the equipment to come in. They think we'll have our meetings up and running, as far as televised by the beginning of December. He was saying that, or suggesting that we might want to do an ordinance regarding the content of those, and they're not to be used in political commercials. He said there are some other t.v. stations, I guess, that have a policy like that. I don't know if that's something that we can do.

Kevin Winterheimer: Well, you may want to just consider doing is just retaining, essentially, I think, is just retaining the rights to that. That's what you see at the bottom of most broadcasts saying that it can't be rebroadcast without the, in this case, it would be the permission of the Commission.

President Fanello: Okay.

Kevin Winterheimer: That kind of thing. I can take a look at that, and try to bring something back—

President Fanello: Can you take a look at that.

Kevin Winterheimer: —at the next meeting.

President Fanello: Alright.

Kevin Winterheimer: Along that line. I mean, it's going to be available for the public to use for their own private thing, but if somebody would try to put you in a Coca-

Cola commercial or something, who knows. It's pretty standard to say that if you're paying for it that you retain the rights, the copy rights and all that to that material.

President Fanello: Okay.

Bill Fluty: Yes, today the County Clerk received, I think, \$857,744 for reimbursement from the voting machines. She resubmitted a blue claim, and would ask for all of it to be paid out of those reimburseable things, and we would save our money.

President Fanello: So, she resubmitted one, and we just need to sign it.

Bill Fluty: Yes, and I'll pull those other claims.

President Fanello: That's great. So, you can kind of void the appropriation that we asked for.

Bill Fluty: Well, I think that money will go in there and be held—

President Fanello: Okay.

Bill Fluty: —and then, you may need it at a later date.

President Fanello: Okay. Alright.

Bill Fluty: Just on those reqs that we talked about last week. I did talk with Tom Simpson, and he didn't have a problem with our 3000 correct accounts.

President Fanello: Okay. If he's okay...I didn't, I missed him last week and didn't get a chance to talk to him.

Bill Fluty: Then again I have one that was County Highway that was a 3000 account—

President Fanello: Right, and I didn't approve that one either.

Bill Fluty: —for the same KRONOS. So, but it's signed off, so.

President Fanello: Okay.

Bill Fluty: So, if you could sign that, we can move that forward.

President Fanello: Thank you, Bill.

New Business

President Fanello: New business. Any new business? Yes, Matt.

Matt Arvay: What I have is an enrollment form. It's from ASAP Software. It's basically allowing us to piggyback on the state's Microsoft licensing agreement. It's, we're not bound, I had Kevin review it. We're not bound by minimums or anything like that, but it would save us probably tens of thousands of dollars a year on all the Microsoft products. In the past we've purchased through Softmart. We've compared their numbers with this ASAP Software, and we're saving \$100 to \$300 per license

on things like Office and all the different kinds of Microsoft products. So, once again, we have no liability, the state, they have all the liability, but we reap the benefits.

President Fanello: So, basically, it's off the state bid?

Matt Arvay: Yeah, it's off the state bid.

Commissioner Crouch: Kevin, you've reviewed this?

Kevin Winterheimer: Yes, yes, I have reviewed the document, and all that. It's fine, it's just that we're going through the state rather than through this other company, and if we can save some money, I think it's great.

Matt Arvay: If we try to get into a Microsoft select agreement ourselves, you would have minimums that you would have to meet, and they penalize you years after if we don't meet, we don't purchase as many licenses. This way the state has all that liability, and we just reap the savings.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Matt. Department head reports, is John back in here? Okay, can you go look for him please? County Highway.

County Highway

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I have a few items that we've been working on that the Commissioners have requested that we look at. The first one was crack sealing on Hillsdale and Browning Road. We talked to a neighborhood association person out there, I can't recall his name, but that has been completed, that job, in the whole subdivision. Another one is Commissioner Fanello requested that the road from Lynch Road north be repainted. That has been completed. Commissioner Mosby, I think, requested that Upper Mount Vernon between Vaness and Tekoppel be repainted, and that has been completed. We continue to do concrete in several subdivisions, like Gun Powder Lane, Ashmore Estates and so as the weather permits. That's all I have this evening, unless you have any questions.

President Fanello: Does anybody have any questions? Thank you, Dennis.

Commissioner Crouch: Thank you for Burkhardt Road.

County Engineer

President Fanello: John.

John Stoll: First I have a street acceptance request for Stonecreek P.U.D., Section One, Phase Two. This is located up off of Seib Road and Kansas Road. The street acceptance is for 290' of Galleon Drive, 244' of Galleon Court, and 271' of Chatteris

Road. It is requested that these streets be accepted for maintenance. They were built in general conformance with the approved plans.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I would like to request approval of the contract for the Rodenberg Avenue culvert removal and replacement project. This was contract number VC04-11-01. I request that this be awarded to Deig Brothers for the amount of \$17,295. They were the low bidder on the project.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I've got another contract to award to Deig Brothers. This is for the Seven Hills Road culvert sliplining project. This is project number VC04-11-02. Deig's bid on this project was \$4,762, and it's recommended that this also be awarded to Deig Brothers.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a travel request that I didn't get in on the agenda when we submitted the consent agenda Thursday, but this is for me and for Pat Seib to attend an Indiana LTAP seminar in Indianapolis on November 30th and December 1st.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a right-of-way encroachment agreement. This is for the Plumbers and Steamfitters training center located at 4301 St. Joe Avenue. The property owner there is requesting approval to have some light poles for their parking lot lighting encroach in the St. Joe Avenue right-of-way. Here's St. Joe Avenue, this is north going this way, and here are their encroachments in the right-of-way. I had Kevin take a look at this encroachment agreement, he was okay with it, other than we do need the property owner to provide a legal description for the recorded deed for his property as an attachment. They will also need to provide a check for the recording fees. Other than that, everything was okay. But, basically, all they are

asking for is approval for those two light poles to be in the right-of-way, plus the conduit connecting those. They have provided a certificate of insurance as well. So, I would request that this be approved subject to them providing the deed and the check for the recording fee.

Commissioner Mosby: I'll make a motion to approve subject they provide the description.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item I have is a request for a street plan approval for Heritage Park Subdivision. This is located at the southeast corner of Lynch Road and Green River Road. This is the subdivision that will have access to Lynch Road, as you can see up here, at Cullen Avenue. We have been working with the designers and reviewed the plans, would recommend that the plans be approved subject to a couple of conditions. First is that Cullen Avenue needs to be relocated, as far as the right-of-way break is concerned. The original right-of-way break for Lynch Road is a couple of hundred feet east of where it's shown on these plans. Back about five years ago a covenant was signed for this property by the Commissioners that allowed the relocation of this access point from this eastern location to where it's shown on these plans. However, no legal descriptions, no paperwork has been prepared as of yet that physically closes the other break in the right-of-way and opens up this one. So, the first condition would be that the developer continue to work on all paperwork needed to close the existing right-of-way break, and open up this new one. Their attorney has been working with Kevin in regard to this as well. So, that would be the first condition. The second condition is that Cullen Avenue lies within a Vectren easement, and the developer will need to get Vectren approval for the road encroaching in the Vectren easement. Similar to what we had to do whenever we did Harlan Avenue back last year, or a couple of years ago, I can't remember when it was. Anyway, they've got a requirement that it can't be closer than five feet, at least that's what the old standard was. I believe it's still the same. The curb can't be any closer than five feet towards their existing electric power poles out there. So, Vectren approval would be a second condition, and, third would be that the consultant would continue to work with us in regard to making some changes at the Green River and Heritage Park Drive intersection. This had some grades that we were concerned about, and I just spoke with the designers and they were willing to take a look at what Pat Seib and I had come up with as far as changing the grades to try and improve it and try to make the drainage work and also make a flatter approach at Green River. So, subject to those three conditions, I would recommend approval of the plans.

Commissioner Mosby: Motion to approve subject to the three changes that the County Engineer mentioned.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: As of yet the developer also shows a future frontage road that would connect to the Schnuck's development to the south. As it stands right now no agreements have been worked out with the adjacent property owner to connect those two up, as of yet, but there is also the possibility that there will be another road

connection there at some later date that we may end up bringing back to the Commissioners, if it turns out that they want to put a public road rather than a private road at that location. Other than that, that's all I've got for my report.

President Fanello: Any questions? Thank you, John.

John Stoll: Thanks.

Commissioner Mosby: Was you going to ask John about Mr. Risch's problem?

President Fanello: Oh, I'm sorry, yes. Ivy Meadows Subdivision, can you come forward C.J.? I'm sorry to have to ask you to explain this again. Have you spoken with C.J. on the telephone?

C.J. Risch: I've never spoke with Mr. Stoll.

President Fanello: Okay.

C.J. Risch: I've talked to Pat Seib about Ivy Meadows. I believe, I think Susan Harp talked to you just the other day about it, where Ivy Meadow, the streets still haven't been accepted by the county. I guess, there's a few things that Chuck Murphy needs to do, but you indicated that your office, you have no power to force him to do it, or anything like that. But, I mean, is there anybody in the government that can pressure him to get this work done?

John Stoll: We've sent the developer a couple of punch lists over the years about some relatively minor work that needs to be finished, but it still has never been finished. The way the Plan Commission's ordinance is, he has a letter of credit, but the ordinances don't dictate any ultimate deadline for when he has to have the work completed, as long as he maintains a letter of credit on the improvements. So, that's kind of where we are right now. The developer, who is Chuck Murphy has his letter of credit, but we don't have an enforceable time limit on when he has to have the work done. That's where we've been at a standstill as far as trying to get the work finished to where the streets can be accepted and we can get all the street signs posted, and things like that. He's got some minor street work to do, and he's got some drainage work to do, but since he's renewed his letter of credit, then he's in compliance with the Area Plan Commission's codes.

C.J. Risch: I mean, are we assured that eventually this is going to be done? I mean, the money is there to do the work, but, I mean, that we don't get stuck with fixing the streets down the road.

John Stoll: He just renewed his letter of credit. His consultant just gave me a new estimate, it's probably been about a month ago, and the estimates actually went up, not down to try and make sure it does cover the cost of all remaining work. The only option I know of other than that, and Kevin would have to research the legality of it, we've never called in a letter of credit for developer inactivity.

Kevin Winterheimer: The other option would be to file suit, if the county thought it was a public need, and try to use the letter of credit as a source of funds. That's kind of the purpose of the letter of credit is a guarantee that that money is available. The normal inducement for, or there's two normal inducements for developers. One is, once it's accepted by the county, it's sort of off their back, so to speak. The second is, each time they renew that letter of credit, it costs them money. So, the motivation

is get it accepted by the, get it done, get it accepted by the county, so you don't keep paying that fee with the bank to renew that letter of credit. But, that would be a final option that the county would have would be to go to court and have a court order to make these, and then if he doesn't do it, use that letter of credit funds to hire a contractor to come in and do it, with court approval. So, that option is always out there. It's not used very often, but it is available.

John Stoll: I was going to say, I don't recall ever having called in a letter of credit. It seems like in the past the only time a letter of credit has ever been called in is when the developer has basically defaulted on it and walked away from it.

C.J. Risch: So, the contractor is required to keep putting up more money each time it's decided it's going to cost more to do the work that you say is required?

John Stoll: Yes.

C.J. Risch: Is that how it works?

Kevin Winternheimer: He pays a fee to the bank to have that letter of credit issued. It's not, of course it's not the full amount of what, but it's a fee that he pays to the bank. So, it costs him money each time. I don't know, how long are those good for, six months or a year?

John Stoll: Usually a year.

Kevin Winternheimer: A year, so, each time he goes in every year he has to pay the bank another fee to renew that letter of credit. So, the economic motivation is to get it done.

C.J. Risch: The Engineer's office sees that it's renewed each time?

John Stoll: Yes.

C.J. Risch: I mean, how do we know that it's just not going to lapse.

John Stoll: Whenever his letter of credit comes due, his consultant gets with our office and submits an estimate for that work. Area Plan Commission also notifies us as well. So, they have to provide an estimate that we sign off on for the remaining work. Plus the engineer on the project has to sign off on it as well. So, he's taking responsibility for saying that's the correct number, and then we're agreeing with his number by signing it. Like Kevin was talking about, it's in the developer's best interest to try and finish up the work, because as long as this remains unresolved out there, things can deteriorate, and his costs can keep going up, as opposed to down. That has happened, because there's another section of curb out there that wasn't on our original punch lists that we've since added. So, it's in their best interest to finish it, but, for some reason he's not finished this one.

C.J. Risch: So, but, like the Commissioners can't, I mean, deny approval for future projects of his until he finishes things like this?

John Stoll: That would be a question for Kevin, but it seems like usually these days they set up a different LLC for every subdivision to—

Kevin Winternheimer: That is more common than not that's the case. There is technically a different company involved in each development. The quick answer is, generally not. Although, if he does appear before this board, or another governmental entity, and he makes certain representations or promises to get a permit, such as zoning or something else, you know, they can always consider his past performance, and his good word to these boards, you know, what his record is with them when they consider what they are going to do or not do. So, generally, like I said, a letter of credit, and then, ultimately, if we had to, we could file suit. Of course, all the homeowners have that prerogative too. As he had an agreement with all of you that he was going to develop it in a certain manner, make certain improvements and get that job done, and apparently he hasn't done that. So, he hasn't made all those improvements that he's supposed to.

C.J. Risch: But you mentioned that the county, after a certain period of time, the county might file suit against him?

Kevin Winternheimer: That's a possibility, yeah. It would be up to the Commissioners to make that decision.

C.J. Risch: Do, I mean, do homeowners normally have to take it upon themselves—

Kevin Winternheimer: Normally it's done after they get tired of paying those fees to the bank, they do it themselves, they take care of it.

John Stoll: I was going to say, common practice has been that the developer wants to get the improvements done and turned over and accepted as fast as possible, just so he doesn't have that on-going expense. Why this one is different, I'm not really sure.

C.J. Risch: Okay. Should we give this a certain period of time and check back with you?

Kevin Winternheimer: I was going to suggest—

C.J. Risch: Could the Commissioners—

Kevin Winternheimer: —maybe John could write a letter to him and maybe ask him for his plan, if he has one.

John Stoll: We've done that back in, I believe the first letter that I sent was in July, and then the neighborhood got a petition together, and, I think, that was in September.

C.J. Risch: Yeah, you gave him until November 1st, and nothing was done.

John Stoll: In the letter that I sent, I asked for his schedules, and we got no response. So, I don't think that's going to do any good. I can draft one up for the Commissioners signatures, maybe that will carry a little more weight.

President Fanello: Maybe, could the County Attorney send one?

Kevin Winternheimer: Sure. Give me his, call me tomorrow with the information.

John Stoll: Okay.

President Fanello: Maybe you could draft the information—

John Stoll: Okay.

President Fanello: —and let Kevin—

C.J. Risch: You'll send him a letter?

Kevin Winternheimer: Yeah, sure.

C.J. Risch: Okay. I would appreciate it.

Kevin Winternheimer: We'll see if it will get his attention. That's all we want, and it's in his best interest too to get it done quickly.

C.J. Risch: Thank you.

John Stoll: I can draft that.

President Fanello: Thank you.

Commissioner Mosby: Thanks, John.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: I just have a couple of matters. First of all, I hope you all got advanced notice that we had to cancel the Executive Session. It was scheduled, and Mr. Born had something he couldn't get out of, and he would like to do that, if you are available, next Monday, the 22nd at 5:15. It's a litigation matter, and I would like to discuss it at that time, if that's okay.

President Fanello: Fine with me. Do I have a motion to set it at 5:15 next Monday?

Commissioner Mosby: Motion to set Executive Session the 22nd at 5:15.

Commissioner Crouch: Second.

Kevin Winternheimer: The other matter is just a follow up, with all the busy schedules we finally have a meeting scheduled with the insurance people on the community corrections for Friday, I believe it is. Anyway, hopefully, we can get a couple of issues that are outstanding all wound up, and get that finally resolved. That's all I had.

President Fanello: Okay.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late pink slip to the consent items. That's all I have.

Commissioner Mosby: Motion to add late pink slip to consents.

Commissioner Crouch: Second.

President Fanello: So ordered.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. In addition to our work report, we would like to request permission from the Commissioners to advertise bids for the construction process of the lazy river ride at Burdette Park.

President Fanello: As that is in our budget for this year, do I have a motion to advertise?

Commissioner Mosby: Motion to advertise.

Commissioner Crouch: I'll abstain.

President Fanello: I will second, and so order. Advertise dates? You don't know those yet, do you?

Kevin Winterheimer: It will depend on when we'll receive the bids, that's the important date.

President Fanello: Right.

Gary Hohman: I would like to advertise on the 19th and the 26th, and bids be returned on the 10th.

President Fanello: Okay.

Madelyn Grayson: The 10th is a Friday.

President Fanello: Oh, yeah.

Commissioner Mosby: The 13th, Monday.

Gary Hohman: The 10th is the ten day limit.

Kevin Winterheimer: We need to have it in the meeting, it would be the 13th.

President Fanello: Okay, anything else, Gary?

Gary Hohman: That's all, ma'am.

President Fanello: Any questions for Gary?

Gary Hohman: Thank you.

President Fanello: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: And a motion to—

Commissioner Mosby: Motion to accept consents as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.¹

¹Consent items listed on page 20.

**VANDERBURGH COUNTY
REZONING BOARD
NOVEMBER 15, 2004**

The Vanderburgh County Rezoning Board met in session this 15th day of November, 2004 at 6:15 p.m. in Room 307 of the Civic Center Complex with President Catherine Fanello presiding. The rezoning petitions were heard during the course of the regularly scheduled Commission meeting.

President Fanello: We'll now have our rezoning meeting.

First Readings:
VC-1-2005: Petitioner: Dayton Freight Lines
Address: 11601 N. Green River Road
Request: Change from Ag to M-2

VC-2-2005: Petitioner: Madisonville West Properties, Inc.
Address: 601 S. Boehne Camp Road
Request: Change from Ag to R-3

President Fanello: Okay, we'll call to order, well, I guess, we don't need to call to order, we're already in order, rezoning meeting, first reading, VC-1-2005, change from Ag to M-2. Do I have a motion to approve on first reading?

Commissioner Mosby: Are you going to read both of them? You've got two.

President Fanello: Well, I know.

Commissioner Mosby: Motion to approve VC-1-2005 on first reading.

Commissioner Crouch: Second.

President Fanello: So ordered. First reading also, VC-2-2005 from Ag to R-3.

Commissioner Mosby: Motion to accept VC-2-2005.

Commissioner Crouch: Second.

President Fanello: So ordered.

Final Readings: VC-9-2004
Petitioner: Red Bank Development LLC
Address: Boehne Camp Road
Request: Change from Ag to C-4
Action: Approved 3-0

President Fanello: We have a final reading for VC-9-2004. Is there anyone here to speak to that ordinance?

Kevin Winternheimer: Is that the one that Mr. Shively had?

President Fanello: That's what I'm—

Kevin Winternheimer: He caught me in the hall and said he was going to be a few minutes late.

President Fanello: Okay.

Kevin Winterheimer: He had to speak at some meeting or something.

President Fanello: You're up, Mr. Shively.

Les Shively: I was talking to Mr. Risch about his road problem. I guess, he's already talked to you all and the Highway.

President Fanello: Yes, he has. We're going to have Kevin send a letter.

Les Shively: Good. Madam President and members of the Board of Commissioners, this rezoning request, just to make it simple, do you have a copy of the staff report?

President Fanello: Yes, I think I do. Does everybody have a copy?

Les Shively: Basically, we're seeking to rezone this little corner here, and the reason we're doing that is this is a funny shaped lot, as you can see, and the building, this is going to be a building for a medical family practice facility. Without adding this little bit of acreage, we would have to get variances for green space, parking, setbacks, and such, and the staff of the Plan Commission said we prefer you not to do that. We would rather you keep within code and add this little bit, this little bit of property will all go with the same legal description, it couldn't be used for anything else. By the way, everything south of that is up for rezoning to R-3, so it will continue with that residential buffer. So, again, this rezoning is pretty straight forward, it's just to allow the family practice center to go forward without having to ask for a bunch of variances, which is what the Plan Commission staff recommended.

President Fanello: And it passed Area Plan?

Les Shively: Ten, one abstention, one no. The, I think the no, although, Mr. Lockard thought we owned the property to the south, and, anyway, didn't know why we didn't include it in the beginning. We told him that we didn't own that property anymore.

President Fanello: Is there anyone in the audience wishing to speak to this rezoning?

Commissioner Mosby: Motion to adopt VC-9-2004, and call the roll.

Commissioner Crouch: Second.

President Fanello: So ordered. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

Les Shively: Thank you very much.

President Fanello: Thank you, Mr. Shively. Rezoning passes. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:20 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department (3)	Center Assessor (1)	German Assessor (1)
County Clerk (1)	Perry Assessor (1)	County Engineer (1)

Requests for Telephone Service:

Superior Court (1)	Sheriff Department (1)
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Employment Changes:

Area Plan Commission (1)	German Assessor (1)	Circuit Court (3)
Center Assessor (2)	Auditor (3)	Prosecutor (4)
Sheriff Department (2)		

Sheriff Department:

Submit Weekly Jail and Community Corrections Reports.
Submit Surplus Letter of Miscellaneous Equipment.

Recorder: Submit Surplus Letter for Chairs.

Commissioners:

Submit Report of Lobbyist Activity.
Agreement with Library for use of Browning Events Room.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Matt Arvay	C.J. Risch	John Stoll
Dennis Hudnall	Gary Hohman	Bev Behme
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 22, 2004**

The Vanderburgh County Board of Commissioners met in session this 22nd day of November, 2004 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 Vanderburgh County Board of Commissioner meeting, November 22nd. Introductions are as follows, to my right, Tammy McKinney; sitting in for County Attorney tonight is still a county attorney, Tim Born; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of November 15, 2004 Commission and Rezoning Minutes

President Fanello: Do I have approval of the November 15th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of November 22, 2004 Executive Session Summary Minutes

President Fanello: Do I have approval of the Executive Session?

Commissioner Mosby: Motion to approve the Executive Session minutes tonight. The Executive Session started at 5:15, and ended about 5:25, and discussed pending litigation.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Award: APA-002-2005: Crushed Stone
APA-003-2005: Sand and Gravel; APA-006-2005: Oil Products
APA-008-2005: Batteries**

President Fanello: First item is permission to award bids. Phil Lawrence.

Phil Lawrence: Thank you, Madam Chairman, Board members. I would like to award APA-002-2005, crushed stone to Mulzer Stone, was the low and only bidder on that particular project.

Commissioner Mosby: Motion to award crushed stone to Mulzer.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: APA-003-2005, sand and gravel, also to Mulzer Stone, \$16,304.10. Also, the lowest and only bid on that one.

Commissioner Mosby: Motion to award sand and gravel.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: APA-006-2005, oil products, awarded to Goedde Oil, who was the low bidder at \$20,951.54.

Commissioner Mosby: Motion to award to Goedde.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phil Lawrence: APA-008-2005, batteries, low bidder was Busler at \$2,233.74.

Commissioner Mosby: Motion to award to Busler's.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Defer Award of VC-036-2005:
Transportation for Family and Children Services**

Phil Lawrence: VC-036-2005, transportation for Family and Children Services. The bids were real close. I've talked with John Schroeder, and he would like to have a split award. They've had some challenges in the last four or five years with Yellow Cab arriving late, and having some issues, and, so, he's asked that we give a split award so he can continue to put some pressure on Yellow Cab.

President Fanello: Have you talked with the County Attorney about that?

Phil Lawrence: No.

President Fanello: I would probably prefer that you did that--

Phil Lawrence: Okay.

President Fanello: --before we actually award it, if that's okay with the Board.

Phil Lawrence: Will do.

Commissioner Mosby: Motion to hold VC-036.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for APA-004-2005: Gasoline and Fuel Oils

Phil Lawrence: Permission to open the following bids, APA-004, gasoline and fuel oils; APA-005, surface materials; APA-016, liquid asphalt; APA-025, commercial fuels.

Commissioner Mosby: Which one do you want to start with?

Tim Born: 004-2005.

Commissioner Mosby: Okay, I'll make a motion to open APA-004-2005.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tim Born: Are there any other bids this evening from the floor? Seeing none. This is bid number APA-004-2005. Advanced by Petroleum Traders Corporation. The total bid cost, \$457,055.45. The same bid number, Busler's Enterprise, Inc., \$652,246.20. The same bid number, Heritage Petroleum LLC, \$656,877.60, there's also a check for the bids. The same bid number, Posey County Co-Op, \$672,477.46. That's all on bid number APA-004-2005.

Company Name	Bid Amount
Petroleum Traders	\$457,055.45
Busler's Enterprise Inc.	\$652,246.20
Heritage Petroleum	\$656,877.60
Posey County Co-Op	\$672,477.46

Commissioner Mosby: Motion to take bids on gas and oil under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for APA-005-2005: Surfacing Materials

Commissioner Mosby: Motion to open APA-005, surfacing materials.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Are you going to ask if there is any other bids?

Tim Born: Are there any other bids on APA-005-2005 from the floor? Seeing none. Jerry David Enterprises, Inc., total bid \$371,325. Same bid number, E & B Paving, Inc., total bid cost, \$332,000. Same bid number, J.H. Rudolph and Company, Inc.,

total bid cost, \$577,500. Same bid number, Gohmann Asphalt and Construction, Inc., total bid cost, \$583,180.

Company Name	Bid Amount
Jerry David Enterprises	\$371,325.00
E & B Paving, Inc.	\$332,000.00
J.H. Rudolph	\$577,500.00
Gohmann Asphalt	\$583,180.00

Commissioner Mosby: Motion to take bids under advisement for APA-005, surfacing materials.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for APA-016-2005: Liquid Asphalt

Commissioner Mosby: Motion to open APA-016-2005, liquid asphalt.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tim Born: Are there any other bids from the floor for APA-016-2005, liquid asphalt? Seeing none. J.H. Rudolph and Company, Inc., total bid cost, \$50,300.

Commissioner Mosby: Motion to take bids under advisement for APA-016.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Bids for APA-025-2005: Commercial Fuels

Commissioner Mosby: Motion to open bids on APA-025, commercial fuels.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tim Born: Are there any other bids from the floor on APA-025-2005? Seeing none. No bid.

Tammy McKinney: Do you need to say who it was from?

Tim Born: I'm sorry, I do. Busler Enterprise, no bid. Fleet One LLC, total bid cost, \$687,674.67. Heritage Petroleum LLC, \$677,827.50. Those are all the bids.

Company Name	Bid Amount
Busler Enterprises	No Bid
Fleet One	\$687,674.67
Heritage Petroleum	\$677,827.50

Commissioner Mosby: Motion to take bids under advisement, APA-025, commercial fuels.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phyllis Donohue: Initiative Based Assistance Budget Requests

President Fanello: Okay, our first discussion item is Phyllis Donohue from the Initiative Based program.

Tim Born: Thank you, Mr. Lawrence.

Commissioner Mosby: Thank you, Phil.

President Fanello: Hello, Phyllis.

Phyllis Donohue: Hi.

President Fanello: So, I'm assuming the sheet that you attached to your report, projection for 2005, that's what you're requesting as the budget for 2005.

Phyllis Donohue: Yes, that's correct.

President Fanello: Do any of the Commissioners have questions for Phyllis? Is this consistent with last year, or this year I mean? Any major changes?

Phyllis Donohue: No.

President Fanello: Okay. Do I have a motion to approve, if there are no questions?

Commissioner Mosby: Motion to approve budget for IBAP Gatekeeper.

Commissioner Crouch: Second.

President Fanello: So ordered.

Phyllis Donohue: Thank you.

Commissioner Mosby: Thank you.

President Fanello: Thanks, Phyllis.

Election Equipment Audit

President Fanello: The next item is the election equipment audit. I think we have Matt Arvay tonight, and Tom Massey. Is Tammy Barnett here? There she is. I couldn't see her. Tom and Tammy did submit reports to all the Commissioners. I want to thank both of you for that, they were very good reports. I believe Matt also has a report.

Madelyn Grayson: Commissioner Fanello?

President Fanello: Yes.

Madelyn Grayson: The County Clerk, while you were in Executive Session also had one, and she asked me to pass it out.

President Fanello: Okay.

Matt Arvay: Matt Arvay, CIO. The first document that I handed you was an updated proposal from SysTest. They had inadvertently put the City of Evansville in there, instead of Vanderburgh County. So, I just wanted to provide that. The other packet contains my report, a memorandum from Gary Olsen, the project manager from ES&S, and a general election overview of the steps to prepare the equipment for delivery to polling places from ES&S. The third piece of paper is a printout example of what we call the results tapes, and when you read the reports, this would be an example of the results tape. It basically has the serial numbers of each machine that was at a particular polling location, the number of machines that were opened, and the total ballots cast. The next item is just an election, poll worker election day checklist that they handed out. And then lastly was a poll worker manual administrative checklist. So, there's a lot of reading material there, but it may help you understand some of the processes that go on.

President Fanello: Do Tammy or Tom, do you have anything that you want to add on top of your report?

Tom Massey: I do.

President Fanello: Okay, go ahead, and then Tammy can go after Tom.

Tom Massey: Thank you. After preparing the report, I think it was important to understand what our procedure was. We did not do a recount, we did not do an audit within the strict meaning of the terms. We simply oversaw, I believe it was ES&S and their post election operation. What they did was they went in to the individual memory of all of the machines, downloaded the memory of the machines, and then we were able to compare the tapes that had printed out for each of the precincts on election night. Because election night what they do is they take the memory of all of the machines, and the poll workers download that on a result tape, which goes into the yellow PEB, that's printed out, that's sealed up, that then goes to the election office. That's what the Election Board reads when they count the electronic ballots. What ES&S did in this post election work was they opened up each and every machine that was still sealed from election day, downloaded the information for each machine by serial number. We then had a print out, by serial number, from each machine of the ballots cast. They actually told them when the machine was opened, what time ballots were cast, what time the machines were

closed down. We then compared that to the precinct election results, and from that the numbers seemed to match up, that every vote that was cast on election day, on an electronic voting machine, either in the early voting, or at the precinct, was counted by the Election Board. We did nothing with regard to the software system. In my report, and I have a couple of extra copies. Mr. Born, I don't know if you have a copy or not.

Tim Born: I do not.

Tom Massey: Okay, if I may approach?

Tim Born: Yes, sir. Thank you.

Tom Massey: I've got a couple of other copies. The election audit was not a recount. Only the candidates or Commissioners, within certain time periods, can request a recount of the vote. So, what we did as observers was to go in and draw our own conclusions. My conclusion as a former Election Board member, and being there for parts of four days was that all of the votes were counted. To the extent that we call this an election audit, I think it's a misnomer. It really wasn't an audit, it was an overseeing of the process. Then, after I had completed it and prepared the report, I went back to the office and really looked a little more into the statutes. Frankly, I don't think Vanderburgh County has any authority to spend any money for an audit of the election system. I can tell you why, and I'll provide the citation to Mr. Born, but the election division is set up by the Secretary of State, and they have to perform all the duties related to the election. Under Indiana Code 3-6-4.2-10 an audit, or an investigation by the Commission concerning the administration of election law, shall be conducted by state employees. So, you have to make a request to the Election Commission to actually perform an audit. Now, there used to be a procedure for the paper ballots where a County Chairman could go ahead and request an audit of the tabulation for the paper ballots, and that could be done, I think it was five days before the election, or the Thursday after the election. The citation for that was Indiana Code section 31-11-13-38. But, however, that was simply for the paper ballot audit. What they used to do was take all the ballots, they would run them through, and they would see if the totals coming out election day matched what was done either beforehand on the test pack or afterwards, and then they would only do a certain number of precincts. Looking further at the system, under the approval for the electronic vote system, Indiana Code 31-11-7.5-1 and dash two, talks about the Election Commission and how they must approve any form of voting system before it can be used in an election. Now, there is a provision under Indiana Code 31-11-7.5-2, I think would give the county standing to request the Election Division to intervene and look. 31-11-7.5-2 states;

“A person owning or interested in an electronic voting system may request the Election Division or a competent person designated by the Election Commission to act in their behalf to examine the system and report on the accuracy, efficiency, and capacity.”

So, if the Commissioners are wanting a report to the accuracy, efficiency, and capacity, I think they could request the Election Commission to go ahead and do it, and that should be without, I think, any expense to Vanderburgh County. Based upon my review of what we did, I certainly think being up in the election office there are things that can be done to improve the poll worker training, make it more efficient. Tammy Barnett had a really good idea about trying to figure out the number of voters versus machines assigned. I think there will be a considerable

improvement next time, but I really think the county has no authority to spend any money for any audit, and to the extent that the audit is supposed to be a recount or something else, I don't think there's any standing to do it. But, I think they could request the State Election Commission to come in and check, because right now we're probably getting the systems, or you're looking at the software to determine if a vote pressed here is counted by the software system, and that, I believe, is done through the state testing. So, that's my supplemental report to the Commissioners.

President Fanello: I had the same question that you had before we brought up this issue, and we did speak with somebody at the State Election Office. I think there's a differing opinion, and we're not asking, we wouldn't be asking for a recount. I think what they've proposed from the independent audit agency is more of a sampling to make sure about the processes. And, Matt, I spoke with Matt Arvay today about getting some more information from them on exactly what they would do, but I think there's a differing opinion, but there is, it's not a recount. Nobody is requesting a recount. It's more or less an audit of the election procedures, and to make sure that this equipment is working properly. So, I think there's a differing opinion there, but I did speak with somebody at the state about three weeks ago.

Commissioner Crouch: Mr. Massey, so you're of the opinion, and, I guess, what you're referring to differing from who you spoke to, but you're of the opinion that even an audit would not be able to be paid for by the Vanderburgh County Commission? It would have to be something that we would request of the Election Commission?

Tom Massey: I haven't seen anything in the Election Code, which governs elections, authorizing independent audits of the election. You simply have the recount, you have the audit for the paper ballots, which they could run before or after, and then under the new electronic voting, it appears that you can request, through the state, because you have an ownership interest in the equipment, for them to go ahead and do it, or to designate people to do it. So, if the state designates the people to do it, I presume the state would go ahead and pay for it, because they would have to authorize the audit. But, I think we did, really, all that we could as volunteer overseers, the better part of four days in there looking at the ballots, seeing that, yes, in fact, it appeared from a sampling of what we've looked at, that all the ballots cast were counted. Again, it can be improved. I know Susie Kirk was in there going over, she had a lot of good ideas. Tammy Barnett had some good ideas. So, I think that we'll run smoother next time, but we also have to remember we had a huge turn out, we had a new system. If you look at the election code, technically, voters in a general election are only supposed to be in there for three minutes. Now, where I voted people looked like they were in there for about 20 minutes trying to go through and punch the machine. So, I think that some of the lines were due to the fact that just we such a large turn out, and people were....it's like programming your VCR, it's probably a little slow the first time.

President Fanello: Are there any more questions for Tom? Thank you, Tom.

Tom Massey: Okay, thank you.

President Fanello: Appreciate your service. Tammy?

Tammy Barnett: Good evening, I'm Tammy Barnett, live in Evansville. I was a volunteer the past week. I own my own training and communications consulting firm, and what, I think, brought this about was the long lines. The concern was did the

equipment function in the way that it was supposed to function? Also, did it record the votes in the way that the voter intended for them to do? We were able to replicate the computer freezing up, and think that that was a timing issue that can be handled through training, but we were not able to replicate the flipping of the votes, where some voters had complained that they voted either straight Republican ticket, or straight Democratic ticket, and it flipped to the other candidates. We were not able to replicate that. One thing that we thought might be a possibility is that the boxes on that beginning screen are very close together, and if you have larger fingers, you might be pressing inadvertently the box above or below. So, that's something that ES&S said that they would work on. But, as far as ruling out an audit, I'm glad that we discussed that this definitely was not an audit. I think the way it was presented to us several weeks ago inadvertently was, it was described as an audit, when actually it's just a collection and consolidation of the data by ES&S. I think it's premature to rule out not having an audit, because first, we're not quite sure what the deliverables of an audit would be. I think people's concerns with the computer equipment is, is my vote, will it be counted in the way that I've cast it? Since the software is proprietary, there is no comfort that we have thinking that our vote counted the way that it did. We just have to have trust, and what we find out is, this year, in Indiana's 9th district, it was discovered that the optically scanned ballots with straight Democratic votes flipped to the Libertarian candidate. This was able to be caught, they had a true recount, because they had the ballots. As a result of that, this led to a reversal in a Commissioners race. With our computerized system, we would not have a way, in my thinking, and what was explained to me to document that and find that mistake. That's why I think a voter verified paper trail, again, is essential to safeguarding this equipment. From what I understand, Vanderburgh County is the first county to use this county-wide, so, we have quite a bit of standing, and, I think, responsibility, to the rest of the state to press for this. I should mention that Susan Kirk, the newly elected County Clerk, has mentioned her support of this. If I may, I just wanted to spend just two or three minutes on a couple of other things that came up as needed improvements. We found that there was an imbalance of equipment distribution, and this really impacted this election, because as Tom mentioned, we had 6,174 more voters this time. That's an increase of 9.3%. My thinking in the community is we want to keep increasing this percentage every single election. So, we want to make sure that we're prepared for more and more voters. But, we had was an imbalance in the distribution of the equipment, and then the polling places capacity created very long lines. We found precincts with larger numbers of registered voters received the same number of machines as precincts with half as many voters. ES&S officials said that they had offered to assist in determining how many machines were needed and where, but for whatever reason the county did not do that. Hopefully, our recommendation, or my recommendation is to use that statistical data, input from precinct committee personnel from each party, to determine how many machines to put at each polling place. Also, I know that one of the places where I had volunteered, Plaza Park Middle School, we had four precincts voting there. Some people could not even find a parking place. So, if we could study the areas to find out if some of those places need to be expanded. Also, another thing that came up is that the County Clerk's office mentioned that another part of this assessment would be comparing these signatures on the poll books, and then seeing how many ballots were cast, and see if there was any gap, to see if any votes were missing. It was explained to us that this might be quite a gap, because a number of precincts divided the lines, since, maybe perhaps because they had long lines, people stood in line first to sign the poll book, then they got in line to vote, not ever being told that once you sign that poll book, and, if you have to leave, you've lost, you've forfeited your right to have a voice in the election. So, what people found, they signed the book, and then were told in

the next line, it may take as many as three hours to vote. Some of them had to leave to pick up children, to go back to work, etcetera. So, we can't have that mistake happening again. Recommendation is to insist that the poll book is close to voting stations, as in past elections, so that by the time a voter signs in, he or she is just minutes away from voting. We also discovered that, and I think this was discovered a week before that the absentee ballots were rejected because of procedural errors in the office. They had not been initialed by both the Republican and Democratic employee when they were received into the office. This is something that just absolutely shouldn't happen, because it's a written procedure explained to the employees, and we just can't accept that. So, what my recommendation is, is that we ask them for a written explanation of how this incident occurred, and state the specific steps that have been implemented to prevent this from happening again. Because, so many of our elderly vote by absentee ballot, to disenfranchise them is not right. The summary, I think that Vanderburgh County has a lot to be proud of in its election system, but we have to apply the principal of continuous improvement. So, my thoughts here, and my comments here today aren't to criticize the system, but just to encourage us all to look for ways to continually improve and perfect the system. We can't have an election system that sometimes seems to create numerous barriers through which voters have to continually overcome to get to cast a vote. We want to make it as easy and as accessible as possible. So, my recommendation, I would like to see a community task force to study the issues and recommend improvements for the next election. Thank you.

President Fanello: Thank you, Tammy. Are there any questions for Tammy?

Commissioner Crouch: Excuse me, I did go Friday and I want to commend the two of you for spending the hours and the time you did. It was a very tedious process.

Tammy Barnett: Thank you.

Commissioner Crouch: Vanderburgh County has benefitted, and will benefit from your taking the time to do that.

Tammy Barnett: Well, thank you. I definitely have a better appreciation of all the hard work and just tenacity that goes into putting on the election. I appreciate the opportunity.

President Fanello: Thank you, Tammy.

Commissioner Mosby: Thank you.

President Fanello: As I mentioned earlier, I met with Matt Arvay this morning, and I would like to propose the following before we take any final action. Matt was going to get further clarification on the proposals, as to what some of their scope of work, the definition of the items that they listed in their proposal. The one person did come back with a less expensive proposal and revised the proposal. So, he was going to speak with both of them. If there is a question as to whether we can do an independent audit, we can have the County Attorney call the Election Commission again and speak with them. We just did not get that indication several weeks ago when we spoke with them. I think, both of these vendors have people on their staff who are on national and state boards, and, I think if there would have been any reason that we couldn't do it, I think they would have brought it to our attention. They are only doing a sampling of the machines, they're not testing every single machine. So, it's not a recount, by any means. So, I would suggest that, plus that

would also give us time to read Matt's report and ask any questions. So, I would suggest that we take the time to read those, give Matt time to ask those questions, have the County Attorney ask that question again, if there's concern about that, and come back next week and review this again.

Matt Arvay: One of the things I thought, I would share the three reports with these groups. That way they could differentiate on exactly what they're going to do different than what was already done.

President Fanello: Right. That was one of the questions we talked about today. We want to know exactly what they would do different from what was done last week.

Commissioner Crouch: The only question is, with it being a three day work week, does that give Matt, I mean, does that give you time to get with them?

Matt Arvay: That would depend on the vendor themselves. Could they respond on a short week? I don't know.

President Fanello: Why don't you take the opportunity to get with them, and see what kind of time frame they can respond back, and we can always review it-

Matt Arvay: Just shoot an e-mail back to you?

President Fanello: Exactly.

Matt Arvay: If it's not this week, it will be the following meeting.

President Fanello: Right.

Matt Arvay: Okay.

President Fanello: I think we ought to take into consideration Tammy's suggestion about a task force to work on election procedure improvements. Obviously, with next year being an off year, it's the perfect time to look at any improvements that can be done. But, I really don't want to...I really think it's important that we make sure that this equipment worked properly for \$2.9 million. I've had a lot of people e-mail me about the issue, and call me, and they are also concerned, and they just want assurance that the equipment is working properly. I think we need to take steps to do that. We are spending \$2.9 million of their money, and it's not our money.

Matt Arvay: Okay.

President Fanello: Thank you, Matt.

Commissioner Mosby: Thank you, Matt.

**Second/Final Reading of an Ordinance Establishing
an IT Governance Structure and Approval Process
for Enterprise Technology Resources**

President Fanello: The next item is the second reading of an ordinance establishing an IT governance structure and approval process for enterprise technology resources. This is on for first reading over in the City Council. I just want to reiterate

that the Mayor and I have been working on this since probably about March. Eric Williams has been involved in it. The whole Data Board has been involved in it. I think, just quite a few people have taken an interest and been involved in it. So, I just, it's a vast improvement, I think, over what we had before, because it involves everybody in the process. Before, it seemed like there really wasn't a clear process of how to go about establishing IT approval processes and procedures. I think this helps to do that, and it gives everybody a chance to participate in the process, which is really an improvement over the last time. Over the past four years since I've been here, I've seen several office holders, department heads go around the approval process, and I think it's important that when we're spending as many dollars as we are on technology, on the county side it's in the millions, that we have sort of process that involves the Commissioners, the Mayor, the City Council, County Council, and, you know, everybody involved. So, I think this accomplishes this, and I know the Mayor is pleased with it as well. Matt does have one change that he wants to put in there.

Matt Arvay: This is the only copy I have.

President Fanello: I don't have what page that's on. I didn't bring my copy of the ordinance with me. It's under the Technology Review Committee. Tim, do you have a copy of the ordinance?

Tim Born: I have a copy right here. Where is it now?

Commissioner Mosby: Technology Review Committee.

Tim Born: Technology Review Committee?

Commissioner Crouch: It's page eight.

President Fanello: Page eight.

Matt Arvay: Page eight of eleven.

President Fanello: I think there's a paragraph in there that says the CIO will appoint the Technology Review Committee. It list the different entities or departments. Then it says the judicial—

Tim Born: Yeah, about the (Inaudible) agenda.

Matt Arvay: It's at the bottom of the page under Membership, and right here at the top of page nine, basically is the change.

President Fanello: Under the Technology Review Committee, the courts wanted the opportunity to make sure that they picked those in their division who were technical minded and who could serve best on that committee. Matt would like to change the reading that all members from all the departments, Public Safety, GIS, and the Judicial, would be picked upon consultation with those departments. So, Matt wouldn't necessarily say this is the person that has to be on there, but he would talk with the departments and allow, you know, them to have input in who would be on that committee. I think that's probably the most fair thing.

Matt Arvay: The reasoning for that is, is that committee is really critical for me as a resource to help me review solutions and propose solutions when a project comes

up. So, it gives me the flexibility to work with those groups as well as maybe identify some people outside of our local government as resources who maybe want to volunteer or things of that nature that has the expertise in technology, instead of maybe somebody being appointed that doesn't have the technical expertise, whereas we have to get them up to speed, or they fall behind, and they may not be able to be a very valuable member of that board, which I think is really critical of me, in, I think, the success of the IT solutions in the future.

President Fanello: So, just trying to be consistent among all those departments to make sure that they have an input.

Matt Arvay: One group being able to elect versus the other two not, we thought we'd be consistent by all three.

Commissioner Mosby: I guess, you're offering this same amendment over in the city?

Matt Arvay: Yes.

President Fanello: Yes.

Commissioner Mosby: Okay. I would make a motion then that we accept the amendment under 2-48-060, Technology Review Committee, to insert a paragraph that says;

"The CIO will appoint the Technology Review Committee members after consultation with elected officials and/or department heads from Public Safety, GIS, and Judicial sectors."

I guess, that replaces, "the Judicial representatives will be appointed by the Vanderburgh Superior and Circuit Courts after consultation with members of the Judicial function sub-committee."

Matt Arvay: Right.

Commissioner Mosby: Okay. So, we'll delete that paragraph and add this paragraph. I'll make that in the form of a motion.

Commissioner Crouch: And, while I believe that these types of venues and ventures are important to have city and county cooperation, and I do respect the amount of time and effort that people have put in, I believe that this is an area that the new administration ought to have the freedom to chart the future of. So, I will abstain.

President Fanello: Okay. And, certainly don't have a problem with that, I just would like to say that the Mayor and I have been working on this all year, and if we had not been working on it all year, obviously, we would not be proposing it at this time. But, it took us quite a long time to get to a lot of people and talk with them and get their ideas, and I spoke with the Mayor about it last week, and, as you know, it's on for first reading in the city tonight. So, I will second, and say so ordered. I appreciate all your work on this, Matt, you did, and Eric Williams in the audience, you also provided a lot of input.

**Second/Final Reading of an Ordinance Concerning Public
Construction Projects Awarded by the County**

President Fanello: The next item is the second reading of an ordinance concerning public construction projects awarded by the county. It basically deals with drug testing on construction projects. Are there any further questions before we seek approval on second reading?

Commissioner Mosby: If there's no comment from the audience, I will make a motion to approve on second reading.

Commissioner Crouch: And, I will second, but also would like to say that I think it's important that we have the funding. I don't believe the Council budgeted for random drug testing of our county employees. I think that's important that we push for that also.

President Fanello: I don't have the ordinance in front of me, but—

Tim Born: Here it is. Do you want me to read? Am I supposed—

Commissioner Crouch: I don't mean as part of this ordinance.

President Fanello: This has to do with contractors though, Suzanne, not with employees.

Commissioner Crouch: Well, I understand—

President Fanello: Yeah.

Commissioner Crouch: —I'm just saying that we passed last year—

President Fanello: Uh-huh.

Commissioner Crouch: —to have random drug testing with county employees and it was contingent about Council providing the funds, I just think, I don't believe that they budgeted for that this year. I'm just saying that I think that that's something that we probably ought to pursue is that they have funding in place.

President Fanello: Okay, okay.

Commissioner Crouch: Two separate, I'm sorry for your confusion.

President Fanello: Okay, I understand what you're saying. I did have a second from Commissioner Crouch. I will say so ordered. We will need to go back and take a roll call vote on the IT. We do need to take roll call votes on second reading.

Tim Born: On both of them, I'm sorry.

President Fanello: So, I'll take a roll call vote on the ordinance concerning public construction projects. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

Roll Call Vote on IT Governance Ordinance

President Fanello: To go back to the IT ordinance, roll call vote. Commissioner Crouch?

Commissioner Crouch: Abstain.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

Request Regarding Abandoned Railroad Properties

President Fanello: The next item is a request regarding abandoned railroad properties. I did speak with, I think Kevin was going to check into this, and I don't know, Tim, if you have any answers on it or not.

Tim Born: On the abandoned railroad properties?

President Fanello: Uh-huh.

Tim Born: I've got a copy of a letter from Shirley J. Reeder, dated September 21, 2004, is that what you're referring to?

President Fanello: Yes. I mean, I don't know if Kevin discussed this with you or not.

Tim Born: He did not.

President Fanello: Okay, we can certainly defer until next week, until he is back. So, I don't have a problem with that.

**Interlocal Agreement to Provide for a
Joint Department of Central Dispatch**

President Fanello: The next item is a letter that I received from the City Controllers office, from City Controller, Lisa Acobert, dealing with the 911 fees in the county. I think Tim brought with him a copy of the statute.

Tim Born: I did.

President Fanello: Lisa had spoken with me about this, and, basically, what they're asking for is their share of the 911 fee revenue. Currently, all of the 911 revenue comes to the county, and the county uses that to pay it's one third share. There exists an inter-local agreement where the city pays two thirds and the county pays

one third. So, they're basically requesting that the revenue be applied to the total Central Dispatch budget, and then the remaining expenditures after the revenue be divided into the two third, one third. Obviously, this would mean more expense on the county side, because we would be giving up some of our revenue to the city. So, I guess, it depends on which side of the fence you're on if it's a good idea or not. Unfortunately, the city not getting any revenue places a burden on city taxpayers, because they're not getting the benefit of the revenue. I think probably what Lisa was going to do was send a letter over to the County Council, and I think before we can make any decision on this, I think probably need to talk to County Councilmembers and, I think the Mayor was going to have a discussion with the County Council. So, she did tell me today that she was going to forward this letter on to you and speak with you about it.

Jim Raben: I got it about 4:00.

President Fanello: Yeah, so, I think that, I think you ought to take probably, take it under advisement and discussion in your County Council meeting. When is your regular meeting?

Jim Raben: A week from this Wednesday.

President Fanello: Okay, and speak with the Mayor about it. But, I think, probably there needs to be discussion on the County Council's part, because, obviously, they would have to appropriate additional money if we decide to do this. So, I think there's going to have to be some joint discussions that take place here.

Commissioner Crouch: Would the County Council have to vote on this since it does involve inter-local?

President Fanello: Sure.

Commissioner Crouch: So, they would have to—

President Fanello: We would have to provide the amendment, it would go through here, and then the County Council would discuss it, but, I think, with the letter that Lisa is sending, and I'm directing my comments to Councilman Raben in the audience, I think if you take it up in your Council meeting and get a feel for what everyone's opinions are, I think this is something that's going to have to be worked out between the Commission and the Council and the Mayor all at one time. So, I don't think we can really act on this tonight. So, that's my feeling.

Commissioner Mosby: That's fine.

President Fanello: If that's okay with the Board.

Commissioner Mosby: We don't need a motion, do we?

President Fanello: I don't think so. I don't think we need a motion.

Commissioner Mosby: A motion to hold, if you want.

President Fanello: Councilman Raben has said that he's received the letter from Lisa Acobert, so. Councilman Raben, if you would just let this Commission know what

your discussions are with the Controller and the Mayor, so we know what direction to head into.

DADS Lease Agreement

President Fanello: The next item is the DADS lease agreement. I don't know if there's any questions. I think it's pretty much the same lease agreement we've received in the past.

Tim Born: It is. I have reviewed it and the only change, the last page and the front page where it says that, "the lease agreement will last from the 31st day of December, 2004, through and including the 31st day of December 2005." It is otherwise the same lease you signed last year.

Commissioner Mosby: Motion to accept DADS lease agreement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Alright, is there anyone in the audience wishing to address this Board at this time?

Roger Bass: My name is Roger Bass. I'm representing the people who live in Bohannon Estates Subdivision. We have hereby petitioned the Commissioners of Vanderburgh County to begin the measures necessary to produce Barrett Law funding for street repairs in this subdivision. I have here the petition signed, and pictures, and Andy Easley has helped us get estimates for the work. Drainage is the main problem, the drainage repair and the road resurfaced. Should I present this?

President Fanello: Yes.

Roger Bass: Here is a picture of the sign. Here are the costs (Inaudible). Here are some other pictures.

President Fanello: Okay. Is John Stoll in here anywhere?

Tim Born: Yes, he is, over there.

President Fanello: Oh, there he is. John, have you spoken with anybody out at Bohannon Estates?

John Stoll: I've spoken with several residents out there off and on. In the past when a Barrett Law project's gotten started, the first thing that's been done, basically, is the neighborhood gets together and gets it on record with the Commissioners to get it acknowledged to pursue the Barrett Law, and then once the Commissioners vote was taken to approve it, then they would come back with a full set of plans and specs for their project that we could then proceed with the resolutions. So, in discussing with, this gentleman here was the last one that I spoke with, basically, that's what I let him know that the starting point would be to come to a Commissioners meeting and get it on record to pursue the Barrett Law. Then they

would be responsible for hiring the consultant to prepare the plans and specifications, we would review it and then proceed with the resolutions that would allow us to go to bid the project.

President Fanello: Okay. Does anybody have any questions for? What we can do is take this under advisement and look at it, and talk with the County Engineer. Do you have a number on here that we can reach you? Are you going to be the spokesperson for the—

Roger Bass: Yes.

President Fanello: You got drafted, huh? Do you have a number that we can reach you.

Roger Bass: Yes, it's 867-7811.

President Fanello: 867-7811.

Roger Bass: Yeah, and Roger Bass.

President Fanello: Okay, Roger, give us a few days to go over the information, and speak with the County Engineer.

Roger Bass: Okay, thank you.

President Fanello: Alright, thank you.

Commissioner Mosby: Thank you.

Madelyn Grayson: Commissioner Fanello, I'll make sets for each Commissioner.

President Fanello: Can you make copies?

Madelyn Grayson: Yes.

President Fanello: Is there anyone else in the audience wishing to address the board? Seeing none.

Old Business

President Fanello: Is there any old business? Yes, sir.

Jim Shelton: Do you want to put my name on there also?

President Fanello: Sure, we can.

Commissioner Mosby: Give it to her.

President Fanello: You want to give it to Madelyn.

Commissioner Crouch: Old business, I have an audit on Burdette.

President Fanello: Okay. I think we're probably pretty much seeing about the same things from all, even reviewing claims. So, I think we've got to have an idea of what needs to be fixed.

New Business

President Fanello: Any new business?

Matt Arvay: What you have in front of you is a professional personal services contract. I've had Kevin Winternheimer look this over. He does have one suggested change, which is also attached, the page right after the end of the contract. The State Attorney had called me back saying that there was a typographical error, and they will change that. What this is, is for a 2005 flight of orthophotography, color orthophotography that the State of Indiana is performing. The initial monies came out of the Homeland Security monies. In order, and that's for one foot resolution. As most of you are aware, the black and white color orthophotography, which is six inch resolution, that was flown in 2000. For us to buy up to six inch color would be an additional \$49,121. That would be a 50/50 split with the city. So, that would be \$24,560.50. The city has committed to their side of the spending. The additional \$15,543, which is for the one meter resolution color infrared, also at the very back of this is Sherman Greer and EMA. They have planning money that will pay for that. So, in order for us to get the color, six inch orthophotography, which I believe is a very good thing to do for the county, you can use it in public safety, assessment of properties, things of that nature, and we've needed an updated flight for some time. For \$24,560.50 it would be a good project to move forward with.

President Fanello: How did this come about? When you called me, I think, what was it, Thursday?

Matt Arvay: The state had been working on putting together an RFP for some time. So, we knew that there would be some required funding. We didn't know how much. They sent me an updated price, a not-to-exceed maximum price on November 16th, which is the second page after the contract. You can see I highlighted there, giving us the costs. At this point, they also then sent the professional services contract that said that we needed to sign it by next, by tomorrow night, which I got it about a week ago, a little over a week ago. So, I am bringing it to the board tonight. What they did was they short listed vendors, and they are rushing the local communities to sign the contracts so they can get in negotiations.

President Fanello: I mean, how did this originate? Was it due to a grant?

Matt Arvay: The Homeland Security grants came down to the state—

President Fanello: Homeland Security grant.

Matt Arvay: —which then gave it out to the local communities to get the project kicked off. All the local, like EMA agreed for what they call MOU monies for the initial \$49,000 and some change, and then, you know, that would get us the one foot. So, if we did nothing, we would get one foot, but that's not as good a quality as we've had in the past. Whereas, this additional monies would be six inch, but then it's enhanced by the color aspect. I think the past photography has been a big success, you know, for the county and the city in general. This would give us the new flight. It does not give us all the additional information that we got in 2000, like

the planometric data, but it does give us that new picture at a reduced cost. It's a 50/50 split with the city.

President Fanello: Was this brought to your attention by Sherman? Is that how that happened?

Matt Arvay: Initially.

President Fanello: Okay.

Matt Arvay: It was brought to my attention by Sherman, but also the state themselves have contacted me, you know, through the process. It's just by the time they got the RFP, and they narrowed it to a short list, now, they're wanting the local governments to react quickly. The initial monies that they said it would cost us was a lot less than what it ended up being. So, if I would have come to the Commission and said it was only going to be \$20,000, then I would be back here anyway tonight, because it turned out to be \$49,000.

President Fanello: How much did we originally spend in 2000 for orthophotography?

Matt Arvay: \$400,000, but, like I said, it entailed a lot more information of the planometrics, and it came out of, I don't know where all the funding, it was prior to my time, but I believe it came out of Water and Sewer Utility money and Riverboat funding. I'm not sure if that was the total funding for it, but I know that was the majority of the funding for it.

Commissioner Crouch: While this appears to be a good project, and, certainly, I think we recognize the fact that we do need to update, even in Area Plan mention has been made that the photos weren't up to date. I'm a little disturbed that this was laid on my desk today. We did speak today, you said you had it for a week, and that distresses me that this is the first I get to see of it, so.

Matt Arvay: Yeah, I was pretty much focused on getting that care package for that election report. That's my fault for—

President Fanello: Well, I hate not to take advantage of pricing and Homeland Security monies, and I'm assuming that this is being done on a state-wide basis.

Matt Arvay: Yes.

President Fanello: Like you said, and in conjunction with the Homeland Security grant. We didn't really talk about it until this morning either. I know you called me last week and said you had something, but we didn't really discuss it until today. The city has committed their 50%?

Matt Arvay: Yes.

President Fanello: The money is in our budget. We do have extra money in our computer budget at this time. If it's an opportunity to upgrade the photography, do we, you know, do we let go of the opportunity to do it at this price? I mean, we don't want to spend as much money as we spent in 2000.

Commissioner Crouch: When, it's in our budget, has it been actually budgeted for something like this, in our computer budget?

President Fanello: Well, the Computer Contractual budget has been for computer items that we've spent on for the whole county at any given point in time. It covers ACS' budget, and any other IT stuff that might come up.

Commissioner Crouch: So, we don't need Council approval to spend this?

President Fanello: No, we don't. When I say extra money, there is extra money sitting there above what ACS has conveyed at budget time that they need. There is extra money sitting there right now. In fact, I've been kind of pressing them to close old P.O.'s that have been sitting there, and return that money to that account, so. Do I have—

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: I'm going to....is there anyone in the audience that can speak against this, or speak to it? I'm going to second, though I'm a little disappointed in how it's been presented.

Matt Arvay: Well, I apologize again.

President Fanello: And Matt did apologize to me this morning. It's a lot to take in, I'm not a technical person, and—

Matt Arvay: I've just been wrapped up with that election process all week.

President Fanello: I wish I could have had some more time to talk to Sherman Greer about it, but I think Matt's on the ball, and he did put a lot of time in last week with the election audit, so, I can't fault him on that, so. I'll say so ordered, and thank you, Matt for staying.

Madelyn Grayson: Matt, do you have an original for the Commissioners to sign this evening?

Matt Arvay: They only need to sign one of those.

Madelyn Grayson: Okay.

Matt Arvay: I just provided a copy so that everybody could have a copy to look at it.

President Fanello: Is there any other new business?

Dave Rector: Dave Rector, Building Authority. I think at long last we have finally found a place for Human Relations to go to. As we informally discussed, the Mayor has signed an agreement with the Building Authority to fund their portion of the project. Much like your agreement with us on the court renovation project, and that is to build out the second floor lounge, and a portion of the women's lounge for offices for them. Your portion of that, I think, is 13%, you've looked up, Catherine?

President Fanello: Uh-huh, it was 13% for Human Relations.

Dave Rector: I am asking for your commitment then to fund that 13% of the project out of that agreement. That would amount, I'm getting prices now, but on an estimate of about \$6,500 to \$7,000.

President Fanello: And that's so that the courts can move into the Health Department?

Dave Rector: Yes. Human Relations has to be gone in order to fully develop that project the way it's been designed.

President Fanello: If everybody remembers, this takes place that EUTS is not moving out of the building at this time.

Dave Rector: That is correct. And this is—

President Fanello: This was a lot less expensive.

Dave Rector: A lot less expensive, and it keeps Human Relations in the building.

Commissioner Crouch: Where would we be paying that out of?

President Fanello: He would be paying it out of the money that's coming back to the county—

Dave Rector: Out of that account—

President Fanello: —that we're using to fund the renovations with the court.

Dave Rector: The defeased bond money from the agreement that we did on July 12th, I think, August 12th.

Commissioner Crouch: That would be \$6,500?

Dave Rector: \$6,500 to \$7,000 is what I think the 13% would be for the county's portion. As soon as I get all of the contractor pricing, I'll know for sure. But, it's 12,000 to 13,000 square feet on a build out. The really nice thing about it is we're going to reuse almost all the materials from the Health Department demolition, being the ultra wall system, the lights, the defusers, the doors, the frames, the hardware. So, it ought to be a pretty economical project.

President Fanello: Do I have a motion to—

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you.

Dave Rector: Thank you.

President Fanello: I know you've worked a long time on this. Is there any other new business? Seeing none, moving on to department head reports, County Engineer.

County Engineer

John Stoll: The first item that I have is a claim voucher for the Jobe's Lane sewer project. This is to be submitted to the State Department of Commerce for

reimbursement of the monies we've been spending on the project. This claim voucher is for \$60,900.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: I'll abstain.

President Fanello: What is this now? I'm sorry.

John Stoll: This is for our reimbursement for the Department of Commerce.

President Fanello: Oh, for the Jobe's Lane.

John Stoll: On Jobe's Lane, yes.

President Fanello: Okay, I'm sorry, I wasn't understanding why you were abstaining. I will second, and so order.

John Stoll: Next, I have the supplemental agreement for the Green River Road-Millersburg Road design project. This is with Clark Dietz Incorporated. I brought this a few weeks ago, this is the agreement that had to be forwarded to INDOT for their review and approval prior to the Commissioners approval. This is for \$10,373.50, and I would request that this be approved. Of the \$10,373.50, 20% will ultimately be our costs. So, we won't have to fund the entire supplemental agreement amount.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a notice to bidders for contract number VC04-12-01, Schaeffer Road Bridge number 1935. This is for the replacement of an existing culvert out on Schaeffer Road with a bridge. This is a little bit north of Mohr Road. I would request approval of the notice to bidders, and approval to advertise.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have an interlocal agreement between the city and county for the Stockwell Road project. This agreement, basically, establishes the county as the lead agency on the project, and we're responsible for the bidding and overseeing the construction, and awarding the contract and all the work that we've basically done to this point. The city is responsible for reimbursing us for the portions of the project that are outside the limits of our culverts. That cost estimate, based on the low bid was \$55,293.15. The way I wrote the agreement, it's just set up that they will reimburse us for the actual costs for the quantities used on the project. So, once it's all paid out, we can figure out what their final costs are, and then submit an invoice to them. Kevin had reviewed this agreement, and I also had forwarded it to Pat Keepes with the city. He had it reviewed by the appropriate city people, and they

were all okay with it, so, I would recommend that this be approved so we can then forward it to the city for final signatures.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The final item that I have is the cover sheet for the Lyle Road project. This will need the Commissioners signatures. Last week Pat Seib met with the Corp of Engineers, and we found out that we will not have to do any mitigation of wetlands. So, that will help us out as far as getting the project moving ahead. We don't have written confirmation of that as of yet, and we also are waiting for some final direction on how to deal with IDEM on this project. But, so far, it looks like we will avoid mitigation, which means that we should be able to bring in a notice to bidders within the next couple of weeks. In the meantime, I just brought that cover sheet for your signatures.

President Fanello: Okay. Do I have a motion to approve?

Commissioner Mosby: I was going to say, do you want a motion to approve the plans?

John Stoll: Yes.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: No. Thank you, John.

Commissioner Mosby: Thank you, John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First, I have a problem out on Little Schmuck Road. Judge Mears had a ruling on a case of Frederick Bumb versus Michael Reimann. The ruling was sent to me and it says that the County Highway has the responsibility to maintain Little Schmuck Road six foot on either side of the road. So, we've been doing that, grading the road, it is a gravel road. We've been maintaining this road, but Mr. Reimann, about a year ago, called me and said that that's his property and he didn't want us on there. Well, in order to hold down trouble, as long as he was maintaining it, I didn't have any problem, but now I've been getting calls from the residents of Little Schmuck Road, he has built a wall along the side of the road. This ruling states that he has to remove all signs on the county easement, and I am to maintain six foot on either

side. I have some pictures here. This is the wall, and these are the signs here. What I would like is for you to take in advisement of what I should do in this case. There is a court order. I've tried to reason with Mr. Reimann, now I've got the residents of Little Schmuck Road saying he can't build this wall. So, it's kind of like a neighborhood spat.

Commissioner Crouch: Have you spoken to Kevin about it?

Dennis Hudnall: No, not yet. I think that ruling came from Mr. Born's office.

Tim Born: I was going to say, this sounds very familiar. Our office was involved in this case. I would be happy to speak with Kevin about this issue, and see how we can get it addressed. Because it might well be addressed in the context of the present litigation. But, I will talk with Kevin about this. This looks much nicer than the poles he had out there before.

Dennis Hudnall: Yeah, he took the poles down and built the wall, and he said the road is his property also. He didn't want us to grade it, but with that ruling I have to take care of the other residents on the road. But, it's starting to become more of a problem because I'm getting calls from the other residents now asking that to be removed.

Tim Born: You might tell them that you have consulted with the County Attorney, and then as quick as that attorney gets back to you, you will be able to tell them what's going to happen. But, I think, an action for trespass might be in order by the county against this fellow. I'll have this, may I, do you have more than just these two pictures, or just the two?

Dennis Hudnall: I have them on my computer, so I can print out-

Tim Born: Why don't you e-mail those to me.

Dennis Hudnall: Sure.

Tim Born: Please.

Dennis Hudnall: Okay. That's all I have, unless you have any further questions on my report, or anything of that nature.

Commissioner Mosby: Thank you, Dennis.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Thanks.

County Attorney

President Fanello: County Attorney.

Tim Born: The County Attorney is ill today. He sends you his best wishes and hopes he will be able to return next week.

President Fanello: We hope too. Not that we don't enjoy having you here.

Tim Born: Thank you very much.

President Fanello: We hope he gets well.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late pink slip and a late travel request by the County Clerk.

President Fanello: Okay.

Commissioner Mosby: Motion to add to the consents.

Commissioner Crouch: Second.

President Fanello: So ordered. Is that it?

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. What I had should have been enclosed in your packet was the Burdette Park rates for 2006 and 2007 for the buildings. We do this every year at this time, so that as the first day of January that we're open that we can start renting them and have knowledge of what the rates are.

President Fanello: So, are you wanting us to take those under advisement, and come back next week?

Steve Craig: Yeah, there's a lot of reading here. This isn't on the fees and that, because they don't have to be acted on right now. We've always set them in the spring, but this is on everything from the pavilion, the Discovery Lodge, on down through all of our buildings and chalets. All we have to do is just have this implemented before the first of the year, so, that when people start calling we can tell them how much the buildings are.

President Fanello: Alright. We can put it back on for next week. That will give us a few days to review it.

Steve Craig: The minutes from the advisory board tells you their suggestions. They're the ones that suggested this, so, we'll need those to read what they've suggested.

President Fanello: Any other questions? Thank you, Steve.

Steve Craig: Other than that, I don't have anything else. Thank you.

President Fanello: Thanks, Steve.

Commissioner Mosby: Thank you, Steve.

Soil & Water Conservation District

Norma Duckworth: Hi, I'm Norma Duckworth from the Vanderburgh County Soil and Water Conservation District. This is just a brief summation of some projects we've been working on this year. Then there's an additional document in there of the technical reviews that have been done since July, which I believe is the last time I gave you that document. Also, the major site visits that have been done. I'm not going to expound on it for a matter of time, and you haven't had an opportunity to look at the material. So, but, if there is any questions that you have specifically.

President Fanello: Does anybody have any questions for Norma? We can definitely get back with you if we have any additional questions.

Norma Duckworth: Okay.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

Ozone Officer's Report

President Fanello: Do I have a motion to accept Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: And, do I have a motion to accept the consent items?

Commissioner Mosby: Motion to accept consents, as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. We'll start drainage board in about five minutes.

(The meeting was adjourned at 6:47 p.m.)

CONSENT ITEMS:

Jail Expenses:

Williams Brothers Construction, Inc.: \$744,329.79
Peyronnin Construction Company: \$262,645.32
Mel-Kay Electric Company, Inc.: \$267,120.00

Travel Requests:

Health Department (1)	SWCD (1)	Legal Aid (1)
County Assessor (3)	County Clerk (2)	

Employment Changes:

VCCC(2)	County Clerk (2)	Prosecutor (1)
Sheriff Department (3)	Health Department (2)	Auditor (1)
County Council (1)		

Center Township Assessor: Surplus of desks.

County Clerk: Submit monthly report for September 2004.

Auditor: Submit financial statement.

Treasurer: Submit monthly report for October 2004.

Sheriff Department: Submit weekly jail and community corrections reports.

Those in attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Tim Born	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Phyllis Donohue
Tom Massey	Tammy Barnett	Matt Arvay
Roger Bass	John Stoll	Dave Rector
Dennis Hudnall	Steve Craig	Norma Duckworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 29, 2004**

The Vanderburgh County Board of Commissioners met in session this 29th day of November, 2004 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. Introductions are as follows, to my right, Tammy McKinney, Superintendent; Kevin Winternheimer, County Attorney; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of November 22, 2004 Commission Minutes

President Fanello: Do I have approval of the November 22nd minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Quotes for Cash Management: Bank Depository Agreements

President Fanello: We do have proposals for cash management, and I would request a motion to direct Kevin to open those bids.

Commissioner Mosby: Motion to open bids.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Any bids from the audience before I start opening? Seeing none. Is there a figure that I should be looking for, or a price?

Z. Tuley: Not necessarily.

Jason Perry: It should have a total bid amount at the bottom of the page.

Z. Tuley: (Inaudible), otherwise just mostly asking to read the names.

Kevin Winternheimer: Okay.

Z. Tuley: (Inaudible).

Kevin Winternheimer: Okay, the first one I've opened is from Integra Bank. I don't really need to do the amounts?

Z. Tuley: (Inaudible) as far as a recommendation goes—

Madelyn Grayson: Z, can you make your comments at the mic?

Z. Tuley: Hi, I'm Z. Tuley, the Vanderburgh County Treasurer. Those dollar amounts, if you want to read them, there should be a lump sum final total in there somewhere, but the idea tonight is to gather who had submitted them during the deadline, and there has to be proven ability that goes along with that dollar amount.

Kevin Winternheimer: Okay, I was going to say, there's many different figures in here.

Z. Tuley: Yes.

Kevin Winternheimer: They have average monthly activity service fee of \$1,041.66. Total, I guess, this is a total fee of \$12,500, but then they've got all these other vague figures on the next page too.

Z. Tuley: Right.

Kevin Winternheimer: For different services.

Z. Tuley: So, all of those will have to be evaluated and then a recommendation will be made.

Kevin Winternheimer: Well, that was Integra Bank. The next proposal is from Old National. The third one is from Fifth Third Bank. That's all we have. So, just take them under advisement, I would assume, give them to the Treasurer.

Commissioner Mosby: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

<p style="text-align: center;">Treasurer Funding Request: Upgrade to Tax Billing and Collection System</p>

President Fanello: First item we have under discussion is the County Treasurer funding request. Z. has included a letter in our packet. Are there any questions for Z.?

Commissioner Crouch: Has this been reviewed by Matt Arvay?

Z. Tuley: He has had time to look at it. I did speak with him last week about it. I don't know how much in depth that he got into it. I do have some, a little more solid figures breakdown for you today.

President Fanello: Go ahead and pass those out. Matt, would you mind coming forward? Have you had an opportunity to review this request?

Matt Arvay: I got a pilot paper today that they had put together and I read it, one reading this afternoon. I probably need to look at it, I just told Z., maybe a little bit

more in depth. I just got to read it once. I did put a lot of labor, and manual labor time into (Inaudible).

Z. Tuley: I would like to say that what I'm attempting to do is a couple of different phases all crunched into one, with a couple of phases of what I'm trying to accomplish. The volume did allow the Lieberman Group to give us a discount on the per hour charge. This is in a direct response to the taxpayers demands that something be done about the long line in my office on tax deadline day. In light of the fact that the city has now increased the parking fees, we were being called the Civic Center 500, driving around and around trying to find a place to park. They would spend over an hour in my line trying to pay their taxes on deadline day, or maybe even the day before deadline day, and wind up back at their vehicle with a parking ticket. I know that some parking has been created, and I realize that I have made every leap and bound that I can do; paying over the Internet, paying at a local bank, and so forth, but there are several taxpayers that just insist, well, many, not just several, many taxpayers that insist on coming to the office and pay. With the equipment that I'm asking for, the scanners will be able to read the MICR. That means I have to have a MICR printer in the office, so that if someone does not have their tax bill because they bought it in the middle of the year, after the tax bills had been sent, my machine can put the MICR in there. Then when it is processed by the cashier, it will automatically read it without human entry. They're 13 digit codes, and there are times, although we run an exceptions list, and I think we do a good job in finding most of them, if you transpose anywhere along the end of that code, you could very well post to an invalid, to a perfectly valid real estate, that is not the one that you intended to post to at all. With the exceptions list we do find those, but, in the meantime, you've got a taxpayer out there that thinks his receipt says that he paid his taxes, when really it was posted to a neighbor or something. The, what this project will do then also will allow, while we have Lieberman in , because they were so involved with the pilot program, the state eventually is going to require that you either purchase a new tax system that they are going to decide upon, or they are going to require that at least your system produce certain kinds of reports. We are meeting about that at this time, I'm on that committee, but if we can have this programming done, it will provide that information directly into the system, that we did with the pilot program using an outside programmer this last time. What we had to do was push it out there to a programmer, who had to reverse engineer that tax bill. Because in the system right now, it's not broke down that the Health Department gets "x", and that the Library gets "x". It's just all one lump sum. If it was written into the program, reports and all kinds of things can be produced at a one time fee. Otherwise, if we have to do it the old way, then I'm going to have to hire the previous programmer that we used before, and have this done every year in hiring a programmer, which I don't have a line item in my budget to do. But, if this was built in, then it will speed up that process, because every time you had to, in the pilot, what we did, was when you change from our tax system to the Access program that the programmer used, it dropped decimals, and it didn't read well, and all kinds of things. Rounding issues became huge, because from one program to the other it didn't read, it would drop decimals and round. Then you had to have, the programmer then forwarded that information to the print shop, who actually printed the bills, and we lost data again. So, what we were doing was we were spending 12 hour days, numerous of them, I have them all recorded, in the pilot project report itself, where we were having to double check the programmer, then once we had all of those figures straightened out and shipped off to the print shop, then we had to recheck all of those figures again. With this we eliminate one step, and it's a direct hit, because that's the way it is in the system. So, it's nothing that has to be

recreated, at all. It's created from the onset. This money that I'm asking for will take care of all of those concerns. A new tax system will cost in excess of a million.

Commissioner Crouch: And Council had advised you to come to this Board with your request?

Z. Tuley: Yes. Councilman Raben made this suggestion.

President Fanello: I did meet with Gregg Baker to go over our Computer Contractual account today, and he does have some purchase orders that he is going to be cancelling, I think to the tune of about 80 some thousand dollars. So, there is money there for that, once he cancels those purchase orders. Are you on a deadline to get this...is there a deadline for approval that you need from us?

Z. Tuley: I'm wanting one as soon as possible, because right now I don't know what those tax bills are going to look like. If we can have the equipment and everything set up, and our computer system creating that break down, then I will need either to use the previous design, or the old design, or a new design based on whatever this programming will provide. I can't get a bill bid upstairs to Phil Lawrence in Purchasing until I can tell the bidders what I want the tax bill, what I need it to look like. So, it is slightly time sensitive. I think that we're okay, but I certainly don't want to wait until the end of the month. We have been working on this all year, and trying to figure out...we've had four meetings trying to figure out what different we can do, what needs to be done, because last year, which was a huge complaint from the taxpayers, the tax bills, the last one printed, rolled out at like 11:00 a.m. on the day of deadline. Although it meets the legal deadline, the taxpayers aren't happy with that time frame. They want more time to have their bill, in hand, and prepare for payment by May 10th.

Commissioner Mosby: I'll make a motion to approve, given funding.

Commissioner Crouch: Second.

President Fanello: So ordered. If, Matt, if you would go ahead and take a look at it. If you'll give him a couple of days to take a look at it—

Z. Tuley: Sure.

President Fanello: —and if you find anything that you feel like we need to talk about, would you let the Board of Commissioners know.

Z. Tuley: (Inaudible), or whatever.

Matt Arvay: Okay, we talked, you know, when I initially met with them last Wednesday was the first time I had really been involved with the project.

Madelyn Grayson: Matt, can you make your comments closer to the mic?

Matt Arvay: I'm sorry. I said when we got together last Wednesday, it was the first time I had really talked to Z. about the project. We indicated, you know, to verify that we had got the best cost for hardware as we progress through the project, things like that.

President Fanello: Right.

Matt Arvay: Things of that nature.

President Fanello: If you could check on those.

Matt Arvay: Sure.

President Fanello: If you all would work together and check on those things, and if there's any changes, let us know.

Z. Tuley: Thanks.

President Fanello: Thank you.

Civic Center Employee Group Letter

President Fanello: Let's see, the next item is a civic center employee group letter. There is a letter in your packet regarding the decision to utilize the second floor lunch room for Human Relations. As you know, we have a little bit of a space crunch in the building. So, I assume both of you are here to speak to that?

Stephanie Pruet: Yes. It came to our attention that the second floor lounge and lunch room was going to do away with for another office. We felt that we were not notified, and our understanding is because that space is not utilized. We had sent around a letter of concern to the second floor on Monday of last week, which was a short week, and we had gotten 84 signatures stating that we do use that lounge for a number of reasons. One, we have very small office space, and if we have any meetings in our office at all, that is a location that we go to. Our Assessor can allow two people in his office. If he has somebody he's working with, and there's a number of people, they go down there and utilize that space. We do eat our lunch there if it's raining, snowy, bad weather outside, and we just felt like we were not notified, and we should not have to use the first or third floor for various reasons. The first floor, if the jail is brought to the first floor location, we should not have to eat our lunch with the patrons that are going to be coming in and out of that location. The third floor is small, doesn't have the microwave, other vending machines that the second floor has on it. So, we felt that we should have been notified as employees. You know, we do without a lot of, our parking is terrible, and that is just a space that we utilize, and we felt that we should have been at least notified, and wondered if, you know, there was something else that's going to be, you know, made available for us?

President Fanello: I think the situation we're in is the Health Department has moved out, the courts are needing more space, and we're trying to find room for the courts, which requires Human Relations to vacate their space. A couple of options that we had were to have some other offices move out of the building. One had been the Evansville Urban Transportation Department, but that would have cost us money to renovate the rooms over at the Old Courthouse, or money to lease them a space somewhere else, and economically it just was not feasible for the city to expend that money, and it wasn't feasible for the county to partake in expending that money either. So, we're kind of limited on our options, and I think, is Mr. Rector here? Oh, there you are. I don't know if you have anything that you want to add. I know you did, he did do a lot of checking and came up with a lot of different options—

Dave Rector: I guess, I was going to say, I'm open to suggestions, but I think we've exhausted them. You all are obviously aware that we've been looking at this design over the last year, immediately over the last several months. What do we do with Human Relations, with the Mayor wanting to keep them in the building. We've only got four walls and limited space. You said that we looked at moving some other departments out, money prohibited that. We talked about this a couple of months ago, I think, as an option, if it would work. The, if you take the first floor lounge and do this, obviously, those patrons are just going to come up then and use the second and third floor lounges. The space on the third floor lounge actually is the same as the second floor, except for where the machines are, it's about 160 square feet difference. We are going to leave a little over 100 square feet, about 10 by 11 foot area for the women's lounge in the second floor women's lounge area. What we're taking is a portion of that and the break room. I, there's not any good options. We've got four walls here to try to fit more space in than we've got. The thought is, when the old jail goes, then we're going to have a lot more space to renovate, and we've all talked about that, what can we do and where and how, and it comes down to money once again. Could we then return that space to this usage, and move on with something else over there? It's just, I think our options are exhausted, and I'm open to any other thoughts or ideas. One suggestion made, but it came down to money again, is can we create another break room on the second floor in the hallway area, I'll say. That's a possibility, where are you going to come up with the money to pay for it. I would certainly be glad to look at that, if we have that money, but I think you're, once again, constrained, as the city is, on funds on how do we continue on paying for some of these things. I know it's not very popular, obviously, I just got this about an hour ago, but I don't have any other suggestions at this time. I've really looked and strained to try to find another way.

Stephanie Pruett: So, you are considering the third floor lounge as a possibility? Since the Courts Building and the second floor is connected, and a lot of the courts people do use that catwalk to come over and use the second floor lounge, and considering we're mainly a county office on the second floor, would it be more feasible to move Human Relations to the third floor?

Trish Schnur: Right, exactly.

Stephanie Pruett: And, if that space was going to be considered for another office, why, I mean, the Assessors have been cramped for years.

Trish Schnur: Right, exactly.

Stephanie Pruett: You know, we could have used that expanded space.

Dave Rector: I understand that everybody needs space, from the survey that we did.

President Fanello: Right.

Dave Rector: There wasn't one survey returned that didn't need more space.

President Fanello: I was just going to say, we're not—

Dave Rector: All of the Assessors, if the plan follows through, some day—

President Fanello: Right.

Dave Rector: –we have proposed that they would all get more space. You know what the price tag is on that project.

Stephanie Pruett: It wouldn't be any different than moving Human Relations in the lounge, versus expanding that for the Assessors row. We've asked for it for many years.

Trish Schnur: For years even before this came up, and now, all of a sudden, they can ask for it, and it's happening because the courts are coming over.

President Fanello: We're not expanding anybody's space. We're taking Human Relations space because of the courts moving over.

Dave Rector: Quite actually they'll have less space than they have now.

President Fanello: Yeah, they do have less space than what they have right now.

Trish Schnur: There is a confusion as it is when...we have customers coming in to the Assessors row all the time looking for Room 219, which is the courts. So, now we're going to have to say instead of going to the courts building, well, this is going to be the Administration/Courts Building, and you're taking away from us, instead of doing something else. Like you've got the School Corporation over here, use their building and connect it into the courts.

President Fanello: Well, all of that takes money. That's what we don't have. That's the problem. I mean, we understand completely what you're saying. I understand completely what you're saying. I mean, it is an inconvenience, but the problem is we just don't have any money right now. I mean, there's many options available to us if we have the money to write the check, but we just don't have that right now. I think what we were trying to do is to find the least cost alternative, without disrupting many departments in the building.

Trish Schnur: Can they not stay there until the jail moves, and then move them into a jail area? I mean, then you're not even having to do anything with their office until that happens.

President Fanello: Well, I don't know that that's feasible at this point, because it's still going to take money to renovate the old jail space. That's something the Council is going to have to decide on with the new Commissioners. You know, I don't know that that's a decision we can make right now, because we don't know what that space is going to be utilized for at this point.

Trish Schnur: One of our concerns is, that we have just a plain lunch room as it is, and places that have this many employees have an actual cafeteria. So, you know, we've already had to go with just a minimal of nothing, with a snack machine, down to now you're wanting to take it away. So, that's not even...your employees are what makes this place.

President Fanello: We understand that. I think, you know, that's why we have one on the first and third floor. I know it's not the most convenient, but, again, it comes down to money, and it's whether, you know, the Council wants to raise taxes to provide this money for doing all of these things. Right now the answer is, no, they don't have the money.

Stephanie Pruett: We would like for you to consider possibly the third floor instead of the second floor.

Trish Schnur: Right.

Stephanie Pruett: Just due to the number of people that do use the second floor lounge. Also, being connected to the Courts Building, I think it's a convenience for them. There's lots of courts people that use that second floor lounge, it's the catwalk right over to it. So, if it's possible to move that to the third floor lounge. I know it's already been approved, and it's probably a done deal, but, you know if you could move it to the third floor, we would greatly appreciate it.

Commissioner Crouch: Did you look at the third floor?

Dave Rector: I can provide a lay out on trying to do the same thing on the third floor, but I think we would probably be here next week with a group of third floor employees complaining about losing this space. It's your desire where we try to put these people, but to move the project forward downstairs, as you know, Human Relations has got to move somewhere.

Commissioner Crouch: Mr. Rector, when we spoke, I first heard about this about a month and a half ago—

Dave Rector: Yeah.

Commissioner Crouch: —and you had indicated that you were, I had suggested that you keep a log. You had indicated that it's not used very often, and I had suggested you keep a log for about a week or two weeks, kind of go in at sporadic times, and record how many employees were there. Did you have an opportunity to do that?

Dave Rector: My personal observation was that it wasn't...I never saw it full. At the most there was probably about six people I saw in there. That's not to say there aren't 30 people using it at some times, I just personally did not observe it at those times. I'm sure on inclement weather days it's probably more crowded than it is on a nice day.

Commissioner Crouch: You had also indicated that there may be an opportunity to wall, glass wall in part of that lobby area, to put vending machines there. Is that—

Dave Rector: Yeah, I was just suggesting that we can look at that, but, once again, that's additional funding, if you all would like to see us pursue that.

Commissioner Crouch: Those common areas, doesn't that come out of the Building Authority's budget?

Dave Rector: The common area for square footage for this construction of that would. The construction of that space that's being generated by the need for space for an actual city department.

Commissioner Crouch: So, would the city be picking up the cost of walling that in?

Dave Rector: Well, as we talked last week, the city is paying 87% of the project, and you're paying 13%.

President Fanello: It's a joint department.

Commissioner Crouch: Right, I'm talking about the break area that the county employees are losing.

Dave Rector: It hasn't been addressed.

Commissioner Crouch: Maybe that's something that we could pursue.

Trish Schnur: If they would go in the wintertime, at least from fall until summer, you will find a lot of employees in there. If you're checking in the summer, of course, people are out, walking downtown, but if you don't check it in the wintertime, you're going to find a lot of people in there.

President Fanello: I don't doubt you, it's just that we have very limited options at this point, with the Health Department moving out.

Dave Rector: If money were of no desire, a lot of things, or no difference, the desire for everybody would be met and there would be not a problem at all. But, you would be building another building right out here that we can't afford.

Commissioner Crouch: I personally would like to see us approach the city about sharing in the cost of providing something for the employees. Particularly since we're losing space that county employees are using for a city department.

Dave Rector: Well, I'm not, certainly not opposed to pricing that out for you. It's just, is the funding there to do it? I think it's a good idea to look at doing that. It's a pretty, it wouldn't be as much space, but it still would be a break room there.

President Fanello: Right. Well, why don't we—

Commissioner Mosby: I was going to say, why don't we do that.

Dave Rector: Sure.

Commissioner Mosby: Look at pricing that out, and see what it's going to cost before we start on this.

Dave Rector: And we weren't going to lose the vending machines from before. We were going to relocate those out into the corridor anyway, with some screening for cosmetic reasons. So, we could look at continuing a wall, and trying to create a smaller break room.

President Fanello: I think that's about our only option at this point.

Dave Rector: Sure.

President Fanello: I mean, there's really nowhere else to move the Health, or Human Relations at this point, with the courts taking over the Health Department space. Like I said, this discussion has been going on, I know between Mr. Rector and the Mayor for months. So, this is a joint decision between the county and the Mayor, and it just comes down to a lack of money at this point.

Trish Schnur: We probably could have gotten a lot more names if people weren't off last week. Because there's a lot of people upset as employees.

President Fanello: Well, why don't we try—

Trish Schnur: You know, we don't have parking as it is. We have to walk three blocks to get to parking. They could put a parking garage over here to help all of us. We have to worry about getting here an hour early when you have functions going over, which isn't our fault. We have to work everyday, they only come every I don't know when. But, they just keep taking away from us. We're just concerned about it.

President Fanello: I understand.

Commissioner Mosby: I'll put it in the form of a motion. That we have Mr. Rector look into it, and come back with a price.

Commissioner Crouch: I'll second that.

President Fanello: I'll say so ordered.

Dave Rector: I'll get some pricing options to look at.

Trish Schnur: Thank you.

Dave Rector: Okay, thanks.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

Election Equipment Audit

President Fanello: The next item is the election equipment audit. Before Matt gives us a couple of pieces of information, Tom Massey did drop off another report. I don't know if everybody has it, but, I did talk with Kevin Winternheimer on the phone earlier, and he is of an opposite opinion. So, I will let him go ahead and go into that opinion.

Kevin Winternheimer: Yes, I took a look at the statute that he was referencing, and his comments, I guess it was last Monday when I wasn't here. That statute merely says that you may request that the State Election Commission take a look at the process. That statute does not, in my opinion, preclude the Commissioners from also taking a look at performance of the contract, which is at least part of the component of what you're talking about here. If memory serves me correct, that's about a \$2.9 million contract that you have, and what you're asking for is a review of how well that contract was performed. I don't see where that statute prevents that at all, if that be your desire.

President Fanello: Okay, thank you, Kevin. Matt has been taking opportunity to talk with the two firms. As we discussed last week, we wanted some additional information on their scope of work. I don't think they've been able to get all of that back to us because of the short holiday last week.

Matt Arvay: Right. At this point, last Tuesday I contacted Brian Finney of E-Democracy Services, and Brian Phillips and John Narris of SysTest. Currently, SysTest provided an e-mail back that I forwarded to all three Commissioners last Tuesday. I talked to Brian on the phone today, they're trying to get us the more detailed, formal proposal, but they just didn't have enough time with the short work week. Brian Finney of E-Democracy Services just called me at 5:15. He's at a convention, and he's supposed to e-mail me, digitally, the more formal proposal, so I can forward it to the three Commissioners.

President Fanello: Okay. Just for the record, Matt, we were going to talk about the fact that I think there was some miscommunication somewhere that SysTest had done testing on the iVotronics. They say in their e-mail they have not, therefore, it would not be a conflict of interest, but Wiley Laboratories in Huntsville, Alabama, and Hardware ITA provided the testing and qualification services for ES&S.

Matt Arvay: Yes, they did call that out in the e-mail.

President Fanello: Okay. So, I would like to take the opportunity to further review the proposals and information. I still think an independent review should be done. I think Matt is in receipt of a CD Rom from, what was the person's name at ES&S?

Matt Arvay: It's a flash card.

President Fanello: Or a flash card.

Matt Arvay: A contact flash card from Gary Olsen.

President Fanello: That has on it the reports that they generated from the review.

Matt Arvay: It has the different reports, and things of that nature, that also the Election Office also got a copy of that.

President Fanello: Okay, is that something that--

Matt Arvay: It's the event log. It's like 1,200 page event log, individual reports from Gary, a memo, things of that nature.

President Fanello: Is that something--

Matt Arvay: Also the actual encrypted data itself is also on there.

President Fanello: Is that something that we can look at as a board?

Matt Arvay: Last week's handout had the memo--

President Fanello: Okay.

Matt Arvay: --and those things.

President Fanello: Yeah, I saw that.

Matt Arvay: If you want the event log, I can attach it to an e-mail.

President Fanello: Okay, why don't you do that. That's fine.

Matt Arvay: If you just want to scroll through that, it's just a text file.

President Fanello: Okay. Does anybody else have any other questions?

Matt Arvay: As a reminder, I will be out of town next week.

President Fanello: Okay.

Matt Arvay: I'm at a conference all week. So, I won't be here (Inaudible).

President Fanello: If you could just forward us the information that you receive from the company's.

Matt Arvay: As soon as I get it, I'll forward it.

President Fanello: Okay. We're just trying to make sure that the scope of service that they are proposing, which from the e-mail that I saw from SysTest seems to be vastly different than what ES&S performed. But, we want to make sure that for the money that we're paying that the scope of service is, we're getting our money's worth, basically.

Matt Arvay: Right. When I e-mailed both companies—

President Fanello: If we decide to do that.

Matt Arvay: —I asked them to review the reports that were provided last week. And also a detailed explanation of how their proposal differs from what ES&S has already performed. Also, about their independent testing authority status, as it compared to the iVotronics.

President Fanello: Does anybody else have any other questions?

Commissioner Mosby: No.

President Fanello: If there's no other questions—

Auditor's Office: Permission to use The Centre for PERF Meeting

President Fanello: —the next item is approval of the use of the Centre for a PERF meeting.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Proclamation of Earthquake Awareness Week

President Fanello: The next item is proclamation of earthquake awareness week. It's the same proclamation, I believe, that we read last year, so, I won't re-read it. If someone wants to pass it.

Commissioner Mosby: Motion to approve proclamation for earthquake awareness week.

Commissioner Crouch: Second.

President Fanello: So ordered.

Public Comment

President Fanello: Next item, public comment. Is there anyone in the audience wishing to address the public at this time? Or wishing to address the board at this time? Seeing none.

Old Business

President Fanello: Old business. Any old business?

New Business

President Fanello: New business?

County Engineer

President Fanello: Department head reports. John Stoll is traveling today, and is not here. He did pass on to me a request for a sidewalk waiver. I don't know if, did each Commissioner get this? Or was I the only one that got this fax? Okay. I'll just read it:

"Attached is a sidewalk waiver request for Heritage Park Subdivision. This subdivision is located at the southeast corner of Lynch Road and Green River Road. Due to the fact that I will be traveling, I will not be attending the meeting, however, I'm requesting that this waiver be voted upon at the 11/29 meeting. Since there are no other sidewalks in the vicinity of this subdivision, I recommend approval of this waiver."

Then he has the letter from the company. So, I don't know if you have any further questions.

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. I think that was it for John.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. One quick thing about, on December the 1st the County Council, we asked for \$40,000 new appropriation, and they're going to vote on that for a new gradall on December the

1st. So, we'll know if we get those funds Wednesday. The only other thing that I have is to ask you if you have any questions on my weekly report.

Commissioner Crouch: Kevin, did you get an opportunity to review the Little Schmuck , was it?

President Fanello: Little Schmuck Road.

Dennis Hudnall: I had talked, Mr. Born was here, and he had called me the next day after the meeting, and I had faxed him the pictures. I can't recall the attorney's name that he turned me over to that handled the case, and what we came up with a solution, because of the residents on Little Schmuck Road, it's kind of like a neighborhood feud, and it's been going on back and forth. It dies down, and then it pops it's head up again. So, what we decided to do, until it becomes a problem, the wall becomes a problem, it is an attractive wall, you've seen the pictures, until it becomes a problem, I'm not going to grade the road by the wall. Because I will have to put resources there that hand shovels this gravel. So, Mr. DeVoy had called, and Mr. Frederick Bumb called, and I'll grade in the front of the wall and in the back of the wall. Then, if it becomes a problem there, Mr. Born said that then we need to look at the legality of it. So, what we're trying to avoid is a potential conflict. I think we've come up with a solution to that.

Kevin Winternheimer: I guess, in the short term, since there's going to be a changing of the guard in about a month, that that's something that the next Commission may want to consider. I don't think there's any immediacy, there's not threat to the public safety that we have to make a decision right now. Dennis is going to work around it, but it's something to make a mental note of, and let the next administration decide how they want to proceed, if that's your desire. We don't need to vote, unless you want to take action right away, but it is something that you may want to consider doing.

Dennis Hudnall: The guidelines for Little Schmuck Road was given to me about a year and a half ago, and it was pretty explicit the way it stated to remove poles, remove all signs of private property, and it gave me the instructions to maintain it on six foot on each side of the road. So, the court, Judge Meyers has already told me what I, my responsibility is. But, I can't carry that out if somebody keeps messing with the easement, because it causes me a lot of problems. He had planted trees all up the side. He put this wall, I can't get my mowers up in there. Once the trees start growing out in the road, I'm going to have to trim those. So, it creates a problem in the future. Immediate problem, it's no problem. So, that's all I have.

President Fanello: Alright, thank you, Dennis.

Dennis Hudnall: Thank you.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: I just have one matter. In one of our cases, we received correspondence from the counsel on the other side, representing the people who have sued the county that if we could settle something by Christmas, this is not, believe me, it's not uncommon, that it may be of economic benefit to the county to

do so now, as opposed to waiting later before they incur more costs. I would like an Executive Session for next week, if it's convenient for the Commission, to at least discuss it. I don't know what you'll want to do, but if there's an opportunity to save some money by doing it before the end of the year, then at least have you consider it. In litigation that's not uncommon. You would be surprised how many cases are settled in December. So, it shouldn't take more than 15 minutes. So, 5:15, if it's convenient for the Commission.

Commissioner Mosby: Motion for an Executive Session, 5:15.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: That's all I have.

President Fanello: Okay. Thank you, Kevin.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add a late travel request to the consent items. Also, Paul Hatfield's office called, and, I guess, Paul has a travel request in the packets tonight, and they want to change that to Cheryl Voegel. She is going to go instead of Paul.

President Fanello: Okay. Do I have a motion to add the late travel requests.

Commissioner Mosby: Motion to add the late travel request, and change name of Paul Hatfield to Cheryl Voegel.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, Mr. Rector got in touch with me today about the old surplus, or old election equipment that is down in the basement. So, I need to surplus that out, and I just talked to Marsha right before she left, and I think she knows a couple of organizations that would like some of those election equipment, but I just need to know direction on what's left.

President Fanello: I guess, Kevin's opinion on—

Kevin Winternheimer: Does this have any market value? These machines are going to be illegal to use, aren't they?

President Fanello: Right.

Kevin Winternheimer: After, well, there's no elections next year, so, in 2006. Is there any value, any, is it scrap metal? Is that what we're talking about?

Tammy McKinney: We've got the ballot boxes, and just the cases that the punch card thing came in, so.

Kevin Winternheimer: Yeah, it sounds like it's basically trying to get rid of them. So, you can do whatever, you can give them to some organizations.

Tammy McKinney: Right, I was going to get with Marsha tomorrow and get with any organizations that might have, you know, a need for them.

Kevin Winternheimer: Is this like for historical, like a museum—

Tammy McKinney: Right.

Kevin Winternheimer: —type thing? You could authorize that, once she knows how many, and what they want, and the rest of it, you know, you can do whatever you want to. All the way from getting bids for scrap metal, to just throwing them in the dumpster, if they're really not worth anything.

President Fanello: Well, why don't you generate an inventory listing, and bring to us which ones are going to be given away, and then we can vote on what to do with the rest of them, at that time.

Tammy McKinney: Okay. That's all I have.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. All we have is our work report that you have. It's been submitted to you previously. If you have any questions, I'll entertain any questions you might have.

President Fanello: Does anybody have questions on the rates, or are you ready to vote on those? They are a 5% increase.

Gary Hohman: They vary, it's not a straight 5%.

President Fanello: Oh, I thought Steve told me it was a straight 5% rate.

Gary Hohman: I think what the advisory board recommended was a 5% on the pavilion, a 20% increase on the Discovery Lodge, and then a 4% on all of the other remaining buildings, narrowed to the nearest dollar.

President Fanello: I'm assuming the Discovery Lodge, that is comparative. I mean, I know it's not, it's a unique building, but it's not priced too high where it's not rentable, I'm assuming.

Gary Hohman: Some comments that I have received, Ma'am, in showing this building that they can rent this building for two days compared to one for other venues within the county.

Commissioner Mosby: I'll make a motion to approve rates.

Commissioner Crouch: Second.

President Fanello: So ordered.

Gary Hohman: That's all I have.

President Fanello: Alright, thank you, Gary.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to approve Soil and Water and Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to approve consents as amended.

President Fanello: I have one question on one item. County Assessor travel budget. This is not meant to be partisan in any way, but I noticed that the County Assessor does have a travel request in to go to a County Assessor board meeting, and since she is going to be a County Commissioner, I wasn't sure of the need for the County Assessor board meeting. So, I would like to pull that request and maybe someone ask her if it's absolutely necessary, given the short time that she'll be in office for County Assessor.

Commissioner Mosby: Is that a motion?

President Fanello: Yes, I would like a motion to pull that one.

Commissioner Mosby: Second.

President Fanello: Well, I would like a motion, I wasn't making a motion. I would like a motion.

Commissioner Mosby: Oh. Motion to pull travel request.

Commissioner Crouch: Second.

President Fanello: So ordered. Tammy, if you will just contact, and just see about the urgency of the request, and we can always put it back on for next Monday. Do I have a motion to approve the remaining consent items?

Commissioner Mosby: Motion to approve consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:16 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department (4)	Pigeon Assessor (1)	Treasurer (1)
County Assessor (1)	County Engineer (1)	Commissioners (1)

Employment Changes:

County Clerk (1)	County Assessor (1)	Health Department (2)
VCCC (1)		

Knight Assessor: Surplus letter for color laser printer.

Sheriff:

Submit weekly jail and community corrections reports.
Copier Agreement with VanAusdall Farrar.

Those in Attendance;

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Z. Tuley	Matt Arvay
Stephanie Pruett	Trish Schnur	Dennis Hudnall
Gary Hohman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 6, 2004**

The Vanderburgh County Board of Commissioners met in session this 6th day of December, 2004 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, December 6th. Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of November 29, 2004 Commission Meeting Minutes

President Fanello: Do I have approval of the November 29th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of the December 6, 2004 Executive Session Summary Minutes

President Fanello: And approval of tonight's Executive Session?

Commissioner Mosby: Motion to approve tonight's Executive Session meeting. The Executive Session started at 5:20, ended at 5:25, litigation was discussed only.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Permission to Defer Award of VC-036-2005:
Transportation of Family and Children Services**

President Fanello: First item is permission to award several bids, Phil Lawrence.

Phil Lawrence: Madam Chairman, thank you. I would like to, if I could, pull VC-036-2005, transportation for children and services. Kevin and I talked today, and decided that we need to go back and talk with them to talk about some different options, rather than what they recommended.

President Fanello: Okay.

Commissioner Mosby: Motion to pull VC-036-2005.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award APA-004-2005: Gasoline and Fuel Oils

Phil Lawrence: Permission to award APA-0004-2005, gasoline and fuel oils. It's broken up into two separate, one is for METS, which is Petroleum Traders was the low bidder at \$456,257, and Posey County Co-Op, the tank wagon, which was \$215,475.46.

Kevin Winternheimer: Actually, you won't be doing METS, you'll be doing the others.

Commissioner Mosby: I was going to say—

President Fanello: Right.

Commissioner Mosby: —we don't do METS.

Kevin Winternheimer: That will be the Board of Works.

Phil Lawrence: Right.

Commissioner Mosby: Okay. So, motion to award APA-004-2005 to Posey County Co-Op, is that what you're saying?

Phil Lawrence: Yes, and Petroleum Traders.

Commissioner Mosby: And Petroleum Traders.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award APA-016-2005: Liquid Asphalt

Phil Lawrence: APA-016-2005, liquid asphalt. There was only one bidder, J.H. Rudolph. We recommend that they get the award, \$50,300.

Commissioner Mosby: Motion to award liquid asphalt to J.H. Rudolph.

Commissioner Crouch: Second.

President Fanello: So ordered.

Award APA-025-2005: Commercial Fuels

Phil Lawrence: APA-025-2005, commercial fuels to Heritage Petroleum who was the low bidder at \$677,827.50.

Commissioner Mosby: Motion to award commercial fuels—

Commissioner Crouch: Second.

Commissioner Mosby: –to Heritage Petroleum.

President Fanello: So ordered.

Award VC-026-2005: Towing & Storage

Phil Lawrence: Finally, VC-026-2005, towing and storage. Recommend Hamrick Towing as the low bidder on that.

President Fanello: Before we do that, did the Sheriff's office get all of his questions answered?

Eric Williams: Chief Deputy Eric Williams, on behalf of the Sheriff's office. I've communicated with Phil several times, and he assured me that the winning vendor would agree to the specifications as they were described in writing. So, provided that, we're okay with his recommendation.

President Fanello: Well, if they don't, that would render them a non-responsive bidder–

Phil Lawrence: Correct.

President Fanello: –and they would need to be disqualified.

Kevin Winterheimer: We'll bring a written contract back, if it would be your choice to go with this vendor.

President Fanello: I would rather see a written contract with those specifications in it.

Phil Lawrence: Okay.

President Fanello: Something on the record.

Commissioner Mosby: Phil, how come A&J rescinded their bid?

Phil Lawrence: I called them, some of the questions that Eric had was who were they, and I called and they said well, they were not going to be able to meet the contract specifications.

Commissioner Mosby: Who is A&J?

Phil Lawrence: A&J was supposed to have been Alice Hamricks, or Alice, what's John's wife's name.

Commissioner Mosby: Oh, okay.

President Fanello: So, another Hamrick's submitted a bid?

Phil Lawrence: Yes.

Kevin Winterheimer: At this point, he decided–

Phil Lawrence: Two different companies, I mean. It was two different companies.

President Fanello: Owned by the same people?

Phil Lawrence: Yeah.

Kevin Winternheimer: Would be to proceed with his recommendation, if that be your choice. We'll bring back a written contract for your consideration and get that to you ahead of time for your review.

President Fanello: Okay. Do I have a motion?

Commissioner Mosby: I abstain.

President Fanello: Okay.

Commissioner Mosby: I abstain.

Commissioner Crouch: I'll make a motion that it be awarded to Hamrick's Towing based upon Mr. Lawrence's recommendation, with the Sheriff's stipulations.

President Fanello: I'll second, as long as we receive a written contract with all those specifications, and it is signed by Hamrick's first before we receive it.

Phil Lawrence: Okay. I'll get with Kevin on that.

Kevin Winternheimer: If you could send me all that, and I'll put together a contract.

Phil Lawrence: Okay.

President Fanello: Okay, thank you, Phil.

Award Cash Management Services Bid

President Fanello: The next item we have is County Treasurer, permission to award cash management services bid.

Z. Tuley: Hi, Z. Tuley, Vanderburgh County Treasurer.

Jason Perry: Jason Perry, Chief Deputy Treasurer.

President Fanello: And your—

Z. Tuley: We have the bids in, they have been reviewed, the bottom line cap in the services are all equal. We did have one that Old National provided that was not included in anyone else's bid. We did evaluate a value, and it didn't change the results at all. The low bidder was Integra Bank at \$12,500 for the year. Old National came in second at \$14,200 for the year, and Fifth Third came in third at \$24,000 a year. So, our recommendation would be that we go with Integra Bank, having been the low bidder, for the year 2005 and 2006. It's a two year agreement.

President Fanello: Do I have a motion to that effect.

Commissioner Mosby: Motion to approve Integra Bank bid.

Commissioner Crouch: Second.

President Fanello: So ordered.

Approval of Lieberman Contract for Upgrade to Tax Billing System

President Fanello: While Z. is here, she did submit a new contract for the Lieberman Group. At Matt Arvay's suggestion, put a not to exceed amount of hours in there. So, I believe we'll go ahead and sign that tonight.

Z. Tuley: They didn't have a problem with that at all, I don't either.

President Fanello: Alright, thank you, Z.

Z. Tuley: Okay. Thank you.

Submittal of Petitions by Sheriff Department Deputies

President Fanello: Okay, under discussion items, if it's okay with the board, there was one item left of the, well, there was actually two items, but, one item left off was the request of Eric Williams, and I believe, is it Craig Blessinger, is here. There you are, Craig. Did you want to come and speak? Go ahead.

Craig Blessinger: Thank you for allowing me to address you this evening. My name is Craig Blessinger. I'm a deputy with the Vanderburgh County Sheriff's office, and I also serve as the President of the Vanderburgh County Deputy's organization. As you are aware, the merit deputies of the Vanderburgh County Sheriff's office wish to negotiate the terms and conditions of their employment, and have the same reduced to a collectively bargained agreement. Three weeks ago you received a copy of this agreement, which is endorsed by the Fraternal Order of Police, and is fully supported by Sheriff Brad Ellsworth, and Chief Deputy Eric Williams. Tonight I present to you 95 petitions signed by the merit deputies. This constitutes 90% of the deputies of the Vanderburgh County Sheriff's office, and it illustrates that we are unified in our support of this collective bargaining agreement that would have minimal effects on the taxpayers of Vanderburgh County, and truly have long term benefits for the deputies of the Vanderburgh County Sheriff's office. So, with that said, if you wouldn't mind, I'll go ahead and formally present that.

President Fanello: Sure.

Craig Blessinger: I will hand out the courtesy copies.

President Fanello: Alright, I will go ahead and submit that to Madelyn for the record.

Craig Blessinger: A couple more issues, Ma'am.

President Fanello: Sure.

Craig Blessinger: Furthermore, and finally, I ask that you place this agreement on your formal agenda for consideration. On behalf of the Fraternal Order of Police, and the merit deputies of the Vanderburgh County Sheriff's office, I truly appreciate

your time, and please feel free if you have any questions. I would be more than happy to answer them for you.

President Fanello: Does anybody have any questions at this time? We thank you for the signatures.

Craig Blessinger: Thank you, appreciate it.

President Bassemier: Does anybody else have anything that they would like to say to this issue. Okay, go ahead, the Sheriff.

Brad Ellsworth: Good evening, I'm Brad Ellsworth, Sheriff of Vanderburgh County. I sent you a letter several weeks ago accompanying the proposed contract and voicing my support. This has been something that most of the politicians in town have been approached about for years, every FOP candidates night, and I said in 1999 that, if elected, I would support this as long as it didn't hamper my ability to manage the Sheriff's office as I see fit for the citizens of Vanderburgh County, and as long as most of the deputies, or a majority of the deputies voiced opinion in the affirmative, and we've seen that. I've seen the document, I've worked closely with the deputies organization on this, and I do fully support their efforts in this. So, thank you very much.

President Fanello: Thank you, Sheriff.

Brad Ellsworth: Unless you have questions of me.

President Fanello: Thank you. Okay. We will take the signatures under advisement, and everybody does have a copy to read, so, we will see what happens.

Brad Ellsworth: Thank you.

President Fanello: Thank you.

Evansville Fire Department: Request for Use of the Centre

President Fanello: The next item is a request from the Evansville Fire Department for use of the Centre. Are there any questions on that?

Bruce Woodward: Madam Chairman, thank you. My name is Bruce Woodward, Evansville Fire Department, Merit Liaison. I am here to ask of you permission to use the Centre for the purpose of administering an entry level exam to approximately 350 to 400 future applicants to the Evansville Fire Department. This exam is presently scheduled to take place on June 11, 2005, a Saturday, between the hours of approximately 8:00 and 4:00. I am also asking that the rental cost be waived for that building.

President Fanello: Are there any questions?

Commissioner Crouch: We've done this before?

President Fanello: Sure, it's routine. We have done it before. Do I have a motion?

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Bruce Woodward: Thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

Election Equipment Audit Contract: Sys.Test

President Fanello: Under discussion items, there was one thing left off, but I think it was pretty much known that we were going to talk about it, and that's the election equipment audit. I don't think the County Clerk or any elected officials are here, but we do have Tammy Barnett, who was our citizen appointment to the committee that helped oversee ES&S' activities after the election. I think she did have a public comment that she wanted to add to the proposal by Sys.Test.

Tammy Barnett: Good evening. Before we hadn't had a chance to know what this audit would entail. So, we knew the price, I think it was \$37,500, but we didn't know what the deliverables would be. I had a chance to look at that this afternoon, and I was very impressed. I think it will provide us with a lot of good information we can use to determine what different entanglements we found in this year's election, how the equipment performed, and what was it \$2.4, is it \$2.4 or \$2.9 million?

President Fanello: \$2.9 million.

Tammy Barnett: \$2.9 million, I think that that's a hefty investment, and for this audit to just cost \$37,500, I think it's a small amount of money to spend to reassure the voters in Vanderburgh County that we do have a good, reliable and credible system. One thing that impressed me is that part of this audit will be a mock election. So, if I understand it correctly, we'll have a chance to see if votes, as a person votes, are those votes counted in the way that a voter intended them to be counted. That was one of the big issues that we had with the electronic equipment, because we don't have that confidence now, because that code is proprietary. So, I think that would be very beneficial. Also, as part of their assessment, they look at 20 different areas of the election process; the absentee ballots, and as we know this time a number of them were rejected because of missing two sets of initials. To me, again, that's unacceptable. Recruiting and training election workers, they are going to look at that system. I think that's very important, because when we saw the different things that occurred, some of the problems, the answers we were given as to why this happened was, well, it's the fault of the trainees. I own a training business, I've been a corporate trainer for about ten years, and one thing I can tell you, if I tell companies, well, I'm sorry the training wasn't successful, it was the trainees fault, I wouldn't get much business at all. That's an easy target is to blame the trainees. I think, instead we need to look at the process and the system, and if I understand this proposal correctly, we will get a lot of answers on the absentee ballot, early voting, how to train all these volunteers and paid workers. So, I think it's just a very beneficial thing for Vanderburgh County to undertake to ensure that our investment of the \$2.9 million spent in the voting equipment, if it is operating and functioning in the way that we want it to, the way we need it to. Then, as an offshoot benefit, we also have a chance to look at the whole process of the election system. So, I would

recommend that we spend the money to do this.

President Fanello: We appreciate your comments, Tammy.

Tammy Barnett: Thank you.

President Fanello: Before I make my comments, I'll go ahead and let the other members of the board make any comments. Commissioner Mosby, did you have any comments?

Commissioner Mosby: No.

President Fanello: Commissioner Crouch?

Commissioner Crouch: Yes, I did not inform Tom Massey that this was going to be on, nor did I speak to the Clerk, outgoing or incoming Clerk. I would have thought this would have been an agenda item, and would have had the other—

President Fanello: Well, we did say last week it would be on the agenda this week. Patty did accidentally leave it off the....I noticed today when I came in that it was not actually written on the agenda, but I think we did say last week that we would be back tonight to discuss it. So, it is an on-going item, and has been for the past three weeks. I know Matt Arvay e-mailed you the proposals last Tuesday, I think. I know I printed them out Tuesday morning. So, he either e-mailed them late Monday or last Tuesday morning, because I did print them out Tuesday. So, we have had them for a week to look at. Is there anything that you want to add to the proposal itself?

Commissioner Crouch: No.

Tammy Barnett: Catherine?

President Fanello: Yes, Ma'am.

Tammy Barnett: I forgot to mention one other thing.

President Fanello: Sure.

Tammy Barnett: I forgot to mention too that one thing that they mentioned in the proposal is that they would look at the accessibility of the polling places. After the reports were posted by the Courier, I had someone e-mail me, it's interesting as you get involved with this, voters will come up and tell you their experiences, and I'll share with you this picture, but someone at Methodist Temple, it was an 18 year old girl who's confined to a wheelchair, it shows a sign of handicap accessibility, but you can easily see there are stairs, so there's no way that person can enter. She then went to the front door of the church, and it was locked. Thankfully she was with her father, he made several attempts, found someone in the building that was able to unlock the door. So, I think there are other problems that have occurred that they are going to look into that I think will be very beneficial.

President Fanello: Thank you, Tammy.

Tammy Barnett: Thanks.

President Fanello: I did speak with Susie Kirk last Monday, and Susie has some very

good ideas as an incoming Clerk for handling some of the problems with the election. I do believe that Susie is going to work in a very bipartisan manner to ensure more fair elections as we go forward. Tom Massey had some, you know, very good comments in his report. Tammy has had very good comments, and everybody, Matt Arvay who worked very hard on overseeing some of this, all had extremely good comments and good suggestions. I think after reviewing, and it took me a couple of weeks to look at these proposals, and after we asked for more detailed information, I really did get a better idea of what the audit would entail, and I still think it a very worthwhile amount of money. You know, only a little over 1% of that contract value that we will be spending to ensure that, you know, \$2.9 million worth of equipment of services that we're receiving from ES&S, is it a good idea? Are we getting our money's worth? Those are a lot of tax dollars. You know, we spend thousands of dollars every day on goods and services in the county, and this election equipment is a totally new thing. It's computerized, there's no paper trail, you know, this comes from a mandate from the federal government to change our election procedures and the equipment that we use. We're still in a process of learning about computerized voting equipment. So, I think it a worthwhile investment, and think that we will gain a lot of information from the audit. It's an independent audit, and, you know, people who work close to the election process, and anybody who works close on a project sometimes cannot always look objectively at the procedures being used, or the processes, and I think it a very good idea to bring someone independent, who can evaluate the equipment to make sure that it did what it was supposed to do for \$2.9 million. So, I guess, I would just look to the board and see if there's a motion on the floor.

Commissioner Mosby: Well, I think it's money well spent. I will make a motion to approve the audit.

Commissioner Crouch: I believe having a task force of citizens is a much better way to approach this. That was a proposal that was made by Ms. Barnett previously, and was agreed upon by everyone concerned. Kevin, are you saying that Tom Massey's information saying that we couldn't legally audit, and we could not proceed in this manner, that was not valid?

Kevin Winternheimer: Yeah, I disagree with that opinion. The statute says that you may request the state to do an audit, but it does not say that you can't do one of your own, particularly since you are the owner and purchaser of that equipment. You will always have that prerogative to audit your purchases and audit the performance of your vendors under a contract. So, my opinion is, yes, you may proceed, if that be your choice to conduct an audit on how the election went. This is not a review, or will not change the results of the election, but just how to make improvements in the election process, and the performance of the equipment. If that be your desire, so be it.

Commissioner Crouch: Do we have the money in place?

President Fanello: I do believe that, we checked our Computer Contractual account, and since I look at this as a security type audit over election equipment, we have paid for security audits out of that account, and I think it an appropriate use of the money.

Commissioner Crouch: And there is ample money?

President Fanello: We do have ample money. I did go over our budget today, and

actually talked with Computer Services, and the money is there.

Commissioner Crouch: If we can legally do this, and we have the money where we don't have to seek an additional appropriation, then I will vote yes.

President Fanello: I do appreciate your vote. I just think it's a very worthwhile thing to do. You know, if this is the only time that we have to do it, just to make sure that this equipment is doing what it's supposed to be doing. I think, like I said, the proposal was very detailed, and we're going to gain a lot of information from it. So, I do appreciate the motion and the second. I do have a proposal here. I believe we can sign this proposal and we can contact them tomorrow. They did include a time line that suggested about, I believe 21 days to complete. Twelve days, I'm sorry, I had that backwards, twelve days from the time that they're given approval. Alright. That was our last discussion item, I believe. Moving on to public comment.

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, Mr. Rector is here regarding the break room discussion that we had on last week's agenda.

Dave Rector: Dave Rector, Building Authority. This is a follow up from our discussion last week regarding the Human Relations move to the second floor break room area, and your request to see what it would take to construct another break room on the second floor in the immediate area. You can see that an estimate for that would be about \$10,000 to construct a break room that would simulate the bronze aluminum (Inaudible) that we have of the open glass area there to continue the lighting through, redo the HVAC, the electrical, etcetera. Another thought is if we put the machines out in that area, kind of screen them with a cosmetic wall, and then place some tables out there like a café, a bistro, or whatever, that, obviously, would be a lot, lot cheaper. I present these two considerations for your direction. If you have a desire, if not, I'll try to look at something else, but I'm kind of running out of thoughts myself.

Commissioner Crouch: Dave, someone mentioned to me room 318, which isn't currently occupied, for Human Relations. Was that looked at?

Dave Rector: 318?

Commissioner Crouch: I believe is that the one at the end of the hall?

Dave Rector: End of the hall, that conference room down there?

Commissioner Crouch: It's never, I mean, I don't think it's used a whole lot. It's used occasionally.

Dave Rector: Using it as another break room?

Commissioner Crouch: Well, or for Human Relations.

Dave Rector: Oh, for Human Relations it would not work. It's just not big enough. I don't know if we need another break room on the third floor for the second floor people coming up here. I think you're aware we looked at EUTS, trying to use that space for Human Relations, and that was going to give them, in fact, just a little bit more. I think that was about 1,600 to 1,700 square feet. I think 318, off memory, is about 800 square feet. They currently have about 1,400 square feet. So, it would be about 600 square feet less than what they have now. Appreciate the thought though. I mean, I'm open to any considerations.

President Fanello: Well, do we want to take these options under advisement? Okay.

Commissioner Mosby: Have you talked with the Mayor about this?

Dave Rector: Yes. The Mayor thought that it was okay to set up the tables in the area like a little café area, with the vending machines in the area. I might suggest, give it a try, if we don't like it, we can always enclose it later, instead of spending the money now. The area is open anyway with the second floor from the first floor, with the handrail across there. Probably the least desirable about the whole thing is any traffic going back and forth from the courts building across the bridge and on to here, but if people are on a break, it's going to give them a place to sit down, eat a sandwich, drink a cup of coffee. My thought is, let's give it a try, at the price it's going to cost, which is virtually nothing, and then if we don't like it, we can go back and say do we need to enclose it. But, that's up to you all.

Commissioner Mosby: I didn't know if the Mayor would be willing to participate in the cost of this.

Dave Rector: He did not indicate any willingness to participate in the cost. His indication was he thought it was okay to put the tables out there and have a break area in the common area.

President Fanello: Okay.

Commissioner Mosby: I make a motion to take under advisement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dave Rector: Okay, thank you.

President Fanello: Thank you, Mr. Rector. Is there any other old business that either Commissioner has?

New Business

President Fanello: New business? Okay, department head reports, County Engineer.

County Engineer

John Stoll: First I have a final change order on the slip lining project on Seven Hills Road. This was project number VC04-11-02. The total cost increase is \$314.86.

This was due to some additional stone and rip rap needed to build up a shoulder on the project. I would recommend that this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a notice of intent letter that needs to be signed for the Stockwell Road project. This is for the submittal to IDEM for the erosion control. I request the Commissioners approve this as well.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have a supplemental agreement with Bernardin Lochmueller and Associates for the right-of-way on the University Parkway project. This is for a net increase of \$21,545.27. The reason for the supplemental agreement is because of all the additional costs associated with the right-of-way negotiations. There were multiple condemnations on the project. There were issues surrounding sanitary sewers needing to be constructed, and how that affected appraisals. Any number of issues, and Bernardin Lochmueller just tracked these costs as the project progressed, and these are costs that have already been incurred, so, I would request that this supplemental agreement be approved. Kevin has reviewed it as well.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last item, I just wanted to let you know that we're working on getting some price quotes submitted on slip lining some culverts on Barton Road. We'll have those quotes submitted at next Monday's meeting. Other than that I don't have anything else for you.

President Fanello: Anything else for John? Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. About two months ago we, you gave me permission to transfer some money in order to try to buy a gradall. Well, we transferred that money which was \$230,000, and then I had to go before the County Council to get the other \$40,000 to total the \$270,000. They

approved that December the first. So, what I have done, I have put a packet together, I've been trying to get some estimates, and nobody wants to give me one, right, because they don't want to give up their bid, because it's going to be a closed bid. But, here's the way it works, it lists for \$307,000, but you get a 15% government discount. So, that brings it down to \$283,000. One of the guys that I had come out and look at this old gradall, he said he believes that I could get \$13,000 for the old one. So, I called Wolfe's Auto Salvage just to see how much I could get on the auction, and they said you would be lucky to get \$3,000 or \$4,000 out of it. So, the way I put this together, I put it together as requesting two separate bids; one for the new gradall, one for a bid on trade in on the old gradall, and then the way I wrote it down here, it's deduct the two separate bids and then we'll deduct the trade in value from the new gradall, and that will total the cost of the new gradall. They estimate that to be around, approximately \$270,000.

President Fanello: Did you check the state bid list to see if there was one?

Dennis Hudnall: There was no gradalls on there.

President Fanello: No gradalls on there.

Dennis Hudnall: No. So, I need permission to turn this over to Phil Lawrence in Purchasing, and let him go out and solicit some bids and see what we come up with.

Kevin Winternheimer: It will have to be formally advertised. Just make sure, it would be my recommendation that on the trade in, list that as an option, so that nobody gives you what you think it's worth. We don't have to go with that if we could buy it otherwise. So, it would be a price for the gradall, and then an option of a trade in for your old one.

Dennis Hudnall: That's why I had it two separate bids.

Kevin Winternheimer: Okay.

President Fanello: Do I have a motion?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Dennis Hudnall: And the only other thing, if you have any questions on my weekly report.

Commissioner Crouch: Dennis, I got a call from a gentleman on Bender Road. I went out there this weekend. Are you going to be in the office tomorrow?

Dennis Hudnall: Sure.

Commissioner Crouch: I'll give you a buzz.

Dennis Hudnall: Yeah, we've been doing some ditching on Bender Road. I was trying to think of his name, but I can't think of it. Well, it's gone, but we've been doing some ditching right there, and he wanted the dirt, and we had him sign an

ingress/egress paper. Is that the same one? Okay, it might be a different one, I don't know. Okay. Just give me a call and I would be glad to check it out.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Okay.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: I don't have any report other than I won't be here next meeting. I'm having some surgery done, following up with some problems I was having before. Tim Born will be here. The point of this is that any department heads contact me this week, early as possible if you want something for next Monday's meeting, because Tim will be all ready, as well as he can be, but he may not be familiar with the item. So, give me a call this week if you need something. That's all I have.

President Fanello: Thank you.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: Let's see, I've got a couple of things. First of all, I want to remove a travel request that the Treasurer had put on the agenda. We need to remove that from the consent items.

Commissioner Mosby: Motion to remove travel request.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, I need to add a late travel request from Area Plan that was brought to me this afternoon.

Commissioner Mosby: Motion to add request for Area Plan.

Commissioner Crouch: Second.

Tammy McKinney: In your packets I had a lease agreement for a current tenant, and he wants to renew his lease. I just need for that to be approved.

President Fanello: Before, let's go back to the travel requests.

Tammy McKinney: Okay.

President Fanello: It's to Minnesota. How much do we have left? It's for \$643 is the estimated cost.

Tammy McKinney: They're paying for it out of their budget.

President Fanello: They are paying for it out of their own budget, okay. How much is left in our travel budget?

Tammy McKinney: Right now around \$2,000, I believe.

President Fanello: Okay, and that's with recent claims that have come back?

Tammy McKinney: No, that's not with—

President Fanello: Because I'm afraid we're going to run short in our travel budget. After tonight I would like to really restrict the county's travel for the rest of the year, if that's possible.

Tammy McKinney: It will probably be pretty close.

President Fanello: Okay. I'm sorry, proceed.

Tammy McKinney: I have Mr. Cocchiarella's lease agreement for his place at the Old Courthouse that needs to be approved.

Commissioner Crouch: Tammy, you said we've done these kind of arrangements before?

Tammy McKinney: Okay, now that is for Quantum Health with the renovation of the carpet. Yes, we did that, and it might have been before you were on the board, but we did it with Pat O'Connors. We consider that just improvements to the Courthouse. So, yeah, we have done that before.

Commissioner Mosby: Kevin, have you seen the lease agreement? I mean, I'm sure it's the same.

Kevin Winternheimer: Well, I've reviewed the form.

Tammy McKinney: It's our standard lease.

Kevin Winternheimer: I usually don't, but if you have a question, I would be glad to take a look at it.

Commissioner Mosby: No.

Kevin Winternheimer: She usually just fills in the blanks. It's our standard form.

Commissioner Mosby: Motion to approve lease agreement with Nino.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, if you would, approve the renovations. We'll go with the, he did get three bids for that new carpeting in that suite for Quantum Health. If you would approve the lowest bidder for that.

Commissioner Mosby: Motion, or I'll make a motion to approve Unclaimed Freights bid on the carpet.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Which is low bidder.

Tammy McKinney: Right. Then, I have an addendum to the Vanderburgh County Democratic party to, that they would like their lease extended to January 31, 2005.

Commissioner Mosby: Motion to extend lease.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, oh, I knew there was one more thing. I had gotten with Marsha about the surplus election equipment. I think everyone had an e-mail attached. I know she wanted to donate some to schools and any organization that might want them. But, then she wanted to try and sell them, and I think that will take a lot of time, unless people just want to come to me. I don't know your thoughts about that.

Commissioner Crouch: She indicated that some people had expressed an interest in purchasing them. Is that correct?

Tammy McKinney: Well, I think the people that expressed an interest in buying them was basically the Election Board. She didn't give me any names of any outside people.

President Fanello: I'm going to make a suggestion. Because I don't know if we have enough time before the end of the year, you know, but a plan needs to be made for all of the surplus items that need to be sold, and I think you probably ought to do that as a total agenda, instead of us just taking things one at a time. So, I don't know if we'll have time to do that before the end of the year, and maybe that's something that the new Commission could take over after the first of the year is dispersing the surplus equipment.

Tammy McKinney: Okay.

President Fanello: That's my suggestion. I just don't know if we have enough time to deal with all surplus equipment that's sitting around right now. There is quite a bit of it.

Tammy McKinney: Do you think I should go ahead and give to the schools that—

President Fanello: I don't think we should do anything with them, at this point.

Tammy McKinney: Okay.

President Fanello: I think there's needs to be a comprehensive plan developed for all surplus equipment.

Tammy McKinney: So, I'll just defer that until the first of the year.

President Fanello: A complete inventory listing, and they either sell it or give it away, but that it be entered into the record. I just don't know if we have enough time to do that over the next two or three weeks.

Tammy McKinney: Okay. I just wanted your direction.

President Fanello: That's just a suggestion.

Tammy McKinney: That's all I have.

President Fanello: Does anybody have anything else for Tammy? Thank you, Tammy.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. All I have is my weekly work sheets.

President Fanello: Okay. Any questions for Steve?

Steve Craig: Thank you.

Commissioner Mosby: Thank you, Steve.

President Fanello: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

President Fanello: Under consent items, Tammy did check on the travel item that we had last week, and the Chief Deputy, Tammy Elkins, did provide more documentation. So, it is on our agenda to approve with the adequate documentation.

Commissioner Mosby: I'll make a motion to approve consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 6:12 p.m.)

CONSENT ITEMS:

Jail Expenses: James L. Shireman, Inc.: \$55,000

Travel Requests:

Health Department (3)	County Clerk (1)	Area Plan (1)
County Assessor (1)		

Employment Changes:

German Assessor (1)	County Clerk (1)	Prosecutor (2)
Auditor (2)		

County Surveyor: Surplus of electronic equipment.

Treasurer: Lieberman Agreement: Tax Billing and Collection Upgrade.

Commissioners: Rental Agreement for the Centre: Girls in Bloom 2005.

Sheriff: Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Eric Williams
Z. Tuley	Jason Perry	Craig Blessinger
Brad Ellsworth	Tammy Barnett	Bruce Woodward
Dave Rector	John Stoll	Dennis Hudnall
Steve Craig	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 13, 2004**

The Vanderburgh County Board of Commissioners met in session this 13th day of December, 2004 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 Commissioner meeting December 13th. Introductions are as follows: to my right, Tammy McKinney, Superintendent; sitting in for our County Attorney Kevin Winternheimer is attorney Tim Born; Commissioner Mosby; to my left Commissioner Crouch; Auditor Bill Fluty; and Recording Secretary Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given)

President Fanello: Tonight you have the pleasure of joining us on our first live broadcast on WNIN.

Approval of December 6, 2004 Commission Minutes

President Fanello: The first item is approval of the prior minutes from December 6th. Do I have a motion to approve?

Commissioner Mosby: Motion to approve minutes.

Commissioner Crouch: Second.

President Fanello: So ordered.

**Award Bid for VC-036-2005:
Transportation for Family & Children Services**

President Fanello: The first action item is Phil Lawrence, permission to award bids.

Phil Lawrence: President Fanello, members, I'd like permission to award VC-036-2005, Transportation for Children and Family Services to Need-A-Ride. Kevin and I spoke about this for a good time and he gave me three options, and Family and Children Services decided that they would rather go with Need- A-Ride. They're not the low bidder, but they had so many problems with the other guy that they want to go with Need-A-Ride.

President Fanello: So you feel like this is the most responsive bid?

Phil Lawrence: The most responsive.

President Fanello: Does anyone have any questions?

Commissioner Mosby: Permission to award.

Commissioner Crouch: Second.

President Fanello: So ordered.

APA005-2005 Surface Materials

Phil Lawrence: The second one is APA005-2005 Surface Materials. I think you guys got that bid. And all four guys did bid this time, so that makes life a little more exciting. And so to do the – all four of them get a part of it when they get in each section of town. And that's the recommendation.

President Fanello: Are there any questions?

Commissioner Mosby: Motion to approve bids for all four bidders.

Commissioner Crouch: Second.

President Fanello: So ordered.

Permission to Advertise APA017-2005: Guardrails & Tubes

Phil Lawrence: Thirdly is permission to advertise APA-17-2005, that is the guardrail bid. If I can find the dates, I'll spit those out.

Commissioner Crouch: Looks like 12/22 and 12/29?

Phil Lawrence: That sounds like a winner to me, and open January 10.

President Fanello: Do I have a motion to advertise?

Commissioner Mosby: Motion to advertise bids for guardrails and tubes.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Phil.

Open Bids for VC04-12-01: Schaeffer Road Bridge #1935

President Fanello: The next item we have is County Attorney, open bids for VC-04-12-01 Schaeffer Road Bridge #1935.

Commissioner Mosby: Motion to open bids for Schaeffer Road Bridge.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tim Born: Are there any other bids on this particular petition in the audience? Seeing none, Blankenberger Brothers, \$180,805. Klenck, \$138,162. Deig Brothers, \$209,070.92. J. H. Rudolph, \$166,959.20. Gohmann Asphalt and Construction, Inc., \$183,832.20. Ragle, \$165,972.50. Are there any other bids? Seeing none.

Company Name	Bid Amount
Blankenberger	\$180,805.00
Klenck	\$138,162.00
Deig Brothers	\$209,070.92
J. H. Rudolph	\$166,959.20
Gohmann	\$183,832.20
Ragle	\$165,972.50

Commissioner Mosby: Motion to take bids under advisement for VC04-12-01.

Commissioner Crouch: Second.

President Fanello: So ordered.

Open Quotes for VC04-12-02: Barton Road Culvert #24

President Fanello: The next item is to open quotes for the Barton Road culvert.

Commissioner Mosby: Motion to open quotes for VC04-012-02.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tim Born: Deig Brothers \$31,878. CCC of Evansville, Inc., \$27,749.96. Are there any other bids on this particular petition? There are none.

Commissioner Mosby: Motion to take bids under advisement VC04-12-02.

Commissioner Crouch: Second.

President Fanello: So ordered.

Company Name	Bid Amount
Deig Brothers	\$31,878.00
CCC of Evansville	\$27,749.96

Building Commission: Moving Permit Application

President Fanello: The first discussion item is Building Commission, Moving Permit Application.

Roger Lehman: Thank you, Madam President and members of the board. I have a moving permit for a house from Girten House Moving, Incorporated, and the move is going to be from 7418 Oak Hill Road to 3116 Rode Road, and its not very far. Steve Fuchs, my assistant, drove the route and said that it appeared to be there is no major obstacles and we would recommend approval for the move.

President Fanello: Does anybody have any questions for Roger? Seeing none.

Commissioner Mosby: Motion to approve the moving permit.

Commissioner Crouch: Second.

President Fanello: So ordered.

Roger Lehman: Thank you.

President Fanello: Thank you, Roger.

Abandoned Railroad Property

President Fanello: The next item, which I don't know if Kevin got us an answer on it, on the abandoned railroad property. Tim, are you aware of that?

Tim Born: We do have a letter from Mr. Folz, the Knight Township Assessor. He indicates:

“ I would like to suggest that the abandoned railroad property owned by the county and also any abandoned railroad property owned by individuals going up for tax sale be deeded to Evansville City Beautiful for future bike trails. This is very little or no interest in these properties because of their limited width and extreme length being ideal for biking.
“

Actually, the letter is from Chief Deputy, Shirley Reeder from Al's office.

President Fanello: Can we do that? Is there any...

Tim Born: There is no impediment, no legal impediment.

President Fanello: Commissioners have any thoughts?

Commissioner Mosby: My only question is, who will maintain all the properties?

President Fanello: That's a good question.

Commissioner Crouch: Has the Pigeon Creek Greenway also been contacted?

President Fanello: I don't know. We can do that. Why don't we get those two questions answered this week.

Commissioner Mosby: I'd like to have somebody contact Evansville City Beautiful just so we'd know what their plan is for maintenance and upkeep on the properties.

President Fanello: We'll have the office follow up on contacting those different agencies and see what they have to say.

**First Reading of Ordinance Creating a Commission on
Homelessness in Evansville and Vanderburgh County**

President Fanello: The next item is the first reading of an ordinance creating a commission on homelessness in Evansville and Vanderburgh County. Last week the task force to end homelessness introduced their ten year plan. I did attend the press conference with the Mayor last week and one of the thoughts in the plan is to create a commission that consists of about 16 members: Mayor, County Commissioner, City Councilman, County Councilman, and then the list goes on. And this ordinance would establish that Commission, and this Commission would make non-binding recommendations about how to implement the plan and better prioritize the monies that are already spent to end homelessness. I don't know if anyone has any questions at this point.

Tim Born: There are a few typographical mistakes that were corrected from the first draft of this ordinance, otherwise, non-substantive, would be fine.

President Fanello: Do I have a motion to approve on the first reading?

Tim Born: As amended.

President Fanello: What we could do is put the corrected one in for the second reading next week.

Commissioner Mosby: Motion to approve on first reading.

Commissioner Crouch: Second.

President Fanello: So ordered.

First Reading of Ordinance Concerning Registration of Apprentices

President Fanello: The next item is also the first reading of an ordinance concerning registration of apprentices and is there anyone here to speak to that? We have two individuals. Who wants to go first? Roger, why don't you come up here.

Roger Lehman: I'll just stay. Once again, Roger Lehman, Building Commissioner. This proposal was the result of a licensed disciplinary board series of meetings that it was concerned with, the apprenticeship programs that were available or being operated in Vanderburgh County for basically mechanical trade license people: electrical, HVAC, are the two primary ones. In the past we have not had any standards that outlined what an apprenticeship training program had to be. It basically just said approved by the board. And the board at one time decided in a meeting that they would make it, that it would have to be a Bureau of Apprenticeship Training, which is a part of the bureau of -- what is it...Department of Labor operation of the federal government, that they would make that the mandatory requirement. In talking with the attorneys, it was determined that couldn't be done at a board meeting, therefore, an ordinance was necessary. And Kevin, I would like to express my condolences on the loss of his father. I believe he also had surgery today, he he's had kind of a double whammy. But at any rate, the proposal presented before you tonight is basically to make all apprenticeship programs being the one that's registered with the Bureau of Apprenticeship Training. We have been approached by the Builders Association and some other folks that would like to have some

alternatives to this being the only requirement, and I, as the Building Commissioner, am only concerned that we have a standard that is enforceable and how that works. In the past we haven't had major problems. The independent electrical contractors have had an apprenticeship program for about 30 years and has been of good quality, in my opinion, and they've had a good passing rate on their tests. But again, there is no standard, so if the leadership was to change in that school and the program was deteriorating, then there would not be a way easily to control that. So having said that, they have an alternate to the BAT that I believe that they would like to present and then -- but I'll let Paul go ahead -- you want to go ahead and talk first?

Paul Green: Madam President, members of the board, appreciate the opportunity to speak with you. My name is Paul Green, I'm the president of the Electrical Workers Union. I am here, however, on behalf of the building trades. We were in favor of this ordinance for a couple of difference reasons: the first is because we wanted the standards set. There was actually no standards and I've seen the alternative proposal for other apprenticeships and I don't believe it still even meets those standards. The alternate proposal leaves the city/county or the Commissioners office as the overseer of the program whereas if it's a Department of Labor BAT approved program, then the Department of Labor, State of Indiana has the oversight that doesn't cost any money or resources for the county to have to cover it. The other reason that we were in favor of this ordinance is that we have a lot of instances where contractors come into town, have their license piggybacked or have the permit piggybacked off of someone else's license and then they take the person doing the piggybacking brings in apprentices from out of town, registers them in their program, and then they use them for the duration of the job and they go back home, and these apprentices have no intent of ever finishing those programs. It's only a way to subvert the policies that are in place now. So, we feel as though that the registration of apprentices ordinance be accepted as presented.

President Fanello: Is there anyone else who would like to speak?

Bill Pedtke: Good evening. Thank you for the opportunity, Madam President, Commissioners. My name is Bill Pedtke, I represent the Southwestern Indiana Builders Association. The purpose of -- the benefit of changing this ordinance is to provide a set of requirements for apprenticeship training programs. Our board reviewed having it limited to BAT certification only and voted unanimously to oppose that. However, after talking with Roger Lehman, we realize that there are some substantial reasons to have some real standards and we did put together this set of requirements that would be required of the programs in Vanderburgh County. I asked Roger Lehman what he thought would be a good requirements and good standards to put into these requirements, then I took what he said and went back to the companies that are involved and we wrote these requirements based on Roger's recommendation, plus added a couple of items. I'd like to -- if you don't have that, can I... So certainly, we're not opposed to BAT certification, not at all, we're just opposed to having it be BAT certification only. So if there are other requirements that we could put in, so we put together items A through I, which include having a committee that handles the administration for the program, hours of credit or hours of classroom time, mandatory attendance, a set national model for the curriculum, record keeping of supervised on-the-job training. And all the ratios of workers, apprentices to journeymen would remain the same. Then we added periodic testing to measure what the students absorption of the material is in the classroom. So then obviously putting something together for a certificate to certify that on behalf of the committee for the program that the applicant has met those requirements, I think would be important. Now, the important part about Part A that the committee would

be the administrator is that, that work would not be on Roger Lehman's doorstep, it would not be Roger's job to handle every single program. Simply, Roger would take every program and use this as the measuring stick, if you will, and apply it so that if it does meet these requirements, you are in an approved program. If you don't, you're not. So we would support adding these set of requirements as an alternative to item A in the ordinance as it was filed. Thank you very much.

President Fanello: And Bill and I are meeting in the morning, so we are going to discuss some of these things. Does anyone have any questions for Paul, Roger or Bill at this point? We can pass it on first reading tonight and then making any changes, if changes are requested or required, before next Monday night, before we make a final reading.

Jim REXING: Can I address the board?

President Fanello: Sure.

Jim REXING: Thank you for hearing me. My name is Jim REXING, I'm an electrical contractor, have been for almost 30 years in the Evansville area. I'm also a member of the Independent Electrical Contractors, Southern Indiana Chapter, which is a group of about 30 independent contractors. I think Roger made reference to our school that has been in place for several years. Its administered at North High School. I completely understand the concern that we have with setting some standards for our programs. I understand even very recently there have been some contractors come forward and ask to establish a program within their company, and I realize that as you start spreading programs here and there, it's very hard to keep track of, very hard to keep any standards in place. We did, it was a joint effort the standards that we would like to offer as an alternate to BAT, was a joint effort between the buildings trades, the builders, the HVAC trade specifically and electrical trades, those two trades, those two mechanical trades, are the two trades that are most directly involved. They are now the trades that are required to have apprenticeship training programs. So I'm not speaking only for electrical, I'm speaking for HVAC and any other trades that may, down the road be required to actually implement some apprentice training. First of all, I am very supportive of the licensing requirements that we have in place here in Vanderburgh County, very supportive of the apprentice training we have. Just to give you a little bit of comparison, though, I've worked in a lot of jurisdictions extensively in Indiana and, like I say, I am very much in support of what we do here, but I only know of one other jurisdiction that we ran into that actually requires a journeyman's license. With my license in Marion County, Indianapolis, I can go up there, I can take my people from here, there's no journeyman's licensing, there's no apprentice licensing or registration, so we are probably on the leading edge of being about as strict on licensing in apprentice training that you are going to see throughout the state. I think we are the most strict. I don't think anyone even comes close. So like I say, that's not an excuse to not be the best, we want to be the best, but we want to keep in mind that there are certain limits and we want to keep the limits to a degree where its, you know, affordable, we want competitive construction in Vanderburgh County. That's a big thing, I think, that we need to be concerned about. One thing, I think, that BAT across the board would do is specifically, for residential contractors, and in our association typically we have small contractors, some of our contractors are only residential contractors, that's all they do. And historically, the residential contractors being in that niche to keep home building down, its been a very competitive field, its been a very competitive segment of the industry and I think that you will find, and I think rightfully so that wages are somewhat lower in that niche.

The overhead is not as high within those companies and what will happen, as you implement BAT, one of the many, many, many requirements of BAT, and I could have brought the standards as a guideline tonight but it's a folder about a half an inch thick, but one of the requirements is that you actually set pay scales for apprentices throughout their training. And once they get to journeyman status, there's a pay scale. We don't believe that that's good for the economy, we don't believe its good for the residential contractors. What's going to happen is, if you're required to set a pay scale through BAT, those residential contractors are going to be less competitive. Home building fees are going to go up and this, like I say, specifically this is electrical and HVAC right now, but if we implement more programs down the road its going to affect more trades. I think, you know, because of that cost I think the alternatives that we've put together I think are very, very good alternatives. I think Mr. Green addressed the problem of people coming to our area and trying to get in a program just to work here, saying okay, I'm in an approved program and I can work here now and then six months later, a year later, they're gone. That doesn't happen in our program. I happen to be the chairman of the training committee for IEC. By the way, I'm also a Mayoral appointment on the Electrical Board. And that doesn't happen within our program. We've had, I've been the chairman for the last three years and we've had people try to do that with our program, but we are pretty tough in investigating those situations if someone has an address outside the county or outside the jurisdiction, we certainly look into that and we've denied quite a few people that we know are trying to do that. So, I think item E in those alternate standards should address that problem. It makes those records available to the Building Commissioner to check anybody's payroll records to see that the apprentice signed in that program is working for that employer on a full-time status. And its not that any of these standards can't be tweaked to clarify or if we need to on things, but I do believe we tried to address that situation there in item E. So we do believe we've made a very good faith effort here to try to reach some standards that we feel like with the guidance of Roger, what he feels is important and what we feel is important, I think we can meet some standards without going straight BAT. Currently, the curriculum that we use is IEC national curriculum, which if you look in item D, it addresses that one of the criteria would be that you use a national curriculum of one of these organizations. Some of our IEC curriculum that we use is being used in other BAT programs around the country for other chapters. We just choose to not use the BAT because of all the small contractors we have within our organization. If you go to a central Indiana chapter, you'll find independent contractors up there that are very large contractors and they choose to be BAT. Specifically, one of the reasons is a BAT program, you can be more competitive with government jobs, with public jobs. You can use that pay scale to pay those apprentices per that pay scale. Our contractors are typically, like I say, small. We don't necessarily go after those jobs. So we don't want necessarily have that pay scale. That's about all I have. Are there any questions that I could possibly answer on here?

President Fanello: Any questions for Jim? Is there anyone else wishing to speak to this ordinance?

Paul Freeman: Yes. Good evening. Thank you for your time. My name is Paul Freeman. I'm with G. R. Freeman, Heating and Air Conditioning, Master Electrician, Journeyman, HVAC licensed. I've been in business for 28 years. We are active members in PHCC and ABC as plumbing, heating, cooling contractors, and Associated Builders and Contractors. We helped Bill write this alternative. We have a couple points as to why this is a better idea. First and foremost, the schools that are in place right now, we have extremely high pass rates for our journeyman

license. If you go back and look at the plumbing, heating, cooling contractors, the PHCC school has been, in the last seven years we have had 100% success rate on first time attempts for a journeyman HVAC license except last year when the test was changed three days before the test date. Needless to say, that wasn't our fault but we are testing on the code. We are testing on the ability of the men in the field. It's a four year program. PHCC is a BAT certified school. We, as an association, choose not to do that for one simple reason: as a small business, it is a tax on the small business. We, as a small business, I only have eight guys. I can't afford the overhead and the office time and all the extraneous bookkeeping that is required by it. We've gone through it. As he was talking about with pay scales, I already have pay scales that are associated and dictated by ABC, Associated Builders and Contractors, which is another BAT approved school that we, and most small businesses do not do because of all the extraneous work that is required. Second problem with that, not only does it add on to us, you're going to bring this economy locally to a screeching halt. When you go ahead and raise the prices from us to the builders, the home builders have undergirded this economy during a very slow period for the last three years. When you go ahead and raise those prices, what's going to happen to your new home building? That has been your backbone, that's been your support. You cannot afford to raise the taxes and bring this economy to a slower pace. Things are picking up nationally, they're picking up across the board. But you can't, because we also have another problem in the BAT certification because its not limited only to HVAC electrical and plumbing, it says trades. Trades opens up to drywall, to painters, to framers, everything, concrete, now all of a sudden we have standards being dictated in all levels because you didn't close this animal down to just restricting it to three specific trades. Now its being dealt with, with those three, but there's no mechanism in it to limit the ability so that down the road its not being added on to in this area and with this license, and with this license. And since 80% of all jobs are created by the small businesses, small businesses cannot absorb these taxes. It has to be passed on. As you pass it on, what have you done? All you have done is raise the taxes or the price the consumer, the voter, in your cases, is paying. We can't afford to do that. The education has been the success, its been the hinge pin of the IEC, the PHCC, and the ABC. If you look at our educational pass rates, we have as high or higher than any school in the country that is accepted. So if we have a higher rate, why would you go ahead and try to limit us to a different school, to something that's already working. Roger and I talked about this a month ago, and he said he was against the program, this BAT certification was not a good idea for our trades because what we have is working. You're not seeing buildings falling down. You aren't hearing about things blowing up. You aren't seeing incompetence in the trades. You're seeing a very good builder trade. Nationally speaking, we have among the highest rating in the national insurance industry for trades. We have the highest, we have among the highest classifications for building trades for building codes and for enforcement. Ours are as high as most of the counties in California, which obviously, has much more stringent earthquake codes and things like that. And yet, we're trying to add more to it? We don't necessarily see a reason for that other than political reasons. If we can go ahead and have this alternative, which goes ahead, has the same basic standards and yet goes ahead and is friendly to a small businessman to us who are here which is mostly IAC, which is mostly PHCC and the ABC members, we're all small contractors. We basically can't afford it and that's why we came up with this alternative because we think this comprehensively takes care of the trades from their position. Thank you.

President Fanello: Thank you, Paul. Is there anyone else in the audience wishing to speak to this ordinance? Okay. Does the board –

Paul Green: Can I speak, Commissioner?

President Fanello: Yes.

Paul Green: I wanted to comment on a couple of things. The cost to the contractor of being BAT approved would only be in generating information back to the apprenticeship program. And in the proposal that they've given here, they're going to do that anyway in their proposal. I mean, that's no different than if it was BAT approved, so its adding no cost, there is no cost there. And the proposal he here, as I've looked through it is, to me, its too general. I mean, it still doesn't set a set of guidelines because its way too general. And the competitiveness, I've got several contractors that's only two and three workers that are highly competitive under the BAT approved apprenticeship program. So the argument just doesn't add up. Thank you.

President Fanello: Thank you, Paul. Is there anyone else wishing to speak to this ordinance?

Paul Freeman: May I respond to that?

President Fanello: We can probably go back and forth all night. Let's try to keep it to new information. Do you have...go ahead and come up and go ahead and add your comment, but I'm going to cut it off here in a second so we can – because this is only first reading and it seems like there's a lot of questions here and I would imagine that if we pass on first reading, each Commissioner will probably get with individuals who have the differing opinions here before we make a final decision next Monday night.

Paul Freeman: Whereas I can appreciate what he is saying, there's more to it than just reporting to the committee. Where we have it is, in general as reporting the labor, the hours, that's not a problem. All of the minutia, the federal guidelines go ahead and institute is much more and adds a lot more to the small contractor. And that's what we're dealing with. When they may have one or two contractors who are two or three man shops, the majority of ours are two or three man shops and do not want the overhead of having to pick up a full-time secretary or a full-time accountant or someone to continually go through and make sure all the hoops politically are being taken care of. That, for a small business, is a tax and we have to pass that tax on to somebody else, so we're trying to avoid that situation. So far as general, this has generally worked for 30 years. You haven't been having a problem with the quality of work. Roger and I have had this conversation. He says its not an issue. He prefers our version. That being said, why would we go ahead and take on something that has so many restraints and a lot of things added that we, as contractors don't need, and its not being a problem in this area. Thank you.

President Fanello: Thank you. Jim, did you have a final comment that you wanted to add?

Jim Rexing: Sorry to do this to you again, but I just had a response to Mr. Green's comment concerning the cost. He said it would not be a burden, I think he's looking at his situation where the IBW actually administers this program in their signatory contract, certainly its not a huge burden, but its all paid as part of dues and that type of thing. In our situation it's a little bit different in that our contractors are part of IEC, Independent Electrical Contractors, which is the group that would have to administer this. We would have to put on full-time people to administer the school. Right now,

its all volunteers. Its all done by volunteer contractors, so the cost burden is not maybe directly to the contractor through the BAT administration, but its through what he is going to have to pay for dues, additional dues and because the administration, through the association, that is running the school.

President Fanello: Thank you, Jim. Well, I imagine probably each Commissioner will be getting in touch with you this week, Roger.

Roger Lehman: I would imagine so. I might make a comment on what I said I preferred or what I said I liked or didn't like. My position on this has been that the schools that have been in existence, PHCC and the IEC, have functioned well over the past years without being a part of the BAT program. My further comment was that we do need standards to cover the apprenticeship programs. The BAT certainly is a standard. The proposal from the other trade folks is certainly a standard. The question is, you know, is it enough? Is it not enough? That's what needs to be answered. Again, from my position as the Building Commissioner, my point is to get a standard situation, and the BAT provides one. Like I said, I believe the proposal provides at least the beginnings of a standard. So, I think they both have merit.

President Fanello: Well, I suggest that we pass on first reading, but obviously noting that we do need to do a little homework this week before we come back for a second reading and may warrant some changes – may or may not. I'm not sure at this point. Does the board have any thoughts?

Commissioner Crouch: I think its important that as a Commission, we establish standards that guarantee quality and affordable housing. And I personally prefer the amendment that was offered to us. So I won't be voting for the first reading (Inaudible).

President Fanello: Okay, are you, Commissioner Mosby, your thoughts.

Commissioner Mosby: Are you willing to come up with a set of standards that you think is deemed reasonable? I mean, is that possible?

Roger Lehman: I'm not sure its possible within a week. I'll be out of town three days this week and I'm not saying it can't be done, but I'm not sure I can get it done in that time frame.

Commissioner Mosby: I mean, I just heard you say it's a start, and I'm just wondering what, you know, you would be willing to add to it.

Roger Lehman: Well, I think probably, frankly, my approach would be to look at the BAT program and see what is required and what the problem creating issues of it may be and try and get something to balance with that. And I don't know if I can do that. I'm not sure I can get – I don't have a copy of the BAT program in my office. It would take a while to do that, at best.

Commissioner Mosby: I'll make a motion to pass to second reading just to move it forward.

President Fanello: I'll second that motion just to move it forward. I do want to, like I said, I do have a meeting with Bill Pedtke in the morning and, Roger, what days will you be out of town this week?

Roger Lehman: Tuesday, Thursday and Friday.

President Fanello: Okay, and you'll be in the office on Wednesday?

Roger Lehman: I've got several things scheduled but if you want to – I mean, I'll work you in, don't worry about that. But if we can maybe get our schedules together on when –

President Fanello: Okay, I'll contact your office.

Roger Lehman: Email me –

President Fanello: I'll email you in the morning and we'll try to get something scheduled because I do have – I mean, this whole conversation has raised several questions, so I've got a little homework to do here. Thank you, Roger.

Roger Lehman: Sure.

Madelyn Grayson: Commissioner Fanello, may we make a tape change, please?

President Fanello: Yes.

(Tape Change)

Madelyn Grayson: Thank you.

First Reading of Ordinance Concerning Licensing and Enforcement

Roger Lehman: I don't think this one will take as long.

President Fanello: Okay, good. Next one is first reading of an ordinance concerning licensing and enforcement.

Roger Lehman: Roger Lehman, Building Commissioner. We have been, I will say plagued, to some degree, with problems in enforcing the license rules and regulations against contractors who consciously work to subvert the process we have created. We have in the past tried to make some tweaks to the ordinance that indicated and suggested that we do certain things, and those have not always been successful. This ordinance concerning a process called "piggybacking", which was mentioned in the previous discussions, I believe takes another step in the direction of enforcing fully the rules that we have. We have, through the boards, attempted to prevent this policy by certain contractors, and when I say certain contractors, present company excluded, because all the folks in this room and 95% of the people we deal with are above board and do things right. That's one of the reasons we have a quality program. This is aimed at those who don't do that, and for the most part don't do it intentionally. So, having said that as an introduction, this ordinance is designed to help us enforce the rules that we have more clearly, and that when contractors call for information on what's required for licensing, we can send them a copy of this along with the other licensing ordinance, so that they, perhaps, more clearly will understand what the requirements are here, and why we have them.

President Fanello: Is there anyone wishing to speak to this?

Paul Green: Paul Green. Also, the building trades is in favor of this ordinance. We have had a lot of problems "piggybacking" in Vanderburgh County. The "piggybacking" also lends to the other problem. So, anyway, we are in favor of this ordinance, somewhat amended. In paragraph two, we would like the language to read "shall" instead of "may". At least as it pertains to complaints of an individual. We feel as though with the word "may" in there it just leaves it totally open to nothing has to be done. With the word "shall" it puts more meat into it. Where when there's a complaint made that something will be done about it.

Commissioner Mosby: Okay.

Paul Green: We are in favor of the motion with "shall" put in there.

Tim Born: I had a discussion with Kevin Winterheimer about this ordinance, and it was purposeful that "may" was used instead of "shall", because "may" gives the board discretion, "shall" makes it mandatory. Kevin's recommendation is that they not use the word "shall", but use the word "may" as it's indicated here in the ordinance. That was a deliberate, conscious wording on the part of the County Attorney when drafting the ordinance.

President Fanello: Okay. Roger, do you have any thoughts on that?

Roger Lehman: Could I see a copy of yours? I'm not 100% sure I got the final copy, because Kevin did this and then I haven't talked to him. I just want to make sure that we're on the same page.

Tim Born: I believe the sentence that Mr. Green referred to is;

"Upon a finding that the act of "piggybacking" has occurred, the board may deny or revoke the permit that has been issued."

Do you see that, Roger, at the bottom? Mr. Green was urging that--

Roger Lehman: Yes.

Tim Born: --the board automatically terminate.

Roger Lehman: Okay, because there's another "may" in the first sentence. That is the one I was thinking of.

Commissioner Mosby: That's what I was thinking about.

Roger Lehman: The first one I thought "may" probably wouldn't make it, wouldn't be a problem up there. Yeah, I guess, it comes to the point of whether it's a mandatory sentence or not. I think in our conversation, I suggested to Kevin that if someone was found to have been involved in this type of activity that there probably doesn't need to be discretion there. Since he's not here I can't really, I don't want to speak for him, but that was the indication that I gave to him was that I thought the shall would work okay there. I guess, when Kevin gets back on his feet we need to discuss that.

President Fanello: Well, I was going to say, he's always advised us to pass on first reading, and make changes on the second reading. So, we could pass as is and

then have an opportunity to speak with him this week for further discussion. Yes, Paul.

Paul Green: A little bit of a clarification. The “may” and “shall” issue was not on the whether or not to revoke. The “may” and “shall” was only, what we wanted, was pertaining to the investigation.

Tim Born: Oh.

Paul Green: That if there a complaint that they “shall” investigate.

Commissioner Mosby: So, you’re back up into the first sentence then?

Paul Green: Well, I’m in the first sentence of section two.

Commissioner Mosby: Yeah, that’s where he’s at right here.

Tim Born: Such investigation?

Paul Green: My copy it says may?

Roger Lehman: Okay. Can I have your copy again?

President Fanello: Yeah.

Tim Born: The very first sentence.

Paul Green: You got it?

Commissioner Mosby: Uh-huh.

Paul Green: Okay it does say “may”, it’s different than the one I’ve got. We don’t see that as a legal thing, but as a factual.

Roger Lehman: Yeah, the copy that I had actually had “shall” still in it.

Commissioner Mosby: I don’t see a problem with “shall”.

President Fanello: Okay. Does the board have any recommendations?

Commissioner Mosby: I would like to get with Kevin and see if he’s got any problem with “shall”.

President Fanello: Well, he’s always advised us to just pass “as is” on first, and then make changes on the second. So, if you want to make a motion as it is, at this point, and then we can take this week to ask questions.

Commissioner Mosby: I mean, my personal opinion is they should investigate it, so, this...I’ll make a motion to pass it on first reading to move it second.

Commissioner Crouch: Second.

President Fanello: So ordered. So, we'll get our questions answered this week. Paul Green, I'll probably be getting with you tomorrow and talking with you about both ordinances. Alright, thank you, Roger.

Roger Lehman: Thank you very much.

Mill Terrace Barrett Law Bond Resolutions

President Fanello: Next item that we have is no ordinance, but a Mill Terrace Barrett Law bond resolution. I believe Kevin, someone put in an executive summary in our packet, and there is a resolution regarding the Barrett bond that we passed, or talked about earlier this year. Are there any questions on that?

Commissioner Crouch: Just a question of the Auditor. I know that we have passed a number of these in the past, and have we ever paid attorney fees outside of the bond issue? Or has that always been a cost of the bond issue?

Bill Fluty: To my knowledge it's always been a cost included in the closing.

President Fanello: In the closing.

Bill Fluty: Within the bond.

President Fanello: Within the bond. It's never been an issue in the past where there hasn't been enough money there to paid the agreed upon legal fee.

Bill Fluty: That, to my knowledge, hasn't happened.

President Fanello: So, what would you suggest we do in this situation? As I understand it there's not enough money in the bond to pay the agreed upon amount with the attorney.

Bill Fluty: I'm not sure what my suggestion would be on that. I think you have a cap, and I think you're looking for other means with this resolution is what I'm going to say.

President Fanello: Right, and because our engagement letter with Baker and Daniels regarding the Barrett Law bond was a cap of \$10,000, and if I'm reading everything correctly they're not going over their cap, but I'm under the impression that there's not enough money to pay what we agreed upon in the engagement letter. Is that correct?

Bill Fluty: That's correct.

President Fanello: Okay, and is it not possible to pay it out of just the general legal account, legally?

Bill Fluty: I think that's what you're pursuing right now with this resolution.

President Fanello: Is that an acceptable option, though? Is that an acceptable legal option?

Bill Fluty: Well, I couldn't answer that.

President Fanello: Okay.

Bill Fluty: That would have to move back to that side of the table.

President Fanello: It doesn't have....I guess, what I'm asking is it doesn't have to be paid out of the bond funds?

Tim Born: It does not.

President Fanello: Okay. We can pay it from any legal account deemed appropriate?

Tim Born: Right.

President Fanello: Okay. So, we do actually have two resolutions. One is the financing of the bond, and the other one is the resolution to pay any remaining legal fees out of the general legal account.

Tim Born: And you can do that.

President Fanello: Okay. So, on the first--

Tim Born: I did have that discussion with Kevin, by the way.

President Fanello: Thank you, Tim. On the first resolution, do I have a motion to pass the first resolution?

Commissioner Mosby: Which one are you taking first?

President Fanello: Authorizing the issuance and sale of Barrett Law assessment revenue bonds of Vanderburgh County, and to provide funds for the financing of certain Barrett Law projects together with the expenses incidental, thereto, including the cost of issuance of the bonds. The big resolution.

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Then, the second resolution is authorizing the payment of certain issuance costs from it's general legal fund for certain Barrett Law assessment revenue bonds.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: I'm going to pass just to be consistent with what we've done in the past. Although, I recognize that we do have to pay the legal fees.

President Fanello: Okay, and since we did, do have an engagement letter, and we're not exceeding the agreed upon price, I will second that motion by Commissioner Mosby, and say so ordered.

EPA Grant Letter: Clean Water Act Projects

President Fanello: Next item we have in your packet is a letter. This was given to us by Greg Server, from the Water Department. I don't know if there is any questions. I just need a motion to approve.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. The next item I would like to put on hold for a second until we get to new business, because I have some additional financial information, and we might as well just take it at one time, if that's okay.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board?
Seeing none.

Old Business

President Fanello: We do have one item under old business, and that is the election equipment audit. Which, I'm sure they are glad we are finally to that part of the program, but we do have two election board members here, Mark Foster and Don Vowels.

Don Vowels: Good evening. I'm Don Vowels, member of the Vanderburgh County Election Board, and this is Mark Foster the President of the Election Board. This morning we had a public meeting of the Vanderburgh County Election Board to address the audit by Sys.Test Labs. The Election Board, Mark Foster and myself, received from Ms. Abell today this request for proposal that was dated November 29, 2004, that I believe was submitted to Matt Arvay, the Chief Information Officer of the City of Evansville/Vanderburgh County. We are primarily here to give you our thoughts about this audit. I don't think it's any secret that Mr. Foster and Ms. Abell and I were extremely dissatisfied with the performance of ES&S during the course of this November two election, and that there does need to be an audit of their performance and the accuracy of the equipment. We have discussed this morning in our meeting about that being our primary concern. This request for proposal that was submitted and then President Fanello was kind enough to give me a memo from the Senior Director of Development at Sys.Test that was dated today, in reference to the election results audit, the mock election, and the election process QA assessment proposal. That, coincidentally, dealt with our main concern at the Election Board meeting this morning. This document, this request for proposal, was a number of pages, seven pages long, including the signature page. Most of it dealt with the process of, that it appears, and you can correct me if I'm wrong, Mr. Foster, our thought was most of this deals with the process of how the Election Board and the County Clerk, in particular, runs the election. We certainly are not afraid of an assessment of that, and we certainly don't have anything to hide in the way that the election was run, and would always welcome any suggestions to make it better and more efficient. But, our problem is that this request for proposal was as we reviewed it, primarily focuses on the election as it was conducted, and does

not address our concern with ES&S, in particular, the paragraph one on page one in the introduction. It says;

“An independent source code review is possible.”

The last line of that paragraph says;

“We can provide this for service at an additional cost.”

Now, I understand, my primary information comes from the media. This morning was the first time that the Election Board has been able to discuss this. But, there is approximately a \$37,000 fee that Sys.Test would charge the county, and that it, apparently, does not include the review of the source code. As indicated, that would provide an additional cost. President Fanello did provide us with today's, the memo dated today, and it appears that they could do that, and the price is another \$50,000. Mr. Foster, I'll turn to you, but our concern is that ES&S, their performance pursuant to the contract that the County Commissioners signed with them for this election equipment, be reviewed to be certain that they are fulfilling and upholding their end of that contract. As the Election Board we were totally, totally is an extreme word, but we were extremely dissatisfied with their performance on November 2nd. We felt that once that \$10 million bond, which they were required to be posted by the State Election Commission was released, and the money was paid to them, as released by you late this summer, that they just, the good days, the glory days of their involvement of us were long since past, and they sent a skeleton crew, which included the Chief Financial Officer, who I didn't really get a sense had much in the way of technical expertise of what we needed on that date. There was, as reported in our election meetings, our concern that the ES&S did not want the media to watch them as they were conducting the results, to which the Election Board made it very clear to them that that was not going to occur, as to any media being kept out of the election return process. It was going forward. The sense that I got that day was, as I said, they'd been released from the bond, that their concern as far as the service they were going to provide to this county was going to be skeletal, at best. They were sending warm bodies. We had a number of problems with some of the machinery, and even with the absentee ballot count that they did at central count in the Recorder's office that the three Election Board members had to circle a person, a technician from ES&S to go and stay in there because of all the problems that were going on. I actually asked him if he couldn't stay in the Recorder's office and do that, and to my surprise, and, I guess, somewhat a breath of fresh air he didn't tell me the answer I wanted to hear, he simply said, no, that he couldn't do that. That was when I convened Mr. Foster and Ms. Abell and we made him go over there and we stayed there and watched him. But, my point of this is, we fully support the audit, but we would like it to be primarily, particularly if the county is going to expend these resources, to focus on ES&S and that machinery, and what they had done. We fully welcome any assessment of how the election was operated. There's not going to be another one for a year and a half, so there's plenty of time, and the new Clerk will be coming in at the beginning of the year. So, and she needs to be involved in any suggestions or any direction to fine tune and to make the elections more efficient and more user friendly and voter friendly. We had discussed this morning that the possibility of turning to the State Election Commission, for them to request an audit, and, which was sort of a secret way of requesting for them to pay for it. Isn't that correct? There were problems in Johnson County—

Mark Foster: It's not secret anymore.

Don Vowels: Not secret anymore, is it? There were problems in Johnson County. They had the same equipment, and there were problems to the point where they did not use this equipment in the November election, isn't that right?

Mark Foster: They--

Don Vowels: They used the things that we use for the absentee ballots that you, that were a nightmare, where you fed them in one at a time, and it was like sticking the dollar in that coke machine and it just kept kicking it out. It took an extremely long amount of time. It ran a little better once we corralled the technician to actually stay in there and help the people out as they were running those things. But, it appears that there are problems in Johnson County, and the State Election Board would need to address that, because they have the same concerns with ES&S that we do. So, essentially, that's where we are. We are in support of an audit of ES&S. It appears that the Sys.Test Labs is primarily focusing on how the election itself was run by the Election Board, which is fine with me. If there was some local task force that wanted to look at that and make suggestions, we would certainly listen to those, and probably follow them with the new Clerk coming in. She does the day-to-day operations, we don't micro manage these things. So, her voice is very important, would be at least heard, or that she would be in the loop to understand what's going to go forward. So, at the risk of having talked too long, that's where we are. We support you on that, but we would like you to be able to have Sys.Test focus primarily on ES&S, even if it does cost \$50,000, instead of \$37,000. So, anything else?

Mark Foster: Thank you. I'm Mark Foster. I don't want to reiterate everything Don said, but, again, we were looking at this proposal this morning, and it does appear to not do what we need to get done, and that's...if we're going to audit the machines to make sure they did what they were supposed to do, that's, nothing in this specifically exempted out that they won't do that. They won't look at the source codes and make sure that they did what they were supposed to do. Again, that's going to be the extra \$50,000 apparently. As far as what's contained in their audit, or what they call an audit, I think a local community group could look at our processes and say, you know, you need to do this better, you need to do this different. You know, and just to look at a couple of different things, they were talking about polling place accessibility, well, you know, we had Gary May and John Cox on the board and they are looking at that and working to make sure that everything is accessible, or making recommendations for the different polling places. So, you know, I think the community can answer a lot of these questions a whole lot better than somebody in Denver. But, at the same time, we welcome any input to tell us, you know, what we're doing right, and what we're doing wrong, and make suggestions. But, as far as what we saw this morning in this, I don't think it does what we want it to do. Again, I want to see an audit of those machines. I want to make sure that they did what they were supposed to do, that the votes were tallied correctly, that whenever you punched a particular vote that it was counted that way. If you voted a straight ticket that it did vote those individuals on that ticket, and not something else, but, apparently, what this contract that we saw, it doesn't do that. So, like I say, I think we need to look at that, and our recommendation is to get that done. Look at the source codes, make sure the machines worked, and instead of maybe us doing it individually, get the State Election Commission

involved, because there are four counties on the iVotronic, and I'm sure that all four counties would be interested in the results of that.

President Fanello: I did speak with Sys.Test today after hearing some of your concerns, and I don't disagree with your concerns, and I don't...may I see one of your proposals? I don't have my proposal in front of me. When he had given us a proposal, I did have the same questions as you did, because my focus is on the equipment.

Mark Foster: Right.

President Fanello: He did offer his point that when they do an audit they are looking at the machines, that's the reason for the mock election that they're doing. They set up a mock election that will have test anticipated results against actual results and that tells them a lot about the performance of the equipment. As for the processes, I'm not against tweaking that part of the proposal, but he does feel like everything needs to be looked at in totality. Just from my perspective of when I've done an audit, it's hard to pick out pieces of a system. Even though our focus is the equipment, everything that leads up to that day is important. The processes are an important part of that day. So, I feel, I think from their perspective they feel like they will get a better picture of just everything by looking at it in totality. That's, he kind of mentioned a little bit of that in his memo, I think in the third paragraph of why they want the process review.

Don Vowels: Excuse me. I mean, I don't really have any problem with that, and I do agree with you that the totality of the entire election, but what's lacking here is the review of the source code.

President Fanello: Right.

Don Vowels: And without that, and if I'm correct, or if I'm not correct, tell me, that is the essence of this. The other things are fine, and if they're making a pitch to you that we want to do all these other things, review the entire election because we can't piecemeal this thing, the big piece, the meat and potatoes of this meal is this source code, and they are now coming and telling you it's \$50,000 more after they've done their proposal at the \$37,000 level. Where all the other stuff is great, but what we're looking at is that source code review, because that's where the meat and potatoes is of this. As far as the Election Board is concerned, that would address our primary concern, having been in the trenches and in the front line there on election day and having to deal with them, of knowing whether ES&S really did their stuff. There's a section in this request for proposal that talks about the independence of the review, the statement of independence, which is on page 4, which is section three. It says specifically that we have no business relationship with ES&S other than customer/vendor. There was a telephone conversation that Ms. Abell had last Thursday with a person from Sys.Test, and I don't know if he was puffing the situation to make them sound more experienced, but the comment that he had made to her that she relayed to us this morning was they do, in fact, have some sort of relationship with ES&S. I would ask the board, the next communication they have with them, to flesh that out, because that's where the real concern is. You know, when you get into something of this size and this amount of money and the intertwining of all the people within the industry, my concern of the audit that ES&S did of themselves was a "cover your behind" audit. I don't want to find out somewhere down the road, they've put a statement of independence in

here, and I have to believe that because it's in writing, but I am a little concerned when that was related to Ms. Abell in a telephone conversation last Thursday. Again, it could have just been hyperbole, that, you know, we're big stuff and we know what we're doing, but that also concerns me that they're somehow in a relationship with ES&S that.... I mean, they say customer/vendor, which sounds to me like they make money off of them or the other way around, or something. But there is a relationship to them and the impartiality and no concern of "cover your behind" is very important in this. So, but, I agree with you on the piecemeal, it's just that the meat and potatoes of the meal is the source code review, and they're not giving that to you for what you had initially contracted for. So, that's where we're coming from, and we'll defer to you since—

President Fanello: I was unaware of that comment, but I—

Mark Foster: Yeah, the customer/vendor, I mean, it's like, you know, Toyota Toshu saying, you know, we don't have a relationship, or we're not affiliated with Toyota other than a customer/vendor relationship. Now, granted, they've only got one customer. You know, they provide all the steel for Toyota, but, you know, we've only got a customer/vendor relationship. You know, what extent is that? You know, they may be trying to hide something, they may not be, I don't know.

President Fanello: Well, it's definitely worth checking out.

Mark Foster: Again, we would look at, just to reiterate, we want the machines looked at, more so than everything else. Like I say, if you want to look at everything else, that's fine, but if we could possibly get the State Election Commission involved, I think that would be the start. If we would like to go to them and say, will you look at the audit, because it's not just us, it's the other three counties also. And, if, you know, maybe the Commission could join with us to go to them and say, you know, we want you to look at this because it's, again, it's this equipment. You know, maybe we could get them to do it also.

Commissioner Crouch: What you would want us to join with you to ask for is this extra that Sys.Test did not include in their proposal. So, this \$50,000 additional?

Mark Foster: I think that's what, because, I mean, as far as what Sys.Test said they're going to do for us is our processes and all that, that's local. That's different from county to county, but the source code is the same for all of the iVotronics, and I think that's something that the state could look at, and instead of four different counties reinventing the wheel, the state could do it and look at them all together, and possibly instead of duplicating on four different times, they could do it all at once.

Commissioner Crouch: If that is important, would there be any merit to us moving forward with the proposal that Sys.Test has presented us, and then join with the Election Board for this extra that is not included in the proposal? Because we don't, I don't believe we have \$87,500. I know you all probably don't have it in your budget.

Don Vowels: I don't think we have a budget.

Mark Foster: Not according to our pay.

Don Vowels: We get paid on election day. We're here for free.

Mark Foster: I think if we could get the State Election Commission to do the audit, to do the source code audit, that may answer 99% of our questions, and it may not be necessary to do the other. But, I think after we get an answer from them, whether they will do it or won't do it, that will get us in a better position. But, I think if we spend the \$37,000 and do everything but the source code, we're not going to be too much better off than what we are right now. But, because we still don't know if the machines did what they were supposed to do.

Don Vowels: The thing too is this would be a good deal for Sys.Test to get \$37,000 out of this county for what a community task force could do. Because the tough part of this is the review of the source code. You could set up any kind of community relations board to review all of these aspects of what's gone on in the election and make suggestions and recommendations, and they would probably do it for free. So, it's a pretty good deal for them to get \$37,000, and it appears to me that only after someone brought it to their attention did they mention that the heart and soul of this is going to cost everybody \$50,000 more. I mean, you and I could do it for \$37,000. We could do it for \$20,000, want to start a business?

Commissioner Crouch: Can we do the test for \$50,000, and not do the \$37,500?

President Fanello: Well, that's a valid question.

Don Vowels: That's what we, if we had to pick an option.

Mark Foster: If we, speaking on behalf of the Election Board, if we had to pick an option, that would be our option. Because, again, this morning there was a lot of discussion, you know, about what was in here and what wasn't, and, obviously, what wasn't was the source code review. I think, without a doubt, if we had to pick an option, we would opt for the source code versus the rest of it.

Don Vowels: It's interesting, but we didn't see this latest memo this morning. Because, by God, we had a meeting at 7:30, and they probably didn't even issue memos at that time of day. So, this—

President Fanello: I asked for that information—

Don Vowels: Okay.

President Fanello: —based on your discussion this morning.

Don Vowels: Oh, okay. Because, I was going to say this is an amazing coincidence.

President Fanello: No, it's not. I was told what your discussion was, and so I thought in order to be helpful tonight that I would go ahead and ask them that question about the source code.

Don Vowels: Okay, good, I mean, because it does, it hits the nail right on the head of what we were talking about this morning. So, whoever the fly on the wall was was accurate. There he goes right now.

Commissioner Crouch: I've got, excuse me, a legal question. We signed a contract for \$37,500. They haven't started their work yet. If we decided to go with the \$50,000 option, can we break that contract?

Tim Born: You're asking can we breach?

Commissioner Crouch: Yes.

Tim Born: I would have to see the contract to be able to offer an opinion, but it seems to me that perhaps the company would be willing to entertain that in lieu of a breach. Alright, we'll flip you out \$50,000 for the \$37,000.

President Fanello: When I spoke with—

Tim Born: That's kind of a non-legal answer.

Commissioner Crouch: It's more money.

Tim Born: Yeah.

President Fanello: But, when I spoke with them today, I mean, they are willing to do whatever we want them to do. I told them that there was on-going discussion, and he certainly has no problem with that, and they are willing to make any modification that they, you know, I purposely told that, you know, he called last week and they were wanting to actually be here today, and I said the Election Board is having a meeting Monday morning, I think it would be better if you not come until we hear what they have to say, and take into consideration any information that they may provide at the meeting. So, I spoke with him today and I said I will call you in the morning and let you know what our discussion consists of in the Commission meeting, and ,you know , how we will proceed from there. So, I think they are willing to do anything that we want them to do.

Commissioner Crouch: What is the question, what is the likelihood that the State Election Commission would pay for us to do the source code information audit that you're recommending?

Don Vowels: I don't know. All I know is that last spring, prior to the primary election, I don't think the State Election Board feels really comfortable with ES&S. That \$10 million bond was put into effect because of what they felt was ES&S' inability to be forthcoming in the way that they termed things in front of them. Which—

Mark Foster: Well put.

Don Vowels: —is a polite way of saying that they deserved a \$10 million bond. So, I guess, my answer to the question, I don't know if they would be willing to pony up the money to pay it or not, but I think they would certainly be receptive, at least to the first part of that there would be an audit, because of their prior contact with ES&S. But, when it gets to the money time, that's beyond my level of knowledge.

Mark Foster: Again, I mean, it's nil if we don't ask. I think if we ask them, I mean, they'll either say yes or they'll say no, but I think the first thing we've got to do is ask them. You know, who knows, because, again, we are not alone in this. We're not the only county on this equipment. There's another county, it was Johnson, when

we were at the State Election Commission meeting, awaiting the certification, they opted right then, we're not going to use the iVotronics. We're going to go to the M-100's the optic scan, and that's what they opted out. That's why they voted on that in November. But, there's three other counties that did vote on that equipment in November. So, I think they would be very interested in making sure that it did what it was supposed to do. Again, unless we ask, we won't know.

Commissioner Mosby: What if you ask them, and ask them to ask the other three counties? We all pony up \$12,500.

Mark Foster: That may be another, I mean, we're obviously the largest of the counties, but they may—

Commissioner Mosby: I mean, if we split it four ways it would still be a lot cheaper than \$50,000.

Mark Foster: Absolutely. But, I mean, they would be the one's to coordinate it.

Commissioner Mosby: That's what I meant, yeah.

President Fanello: Well.

Mark Foster: I mean, I know Ms. Abell has talked to Dale Simmons quite a bit about an audit, and whether they may be interested, and, again, I don't know that they've even got to that point yet. At least there's been some discussion there.

Commissioner Crouch: What are we talking timetable? If we call them tomorrow, or put something in writing? I mean, when would we—

Mark Foster: I think you need to get something to Sys.Test, but, again, we've got a year before, you know—

Don Vowels: A year and a half.

Mark Foster: A year and a half before our next election. So, we do, I mean, I don't think we're under the gun to start tomorrow, but I think we can ask them and see.

President Fanello: I probably agree with you on the processes point of it, but as far as the equipment itself, I think that we do need to move swiftly on that. I certainly think that the other things regarding the process itself could be in a more, in a later fashion, but I do think the equipment needs to be looked at swiftly.

Don Vowels: I'm sure you have a very valid reason for that, but I don't know what it would be.

President Fanello: I just, we haven't paid all of the bill yet.

Don Vowels: Okay.

President Fanello: The payment is out there—

Tim Born: An installment payment is due.

President Fanello: Right. The bill is going to be due here pretty soon, and I'm sure we can't say, well, ES&S, we're not going to pay you for a year until we get around to doing an equipment audit. I think once we let go of the money, that's it.

Don Vowels: I wouldn't let go of the money.

President Fanello: And that's definitely a decision that, you know, I don't know if this Commission will make before the end of the year, but more than likely the next Commission.

Don Vowels: My only concern is the County Clerk, Susie Kirk...did I say that, County Clerk, Susie Kirk is coming in—

President Fanello: Right.

Don Vowels: —in just a matter of a couple weeks, and she really needs to be in the loop on this. I've not had any discussions with her, but, I mean, it's your call.

President Fanello: That's all I would be concerned about. We're going to be presented a bill. As far as the processes, that could be something that Susie works on next year. I don't have a problem with that, but once the bill comes for the equipment, then we're obligated to do something, either pay it or not pay it, and I'm not sure how long we want to withhold payment.

Don Vowels: What are they going to do?

President Fanello: Come take their equipment, I don't know. I mean, that's just a decision this Commission would have to make.

Don Vowels: By the time they file suit...

Commissioner Crouch: Do we have an additional \$12,500?

President Fanello: We could come up with an additional \$12,500. I did go over our Computer Contractual account last week, we actually have about an extra couple hundred thousand right now that whatever we don't use will be returned to the General Fund, but ACS went through and decided what they needed before the end of the year, and we're writing P.O.'s for that, and the rest was not needed. So, whatever, but I definitely, you know, don't want to shell out \$87,000.

Commissioner Crouch: Well, it seems to me if we're going to make any investment we ought to make the investment on the process or an evaluation that will really get the information we're looking for, that's also recommended by the experts, which is the Election Board. Trying to get it paid from the state, I think, is a wonderful way to go, I just don't know what...we might be sitting here this time next year.

Mark Foster: Well, we don't want to do that.

President Fanello: Maybe we could move forward ourselves with that portion of it and always ask that they reimburse us or something. I don't know how well that would work.

Don Vowels: Well, if the review turns out that it's faulty, I would venture to say that ES&S may have some responsibility on any payment—

President Fanello: That's true.

Tim Born: That's right.

Don Vowels: —of that audit. Hopefully, that won't come to be. I hope not, that would be a really bad thing, but anyway, we just wanted to let you know what we thought on it.

President Fanello: We do appreciate that, because we do want this to be a joint effort, and it should be a joint effort.

Don Vowels: We don't have any other meetings scheduled, but, if necessary, if there's some questions that you have, we can always—

Mark Foster: With 48 hour notice we'll—

President Fanello: So, I guess, here this was somebody's proposal here.

Madelyn Grayson: I was going....can I have copies of both the memos and the proposal for the record?

President Fanello: Here's the memo, and the proposal is the same one we signed last week. If you want to just recopy it. I guess, I would look for direction from the board, how you want to proceed.

Commissioner Mosby: It was my understanding, I don't know, is the Election Board going to talk to the state?

Mark Foster: We can.

Commissioner Mosby: Okay. I mean, that would be the first thing I could see is that the Election Board would talk to the state and see if the other three counties that are involved, you know, if they have any willingness to participate in this, and if the state won't pay, maybe the four of us just split it.

Mark Foster: I'll talk to Marsha, and ask, have her talk to Dale Simmons and see what their position is going to be. We'll report back as soon as we get an answer. It should be in a day or so.

Commissioner Mosby: Okay.

Mark Foster: That would be my guess.

Tim Born: Mark, I had a note here from my discussion with Kevin, I think he spoke with Kristy Robertson up there at the State Commission, and she referenced Marion County having gone through a similar process where the Election Board and the County Commissioners jointly asked for an examination.

Mark Foster: They were on the M-100's.

Tim Born: Okay. Yeah, alright.

Mark Foster: I think they did that.

Tim Born: Okay.

President Fanello: I guess, my question would be contingency plan. If the state is not interested in doing that, or offering any money, how would this Commission like to proceed?

Commissioner Crouch: I think if the state does not offer to reimburse or to pay part of the costs of the evaluation, then we should look at spending the money to have the system evaluated that will give some real results. That's the recommendation of the Election Board, and that would be the source code information. I also think we probably ought to just double check to see the relationship between Sys.Test and ES&S. Can you get back with President Fanello as soon as—

Mark Foster: Yeah, as soon as...I'll have Marsha get back as soon as she gets an answer from Dale Simmons.

President Fanello: I will go ahead and call Sys.Test in the morning and have discussion with them about relationship, number one question. Number two question about revising their proposal.

Don Vowels: There's a....the State Election—

Mark Foster: That is tomorrow.

Don Vowels: Although we're not there, but—

Mark Foster: The, yeah, it may be tough. Well, I'll call Marsha, because Marsha will see Dale tomorrow.

President Fanello: Is there a State Election meeting tomorrow?

Mark Foster: There is the State Election Commission meeting tomorrow. The training for all the Clerks and Election Board members.

Don Vowels: Not all the Election Board members.

Mark Foster: Not all of them are going to make it. Donnie and I cannot. I know Marsha is in Indy tomorrow at that, so I will get a hold of her.

Commissioner Crouch: Could we e-mail a request from, I don't think your board can since you aren't formally meeting, correct?

Mark Foster: Right.

Commissioner Crouch: But, I wondered if the Commissioners could e-mail a request that—

Mark Foster: Either to Dale Simmons or Kristy Robertson.

President Fanello: They're the co-chairs, right?

Mark Foster: Well—

Don Vowels: Dale is the attorney.

Mark Foster: Dale is the attorney—

President Fanello: Okay.

Mark Foster: —Kristy and Brad King are the co-directors, and there is no attorney for the Democrats.

Don Vowels: At this time.

Mark Foster: Kristy was that, and when she moved up they haven't replaced her yet.

President Fanello: So, maybe if we direct that to the co-directors, and have them—

Mark Foster: But, either one, any of those three could—

President Fanello: Okay.

Commissioner Crouch: And copy you on that. We could get that off tomorrow. So, I'll make a motion that the board authorize President Fanello to put together some kind of request to the Election Commission asking for them to fund an evaluation of the ES&S machines as it pertains to the information source code.

Commissioner Mosby: Second.

President Fanello: So ordered.

Tim Born: Did you mean for your motion to be that they fund and examine the equipment?

Commissioner Crouch: I will amend my motion to include that. And we also might indicate a time period. We would like an answer within—

President Fanello: Right.

Commissioner Crouch: —a week?

President Fanello: Yes. Okay.

Commissioner Mosby: Second.

President Fanello: And so ordered. Like I said, I will speak with Sys.Test in the morning.

Mark Foster: Okay. Thank you.

President Fanello: Thank you.

Commissioner Mosby: Thank you.

President Fanello: Any other old business?

New Business

President Fanello: New business. Everybody does have copies in their packet of the year end encumbrance letters that all the departments supplied. I don't know if there are any questions at this point. As far as the Commission and Superintendent budget, Tammy has put on purchase order anything that may be needed to pay any outstanding bills and all contracts are on purchase orders. So, this letter is a little shorter than last years letter, because purchase orders on anything that has a contract, or a bill is incurred. So, I don't know if there are any additional questions.

Commissioner Mosby: Yeah, I have one additional question, and I had talked with John Stoll, and I noticed that Lyle Road was not on here. In talking with John, and I know we have some money left in Riverboat, since the right-of-way is already satisfied, and the wetland issue is satisfied with the Corp of Engineers, and I know we have voice approval. We have a verbal approval from them. We're waiting for written approval, I would like to see us encumber that \$144,000 on Lyle Road, since we are that far along, and all we're waiting for is written approval from the Corp.

President Fanello: Bill, is that okay since we don't actually have a bid out for the construction portion of it, but are in the right-of-way purchase process?

Bill Fluty: You do a letter of encumbrance, is what you'll do—

President Fanello: Right.

Bill Fluty: —explaining those things.

President Fanello: Okay. Is that in the form of a motion?

Commissioner Mosby: That's in the form of a motion to go along with the County Engineer's and all the rest of the encumbrances.

Commissioner Crouch: Second. Is it possible to get a listing of the P.O.'s ? I know I'm going to sit down with you Wednesday, Tammy.

President Fanello: I think, once Tammy has some requisitions that you probably haven't seen, the requisitions she has in there are today, but it might be, at the end of the week if we could have the Auditor's office run an open purchase order report or something. That way we've got everything that's been, that's she's done P.O.'s for, because she does have some requisitions in there today.

Tammy McKinney: Right, I've done a lot of requests for P.O.'s, but I haven't received the actual P.O. back. But, yeah, we can go over that Wednesday when we meet.

President Fanello: One other question that I had on the Burdette Park. This is actually out of the CCD Fund, the lazy river ride, I know that Steve is in the process,

well, Steve's not here, but Gary's here, in the process of trying to get the bid packet put together, and they haven't been able to get that out yet. So, it's in the process of being bid, so, is , Bill, I guess, I'm asking is it okay to ask for that money to be encumbered?

Bill Fluty: Then, again, put that in an encumbrance letter and send it to our office.

President Fanello: We don't have that one in here right now, so, I guess, I would entertain a motion to add the lazy river ride to that letter for Burdette Park.

Commissioner Mosby: Motion to add lazy river ride out of CCD.

Commissioner Crouch: Second.

President Fanello: So ordered. If there are not further questions on the encumbrance letters, the jail construction account. I just went through and spoke with Dave Rector last week, and just looked at our funds and how much we owe on the bid packages, and just want to give an update to the board that we're in very good financial shape at this point. We've even got \$39,000 unallocated at this point. But, plenty of money to finish out the bid packages. The contingency money is completely in tact. Money set aside for the furniture, fixtures, and equipment. Trustee fees, that's an estimate for the remainder of the year, actually, that will probably be a lot less than that. I just threw \$10,000 in there in miscellaneous. Whatever might come up as far as fees or anything like that I'm not sure as they go through the project next year, but, as you can see, plenty of money to finish out the project. So, I did just want to make that report. Don't foresee, I spoke with the construction manager and everything, so I don't foresee any problems before the end of the year.

Commissioner Crouch: Great. Thank you.

President Fanello: I did do the same thing on the community corrections project, which actually has about \$21,000 sitting there unallocated. So, it also has plenty of money at this point to finish out. I just took this off of, Paul Summers, last summer, had given us the budget for the community corrections project. So, as you can see, everything is accounted for. Still \$126,000 sitting there for any contingencies that might come up next year. Fifty thousand left there for furniture, fixtures, and equipment. We're in pretty good financial shape at this point on both projects.

Commissioner Crouch: Thank you.

President Fanello: Hopefully, nothing will, everything will continue to go smooth.

Commissioner Crouch: They're still scheduled to be on time?

President Fanello: Scheduled, as far as last Thursday or Friday when I spoke with them nothing is off schedule, they are kind of glad that it's a little bit more dry today. Cold, but...oh, Les did stop in the office today for a few seconds, and he did say it's dry and cold, but he'd rather have it dry and cold than muddy and cold. So, everything's going very well. This is a memo regarding the purchasing policy recommendations. As we have been reviewing the claims and the requisitions, several things have come to my attention, about 17 of them. I'll just run through them really quickly. I think the main point of my letter is, I think we need some re-

education in the departments about the purchasing policy, about accounting policy, and I think it's going to take probably the Auditor's office and the Purchasing Director working together to kind of catch some of these things and notify the departments because, you know, not every department is equipped with an accountant or a bookkeeper who, you know, is always cognizant of what's going on in the finances. So, I think it's going to take a little bit more working together to get some of these things taken care of. Number one is the claims and requisition review. As we've been reviewing every claim and requisition that's how I found some of these things. I think it's still very pertinent for the Commissioners to review claims and requisitions, but I do suggest that you set a threshold amount as a point of review. So, that we're not reviewing every \$25 claim that comes through, or every \$100 requisition or whatever. I think there should be a threshold amount, but I still, I think that Commissioners do need to have a certain amount of oversight, because statutorily we are responsible for the final approval on the claims. So, that puts us in somewhat of a precarious position. Lack of purchase orders, our policy does state that each department is supposed to obtain a purchase order for all goods and services prior to committing the county to the purchase. Many claims do not have purchase orders. I think it's going to take the Auditor's office to notify those departments who continuously submit claims that do not have purchase orders because, obviously, the Purchasing Department is not going to catch it because they're not, no requisitions are coming down there. I do suggest that maybe also setting a threshold for obtaining purchase orders so that we're not obtaining purchase orders for every small purchase. Maybe raising the threshold, or setting a threshold for that. Lack of price checks, I don't know how many requisitions have come through without price checks, and as I've been sending them back, I think it's getting better that they're obtaining more price checks. One thing that worries me, and I'm not sure if it's happening, but I kind of think that it might be happening is that maybe not all departments are coming to us to open informal quotes as required in the policy. Informal quotes are required for \$25,000 to \$74,999. I think there are some departments that are very good at doing that, but I'm not sure that all departments are doing that. I think that is something that the Purchasing Department is going to have to look at, and catch when the requisitions come through, that they have gone through the proper procedure for that level of price. Sole vendor, a lot of requisitions checked with sole vendor. I'm not always sure that it is a sole vendor, and I think the Purchasing Department is going to have to confirm whether or not the purchase is a sole vendor, and attach appropriate documentation to the requisition signifying that the vendor is indeed a sole vendor. Lack of documentation on purchase orders and claims. This would go for requisitions also, most of the requisitions we get are not completely filled out. I've had some claims turned in without any documentation on them whatsoever, and we've sent them back to the departments, and that has gotten better. Number six, lack of written agreements and Commissioner approval. I think every department is probably deficient in this, and the policy does state that items over \$1,500 are supposed to be in written form and reviewed by the County Attorney. So, I think that's something that the Purchasing Department, when they see a requisition, if it's over \$1,500 and it's a contractual item, if it doesn't have an approved contract attached, it should not have a purchase order. I think, you know, the Auditor's office is going to do some random checks for that as well. Wrong account numbers, I think there is an inconsistent use of account numbers. Bill and I did talk on the phone last week, and the suggestion was that as you pass the 2006 budget that you review the account numbers, and try to more accurately apply a uniform rule for the usage of those account numbers as prescribed by the State Board of Accounts. Incorrect use of prior year purchase orders. This one is the big

one. There are too many prior year purchase orders sitting out there, I believe. Prior year purchase orders should only be used to pay the prior years bills, and it should not be used for your current year budget, and that is happening. I suggest a time limit on prior year purchase orders of no more than 90 days after the close of the year. I think those need to be checked, and the money needs to be cancelled and returned to the General Fund, if there is no bill to be paid from the prior year. Lack of approval for education reimbursements. I did see some claims for training, and right now we don't have a uniform county policy for training and education reimbursements, and that is something that needs to be addressed. Professional dues, I've seen some claims for professional dues, and personal opinion is unless the professional due is a statutory requirement, I'm not sure the taxpayers should be responsible for continuing professional activities. Blanket purchase orders, and I know Commissioner Crouch has raised this issue also. I think there should be a time limit on the blanket purchase orders. That they be open no longer than 90 days. I think a time limit would ensure that blanket purchase orders are not being used to conceal large purchases that might otherwise require more oversight or board approval. Reimbursement to employees for supplies. Several claims came through for employees who have gone out and purchased supplies and asked for reimbursement. There is really no policy, at this point, that disallows or allows that, but I believe that there should be a policy and a cap established. Technology expenditures outside the Commissioner budget. Many departments kind of doing their own thing, but I don't think that's anything new, and I think with the institution of the CIO office, I know Matt Arvay has been looking over the requisitions and trying to get a better handle on technology expenditures. I think that's something that the Council and the Board of Commissioners need to work on together, not allowing departments to do all kinds of things on their own outside of a uniform budget, because services are being contracted for outside of the approved on-site vendor, ACS. Multiple personnel policies, I got a call a couple of weeks ago about an employee that was leaving and was under the impression they were operating under a different personnel policy, because they worked in a different department. I think that the Commissioners need to work with the different entities and have only one county personnel policy. This only increases fiscal accountability and fairness among all county employees. Lack of bids for services and supplies. Some of the areas that I saw were uniforms, trash service, cleaning service, advertising services, highway supplies, Internet service, storage of records, maintenance agreements, pest control, and repair of equipment vehicles, just to name a few. Those are all things that the Purchasing Director could be working on with departments to get better bulk pricing on. Currently a lot of these things are being purchased separately. Emergency services and supplies, currently the county doesn't have any kind of policy that would address an emergency situation, and what authorization a department head or official would have in the case of an emergency. So, that was kind of a side item. Inventory of fixed assets, I did speak with the State Board of Accounts about this last week, and he said it would probably be better if an inventory was taken. Currently there isn't really a physical inventory taken of county property or equipment, and I just don't think it's possible to maintain a complete and accurate record of county property, equipment, or surplus property without an inventory. So, quite a long list after a couple months of reviewing requisitions and claims. I did have a meeting with Alan of the State Board of Accounts. He did, he will not be finished with the 2003 audit before we leave office. So, I was interested in knowing if there were any issues, and he said, happily, there were none, no issues. That everything looked very good. I did talk with him about some of my concerns, and he thinks they are very valid concerns, because he says they do not catch

everything in their audit, as they're only reviewing a sampling of the claims. About 60 to 100 claims, and I know we process way more than that in a years time. As far as the 2004 audit, earlier this year when we asked him to look into the paving issue where a non-bidder was allowed to purchase some asphalt, he said that would not be an audit comment because we corrected the situation. So, looks like a clean audit for 2003. So, that's my report on that. Sorry it took so long.

Bill Fluty: Just a small comment on these. I know you've addressed the Auditor's office on a few of these. I won't go through these one by one, like you did, but there are some things you've misstated in here, and I will get back with you on those.

President Fanello: Okay, and that's....these are just from, as I sit there and look at them, those are from my perspective, but, definitely, if you have a different perspective, I mean, offer that.

Bill Fluty: Certainly we do. Some of the things you have suggested we are doing. You may not know we're doing it. As you send claims back to other offices—

President Fanello: Right.

Bill Fluty: —as you've been reviewing them, and we've been doing that for a number of years.

President Fanello: I think that's why, at the end I suggested that if we're sending them back, the Commissioners are sending them back, you're sending them back, apparently something's not sinking in somewhere, and maybe holding a new training session for employees regarding purchasing policy and bidding laws.

Bill Fluty: We've had training sessions in the past. We've had them on actual payment of vendors, and also a payroll training class. We've done that several times. So, those things have been done. There's a manual out for both, which all payroll and bookkeepers have.

President Fanello: I think you just have to kind of keep doing them, and even though we've done them before, it's kind of the same things I ran into when I was in the Controllers' office, it's a constant re-education of everything. It takes time and it gets frustrating, but, you know, another thing that I suggested was an internal audit committee that reviews claims over a certain dollar threshold, maybe on a quarterly basis you look at a certain amount of claims, or whatever. We had talked with the State Board of Accounts about that before too. So, just some things that I saw from my perspective, and doesn't mean that you don't have different ideas. Like I said, it will just take everybody working together to address some of the issues, and you're never going to catch everything all the time. One other item of new business, I would like to go ahead and set a meeting on December 29th, as a tentative thing, just to take care of if there's any last minute business. I don't know that we can go two weeks at the end of the year without actually having a meeting. So, if we could set an early morning meeting on the 29th, if that's okay.

Commissioner Mosby: So moved.

President Fanello: Okay.

Commissioner Crouch: What time?

President Fanello: 9:00.

Commissioner Crouch: Second.

President Fanello: Okay, so, if it had been 10:00, I wouldn't have gotten a second. Next week I would like to ask that we do, during our regular meeting have a project update on the Old Courthouse, and if there's anything to report on the jail, since we have not had a project update meeting in two months. Department head reports, County Engineer.

Madelyn Grayson: May we make a tape change first?

President Fanello: Yes.

(Tape Change)

Madelyn Grayson: Thank you.

County Engineer

John Stoll: First, I have a change order on the Jobe's Lane water and sewer project. This is contract number VC04-06-01. This change order results in a net decrease of \$51,490.96. The main reason for the change is due to the change in the patching method. We eliminated the concrete patches and put in rock and asphalt patch. I would request that the change order be approved.

Commissioner Mosby: Motion to approve decrease.

Commissioner Crouch: I'll pass to be consistent.

President Fanello: I'll second, and say so ordered.

John Stoll: We did receive the first reimbursement check from the state today, so, that should allow us to go ahead and get all the tap fees paid, and pay the grant administrator as well. So, we should be getting pretty close to finalizing most of that contract. The next item I have is an amended street acceptance form for Asbury Pointe Subdivision, Section One. When the contractor, not the contractor, the consultant submitted the street request, the street was listed as Asbury Pointe Drive, however, when we received the final recorded plat for this subdivision, the street was named Boardwalk Drive. So, this street, an amended street acceptance form, basically, just changes for the record that we are eliminating 860 linear feet of Asbury Pointe Drive from our accepted road list, and putting in 860 feet of Boardwalk Drive. So, I would request that this be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The last thing I have is another request from the Indiana Geological Survey. As you might remember, a few weeks ago they had asked about doing

some seismic testing along a few county roads. Now, based on the results of that testing, they are asking for permission to drill a monitoring hole in the road right-of-way for County Line Road. This would be south of Millersburg Road. When all their seismic testing is completed, they will fill the hole. They will have a soils consultant drill the hole for them, and it sounds very similar to the same type of holes that we drill whenever we're getting soil samples for bridge projects. So, on that basis, I would request that this approval to put this in the right-of-way of County Line Road be approved.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

Commissioner Mosby: Thank you.

President Fanello: Thank you.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I would like to thank Mr. Born for his quick response concerning Little Schmuck Road. I have spoken to the two residents that were concerned about the wall being on the county easement. We've come to a resolution, they agree with it, so, we're going to grade just to the north of the wall, and just to the south of the wall, and leave the wall alone. I think it's a workable solution.

Tim Born: Good.

Dennis Hudnall: I thank you for your quick response.

Tim Born: You're welcome.

Dennis Hudnall: Second, Bender Road, last Monday Commissioner Crouch addressed Bender Road. She had Mr. Goebel call about some work we were doing out on Bender Road. We met with Mr. Goebel on Tuesday morning, and we told him that we would come out and do a little landscaping in front of his house to dress up where we had pulled the shoulders. I just want to report that that has been completed as of today. So, hopefully, he's satisfied with that.

Commissioner Crouch: I haven't heard from him.

Dennis Hudnall: Have you heard from him?

Commissioner Crouch: No.

Dennis Hudnall: Well, then he's probably satisfied. That's great. We're kind of dedicating our resources, because of the shortage of personnel, this is a holiday season, and, so, right now we're trying to dedicate all of our resources to patching potholes and trimming trees, and catching up on our work orders from those types of jobs. The only other thing I have is do you have any questions on my weekly report.

Commissioner Crouch: I just have a question, the Irwin Scheele report had suggested that perhaps we should contract out our tree trimming. One of the things we might consider doing, is that something that you've given some thought to? Or can you give some thought to that, perhaps?

Dennis Hudnall: Well, I have read it, and there's anything can be contracted out. But, there has to be a cost analysis, cost-benefit analysis that you would have to proceed with before you could say that. Although a contractor, contracting it out you're not using county personnel, but they're making a profit on it too. So, you would have to see if the cost exceeds what we could do it for. So, you would have a county bid on it, as well as a private contractor, and see what they come up with. That's all I have.

President Fanello: Thanks, Dennis.

Dennis Hudnall: Have a good night.

County Attorney

President Fanello: County Attorney.

Tim Born: He has no report this evening. If you would, defer that until the next meeting.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I have a tenant lease agreement for the Old Courthouse. It's the standard agreement. He just wanted to renew it before the year ended. If you would approve that.

President Fanello: I don't think I have that.

Tammy McKinney: I laid it in front.

Commissioner Mosby: It was on your desk.

President Fanello: Oh.

Tammy McKinney: At everyone's desk.

President Fanello: Oh, I'm sorry.

Commissioner Mosby: Has, Kevin, I mean—

Tammy McKinney: It's our standard lease.

Commissioner Mosby: It's a standard lease. I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, I need to add a late travel request for Area Plan Commission.

Commissioner Mosby: Motion to add late travel for Area Plan to consent.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then that's all I have.

President Fanello: Now, what are the, oh, this is the contract for the Sheriff's office.

Burdette Park

President Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. All we have is our work report, unless you have any questions regarding us at Burdette.

President Fanello: No, thank you, Gary.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Fanello: Do I have a motion to accept Soil and Water and Ozone Officer's report?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consent as amended.

Commissioner Crouch: I had just one question. Chief Deputy Williams, on the agreement with Wolfe's for the towing and storage and sale of the seized vehicles, how have we been, since this noted that this is a new agreement, how have we been handling that up to now?

Eric Williams: Really that agreement is strictly for, Chief Deputy Williams the Vanderburgh County Sheriff's office, really that agreement is strictly just to get rid of, or sell the seized or other vehicles that we normally would sell off through auction. We historically have conducted an auction on our own. We do okay at that, but we think that that's not a very efficient use of our personnel, that that's not their specialty, obviously, and we think getting it into a venue with somebody that already has vehicle buyers on line will bring better proceeds for those that we're ordered to sell. We sell vehicles primarily that come from narcotics forfeitures for both the Evansville Police Department and the Sheriff's office. It's those vehicles that are directed to us by the courts to get rid of.

Commissioner Crouch: So, the proceeds from that, whether it's from the—

Eric Williams: It depends, generally, if it's a forfeiture they'll go back into the Forfeiture Fund, you know, with that, but we also get, occasionally, some vehicles that would just go back to the General Fund. We just need to get rid of them, because we, they're just taking up space.

Commissioner Crouch: But, you've done it in-house. Now you're—

Eric Williams: We've historically done it in-house, because of the volume we've had to let them sit longer, because it's not cost effective to run an auction for one vehicle here and there. But, Wolfe's runs a public auction every, one Thursday a month, so, we can get those turned out a lot faster.

Commissioner Crouch: Thank you. Second.

President Fanello: So ordered. Do I have a motion to adjourn?

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 7:30 p.m.)

CONSENT ITEMS:

Old Courthouse Energy Savings Expenses:

Energy Systems Group: \$920,652.92

Travel Requests: Area Plan (1)

Employment Changes;

Public Defender (1)

Treasurer (1)

Burdette Park (1)

VCCC (2)

County Clerk (1)

Coroner (1)

Auditor: Submit Financial Statement.

Recorder: Submit Surplus Letter for Copy Machine.

Center Assessor: Submit Surplus Letter for Copy Machine.

Treasurer: Depository Agreement for Integra Bank.

Sheriff:

Contract with Wolfe's Auto Auction for Disposal of Seized Vehicles.

Weekly Jail and Community Corrections Reports.

Those in Attendance:

Catherine Fanello

David W. Mosby

Suzanne M. Crouch

Bill Fluty

Tim Born

Tammy McKinney

Phil Lawrence

Roger Lehman

Paul Green

Bill Pedtke

Jim Rexing

Paul Freeman

Mark Foster

Don Vowels

John Stoll

Dennis Hudnall

Gary Hohman

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 20, 2004**

The Vanderburgh County Board of Commissioners met in session this 20th day of December, 2004 at 5:38 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 are as follows, to my far right, Tammy McKinney, Superintendent of Buildings; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of December 13, 2004 Commission Minutes

President Fanello: Do I have approval of the December 13th minutes?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Presentation of Plaques to Outgoing Commissioners

Commissioner Crouch: Excuse me, President Fanello, if I may, with the years of service that you have put on the Commission, I would like to make a couple of comments, and then present you both with plaques. I would like to first of all recognize Commissioner Fanello for her past four years of service on the county. Your dedication, hard work, and diligent public service has served the citizens of Vanderburgh County very well. Your focus and fiscal background have also served not only you, but all of us in government and the citizens very well, and we thank you for that.

President Fanello: Thank you, Commissioner Crouch.

Commissioner Crouch: And would like to present to you a plaque in recognition of your past four years service on the Commission.

President Fanello: Thank you.

Commissioner Crouch: Commissioner Mosby, your community connections run deep, and that has been a real asset as a Commissioner. Likewise, your ability to reach compromise on key fiscal matters has helped move major projects forward that have benefitted our community. I would like to thank you for your service, and present you with a plaque on behalf of the Commission and the citizens of Vanderburgh County.

President Fanello: Thank you, Commissioner Crouch. I would like to say that it's been an interesting past four years, and appreciate the service that you've given,

and the input that you've given over the past couple of years, and good luck in the future.

Commissioner Crouch: Thank you.

President Fanello: Now, I know we have a lot of people here tonight, and first on our agenda is the employee group who want to speak to the second floor break room. After we get finished with that agenda item, I'm going to ask that we move up the two ordinances, because I believe that there are a lot of people here interested in two ordinances that are on the agenda tonight.

Civic Center Employees Group: Second Floor Break Room

President Fanello: So, as far as the employees who are here to speak about the second floor break room, I had asked earlier today that a spokesperson be appointed, and I believe that a spokesperson has been appointed, and that's Madelyn Grayson from the Auditor's office.

Madelyn Grayson: Thank you, Commissioners. As you are aware my name is Madelyn Grayson, I'm an employee of the Vanderburgh County Auditor's office. Tonight I am representing the Civic Center employees group. This might be a little bit difficult, but I was going to ask the people that were here tonight in support of keeping the second floor room as it is to, I guess, you could raise your hand since it's going to be difficult to stand up.

President Fanello: Yes, please raise your hand.

Madelyn Grayson: Thank you. Well, I just wanted to bring you up to date as to what has transpired since the last time we appeared November 29th. Stephanie Pruett of the Center Township Assessor's office and myself met with Mayor Weinzapfel and Rose Young, and we explained our concerns to them. Mayor Weinzapfel told us that he was opposed to moving Human Relations to another space within the Civic Center, but he did want to keep it within the building. He then asked Rose to contact Dave Rector on our behalf, which she did. Then Dave Rector contacted me about meeting with the group. There was about nine of us that met last Wednesday in the Building Authority office, and we had a lot of questions for Dave, and we discussed some different options, and he answered our questions to the best of his ability knowing full well that the decision is not totally his. Well, the conclusion of that meeting was for Mr. Rector to check into the possibility of moving Human Relations to the third floor break room, in addition to the lounge area behind the women's restroom. That suggestion actually came from a Building Authority employee, because we had not actually asked them to incorporate the extra square footage in the lounge area into that possibility in the past. So, we appreciate that suggestion. Dave then said that he would hold up doing any construction to the second floor until after tonight's meeting so that we had a chance to express our concerns. So, I know that there's been some options that have been presented such as the second floor area outside the break room, out in the hall, and a lot of people just don't feel like that's a good option. There's not privacy, we don't feel it presents the right image to the public, having a break area right out there in the hallway. Even as late as tonight I've heard a suggestion that possibly moving our break area over to the jail area. I don't know, that's the first I've heard of that this evening, but I don't know that that's really a good option. Our goal this evening is after hearing Mr. Rector's findings of the third floor break room, that the Commissioners will take action to move forward with an alternative option and hopefully leave the second floor break

room as it is. One other comment I did want to make, because there are several office holders on the second floor that have shown their support of this, and some of them are here this evening, John Gerard of the Center Township Assessor's office, and he asked me to specifically mention that there is no meeting room on the second floor. They use that area quite often to take taxpayers that are there for appeals processes, to discuss options, and they really don't have a good alternative to go to. So, that's really all the comments that I had at this point, and I'm anxious to hear what Mr. Rector had to find out.

President Fanello: Okay, thank you, Madelyn. Dave?

Dave Rector: Dave Rector, Building Authority. You may not be so anxious after this. We did look at the third floor, thought it was initially a good suggestion, and, in fact, taking 318 and making that a lounge for the ladies and a break room. That means taking away 318 for a meeting room. As you well know there's many times where meeting rooms are scarce around here. Looking at December, a low month, we had 20 meetings scheduled in there for the month of December. That being aside, then we laid out though the third floor lounge and ladies, ladies lounge and break room. Unfortunately, they are smaller than the second and first floor. We could not get everything for Human Relations into that space. We were shy some of the reception area, the open secretarial area, plus two offices. I have layouts showing you those, the third floor and the second floor. I mean, we're just back to square one. I'm really out of options. I understand their plea, the loss of the break room, how it's going to impact them. We've just, once again, got four walls, so much space, so much empty space to use. We did talk, I think it was last week about enclosing that area on the second floor, perhaps, and making it a smaller, but yet a break room, and I offer that once again as a possibility, but, I'm sorry, I don't have any other options. It just still looks like we're looking at that same space.

President Fanello: And it could be enclosed. I know you had given two options—

Dave Rector: Yes.

President Fanello: —enclosed or not enclosed.

Dave Rector: Sure could.

President Fanello: Okay. Madelyn, may I ask you how would you feel about that option if it was enclosed.

Madelyn Grayson: I just think it's going to be quite a bit smaller. Currently there's probably ten, twelve tables in there. Moving the concession machines out into the hallway is going to take a considerable amount of that space. There may be enough room for three, possibly four tables. I just don't know that's it's going to be enough of an area.

President Fanello: Dave, have you had a chance to speak with the Mayor and go over the options that you've researched.

Dave Rector: Briefly we've talked. Initially our conversation earlier was just setting some tables out there in a café type setting, that the Mayor thought that might be an acceptable option. We did not talk about though the cost of their participation in a new break room construction, so, I can't speak for that. But, that was a very brief

conversation we had, and I would be glad to pursue it with them if that's something you all request.

President Fanello: Well, I guess, I would look to the members of the Commission to either ask any questions, or—

Dave Rector: Excuse me, if I might add, we are really pressed on this now. We're already incurring double handling of materials on the renovation on the first floor. Materials that we were going to use on the second floor, we had to get them out of the way on the first floor, because, I don't know if you've noticed, we've started construction in that area, so, we've moved that to the basement. Now, from the basement we're going to have to move it to wherever we're going to start. So, we need a decision.

Commissioner Crouch: Refresh my memory. It's been some time ago that the initial movement from the Health Department and then the judges moving into that space took place. Was the Human Relations Commission office always going to be a part of that renovation?

Dave Rector: Yes, as far as I understand. I think this started in September 2001, when the judges first approached the Commissioners at that time. The drawings I have, at least indicate that that space has always included to be part of the total renovation.

Commissioner Crouch: How much square footage are we talking about with the Human Relations current office?

Dave Rector: About 1,400 square feet.

Commissioner Crouch: 1,400?

Dave Rector: Yes.

Commissioner Crouch: How much are the judges getting with the Health Department space renovation?

Dave Rector: About ten eight.

Commissioner Crouch: 10,800?

Dave Rector: Yes.

Commissioner Crouch: Have we even asked them if they can do with less?

Dave Rector: Well, yes, I think you did in the review of the drawings when it was all laid out there was a number of meetings with the judges reviewing that space, multiple drawings and iterations, and in that, I think you all questioned, do we have to have this? Do we need that?

Stephanie Pruett: That was my question also. If the Health Department had about 10,800 square feet, which is more than what the juvenile courts has right now, so, they are going to be getting a larger space, what's the possibility of leaving Human Relations where they are until the Sheriff Department administration department moves out, and Human Relations can take over that area, or the juvenile courts

could have went over there. My understanding is this project on the second floor is going to cost \$50,000 and it's probably a temporary move.

President Fanello: Dave, is it too late in the plans to look at the current plans for the courts renovation?

Dave Rector: It's actually lined out pretty well that you could cut that area, but you are going to be cutting several offices, a jury room, the drug and alcohol testing area from the plans. So, you would have to talk to Judge Niemeier to see if he could accept that or not. But you are eliminating a good 1,400 square feet of his plans.

President Fanello: I think the problem, I mean, from my perspective, I know we've talked about this since you've come on board here, but the Civic Center is running out of space. We're finding it very hard to accommodate the needs of everybody, and especially the courts facility, which is very cramped at this point. Everybody is very cramped at this point. I know that, you know, we do have just for everybody's information, I mean, there is a break room on the first and third floor, and I know that's not a popular alternative, but there does exist a break room on each floor. I mean, this is just not an easy decision, and, obviously, we want to make the most cost effective decision, and the best decision. Do you think it prudent at this time to speak with the judges about less space?

Dave Rector: I'll be happy to talk to Judge Niemeier. I feel certain it's not going to be a popular decision with him. As you well know the judges opinion on this, the bar association study, the project has been bid with that in mind. We would have to go back and get an alternate deduct to eliminate that space, and then how are we going to accommodate what we'll be moving and where, but I would be happy to discuss it with them, I just wouldn't encourage you to think that he's going to be very positive about it.

President Fanello: Right.

Commissioner Crouch: I would hope that he would at least look at the issue at hand, which is employees looking for a place to eat. In light of the fact that our employees did not get a 3% raise this year, as opposed to the city workers, it might, this might be a nice gesture to try to work with everyone, and everyone doesn't remain totally happy, but, you know, we're able to—

Dave Rector: I guess, what is our resolution if the judges say no, it won't work, we need what we've asked for.

President Fanello: Well, I think—

Dave Rector: As I've said, we're at a point we need, something needs to be happening. We're going to incur extra costs now because of the delay.

President Fanello: I think you would have to talk to them this week. Obviously, with people down there working, and then we're meeting next Wednesday the 29th, but when we're facing an issue like this, I guess I would ask everybody to compromise and meet in the middle, and I would like for them, I think it's a good suggestion for them to consider less space at this time.

Dave Rector: I'll approach them tomorrow.

President Fanello: Because, I mean everybody is cramped for space, and we're going to have to compromise somewhere. So, I don't think it's an unreasonable request to ask them to take a look at it again.

Commissioner Crouch: They are the only one's getting more space.

President Fanello: Right, and a lot of other people need extra space too.

Dave Rector: I'll approach them tomorrow.

President Fanello: Does somebody want to make that in the form of a motion?

Commissioner Crouch: I'll make a motion that we instruct Mr. Rector to approach the judges about foregoing that space that the Human Relations Commission would provide in consideration of the county employees.

Dave Rector: Okay.

Commissioner Mosby: I will second.

President Fanello: Okay. So ordered. So, talk with them this week--

Dave Rector: I'll let you know.

President Fanello: --and let us know, and we can discuss it next Wednesday.

Dave Rector: Okay.

**Second/Final Reading of an Ordinance Concerning
Registration of Apprentices**

President Fanello: The next item that I would like to address at this time is the second and final reading of an ordinance concerning registration of apprentices. I know that we have...how many people are here to speak to that ordinance? Okay. Okay, can, and I don't know what organizations everybody is from. Could we, I know there's several different organizations here, could we maybe appoint a spokesperson, okay. Why don't we go ahead and have the first one come up. I know there's been discussion about language changes to the ordinances. So, we'll take the first person.

Jennifer Keppler: Hi, I'm Jennifer Keppler. I am the lawyer for the Southwest Indiana Building Trades. Obviously, I'm here as their spokesperson to represent their interests. The ordinance that we proposed in relation to the apprenticeship standards that are, some currently in existence, and some additions that we would like to see made to it too. The building trades proposed this ordinance in an attempt to rectify some abuses of the license and permitting ordinance, and the existing apprenticeship ordinance that we've seen in the past. We feel that the apprenticeship ordinance, as proposed, really would help to minimize any attempts to subvert the existing licensing requirements, and also help to ensure that apprentices who are designated as such are truly apprentices, are properly paid in accordance with that, and actually receive the necessary training that should be expected of them as apprentices. We are of the position that this benefits the county on many levels, the proposed ordinance that we put in, that we've submitted for your

consideration, including; promoting safety, and including promoting the quality and level of work that is expected and understood of the building trades. As drafted and proposed, the apprenticeship ordinance that we've put together contains a requirement that the license and disciplinary board is satisfied that there is an existing active apprenticeship program. That the program be registered with the Building Commission, and there is also a mandatory enforcement provision, none of which, I think, have caused any dissension. The sole issue, I think, that's before us today is the requirement in our proposed ordinance that any apprenticeship program be BAT certified, Bureau of Apprenticeship and Training, certified by the federal government. I think, as you can see today from the turn out here, this is an issue that the building trades feel strongly about, and it's membership feels strongly about that the standards that the Bureau of Apprenticeship and Training have put into effect, affect them on a daily basis, and affect the people with whom they work. Just by way of discussion here and clarification, the BAT standards aren't union standards. These are standards, they are minimal standards that have been adopted and drafted by the federal government to set clear and decisive understandings about what it means to adequately train an apprentice. That's enforced through the states. It sets up standards about the amount of training, the type of training, the terms and conditions of training, and the working conditions. This, the BAT standards represent the, really the only standardized and enforceable program that would provide reference for the county as to what it means for adequate training levels. Any other standards, we feel, are subjective, difficult to enforce, if not impossible to enforce. The BAT standards are in existence, they're clear, and they're decisive. At the first reading of this proposed ordinance there was a good deal of hyperbole about the effect that this was going to have on small contractors, existing contractors, existing apprenticeship programs, most of which was centered upon almost the sky is falling, chicken little, this would detrimentally affect existing businesses, the costs are unreasonable. I think, as we've seen, there's no tangible evidence that this is going to negatively impact existing contractors, or that the costs are unreasonable. In fact, if the existing programs are adequately training their apprentices, this should amount, getting BAT certification should really amount to little more than getting approval for the standards that they already have in effect. The, just so we're clear, the BAT certification has a certain, a few requirements, one of which is an equal opportunity employment pledge, term of apprenticeship, hours of training, progressively increasing scale of wages, and, incidentally, the regulations don't set wages, they are, the only requirement is that they be proportional, they be a proportional scale. So, there's no requirement that there be increased wages. It's, that's not a requirement of BAT. So, again, we're of the position that if these programs in existence are adequately training, in accordance with these minimum guidelines set up by the Department of Labor, there shouldn't be too much more, there shouldn't be a big onus placed on existing programs to get compliance with BAT. This is, we are of the position, again, that not, there's hasn't been a real, tangible, evidentiary reason for deviation from the BAT standards. It's the only clear guideline, it keeps the burden on the federal government for compliance. It's not left to the county to determine what, if any, apprenticeship programs are adequate. Again, we would stress that the building trades feel very strongly about keeping the BAT as part of that ordinance. I would be happy to entertain any questions, if you have any.

President Fanello: Are there any questions? Thank you.

Jennifer Keppler: Thanks.

President Fanello: Mr. Pedtke, I believe that you were wanting to speak.

Bill Pedtke: Good evening, Madam President, other Commissioners. My name is Bill Pedtke and I represent the Southwestern Indiana Builders Association. Pretty much, I think we're at the same place that we were at last week when I brought up obstacles to the approval of this ordinance. Vanderburgh County is one of the most regulated counties in the entire state, if not the nation. This ordinance would add to it. It would tighten it up. I'm glad to see that on the ordinance, the draft that I have, in the whereas, it says;

“Maintaining a quality apprenticeship training program is in the best interest of the citizens of Vanderburgh County in order to assure that qualified persons are performing the particular trade or craft.”

We couldn't agree more. We think that we need a solid, sound training of our apprentices. But, nowhere in our position, nowhere in the existing ordinance, nowhere can I find somebody to say it within my organization, and nowhere in their first whereas does it say, “and be registered with a federal bureau”. We support good training for our apprentice programs. So much so that we've put together a set of alternate requirements that would be used almost as a guide, if not as requirements, that include administrating the program, class room hours, respective to whatever the programs may be, required mandatory attendance, a national model of curriculum, and on the job training supervision. The committee that would be formed for this, each and every program, would be responsible for recording, keeping, and archiving and producing those records, as per requested by the Building Commissioner. That's all that we've been saying. In fact, I would submit that we would be willing to add some things to this list if we thought it was pertinent to actual training of an apprentice. We're not opposed to BAT certification. We're opposed to BAT certification only. There are programs that are involved, and you will probably hear from other people tonight, that are involved with other programs in this county that have been working for decades and are still working. They have great success stories. It's not fair to think of the people that oppose the BAT certification as people that are uninvolved, just want to fight something that's extra. Our organization has been, at every level, the state, and the federal, and at the local level for safe and affordable housing. We have been the most involved organization as far as the code and enforcement is concerned at the national and the state levels. Affordability is what it's about. Safe housing is what it's about, and we're right there every step of the way. We just don't want to have this added certification as a requirement to good training for our apprentices in the county. Are there any questions?

President Fanello: Questions at this point?

Bill Pedtke: Thank you.

President Fanello: Thank you. Just so I can kind of get an idea of who's in support of and who's against these ordinances. Those who are in support of this ordinance please raise your hand.

Unidentified: There's 47 out in the hall.

President Fanello: I can't see all the way out in the hallway though. Those who are here to speak against the ordinance please raise your hand, just so I can kind of get an idea of everyone that we have here. Do the Commissioners have any questions regarding this ordinance?

Commissioner Crouch: You know the only question, I guess, right now that I have is, why now? Why is the timing right now?

Randy Brown: Randy Brown, Plumbers and Steamfitters. Thank you very much for the opportunity to address you tonight. Why now? I guess, my question back to you would be why not now? We have to start at some time. We've had some struggles, and I think the Building Commissioner is here tonight to speak about some of the problems we've had in the past, trying to get proper enforcement. Already we have, he has a full plate with everything that's put on it. The BAT, by having the ability to come in and do a complete audit of the programs. By the way, all the union programs are BAT approved. This is not a union/non-union issue, because there are non-union programs also that are BAT approved. As Jennifer said earlier, those are, the criteria is the minimum. Mr. Pedtke pointed out that why the BAT approved program, it's because that is the minimum. If they want to go along and add some criteria to those, like the union programs have drug testing that we've added to ours, that our apprentices have to be drug tested, the same proposal that this Commission passed here a few weeks ago. We feel like those type of things are important. But, they're not mandatory. BAT doesn't say you have to have those. Those are whistles and bells that we've opted to add to our program. I would hope that tonight before you make your decision that we're going to be able to hear from the Building Commissioner and get his viewpoint on his, I wouldn't say his inability, but his underfunding and his understaffed department that he has trying to take care of all this. Trying to ask him to now add the enforcement of these independent programs to this, to me is totally unfair. I'll stop at that and let Mr. Lehman speak to that at his, at your pleasure.

President Fanello: Thank you, Mr. Brown. I was going to ask Roger to come forward and give us your thoughts.

Roger Lehman: Is there anybody else that wanted to speak?

President Fanello: Is there anybody that wants...I'm trying to keep it to as minimum as possible since we do have so many people here. How about one for and one against.

Roger Lehman: I'll wrap after they go.

President Fanello: Let's do that. One more for, and one more against, just because we do have so many people here and we do have to keep the meeting moving.

John Elpers: I'm John Elpers, of John Elpers Homes, local builder. I'm nervous, sorry. This is, I guess this is exactly what you mentioned. I agree 100%, safety is an issue, we should have that. We should have experienced people out on the field. I believe in that 100%. When I build a house, I want it to be the best house out there, and I want it to be the best price. If you put too much in a house, you won't sell that house. A lot of these people I build houses for, a lot of these guys in here work for me. Union and non-union. I don't want to play union/non-union. I think that's unfair. As far as saying we need to come in here and right now sign on something, I don't think that's fair at all. We have not been contacted to sit down at any table with anybody and discuss any of this stuff that's being passed tonight. If you would have asked anybody at SEBA to sit down at a table and help set these guidelines, it would have been one thing. That never happened. All we ask, you know, you're affecting home builders here. In return, if the price goes up, we have to pass it on to somebody. We can't just eat it. That won't happen. So, we're trying

to control the prices tonight, and, like I say, everybody in this room, there's 50 million contractors out there, they're all concerned about quality, they're all concerned about safety. They want everything that everybody else in this room wants, but we all want to sit down at a table and agree on it. Not have something rushed down our throats. That's not right. I feel that this is a last minute issue. Somebody's trying to push it in the door, right behind us. I didn't find out about this until last Thursday. Upset? Yes, I'm upset. I don't like something that I don't know about that's going to affect me. I don't think it's fair, and, you know, I'm sure there's people in here that feel totally the opposite, and that's fine, there's nothing wrong with that, but, I do know this is going to affect my price. It's very, very difficult to raise your price a couple hundred dollars, much less thousands, and I can see it go that direction very, very easily. I just wanted everybody to know that, I think I'm speaking for a whole lot of contractors out here. I know we had a meeting earlier today, and they wanted as little as people to get up here as possible, but I felt strongly about this. As soon as I get out, off the steps and walk through that door, I seen some of the subs that work for me in here that are going to be against me. I don't think that's right. I think we should all sit down and agree to something, and then come to the table. Not force something in as a last minute issue. Thank you.

President Fanello: Thank you , Mr. Elpers. Paul, or–

Bill Pedtke: If I may, to be clear, we did sit down last week, it was Friday? Thursday? We sat down with them Friday to try to negotiate this through, and try to find some middle ground, and we talked about the BAT certification. We were unable to come to an agreement about what's required.

President Fanello: Okay. Paul.

Paul Green: Paul Green with the electrical workers. I also represent the building trades. The question on the timing is that, or the answer to the question on timing, we tried to get this ordinance, I mean, we've been working on this for a long period of time, the building trades has. This was submitted, I don't know, several weeks ago, actually, and there was some language problems that we had to work out. That's the reason that we're here now, because we were, you know, there were obstacles before, and we kind of felt like we had all those worked out. The reason for the ordinance, in the beginning, was accountability. There is no accountability unless it's a BAT approved program. You know, that's pure and simple. That's just the way it is. Mr. Pedtke hit on one of my points as to the home builders were involved in talking about this. We still have no evidence, other than they just don't want to, why that this is a bad thing. We ran costs on it and the costs are so minimal that they're not even worth talking about, as far as what it would actually cost per house to be BAT approved apprentices. So, we still believe that the evidence doesn't show that this is a bad idea, because a BAT approved program takes the enforcement away from the county, and puts it on the burden of the state, which would save a lot of time for Roger, and a lot of cost for the county. Thank you.

President Fanello: Thank you, Mr. Green. Okay, Roger, why don't you wrap up.

Unidentified: Could we just speak for one minute?

President Fanello: Let me go ahead and get some of Roger's comments, so I can kind of get an idea of what–

Roger Lehman: I would like to make a few. First of all, I received a call this afternoon about 4:00 from a friend of mine who happens to be a contractor, who said that this ordinance was going to require him to get an apprentice program for his excavating business, and that that apprenticeship program would have to pay union scale. So, my reason for saying that is that the, hopefully, everybody that's in this room, and, hopefully, everybody that's listening or whatever, can understand that we're not talking about requiring apprenticeship programs. If there is not an apprenticeship program now, in place that's working, then this ordinance does nothing to affect your business or your workers or anything else. There is no apprenticeship program outside of the trades, the union trades, for carpenters and excavators and so on and so forth. So, it has no affect on those folks as far as their employees go. I want to make sure that is clear to everybody, because, obviously, it's not, because the phone call that I got was, like I said, from a friend of mine who was reiterating what he was told this was about. The reason, in my opinion, the reason that it has come up now is it was presented to the electrical license board about two months ago. They took some action, which later proved to be not in line with the ordinances. It went to the license and disciplinary board, which is the one that regulates licensing for the county, and they took some action, which was found later to be not acceptable, and the license board then proceeded that we should have an ordinance that allowed them to do what they were trying to do. So, that's, in my opinion, why we are here now. It is not a union/non-union issue. There are several apprentice programs in place, in town, there's one company that is a non-union company that has a BAT approved program. There's several in Indianapolis that are ABC related, which is the open trade side of the construction industry that have BAT approved programs. The point about our department, we are a city department, and, again, maybe some people aren't quite aware of how we operate, because we're just kind of everywhere all the time. But, we are a city department that is jointly funded by the county. We are not directly funded by our permit fees. We are, our permit fees and license fees go into the General Fund, and then we get our budget expenses taken care of out of the General Fund. The county pays half of the General Fund, or of our expenses, excuse me. That's not me ringing. But, anyway, we are short handed, have been. We've been asking for additional employees for a long time. We do have some ordinances on the book tonight to try and help that by increasing some of the fees, which we'll talk about after this event. We'll try and get some resolution to those, we hope. Those have been to the city, and already approved on the city side. At this point in time there is not a nationally recognized program besides BAT. I think that, again, this affects basically existing programs, and to my knowledge that is only the IEC program and the PHCC program. They are existing apprenticeship programs that are not BAT approved. Other than them, I don't think it affects anybody else directly. So, from a cost stand point, whatever the cost to get BAT approval for their existing program would be the only added cost that I would be aware of. Having said that, because of the situation we're in from, and I did neglect to say we are also getting ready to make a major change in our technology, which is going to absorb even more of our time. We cannot really take on another change at this time. So, the BAT program, at this point in time, certainly, is something that is recognized nationwide, and that is kind of an easy, acceptable standard to use for this type of program.

President Fanello: So, are you saying that if on any alternative that you could not regulate any alternative, no matter what?

Roger Lehman: At this point in time, I don't see how.

President Fanello: Are there any other questions from the Commissioners? This ordinance is on for second reading, so, I guess I would ask the Commission what they would like to do.

Commissioner Mosby: Do you want to let them people speak?

President Fanello: We can have other individuals speak if you have new information that you want to offer. Go ahead.

Jim Rexing: I'm Jim Rexing. Excuse me, I spoke to you last week. I'm an electrical contractor, and I'm on the board of directors of the independent electrical contractors. I think we could speak all night. We could be here tomorrow this time if, you know, we continue to go back and forth on the issues. BAT is not that simple a program that some would like to entertain. There are a lot of provisions in BAT that simply, for the small contractor, and especially the residential contractor are just really unnecessary and a burden. I think, you know, there's a lot of discussion back and forth, and, like I say, we can fight this forever about what it's going to do to costs. I'm not even going to put my two cents worth in there, because it's just too much here to be discussed. I guess, with, one thing that Roger had mentioned, you know, in the past week that I know that some of us have talked. I know I e-mailed the Commissioners concerning my thoughts on it. He, you know, possibly entertained a provision that would give the IEC and PHCC some time frame to either come up with some alternates, or to be BAT approved. I really feel like if we go that route that there's not going to be a good faith effort on anyone that is opposed, from anyone that is opposed to the alternates to the BAT, to sit down at the table and work this out. That's, I think, you know, where we're really missing out here. I really think, as John said, that there could be solution that would make everyone happy here, but it's not going to happen over night. It's not going to take years either. I think within a couple of months that there could be a lot of very good dialogue between the people that oppose the alternates, and the people that would like to see the alternates. So, I really would request that this action be delayed, as some other people have asked here this evening. It's not a life or death issue. It doesn't have to be, you know, to happen tonight. I don't see why we can't try to come to terms, try to come to some common ground before we make this happen. Thank you.

President Fanello: Thank you, Mr. Rexing.

Jennifer Keppler: Can I briefly answer that?

President Fanello: Yes, and then I'm going to kind of cut it off and let the Commission make a-

Jennifer Keppler: I'll keep it very short.

President Fanello: Thank you.

Jennifer Keppler: I just wanted to touch base about, or touch on the issue that Mr. Rexing brought up requesting that we postpone it. This issue has been batted around for some time behind the scenes, and there have been many stabs at attempting to come to an agreement. In fact, the bulk of the last week was spent trying to come to an agreement about it. I don't think that postponing it for any additional time will change the parties positions. I think that are where we are right now. I just want to reiterate again that from all of the opposition we haven't heard any specifics about why they can't meet BAT, what if any impact it's going to have,

it's all spoke in generalities. There's no specifics, and it's just we don't want to do BAT. We don't want to have to answer to anyone. In our opinion, given that BAT is existing, it's a strong, it has tremendous strengths, and it is, as Mr. Lehman has indicated, it's much easier for them to deal with, given that there is no reason here why not to go with BAT program.

President Fanello: Thank you.

Jennifer Keppler: Thank you.

President Fanello: It sounds like I will need to look to the Commission for direction. This ordinance is on for second reading. So, I do need direction from the Commission.

Commissioner Crouch: My comments are, I appreciate the comments tonight, and a couple of things that have been said, one is that we've been working on this for several months. Another comment is, "behind the scenes" we've been working on it. Then another comment was, is that the group that is not in favor of this, or wants an alternative has been involved the past week. My position would be that this be deferred until after the first of the year, to allow the new Commission to have an opportunity to look at it and give the parties ample time to sit down and try to come to a solution.

President Fanello: Commissioner Mosby?

Commissioner Mosby: I've heard the comment made tonight that this could be worked out, but I haven't heard anybody say how long it would take to work it out. I guess, that's something that I was curious about, you know, as to how long Mr. Elpers, or whoever, Mr. Rexing?

Jim Rexing: I think I mentioned that I thought--

President Fanello: Mr. Rexing, could you please come to the microphone.

Jim Rexing: Sorry. I think I mentioned that I thought within a couple of months, with a good faith effort from both sides, that something could be worked out. Or, if something couldn't be worked out, we would know at that point. This isn't something we want to drag out either. We just want to see if we can come to some common ground with both sides.

Commissioner Mosby: Are you referring to, I mean, another program? Or the BAT program? I mean, what are you referring to exactly?

Jim Rexing: I'm referring to the people that have spoken here tonight, giving their reasons for a straight BAT, and not wanting to consider the alternates. I would like to sit down with them. I would like to show them some facts and figures. I would like for them to show us, you know, why they don't think there should be an alternate, and just try to come to some common ground. I think, with a good faith effort, that we can satisfy them that we could do everything that the BAT is going to do. BAT doesn't train better tradesmen. It is a system that puts the monitoring, the auditing on the Department of Labor. That doesn't necessarily train better people. We understand Roger's predicament in wanting to wash his hands of this, because, you know, it's a simple solution. You know, I understand you say, okay, you're BAT or you're not BAT, it makes it very simple, you know, to approve or not approve a

program. But, I think, I really don't think it would be much of a burden on the Building Commission or the license and disciplinary board to look at these programs a couple of times a year. We are more than willing, the programs that are non-BAT, are more than willing to bring forward any information that they would like to have to prove to them anything that they would like to have proven.

President Fanello: Thank you, Mr. Rexing.

Unidentified: Can we give a rebuttal to that?

President Fanello: I think we could probably rebuttal back and forth all night. Commissioner Mosby, did you want to hear anybody else?

Commissioner Mosby: I mean, that's fine. Yeah, if you want to--

Randy Brown: I just want to remove this conception that we have the myth that's being portrayed here that this has only been in the last week that we've had talks. The home builders have been involved in this. They've had access. Roger Lehman has been involved with meetings with several representatives from the building trades. These ideas have been knocked around for quite some time. So, I don't want you thinking that we've only tried in the last week. In fact, I had not heard any opposition. That's why I was not here last week, because I had not heard any opposition to either, to this proposal tonight. This, out of the clear blue, we heard it last night, we did sit down with the home builders and try to work out an agreement. In fact, we went on as far as to offer a compromise to extend an 18 month period to allow these contractors who are not BAT approved to come up to speed, and to give them time. So, it wouldn't have a negative, detrimental affect on their program. No one's trying to put anybody out of business. What we're trying to do is level the playing field and make sure that we all are playing by the same rules, and making sure foremost of anything that the apprentices who are going through these programs are being used to become highly skilled journeyman, and not being exploited only for cheap labor. I would ask you, and I would challenge you to ask the questions about percentage rates and people that, applicants who are accepted who are minority and women in the building trades, versus non-BAT approved program. Right now they have no requirements. They have no one looking over their shoulder making sure that we have a good cross section of the community that's involved in learning to have an opportunity to have these highly skilled, high paying jobs. If you allow this to continue and go on, and you say, well, can something be worked out. We tried to work something out, and as Jennifer said we're where we're are tonight. This is the culmination of trying to get it worked out. We thought we had somewhat of an agreement, but it kind of, when they took it back to the home builders and talked to it, it didn't pan out that way. So, when the mention of behind the scenes, nothing has been done behind the scenes that hasn't been open to the home builders, Building Commissioner and everyone involved. I just wanted to make that clear.

President Fanello: Thank you, Mr. Brown.

Commissioner Mosby: Mr. Pedtke, who all was in the meeting?

Bill Pedtke: There was a meeting Friday--

Commissioner Mosby: I mean, you don't have to give names, but, I mean, from your side, their side, three or four people, or?

Bill Pedtke: There were two people there from my side, and three people there from their side.

President Fanello: Thank you, Mr. Pedtke.

Commissioner Mosby: I know, Commissioner Crouch said that she would like to hold it till the first of the year. I'm not really saying that I want to hold this until the first of the year. We do have another meeting December 29th, and I know Roger was out of town last week, because I talked to Roger on Tuesday morning, I believe, or Monday night, and he said you've got to catch me before 9:00 Tuesday morning, or I'm gone, which does not give me enough time to really talk to Roger about this, and get his true feelings, and make my determination. I know there's people in this room that have said they've not had enough time to talk to people, and whether anything else can be worked out or not. But, to satisfy my own mind, I do want a chance to talk to Roger, and I would be willing to hold this until the 29th, if that's the pleasure of the other two Commissioners. Or if they want to do something different.

President Fanello: Are you making that in the form of a motion?

Commissioner Mosby: I will make it in the form of a motion.

Commissioner Crouch: I will second that.

President Fanello: Okay, so, we will hold it till the 29th, and give the Commissioners a little bit more opportunity to have some more discussions. I encourage those of you in the audience to have some additional discussion as well. Let us know your thoughts over the next week. We're here. E-mail, telephone. The meeting is on the 29th at 9:00. So, it is a different time. We'll be in this room on the 29th at 9:00.

Unidentified: That's a.m., right?

President Fanello: A.M., yes. Not, p.m., a.m. So, I do have a motion and a second to hold it until the 29th. So, that's where we stand.

<p style="text-align: center;">Second/Final Reading of an Ordinance Concerning Licensing and Enforcement</p>

President Fanello: The next ordinance that I'll go ahead and move up is the second—

Bill Fluty: Excuse me.

President Fanello: Oh, I'm sorry.

Bill Fluty: Could I change tapes?

President Fanello: Yes.

(Tape Change)

President Fanello: Thank you. Second and final reading of an ordinance concerning licensing and enforcement and, Roger, are you speaking on behalf of that one? Do we have representatives who want to speak to that ordinance?

Roger Lehman: I think there probably are some speakers, maybe one from the building trades and one from the builders association.

President Fanello: Okay.

Jennifer Keppler: Jennifer Keppler, again. The building trades proposed this ordinance and also intended to rectify some abuses out there of the licensing and permitting existing ordinances, and particularly the problem of unlicensed contractors essentially buying the use of licenses from another contractor even though they're not able to meet those permitting and licensing requirements on their own. As we view it, this closes a window on some real problems. Again, its going to benefit the county by promoting safety and the quality of work. And, as I understand it, there's no substantive problem with this ordinance as proposed. We, as we presented it to the Commissioners, we presented it with some enforcement language that made it mandatory rather than permissive particularly the use of may rather than shall and the enforcement provision was added, although we prefer the use of the word shall, one, because it makes it consistent with language used in the apprenticeship ordinance and also so that the ordinance has the authority and the ability to effectuate its intention. And that's a strong position from the building trades that it be given, that the ordinance have enough ability to enforce itself that it retains some meaning. As we see it, there's no legal impediment to inserting the word shall rather than may, and in terms of the enforcement provision, again, we would propose that ordinance as we submitted it originally. I'll take any questions at this time?

President Fanello: Thanks.

Bill Pedtke: Bill Pedtke with the Southwestern Indiana Builders Association, thank you for hearing our ideas on this. Is it possible to see a copy of the latest language on this, because I know that there have been a couple of changes on –

President Fanello: I believe Kevin has –

Bill Pedtke: I'm glad to say that this is something that we were able to find...

President Fanello: Common ground?

Bill Pedtke: Well, we had some problems with some of the language and very happily, were able to find some middle ground –

President Fanello: I don't think the one in our packet is the revised copy but Kevin does have a revised copy.

Kevin Winterheimer: Yes, I was emailed this today, that's why you didn't get it previously. I can read what I was sent and just for purposes of discussion – maybe you could just follow along to make sure that I've got the same thing that you're looking at. On the first page under F2, it says that the licensing and disciplinary board, the previous said may, the proposal changes that to shall, upon its own motion or at the request of the building commissioner or upon the complaint of any individual investigating allegations of piggybacking. That was the one proposal, change may to shall on that. The other one was to add this sentence to number two, again, in that same subpart two, let's see, after the second sentence add this sentence, information subpoenaed during the course of an investigation by the licensing and disciplinary board shall remain confidential and open for inspection only to the Vanderburgh County Building Commissioners, the Vanderburgh County

Commissioners, the County Attorney, and County Engineer except where litigation has been commenced. That was what was sent to me. If the Commissioners decide to go with that language, it would be my recommendation to add this: or when required by state law. So the state law mandates that it be public record. It would, of course, be public record, otherwise it would be kept confidential. We have, of course, no power to override state law, state law says that its public record, its public record. The other proposed change was in the next...let's see, it would be the last sentence in number two, and it reads, upon a finding that the act of piggybacking has occurred, the board, previously it said may, be changed to shall, deny or revoke the permit that has been issued and/or revoke for up to revoke for up to one year or suspend for not less than three months the license of any master or journeyman or registration of the apprentice participating in such prohibited act of piggybacking. That was the changes that were sent to me, suggested to the Commission to at least consider.

Bill Pedtke: Great. Thank you very much.

Kevin Winternheimer: Does that concur with what you had?

Bill Pedtke: Yes, I wanted to be sure. We think that its very important that that information be kept private and limited to those four individuals listed, and part F2, I think, is very important and I would like to give some praise to Randy and Paul for helping us find that middle ground with this. It makes it very much agreeable. A couple items that you might consider, one is, when you change the may to shall, with it as may, the Building Commissioner still retains the authority to launch whichever investigation. You don't lose any power and authority to do that, however, if you change it to the word shall, it takes away the discretion as to whether or not its actually warranted or not. Is it possible that this, when you say upon the complaint of any individual, is it possible that there may be some complaints that come along that are not necessarily legitimate, meaning it might be the seventh call in a single day, and Roger has checked out six of them, and they've all turned out not to be legitimate, perhaps we ought to give the discretion to the Building Commissioner that if the seventh call comes in, perhaps we use our discretion as to whether or not we launch an investigation to that end. Also, about the individual who is filing the complaint, perhaps we ought to put something in here that their name ought to be kept on file for exactly this purpose. But other than that, I would recommend your approval.

President Fanello: Thank you, Mr. Pedtke. Mr. Brown?

Randy Brown: Randy Brown. I would like to maybe propose the offer to change the agreement to read or the proposal to read, anyone filing a written complaint, and that way we would have a record so you're not responding to someone who just picks up the phone, a crank call or whatever, it would be a legitimate complaint from someone who cares enough about an issue. Its not because he just had a bad day, he was taking the time to put that complaint down, require that name and telephone number to contact, and that way we have a paper trail. And if we see a problem that somebody is abusing this, certainly we're going to come (inaudible). We don't want any more problems than what we have already.

President Fanello: Thank you. Are there any – Roger, did you have anything that you wanted to add?

Roger Lehman: No. Did you pick up where the word written would be inserted?

Kevin Winternheimer: I assume, you were talking about in number two, it would be the second line and say, upon the written complaint of any individual.

Roger Lehman: Yes. And I would recommend that change. I also will work with the license disciplinary board to come up with kind of a procedural policy that we do during this. As I have said to several people, we investigate every complaint anyway so its not a huge deal for us because we check it out regardless of how we get it. I think, by putting written there, that would mean the board wouldn't get involved unless it was a written complaint to the board and I think that's probably a good move.

Kevin Winternheimer: Or upon its own motion if they have their own independent knowledge, regardless of whether there's a written complaint, they always have that discretion.

Roger Lehman: They always have that, and we always follow up on it.

Kevin Winternheimer: Or upon your request.

Roger Lehman: We always do that, so we would recommend approval with that change.

President Fanello: Thank you, Roger. Are there any further questions from the Commissioners?

Commissioner Mosby: I would make a motion that we accept, I'm going to say Kevin's amended ordinance as a working document that would insert the word shall in the first line, written in front of complaint of any individual, and information subpoenaed during the course of an investigation by the licensing and disciplinary board shall remain confidential open for inspection only to the Vanderburgh County Building Commissioner, Vanderburgh County Commissioners, the County Attorney, the County Engineer, except where litigation has been commenced or required by state law, and then the word shall behind the Board in the next line. I'll make that in the form of a motion to accept this as a working document.

Commissioner Crouch: Second.

President Fanello: So ordered. And since this is second and final reading, we'll have a roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Kevin Winternheimer: Just to clarify, you're voting on the motion to accept this as the working document, not final –

President Fanello: Oh, we don't –

Commissioner Mosby: Not the final ordinance.

President Fanello: Oh, okay.

Kevin Winternheimer: We need to do that first –

President Fanello: Okay.

Kevin Winternheimer: To accept this as a working document.

Commissioner Mosby: As amended. I make that motion, we accept this as a working document as amended.

President Fanello: Sorry.

Commissioner Crouch: Second.

President Fanello: And so ordered. Now, do we need to go ahead –

Commissioner Mosby: Now I make a motion to accept this on second reading, the ordinance concerning license and enforcement.

Commissioner Crouch: Second.

President Fanello: So ordered. And now I'll call a roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. That ordinance does pass.

Kevin Winternheimer: And for the record, I will get your secretary a clean copy rather than just a – I'll give you this tonight, but for the permanent record I'll get you a clean copy with those changes made, but you've got something here tonight to show the changes.

President Fanello: Thank you, everyone, for attending and letting us know your thoughts. Its important.

Sherman Greer: Pre-Disaster Mitigation Grant Agreement

President Fanello: Now I'm going to move back up to the original agenda here and I don't know if Sherman Greer is here? I believe I see him out in the hallway.

Sherman Greer: Sherman Greer, with Emergency Management. I'm here tonight to ask for permission to proceed with the pre-disaster mitigation grant application. This is an application that we have to have the County Commissioners' approval so that we can get the application in the first place to apply for grants that are available under the mitigation grants. The State of Indiana, well, all the states throughout the United States have to have a mitigation plan in and I'm proud to say that Evansville-Vanderburgh County is one of the only two that's been turned in to the state of Indiana and is eligible for over 30 million dollars in grants, not the whole 30 million dollars, but we will be applying for a portion of that money so that we can do some of our mitigation planning and things that we found within our mitigation plan that was developed a few months ago by the Area Planning, Emergency Management

Agency and Building Commission. So we've got some projects out there that we can work on and with the help of the City Engineers, County Engineers, we can come up with some projects to apply for. I want you to understand that we'll be applying for this money in competition with a lot of – every county or city that applies for these grants throughout the United States, so in the past we've done pretty good as far as getting our grants in an appropriate time and also with good projects to work on. So I don't think there's going to be any problem.

President Fanello: Thank you, Sherman. Does anyone have any questions?

Sherman Greer: All I need is for someone to email them tomorrow so they can get the application to us.

Commissioner Mosby: I'll make a motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Sherman.

Sherman Greer: You're welcome.

Old Courthouse Update

President Fanello: Now we're scheduled to have an update on our Old Courthouse project, the energy savings project, and I believe Brent is here.

Brent Robertson: Good evening, Brent Robertson, representing Energy Systems Group. I think all of you have a blue handout. I'm happy to report that work is going well at the Old Courthouse. I'll just run through some of the different items that we've been working on, give you some highlights from that. Under the HVAC duct work portion, we're about 90% complete with all the duct work and we're about 50% complete with the grills, registers and diffusers, that item will lag behind some depending on how fast we can get ceilings put in the rooms. HVAC piping, the main heating and cooling loops are 95% complete. The equipment room piping is 85% complete and most of that remainder is the chiller on our side and we've been kind of putting that off trying to concentrate on the heating portion of it. We have 40 of 53 fan coil units that are piped up and five of the six air handling units are piped up. Under the HVAC equipment, 46 of the 53 fan coil units are installed and five of the six air handling units are installed. Currently, we were able to get the building heating system going under our new equipment rather than the old radiator system and we have several, we have five of the air handler units that are under temporary control and several of the fan coil units, and we just kind of monitor, on a daily basis, how the temperature is doing and we can manually adjust those if people are too hot or too cool and it seems to be working pretty well so far. Under the equipment continued, we have variable speed hot water pumps that are in and operational and that's what's distributing the...the heated water throughout the building. The chiller pit grating is installed and the chiller will be piped and started after all the heating systems are complete. The plumbing and restroom phase, the women's restrooms are complete and operational and we've been using those for over a month now with much success. The men's restrooms are roughed in for plumbing and the casement restroom in the men's side that had been having some problems with plumbing, we've finally resolved those and we did get those fixtures operational in there today. Under the electrical portion, the main electric gear has been installed and is

connected to the temporary transformers, so our new voltages are available. The power systems are being transferred over as progress permits to the new distribution system. And overall, electrically, we're about 70% complete. Continuing under electrical, the surface mounted raceways for the power and data are 50% complete and several rooms have new lighting installed. And, just as a note, I did some surveys with a light meter. I found the existing lighting to be on the range of two to ten foot candles, and the rooms that we've gotten connected up are somewhere around 100 foot candles, so it's a great improvement in lighting for the occupants there. General trades, our drywall bulkheads at the windows are about 90% complete, ceiling systems are about 20% complete and the architectural work in the mens restrooms should begin next week. Under the window phase, the paint removal is near complete. They have touched every window and they're now going back and working on punch list on those. The repairs and the glazings to the windows are 95% complete and we have about 20% of the windows completely painted and done. We will – the painting portion will just have to proceed as weather permits.

President Fanello: It was a good update. Thank you. Does anybody have any questions for Brent?

Commissioner Crouch: Are you still scheduled to be completed in March? Is that your timetable?

Brent Robertson: That's what we're shooting for and with the painting and the – if you've been by there, there's some grade work that needs to be completed around the chiller pit, and those items are just going to have to depend on weather, and hopefully, towards the end of March we'll get some decent enough weather to complete all those. But I'm pretty confident, if we're not 100% complete, its going to be – most people will not realize that we're not.

Commissioner Crouch: Thank you.

Brent Robertson: Thank you.

Jail Construction Update

President Fanello: Next item is an update on the jail construction.

Les Smith: Les Smith, with Shireman, construction manager at the jail. I've got just some information and the report. And I've got some new aerial pictures that are approximately, they were taken, it will be two weeks on Friday. I need to try to gather these up when we're done because I've got to get them back to Eric to get some more copies made. And if you'd like to have, you know, a particular copy of one of them, just let me know or let Eric know and we'll get you a copy. These are just some different looks and things of where we are. On the overall project the rough site work is complete at this time, that's the drainage systems, the fire hydrants are in and operable, the parking areas, the access roads are all cut into grade. We'll be doing the stone and the finish base for the roads as the weather allows us. The gas service is in and the gas is turned on and we're heating the building on a temporary basis with space heaters in different areas. We're basically right now heating in Area G, getting ready for the fire proofing. All the floor slabs are complete in the entire front part of the building, of course, and then in the B pod, which is back to back, all the first floor area slabs are in and complete and the

connector corridor from A to B is complete. The precast wall panels, they're progressing on to the A pod. All the, like I said, all the connector corridor, the A pod is going on, we're looking at that to be done by mid-January barring anymore bad weather that restricts us from getting in, getting out, whatever. But the precast erectors, they're in there pushing and doing everything possible, they're working on Saturdays to make up time. They're dragging trucks in with dozers, I mean, whatever they can possibly do, they're making every effort to try to get this done. When the A pod precast is set, that will conclude that portion of the job. So that will be a big milestone at that point. The major part of the block work in the administration area is finished. There's a few – some small chases and things like that and some plumbing will be finished in now that they've got a major part done but they'll have to go back and close in, but its just a very minimal part, so the major part of that's done. The block layers have started back in the B pod laying in the cells and the areas that, you know, in that area. I don't know, if you can look at your picture you can kind of tell the block layer has been working out of the front part of the building, which they make a major mess. They're cleaning that up and moving it to the back by the pods to where we can start doing sidewalks and get things really cleaned up and looking a lot better around there, but that was a big push to get them done and get them to move around to the back. The interior, metal studs in the administration area on the second floor and first floor are complete. There's light gauge steel trusses, and again, if you look at the picture back on B, and again, this is almost two weeks old, there's steel trusses that go over the center part of the pod on B, A and B, actually, and most of those are set at this point where here you can see that there's only just a very few of them set. They're pretty well wrapping that one up now so its progressing very well. They're in the B pod doing steel stairs. The walkways, the handrails, everything there is being installed, so then there's the steel window walls that go – and again, if you look at B pod, there's like a big black hole looking into the pod, there is a wall of windows that go there. It's a security rated enclosure and that's on site and they're prepping that to be installed now, so we'll get those closed up that way then we can control and heat the B pod and continue to work right on through the winter, so that's coming along very well. The roofing, on areas E, F & G, which is the administration area and the warehouse and that area is all dried in and closed in, there's a small amount of flashing to be done there. The sally port, at this point is dried in and they're proceeding or preparing to go back to the B pod to start the roof on that. So that's another thing that we've had a little bit of dry weather over the last two weeks and have been very helpful for us. Our plumbing contractor is working with the block layer wherever they go and progressing with them. They're setting like the stainless steel showers and roughing in the walls for the drainage and water lines and the water supplies. They're working in the mechanical rooms all over. They have also started in the B pod with all their main water lines and the showers. The mechanical contractors are still installing hydronic pipe throughout the whole project. They're connecting what's called the VAV boxes which is actually the coil that the water circulates through that warms the air and then it goes on through like that. But they're installing those, which then leads to the duct work and which ties it all in. They're insulating the pipe and working right on through with it, so there's really a lot of that stuff is being done and getting very close to completion in some areas. And I think I've said this, the gas lines for the temporary heating are connected and we are using the gas and I'd like to thank Dave for his help, you know, in getting that, so we can get this going with the temporary heating system. All the main piping for the sprinkler system in E, F & G is installed. They've still got to come in once the ceilings start to go in and then they cut the drops in and put the sprinkler heads in so they can know at the right level, so that's all going very well. The electrical contractor is working in the main electrical room, he's working on primary feeders going out to all different areas of the

building. They've got the main power on, they're connecting the backup generator. Its set and its being connected at this time. They're working on the cable tray, I mean, they're running cable trays through this for the communications, for the security, cables that will all be laid in there tow here they can update, add more as needed. So they're installing this tray all over the whole job site and that will be long-term positive thing for them to be able to update as needed. On our test reports, everything has been coming back and we're, you know, on concrete and everything that's being tested and is required to be tested, its been coming in at specs or above and I've not seen a bad test on any of the stuff. And I've got those on site if anybody would like to review or take a look at those at any time, I've got a nice stack of them. The wet weather, you know, we had, and its what the local weather bureau said, the seventh wettest October and November on record, and then the early part of December, and then, of course, today the mud is no longer an issue, its – and that's a positive thing, by the way, you know, that its froze up and that we can access, but every effort is being made to hold the finish date, but over this last 60 days its just been a challenge for us to keep going and not do things that would compromise any quality or anything like that, but we're doing everything we can possibly do. Currently, you know, it looks like we've slipped on our completion date by a month. We've redone our schedule and trying to, you know, see where everything fits and doing everything we can but it looks like that we're looking at the end of November. Now, that's not to say we won't make time up when things all shake out here, but right now that's what we're looking at. But we are trying to do everything possible and I know the contractors are because its to everybody's well being and everybody's interest, you know, to get done and get out of there. So its just that every effort is going to be made to try to come back to the October finish date. So, you know, we're going to work hard at it but I don't want to mislead and say hey, you know, everything has been rosy and beautiful because we've had some really terrible, terrible weather and its been very, and I'm sure if you talk to anybody else in the area on construction projects, its affected them, too, so I mean, we're not just trying to make up anything to get more time because we don't want more time. Okay, any questions on the jail project before I go to –

Commissioner Crouch: So it's November 2005 –

Les Smith: That's what we're looking at right now –

Commissioner Crouch: So that's moved back a little bit.

Les Smith: Yeah, we were looking at the end of October, and now we're looking at the end of November and that is for the total project. A lot of that back end stuff is security, electronics where they're setting that up and working the bugs out of that. I mean, the building is going to be done and usable long before this, you know, 99% of the building, but they have to come in and they have to basically take the building over to make sure all the doors are shut and all the contacts are made. And the system is already set up but then they have to come in and kind of, you know, after its in here, then it has to kind of be debugged. We're looking, right now, at bringing the secured electronics control system and the whole basic brains of the system in probably February, something of that nature. We're working right now toward getting a secured, climate controlled room where it goes up in the administration area to where we can start bringing stuff back to it now. But still, when everything is complete, then they have to do a final shakedown run, I guess, is basically, and that takes a week or sometimes two. But it's not, and it won't be a fact of where the building won't be done, I mean, but it's the line called substantial completion where everything is completely finished.

Commissioner Crouch: But we won't be able to house prisoners until after that?

Les Smith: That's what it's looking like at this point, okay, that's kind of where we're going and again, the last thing we want to do is mislead you that this is what it is. We will do everything that we can do to try to make this time up. And I tell you, the contractors that we've got out there are, they're buying into the same thing. I mean, its to their well being and their best interest to get done and get out of there, too. So I'm sure they're all going to be working very hard toward that.

Commissioner Crouch: This delay, will that cost any additional money?

Les Smith: Oh, no ma'am. Its just a matter of, you know, its everything is under a hard dollar contract and it won't change anything there.

Commissioner Crouch: Thank you.

Les Smith: Anything else? David? Catherine?

President Fanello: No, we just might get some snow this week so that might set you back another week.

Les Smith: Well, but I guess the good part of the timing of that is Christmas is not a very productive time of year anyway, so everybody has got their minds on everything else. And okay, I'm going to go ahead to the Community Corrections. All the interior floor slabs are complete, including the connector corridor going to the jail. All the interior block walls will finish over the next two weeks. They will start their fire proofing on the underside of the roof deck as soon as that block work is done. All of their exterior precast is set. They're caulking the joints and doing some finish work on that. The roof on the entire building is installed and they're continuing with their flashings. Again, if you look at the aerial picture, you'll see that two weeks ago they did not have their roof finished. The material was laying there but that roof was on and they're watertight. So that's another, again, a product of the last two weeks of decent weather. The interior metal studs are ready to start as soon as the fireproofing is complete. The plumbing is progressing along with the block walls and they're laying out ahead of the metal studs and working with that layout. The installation of the water meter is being coordinated with Dave and the water company. And I talked to Dave earlier about it, and we're hopeful that we have a water meter next week for the Community Corrections. The water meter is already in for the jail for there's two separate valve bits and you have to go through the same things. And Dave said that he thought that everything that was needed from the contractors and the construction end of it is okay, its just going through whatever he had to do with the water company, and we're working with him very closely on that. The HVAC, the air handling units were set on Friday, they're running duct and piping where they can and that will pick up quite a lot once the fireproofing is done and the electricians are working along with the conduit and cable trays in that building also that will be tied in back to main security system. The overall quality, both jobs, it looks good, we've got good quality contractors, the craftsmen, and I'm seeing a lot of familiar faces sitting in the crowd tonight and I'd like to commend those guys. You know, they're out there in the wet and the mud and the cold, whatever, and that they keep plowing on and doing the job and giving us a very good job. Any other questions?

Commissioner Crouch: Is that also scheduled to be open at the same time?

Les Smith: The Community Corrections is scheduled to – and I don't have the exact date, but its scheduled to be completed mid or late summer, early fall, something like that. I'd have to look at the exact date, but its good on schedule, you know, because the massive size of the jail versus community corrections, you know, its just a smaller more condensed thing that they can get around and get their precast in on it, got it done and got the roof on, so they've got an enclosed area as the jail is in the administration area. You know, they've kind of got the same setup there. You know, they've got it closed in, they've got heat going in there. They've got the windows closed in, got a roof, so they can work under any conditions now. So that will progress right on. Its getting less – the weather doesn't affect as much once we get that on. You know, as time goes on, we get less affected by the weather. So, thank you.

President Fanello: Thank you, Les. And this other sheet you gave us was just a comparison of some of the other counties?

Les Smith: That's just an update, a comparison to some other projects that's –

President Fanello: Looks like Vanderburgh County bid at the right time because we did come in under our original estimate of \$192/square feet and we came in at \$177. And the latest project is running \$240 per square feet.

Brad Ellsworth: Hi, I'm Brad Ellsworth, Vanderburgh County Sheriff. I just wanted to add quickly, and this may be a no-brainer, but obviously, we'll watch the schedule rather closely and work with the Council on adjusting the hiring of new employees commensurate with the opening dates and move those back if necessary to save as much time and money as possible.

President Fanello: Thank you, Sheriff. Are there any other questions? Thank you, Les.

Commissioner Mosby: Thank you, Les.

Bill Fluty: Catherine, can we change the tape again?

Catherine Fanello: Yes.

(Tape Change)

<p align="center">First Reading of Ordinance Regarding Exemption from Building and Construction Fee Schedule</p>

President Fanello: The next item is Roger Lehman, first reading of county code regarding exemption from building and construction fees schedule. Do you want to talk about both of these ordinances that you have on here for first reading?

Roger Lehman: Sure. Yeah, if we can talk about both of them. These both have passed the City Council a few weeks ago. I would like to give the Commissioners just some general information I gave to the city. I should have probably duplicated and sent to you again some information I sent probably about three or four months ago when we started to get this thing rolling.

President Fanello: I was going to say, you did send something to our office saying that you were going to get with the City or –

Roger Lehman: Right, and we did some comparisons with some other communities. We're lower than most, even with some and higher than a few, if that's a good way to say that, with this proposal. When we looked at our fees, a lot of them had not been changed for, some five years, some 20 and some a little longer than that. So when we talk about the increase, for instance, we're asking, on the minimum permit fee for residential projects, to go, like electrical changeover, to go from 20 to 25 dollars. It costs us about 31 dollars to make one inspection if you take into account overhead and salaries and so on and so forth. So we're still not charging what it costs us but with the whole package together, it balances out. Some of the bigger permits, fees that come in, we may not expend as much inspector time on those jobs as the fee would indicate. I've tried to balance it so we're not infringing on anybody too seriously. For instance, in the residential market, the current cost for the building part of the permit is four cents per square foot. We're proposing to raise that to five cents per square foot. So if you look at it as a percentage rate, its fairly significant. If you look at it as a realistic issue in construction, for a thousand square foot house, that would raise the cost of the permit ten dollars, so it's not huge. But it is something that would help us recover some costs. The – I've given you kind of the revenues over the last five years, four years, in the license and permit fees. We've, for the most part, come close to covering our expenses less our capital expenditures and that's probably one of the reasons we haven't got cars for the last two years. When we had them in our capital budget, but our proposal for this, if our revenue number of permits stays fairly level, as it has the last two or three years, then the increased amount of revenue this would generate would go primarily towards our technology upgrade. We are proposing to install a automated computer system for permitting for us and Area Plan Commission and the Department of Code Enforcement, it will all be tied together in one system connected to the GIS system and would allow, at some point in time, contractors to use the Internet to apply for permits, to request inspections, actually they can request inspections now on the Internet, but its not very practical so we don't push that too hard. But under this new system they almost will never have to come to the Civic Center to get permits or to talk about inspections and so on. The inspectors will have tablet or PDA type computers in the field. Initially, it will probably be something they download the information in the morning, they'll go out and enter the information during the day, come back and upload it at night. We eventually want to get to a wireless system where they go out and make an inspection, enter it, set the computer on the seat, drive to the next inspection and when it finds the cell phone signal it will automatically upload it, and that information will become immediately available to us and to contractors to check on their jobs even the same day that they're being made. That technology is a little more expensive than we initially budgeted for. In our capital fund for next year, 2005, we have \$155,000 budgeted. It looks like the entire system, including the things that we think are necessary is going to be probably closer to \$300,000, but that will be spread over the next two or three years as we implement phases of it. So we'll be going back to Council's next year or this budget year during budget hearings and asking for additional funding for next year. The hope is that these permit fees will support that increased funding for our technology. We also are hopeful, and its not in our budget for 2005, but if our fees, again, hold solid, we may be able to put on a part-time inspector that will work primarily in the evenings and on weekends, catching the vigilante contractors. And we do a pretty good job during the week of stopping that type of activity, but on weekends and nights if you would sit over by the Henderson bridge, you would probably could count a hundred contractors driving in town on Friday night and probably leaving on

Sunday night because they know we don't work. We try to adjust our schedules to have our inspectors work weekends and some evenings, but we are so covered up in the daytime that, by the time we give them comp time for doing that, we miss out on getting the inspections done in a timely manner that are needed during the day. We did put this information out, this is something that affects a lot of people so we put this out on our year end contractor letter, the year end letter actually went out in July this year because of some of these changes we were trying to get everything finalized. But, every contractor that has a license in Vanderburgh County got a copy of our proposed fee schedule changes and license schedule changes ahead of time, and I fielded very, very few phone calls and almost nobody is opposed to it. The one call that I got that was opposed to it said that if we had the time and the money to spend two dollars a gallon on gasoline, this was of course, a month or so ago, and inspector's time checking on people's licenses, that we've got too much time and too much money. He got caught, so he wasn't real happy about that activity. We have discussed this with the trades association, trade organizations, the builder's association, all of the contractor's associations, and they all, to the best of my knowledge are in agreement that this is something necessary, probably overdue, not over extending anybody's budget as far as what we're asking for as far as construction costs and so on. And I don't know if Bill or Jim or somebody would like to – since they're here, (inaudible, comments not made from the microphone).

Bill Pedtke: Bill Pedtke with the Southwestern Indiana Builders Association, thank you for hearing our ideas. We worked with Roger on these fees and he brought them to us. And we're in perfect agreement with everything and usually you see me up here kicking and screaming about any increase to a new house or even a remodeling project, but this one is something that I think will actually benefit the houses in Vanderburgh County because of the things that Roger said, the advances in technology, being able to report the results of inspections back down so the work can continue the next stage of that construction project can continue earlier, so that will help us. But I also want to make clear, one of the things that we feel in the field of building homes is if there is, in the last couple of years we lost one or two inspectors to other jobs. And when that happens we end up inspectors trying to do too many inspections and they get spread out awfully thin and they're hard to come by out in the field. And so I just wanted to bring it to your attention that the money that is generated for these fees, hopefully they can be used to make sure that we always have good inspectors, which we do, good inspectors employed and that we don't have the gaps of an open position, and if, God forbid, anything would ever happen to any of the people that we've got, we're very fortunate to have who we have, but if anything were to happen, we would need salaries that would be competitive to get good solid people back in there. So if I could just bring that to your attention and with that, recommend it. Thank you.

President Fanello: Thank you, Bill.

Jim Rexing: Jim Rexing, speaking as an electrical contractor, I don't specifically know the financial workings of Roger's office but just generally to give you a comparison, we have traveled in the past extensively throughout Illinois, Ohio and certainly in Indiana and a comparison of our fees to other jurisdictions, we have found are very, very fair. We have paid fees for an electrical permit for the same building that we would wire here in other jurisdictions and I know this is an extreme example, but as much as five or six times and much as we've paid here. But in general, I would say the overall average, that we are below average from what we have seen.

President Fanello: Thank you, Jim.

Commissioner Crouch: Are we charging enough, then, for Roger's proposal?

Roger Lehman: The one other issue I do want to address is exemption because that's kind of unique. My personal opinion is, for every permit we get, there's probably a hundred jobs going on that we don't get permits for. In speaking with some folks from the Apartment Owner's Association, they asked that there be some kind of provision made for some work they could do in their apartment buildings, primarily either at low cost with a permit, without inspections, or so on. We went, had discussions with them, and again, with the Builder's Association, on a way to do that and what we ended up with was a provision that says if you are doing work in your house, single unit or your apartment building per unit, and that work is valued, that work is less than \$500 in any given year, that you don't have to have a permit and you don't have to have an inspection. Now there are some exemptions from that exemption which are listed there. It doesn't mean you can't change your furnace out and you can't do electrical wiring and those types of things, but just the general, replacing a door, a window, patching some drywall, replacing a window, those kinds of things, we don't get anyway, so this would give the homeowners an opportunity to not be illegal. It does require that they call us and tell us that they're doing something just so that if our guy goes by and sees somebody doing it, we'll have it on record that something is going on and we won't have to stop and check it out and so on. We also have added another caveat to that at the request of the Department of Metropolitan Development in the city. They are working on a program with some faith based organizations that are going to do free labor work for low income people in the neighborhoods. And in looking at that, we thought that it was reasonable and a good compromise to allow that work to be up to a thousand dollars. Now those people are going to be supervised so its not quite like its Joe Homeowner who may not know very much about what he's doing. There are going to be people that are working as volunteers but they'll be supervised volunteers. And we felt like that the more work we can get done for the least cost, I guess you would say, and the least drain on our resources as inspectors, again, would be of value. So we did make that particular item a thousand dollars per year per location. And again, we discussed that, this with pretty much everybody. I don't believe there's anybody that has a reasonable case against us and so we would recommend that this license fee and permit fees and permit exemption ordinances be approved on first reading.

President Fanello: Are there any questions for Roger? Do I have a motion to approve an Ordinance Regarding Exemption From Building and Construction Fees Schedule on first reading?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

<p>First Reading of an Ordinance Concerning Fees of the Building Commissioners Office</p>
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President Fanello: And then a motion to approve an Ordinance Concerning Fees of the Building Commissioners Office on first reading?

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Roger.

Roger Lehman: And I'll be back on the 29th to finalize and one of the reasons that we're kind of in a hurry on this one is for a different reason. The state requires a 90 day waiting period on fee changes and so we're trying to get the clock running. We're hope to get these effective by January 1st, but now we're shooting for March 1st, so we'd like to get these going. Thank you very much.

President Fanello: Thank you, Roger.

**Second and final reading of an Ordinance Creating a Commission on
Homelessness in Evansville and Vanderburgh County**

President Fanello: The next item is the second and final reading of an Ordinance Creating a Commission on Homelessness in Evansville and Vanderburgh County. If there are no questions...

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. And roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes.

Poor Relief Hearing Request

President Fanello: The next item is poor relief hearing request and I believe there is a copy of an email in here. And, Kevin, this is the request you sent about us appointing you as a hearing officer?

Kevin Winterheimer: Yes, on these poor relief appeals, the statute, the Board of Commissioners can hear them themselves, you can appoint one member to hear them, you can appoint a hearing officer or you can appoint a committee of citizens to hear them. It's your choice, however you want to handle it.

Commissioner Mosby: I'll make a motion to appoint Kevin.

Commissioner Crouch: Second.

President Fanello: So ordered.

Appointment to Area Plan Commission

President Fanello: The next item I think Commissioner Crouch would like to defer until she has a chance to speak with the two new members of the Commission because this will be a Commissioner appointment, so we can just defer that.

Natural Gas Purchase Agreement

President Fanello: The next item is an agreement that Dave Rector has sent down and its in regard to what we discussed I believe late summer, early fall –

Dave Rector: A few months ago, yes.

President Fanello: Yeah, about purchasing natural gas in bulk. So this is his agreement and I'm assuming, well, Joe Harrison has –

Dave Rector: Joe, Junior had written this. This is an agreement as we discussed. Karen Richard with ProLiance is here tonight if you have any distinct questions regarding it, but basically the county and the city wouldn't see any difference in their billing or their paying, but what this does is allow the Building Authority to include them in our transport agreement and our purchasing of gas. And just in that alone, I understand that the city and county could save up to \$15,000 or more each year just in the transport agreement regardless of how we may purchase the gas and this indicates that agreement. And as I said, if you want a better explanation Karen is here, but I don't see where it's a bad thing for any of us and we all gain something from it. Our board signed the originals today in their meeting. After you all approve it, then I'll get it to the Mayor and we'll be able to start February 1st.

President Fanello: Are there any questions for Dave?

Commissioner Crouch: Would we see our rent go down if we –

Dave Rector: Yes, you're going to see your, right now you're just paying whatever the NIMEX? price is for gas each time. Hopefully, if we hedge correctly and purchase at the right time, we'll buy less than NIMEX? at those times by the end of the month. Regardless, the transportation fee is about 24 cents less per decatherm? than what you're paying now.

Commissioner Crouch: And how do you allocate the usage between the city and county?

Dave Rector: We know what all the usages are per building. Right now we buy for the Civic Center Complex, we'll be buying for the new jail and corrections center with the IRUC new ruling, that add The Centre for the county and also adds Lloyd Pool, Mesker, Victory and Robert's Stadium for the city.

Commissioner Crouch: So in this building you do have the usage between the city and county factored in?

Dave Rector: Yes.

Commissioner Crouch: Okay.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: I'll make a motion to approve the natural gas purchase agreement.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Dave.

Dave Rector: And this just requires your signature, Catherine, when you get a chance. I'll get it tomorrow and get it to the Mayor and get them started.

President Fanello: I'll have Madelyn put them in the signature file so I don't lose them.

Public Comment

President Fanello: Is there anyone in the audience wishing to address the board at this time?

Mike Lockard: Commissioners, my name is Mike Lockard, I'm here on behalf of my parents who, my dad was down here to speak with you, took one look at the crowd and said there was no way he could stand here that long. I wanted to come down here for two of you who are – this is the last opportunity I would be able to appear before you as you are Commissioners. I just wanted to say on behalf of my parents and myself and ten very appreciative families on Jobes Lane, how much we appreciate the work that you did on that. I know that – I will still be working with Ms. Crouch here because I'm part of West Side Improvement on Area Plan Commission and I know you had abstained on this one originally, so I'm not trying to leave anybody out here. But Ms. Fanello, I know you had appeared with me before the County Council meetings on that, holding my hand so to speak, since that was the first time I had ever gone before a financial board. And I want you to know how much I appreciate that and your words of support and your words of encouragement, it was a great help. I want to say a very big special thanks, if you'll look up here at me, to David because David was the one that came to me about two and a half to three years ago when the money was coming back from Graham Packaging and said, you know, he says, this is a project that's been around for a long time. And my parents bought that property almost 40 years ago, coming up here real soon, and it was an area in dire need of water and sewer. And because of that seed money idea that you started, we had one of the most unique involvements between this and Judy Weatherholt, and the Business Development Area, and also from the Governor's office, you know, we had three different funding sources that came up with the money to provide for that project. My wife will tell you that she's glad the project is over because the pink porta potty is no longer in front of our house. So, we appreciate that. But, David, from the bottom of our heart, it really, it meant quite a bit to us that you approached me with that project, and the fact that that money became available. Before I forget, Tammy and Patty, especially Patty, who answered the phone calls from certain people, I appreciate your patience and understanding from all the neighbors, because I know sometimes, some of them got very frustrated with the process, because they didn't understand the process. But, too, Vanderburgh County, and to all the Commissioners and all the staff, we deeply appreciate what you did for us, because it made a difference in ten home owners lives that the dollar value of the contract cannot put a dollar value on how priceless

their standard of living will have become because this project was made possible because of what all you guys did. My family wanted to take the time to personally tell you thank you for what you did.

President Fanello: Thank you, Mike.

Commissioner Mosby: Thank you, Mike.

President Fanello: Is there anyone else in the audience wishing to address the board? Seeing none.

Old Business

President Fanello: Old business. Election equipment audit. I did speak with Sys.Test again last week, and also our office spoke with the State Election Commission, and I know we had discussion last week about source code review and source code reports, and the State Election Commission will be receiving those reports. So, there really is not any reason for us to spend money to have those reports reviewed by Sys.Test. What Sys.Test would like to focus on is auditing this past election and the equipment. They did revise the proposal, because there was some concern about the Election Board of maybe spending too much time on the process, whereas, the task force could do that, or a group of individuals could do that. So, I spoke with Sys.Test and they did revise the audit scope just to focus on the functionality of the equipment and this past election's results in relation to the equipment only. So, it has been reduced to \$30,000. So, what I did was prepare a letter to send to the president of the Board of Elections, and just asking for their cooperation as we proceed with the audit. Sys.Test had wanted to be here next week, if possible, to begin work on the audit. This is just letting them know that we've had conversation with the State Election Division, a letter has been sent up there about the source code reports, and that issue is moving forward. So, just asking for their support as we continue to move forward with the equipment audit.

Commissioner Crouch: Will the State Election Commission make those reports available?

President Fanello: As far as I understand, yes. So, but, as Sys.Test pointed out, just reviewing those reports is really not going to tell us anything about this past election. They also did not want to charge us to do something that we could obviously do for free. So, they would just like to really focus on auditing the equipment as it performed in November's election. So, I guess, if that pleases the board, I would like a motion to go ahead and send a letter to the Election Board, letting them know where we stand, and that we're focusing on the equipment only, and it has been reduced to \$30,000.

Commissioner Mosby: I'll make the motion to approve the letter.

Commissioner Crouch: Second.

President Fanello: So ordered. Is there any other old business?

New Business

President Fanello: New business? Okay, department head reports, County Engineer.

County Engineer

John Stoll: Do you want the project update first? I didn't know if you wanted the project update first, or—

President Fanello: Yeah, go ahead and do the project update first.

John Stoll: Okay. Like I did on previous updates, I just left the status that was on the prior memos, and just added any new progress on the projects. The first project where we had some progress was on the Jobe's Lane project. This project basically is complete at this point. The water and sewer lines have been completed. The only remaining work is the seeding, and because of the weather we obviously won't do that until the spring. So, it is, basically, finished. There's only a few thousand dollars left as far as the seeding work goes. The next project is the Green River Road project. The update for this month is that the TIF money has been set aside in a right-of-way acquisition account, and I do have a letter from Vectren that they have submitted a request to have their utility relocation design fees reimbursed by the county. I'll pass that out as well. I don't know if you want to take this up during the rest of my report, or deal with it now. Basically, what Vectren is asking for is reimbursement of their design costs for this utility relocation. They're estimating it will be \$21,083 for this design work. Because it is within an easement we are subject to paying these relocation costs. So, with your approval I will contact Vectren to see if we can get an agreement worked out for the reimbursement of those fees.

President Fanello: Have we done, we've done that on other projects?

John Stoll: Yes.

President Fanello: Alright. Does the board want to direct John to get in touch with Vectren?

Commissioner Mosby: I'll make a motion to approve for John to talk to Vectren.

Commissioner Crouch: Second.

President Fanello: So ordered. Just let the record reflect that I do abstain from that vote.

John Stoll: Okay. The next project is the Green River Road-Millersburg Road intersection project. Since the last update the supplemental agreement for the design of the temporary runaround at the southeast corner of the intersection has been approved by the county and INDOT. That will be an 80-20 split. That makes the total design cost \$78,893.50. The next project with some progress is the Lyle Road project. We received Corp of Engineers approval on the project last week. We will contact IDEM regarding their approval. The right-of-way has all been secured on the project as well. We got notification on that a couple of weeks ago. Next, on the Lutterbach Road paving. We did submit an invoice to the property owner, Mr. Marlin Goebel, to request his reimbursement of the paving cost, as was

stated in the agreement between the county and Mr. Goebel. The next project is phase three of Lynch Road. We have found out that INDOT will not be awarding that project at this point, because it's my understanding that the contractor did not meet the DBE goals in the contract. So, it will be re-bid. Based on what I've been told right now, it will probably be in March before it will be re-bid. We're trying to also work out some funding issues on that. The numbers that INDOT had plugged in, as far as the federal funding share on the project, were lower than what we thought. It's well beneath our limit of \$5,000,000 combined between Warrick and Vanderburgh County. So, we're trying to see what we can do to get them to increase the share of federal money up to that \$5,000,000 cap. Next, on the Mt. Pleasant Road project, we did hold a pre-construction meeting back on November 4th, and the contractor, Blankenberger Brothers, plans to start construction sometime in January or February. They didn't want to shut the road down until then. One issue, that is still going to have to be worked out, will be the utility conflicts with some underground SBC lines. SBC was at the pre-construction meeting, and they said that they will work with the contractor to try and address the conflicts as they come about. Next, on Oak Hill and St. George Road intersection project, we have finally gotten all the right-of-way on that project. So, that project will be able to be bid sometime early 2005. Next, on the Rodenberg Road, Rodenberg Avenue culvert project, the contract was awarded to Deig Brothers, and the culvert has been installed. The project is not entirely complete as of yet, but the new pipe has been put in. It was put in last week. Next, on the IDEM Rule 13 storm water program, last week I had a meeting with Clark Dietz, and they submitted a draft of the part C program. That's the part of the regulation that's going to be the biggest headache for the county to deal with as far as all the requirements that IDEM has mandated through that program. I've just taken a preliminary look at the draft, so, I haven't really gotten the chance to see if there are any changes that we could make that would lessen the impact to Vanderburgh County. They also submitted a draft illicit discharge ordinance, which is another one of the requirements for part C of Rule 13. So, here again, we need to review that and see what changes might be able to be made to make it as little impact as possible on county funds. We have to have part C submitted by the end of January, and we've got until, I believe November of 2005, is my understanding on having our program, from part C, actually implemented. So, we've got quite a bit of work to do to get that all up and running. The next project, the Schaeffer Road bridge. I can go ahead and have you sign that contract. Last week we took the bids and the low bid was from Klenck Companies, Incorporated. Their bid was \$138,162. I would request that this contract be awarded to them.

President Fanello: Do I have a motion to approve?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next project is the Stockwell Road culvert project. Construction has started on that project now. The contractor started last week. We have come to an agreement with the property owner on the J.H. Rudolph parcel, as you know. We also got the court appointed appraisers report back on the Cornerstone Commercial property's condemnation suit. It was substantially higher than the original offer. It came in at \$46,500. That has been paid into the courts, and we do have right-of-entry on to that property as well. Then, the last project is University Parkway. The road, Eickhoff Road was closed for a couple of months in anticipation that the

sanitary sewer would be installed out there. That work was not completed as part of the project, so that will likely have to be closed again next summer. I believe they used about 60 of their 90 days allotted. So, they'll have to wait until they know they have good weather in order to get that completed. Then, the other thing that's changed is the transfers were approved at County Council to put an extra \$350,000 into the University Parkway account in order to potentially get a design contract signed for the next phase of the project. Bernardin Lochmueller has submitted a draft of that agreement at this point. That's really it on all the projects, unless you have any questions on any of that.

President Fanello: I don't think so.

John Stoll: Okay. Then I'll go back to the other items. Next, I've got the contract for the Barton Road culvert slip lining project. This is contract VC04-12-02. The low bidder on this project was CCC of Evansville. The amount was \$26,749.96. I would request that this bid be awarded to CCC.

Commissioner Mosby: Motion to approve contract.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: Next, I have three claims that we didn't put on the consent agenda, because they are somewhat unique. The first one is the claims for paying the tap fees on the Jobe's Lane water and sewer project. Based on the grant agreement for that project, the county was to pay the tap fees for all the low and moderate income households out there, and that is seven households. Those tap fees were \$1,200 per household, and in conjunction with the tap fees, there are applications that have to be signed by the Commissioners in order to get the tap fees taken care of. So, requesting two things; one, that the Commissioners sign off on the applications for the sewer taps, and then also the claim which would obligate the county to pay the \$8,400 for the seven households.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: I'll abstain, being consistent.

President Fanello: Second, and so ordered.

John Stoll: The next claim was something that I could have discussed in the project update as well. We were working with property owners on Bromm Road in order to try and acquire right-of-way for a culvert project. We've gotten an agreement with the property owners on one side. They agreed to accept payment of \$1,000 for their right-of-way. We still never got any progress from the people on the other side, but given the fact that we'll need the right-of-way on both sides of the road in order to ultimately do the project. I would request that the Commissioners approve this claim for compensation of \$1,000 to Stephen and Shauna Link for their right-of-way on Bromm Road.

Commissioner Mosby: Motion to approve right-of-way on Bromm.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: This last claim is in regard to a letter of credit that was called in on Metro Center Subdivision, Section Four. Back in I believe it was 2001, yes, February 2001 the letter of credit was called in for \$945, because sidewalks were not constructed at 5615 East Virginia Street. The owner of that property has since constructed the sidewalks, so, now we could release the letter of credit funds. I asked Kevin how to proceed on that. He said, basically, we would just need to bring a claim form in to the Commissioners, you would sign the claim, and then the check could be written back off the account where the letter of credit money was deposited. I attached, basically, the history of the project, that the letter of credit was established, that it was called in, and then the memo that I had sent to Area Plan Commission showing that the work was completed. So, I would request that you sign off on this claim, and then we can get the money returned to the property owner. It was \$945. It is to Paul and Em Siler.

Commissioner Mosby: Motion to approve claim.

Commissioner Crouch: Second.

President Fanello: So ordered.

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

President Fanello: Thank you, John.

John Stoll: Thanks.

County Highway

President Fanello: Next is County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have to report is we've got some bad weather forecasted for tomorrow night and Wednesday. Our trucks are ready. We've got the snow plows and the spreaders on them. We've got approximately 1,300 tons of salt in the barn, and about that much sand. So, we're ready for the bad weather to hit. So, I hope not too much of it comes. The only other thing I have is to ask you if you have any questions on my weekly report.

Commissioner Crouch: No, but I got a call from someone down in Union Township inquiring about CSX going to be putting in another railroad line. I don't know if you all had heard about that. They supposedly, this individual said that they heard that Nurrenbern Road was going to be closed permanently. I said that I didn't think that would be the case. We hadn't heard anything.

Dennis Hudnall: I hadn't heard anything on CSX. I can check it out. I can call them.

Commissioner Mosby: I had, yeah, John, I think....I had a brief conversation, not with anybody in particular, but they are looking at the possibility of trying to add another line to this yard here to accommodate, I think, some coal trains or something. I told them they really needed to deal with the incoming Commissioners, and this is something that's probably three to six months off or whatever.

Commissioner Crouch: Right. Do you, but you don't know of Nurrenbern Road closing down permanently?

Commissioner Mosby: They talked about that.

Commissioner Crouch: Oh, really! Permanently?

Commissioner Mosby: Yeah.

Commissioner Crouch: Oh, okay.

Commissioner Mosby: There was talk of that. I mean, that's something they're wanting to discuss, and I told them it was far enough past January, or the end of December that they didn't need to talk to me.

John Stoll: They were definitely needing to make modifications underneath the Tekoppel Bridge over Howell Yards to get their extra rail line in out there. They've got a retaining wall with tie backs in it that we need to have a consultant review, because no one on my staff has experience in reviewing that type of design. I contacted Bernardin Lochmueller about that, and that part of it is definite, but the other part of the picture was that they did propose closing Nurrenbern Road permanently. I believe they were saying it was going to be blocked even more frequently, so, that was one of the reasons why they felt that it was a possibility that it could be closed, and I forget what else they said. Oh, they were looking at putting some sort of building, fueling station, something that was in regard to their operations down there as well. But, I don't, they didn't give us any written specifics on it. But, that was part of their proposal they were looking at that.

Commissioner Crouch: But, to close a road permanently, that would have to come before this board.

John Stoll: Yes.

Commissioner Mosby: Yes.

John Stoll: I'm not sure if the, Kevin might know how the laws are written, I know to establish a new crossing it has to go through the state. I'm not sure as far as removal of a crossing whether or not that has to go through the state as well.

Kevin Winterheimer: I'm not sure of it. I didn't know anything about this, so, I wasn't prepared. I haven't looked into that yet.

John Stoll: I was figuring that they would be getting back in touch with everybody here soon. So, I didn't know that anything else had surfaced on it either.

Commissioner Mosby: Now, I haven't heard no more since just the one time that I talked with you about it.

President Fanello: Thank you, John.

Dennis Hudnall: That's all I have, unless there are any questions.

President Fanello: Thanks, Dennis.

Dennis Hudnall: Okay.

County Attorney

President Fanello: County Attorney.

Kevin Winternheimer: Yeah, I have just a few matters. First of all I would like to thank everyone for the many cards and kind words over the passing of my father, and particularly Commissioner Mosby, when you gave my mother a hug she really appreciated that. It made her day. So, I want to thank everyone while everyone was here. Secondly, I received, this is sort of a clean up matter. I received some correspondence from Sigecom, the cable t.v. people, when they started their operations and pursuant to their contract with the county, they posted a \$50,000 bond, and the contract provided that when the construction was substantially completed, could be reduced to half that. They say that substantial completion of the network serving the unincorporated provisions of the county, which is what you control, was completed in June of 2000, therefore, they are seeking acknowledgment from the Commissioners that there is substantial, that the completed construction requirement has been met, and that the bond can be reduced to \$25,000, pursuant to the contract. I told them that I would bring it up to your attention tonight, and they would, if you are so inclined, like the Commissioners to approve that bond reduction. I told them that if you were inclined you could direct me to prepare a resolution for next Wednesday authorizing that reduction. Because they are in the process of getting their bond renewed for next year. So, if you want to proceed, I would put together something in writing for you to finally vote upon next Wednesday at your last meeting.

Commissioner Mosby: Motion to proceed.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Thank you. The third and final matter is mainly to put Suzanne's mind at ease. I wanted to formally announce my resignation effective, and I checked with the previous County Attorney to find out how it had been done, and, I guess, the most appropriate thing would be to say whenever you have your first meeting of the new year we'll make it effective. I didn't want you to be concerned that I was going to try to take up this space. So, if you will let me know when your first meeting is, when you schedule that let me know, and whoever you choose to be the next County Attorney can proceed from that point on. So, that's all I have.

President Fanello: Thank you, Kevin.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: Before you tonight I put the addendum to the encumber letter to include the money for the Park and Playground account. This money is intended for the lazy river project. I know that we had agreed last week to add that on to the

encumber letter. I just wanted you to get a copy of that addition. Then I had some last pink slips that need to be added to the consent items.

Commissioner Mosby: Motion to approve added consent items.

Commissioner Crouch: Second.

President Fanello: So ordered. Is that it?

Burdette Park

President Fanello: Do I have a motion to approve Soil and Water and Ozone Officer's report?

Commissioner Mosby: You missed Burdette.

President Fanello: Oh, sorry. I missed Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. The first thing I have is my project report for project M-260, Burdette Park design and engineering of the lazy river. I talked to Lew Colton of Northeast Aquatic Design today and he said sets of plans are being e-mailed to us tonight. These plans are ready to be submitted to the Area Plan, the County Building Commissioner, and the Vanderburgh County Health Department. Upon approval from these departments, these plans will be submitted to the state for approval on all necessary permits. Northeast Aquatic Designs have submitted the boiler head and the bid documents to the County Attorney for his final approval. Upon his review, and all approvals from the afore mentioned departments, Northeast Aquatics Designs will deliver us a set of plans that are ready for bid. Then, other than that all I have is my weekly work report.

President Fanello: Does anybody have any questions? Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

Commissioner Mosby: Motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to approve consent items as amended.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Motion to adjourn.

Commissioner Crouch: Second.

President Fanello: So ordered. We will start drainage board in about five minutes.

(The meeting was adjourned at 7:54 p.m.)

CONSENT ITEMS:

Jail Expenses:

United Consulting Engineers & Architects: \$10,088.92
Williams Brothers Construction, Inc.: \$846,624.28
Peyronnin Construction Company: \$31,988.65
Mel-Kay Electric Company, Inc.: \$223,063.00
Baker & Daniels: \$645.00

Requests for Telephone Service:

Superior Court (1) County Clerk (1) Co-Op Extension (1)

Employment Changes:

Circuit Court (2) Commissioners (1) Surveyor (1)
County Council (8) Prosecutor (4) Health Department (1)
Superior Court (1) Pigeon Assessor (2) County Clerk (4)
County Assessor (1)

Veterans Service Officer: Surplus Letter of Copy Machine.

Auditor: Submit A/P voucher.

Treasurer: Submit Monthly Report for November 2004.

EMA: Hoosier Safety Foundation Grant.

Legal Aid: Ikon Contract for Copier.

Superior Court: CASA Contract.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winternheimer	Tammy McKinney
Madelyn Grayson	Dave Rector	Stephanie Pruett
Sherman Greer	Brent Robertson	Les Smith
Brad Ellsworth	Roger Lehman	Bill Pedtke
Jim Rexing	Jennifer Keppler	Randy Brown
John Elpers	Paul Green	Mike Lockard
John Stoll	Dennis Hudnall	Steve Craig
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, President

David W. Mosby, Vice President

Suzanne M. Crouch, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and Teri Lukeman.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 29, 2004**

The Vanderburgh County Board of Commissioners met in session this 29th day of December, 2004 at 9:04 a.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 29th. Introductions are as follows, to my right, Tammy McKinney, Superintendent; Kevin Winternheimer, County Attorney; Commissioner Mosby. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Presentation of Keys to the City by Mayor Weinzapfel

President Fanello: I believe our Mayor has something that he wants to say.

Jonathan Weinzapfel: All these folks must have known I was going to present keys to the city this morning. So, it's good to see everybody here. Being this is the last meeting of 2004, I wanted to do something special. I know it's a small token of my appreciation as Mayor of the city, and I think the genuine appreciation of the people of Vanderburgh County for the work that Commissioners David Mosby and Catherine Fanello have performed over the last four years. I think our community is better off because of your service. I think you've made some wonderful contributions, and I want to wish you the best of luck in all your future endeavors. But, with that, I do have keys to the city. I just want to add, Commissioner Crouch, I look forward to working with you over the next two years.

Commissioner Crouch: And you too.

Jonathan Weinzapfel: Thank you.

President Fanello: Thank you, Mayor. And, just real quickly, and if everybody will just bear with me for a second. I would like to take this opportunity, and the board would like to take this opportunity to thank two employees in our office, Ms. Tammy McKinney and Patty White...these, Patty Avery now. These two individuals have been extremely loyal, and have been extremely dedicated to working for Vanderburgh County, and we certainly do appreciate everything that you've done. I do want to just real quickly read the inscription. This is a clock that you can set on your desk, wherever you may end up.

"Presented to Tammy McKinney, Patty Avery for dedicated service and commitment to excellence. We thank you, Vanderburgh County Board of Commissioners."

Thanks for bearing with us through that.

Approval of December 20, 2004 Commission Minutes

President Fanello: Right now I need approval of the December 20, 2004 minutes

Commissioner Mosby: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

Sherman Greer: Proclamation and Rescinding of Snow Emergency

President Fanello: Our first discussion item, we're going to veer from the agenda here, since we have so many people, but, the first thing that I'm going to take care of is Sherman Greer, who's here from Emergency Management. He's got a couple of proclamations that we need to take care of.

Sherman Greer: Before you, you have the proclamation, I think the proclamation for the snow emergency was signed already, but to rescind that declaration we needed your signature on the proclamation that I have in front of you at this time.

President Fanello: I guess, I just need a motion to rescind the snow emergency.

Commissioner Mosby: Motion to rescind.

Commissioner Crouch: Second.

President Fanello: So ordered. Thank you, Sherman. Thank you for everything that you did last week. I also want to take the opportunity right now to thank Dennis Hudnall. The Highway Department did an outstanding job. Everybody at the Highway Garage did an outstanding job. I know, Sherman, that you and your crew at Emergency Management also were very active. So, thank you.

Sherman Greer: The Sheriff's Department helped out a lot also, by getting as many people off the streets that we possibly could.

President Fanello: They had Christmas shopping to do.

Sherman Greer: Priorities. Thank you.

President Fanello: Thank you. I think Madelyn will need a copy of that for the record.

**Second/Final Reading of an Ordinance Concerning
Registration of Apprentices**

President Fanello: Now, if it pleases the board, I would like to move up on the agenda, since we do have so many people here, who I'm sure need to get back to work, the ordinance concerning the registration of apprentices. I guess, I would look to the board as for direction on how they want to proceed. If you would like to hear any more information from anyone? Or if you have any questions of anyone at this time? Commissioner Crouch?

Commissioner Crouch: If anyone has any new information, I think the board should hear it at this time.

President Fanello: Commissioner Mosby, is that your wish as well?

Commissioner Mosby: Yeah, that's fine.

President Fanello: I would like to, since we, obviously, cannot let everyone speak, I would like, if you could, quickly, appoint somebody from each side, and I imagine Bill Pedtke do you want to speak for the home builders? Is that alright with everyone?

Unidentified: Yes.

President Fanello: Okay, and we'll have Jennifer with the building trades. Okay, Mr. Pedtke.

Bill Pedtke: President Fanello, Commissioners Mosby and Crouch, thank you for the opportunity to be heard on this issue. My name is Bill Pedtke, I'm here for the Southwestern Indiana Builders Association. We represent about 400 companies, and about 18,000 employees in our three county jurisdiction. I know what you're thinking, great, we finally got these meetings on t.v. and there's nobody at home to watch. At the last two meetings we spoke in opposition to this proposal because it mandates only one program as the method of achieving our goals. I reiterate today that our goals for Vanderburgh County should be to have reliable building policies, including effective training for apprentices. Our goals should not be to require our employers to register their workers with a federal bureau. The quality of construction in Vanderburgh County is second to none in Indiana. We know this from our vast experience in working with building professionals and officials all over the state. Keep in mind, please, that Vanderburgh County is already the most regulated county in Indiana for construction. Requiring the BAT certification, and only the BAT certification, would add to these regulations, and that doesn't attract business and growth to our county. Doing business in Vanderburgh County won't get better and it won't get easier, it will get tougher, and it will get more complicated. Over the last week I've had many Vanderburgh County business owners tell me that one of the toughest tasks they have in owning and operating a small building related business, is finding qualified workers and keeping them. They tell me that this would get even tougher now with this new regulation. On a regular basis I get phone calls from future Vanderburgh residents, who are planning to move to the area. Their number one question is how much does it cost to build per square foot? They want to know how much they can afford. I can honestly say that no one has ever called my office to ask, in which federal bureau are your apprentices registered? Vanderburgh County residents deserve safety, afford ability, and accountability, and they're getting it, because the system we have now is working. To propose that we need to add a BAT requirement, is to suggest that it's not good enough, that our builders already are meeting the requirements set forth in the licensing ordinance, and that it would be not good enough that the licensed contractors are required to pull permits to do work in our county. It's not good enough that the Building Commissioner and his inspectors refuse to accept work if it doesn't, if it does not comply with the building code. More to the point, that it's not good enough that apprentices are required to pass the county's exam before becoming journeymen. We believe that these provide the needed assurances that construction here is the highest quality. So, the point really is, is that the system we have now is working. The apprentice training programs that exist today are working. In fact, we would submit, the quality of construction in Vanderburgh County has excelled over the years, without requiring BAT certification. To the extent of our research, no other county in Indiana requires the BAT certification for their apprentice training program. I was able to get some important information about the BAT program off the website for the Department of Labor. This information makes clear that BAT is meant to be optional. Requiring

BAT would overstep the intent of the program. See this handout, in the very first line it describes the BAT program is voluntary. In the same sentence it further describes the BAT program as "industry-driven". Requiring BAT certification would not be voluntary, nor industry-driven. Later in the same paragraph it says government plays a "support role". If the county mandates the BAT, government becomes much more than a support role, it becomes a regulator. We support the efforts to set a standard for apprentice training programs, but as we've said from the very beginning, we refuse to believe that taking away all other options is the best way to handle this. If you refer back to the website print out that I gave you just now, the reverse side of that sheet is a copy of the standards for BAT certification. If you notice, these requirements are almost identical to the alternate requirements that we suggested be incorporated into the proposal. Specifically included are supervised on-the-job training, required hours of class room instruction, and periodic checks on progress. It's the same. At the last two Commission meetings, the major criticisms of our alternate requirements were; there's no way to prevent an individual from entering an apprentice program and then dropping out. Well, we're open to ideas that will work. Right now, as I understand BAT, that won't, BAT won't prevent this either. The second thing was the program participants would be policing themselves. Well, not exactly, competing companies would be judging their peers for program compliance, much like the examining boards operate today, that we already have. The third is interesting, the county doesn't have the time and money to audit or investigate possible problems in programs. Well, at last week's meeting, with the "piggyback" ordinance, I suggested that we change the "shall" to a "may", to give the Building Commissioner discretion to not waste resources to investigate thousands of licensed individuals on hundreds of job sites across the county. We heard that this is not a problem. We heard that the Building Commissioner says that he follows up with every complaint anyway. Later in the same meeting, and later today, I'll bet, on the agenda, we supported an increase in the permit and licenser fees. It's just difficult to get people to understand how we can afford the resources to investigate licensing complaints about individuals on all our job sites, but with the increased fees, we still don't have the resources for the Building Commissioner to request, review, and refer records for the programs. In the end I keep coming back to the same issue, why are we rushing to adopt something that will remove all other viable options? If this is such a great idea now, won't it be a great idea after we've had a chance to review other possibilities and their ramifications? Let's not be so myopic to think that when you come to Vanderburgh County there is only one way. We ask that you vote no on this proposal as it reads currently, or at least take the time to find an agreement that addresses the needs of one party, without creating such a burden for the others. In short, we prefer to have it right, not right now.

President Fanello: Are there any questions for Mr. Pedtke? Thank you ,Bill.

Jennifer Keppler: Good morning. I'm Jennifer Keppler. I'm one of the counsels for the building trades, and I appreciate the opportunity to be in front of you today and speak to the board again about this issue, and also to reaffirm the building trades position that the ordinance, as originally proposed, is what the building trades would like to see the Commissioners pass here today. The building trades proposed this ordinance with an eye toward correcting existing abuses of the licensing and permitting requirements here in Vanderburgh County. Mr. Pedtke just got through telling you that the system is working, and that's simply not the case. That has been, there have been many abuses witnessed by the building trades, and we wouldn't be here today if the system were working. We brought this ordinance, or proposed this ordinance, in particular to remedy situations where companies are using apprentices as cheap labor, and essentially exploiting them for their own good, not training them,

calling them apprentices, but not training them. Essentially, discarding them after they have used them to the best of their ability. The building trades brought this before the Commissioners in an effort to get a set of regulations saying that if you're calling people, or workers, apprentices, they really should be apprentices, and they should be trained as such. The only way to accomplish that, the only viable option for accomplishing that and assuring the quality and the integrity of the training that these so called apprentices are receiving, is to mandate the BAT. It's universally recognized as the standard for the training of apprentices. It's easily enforceable. It's got pre-set requirements, and everything else that has been proposed to date is simply too vague. Now, Mr. Pedtke just got through telling us again, something of a dichotomy, that the requirements that they've offered are essentially the same as BAT, and that what they have to offer is a viable solution, and if that's the case, there's no reason not to pass BAT as a requirement. BAT is there as a reference point, and would be enforceable for the county. At my last appearance here, I went through the virtues of the BAT, and those include ensuring the quality of apprentices and ease of enforcement. I don't want to repeat myself here today, but the building trades still believes that the only way to accomplish that goal of getting quality workers and to remedying existing abuses is to enforce BAT. Contrary to what was said today, the building trades didn't arrive at this BAT language lightly or overnight, or just come up with it on a whim. This has been on the works, or in the works since February of this year, where we had brought it up before the licensing and disciplinary board, where we have had efforts at drafting an ordinance months in advance. This has gone through a good deal of thought. In the spirit of conciliation, the building trades brought this issue, and sat down and discussed this issue with the home builders, and offered them a solution that would give them time to be compliant with BAT, which they say that, essentially, they could do if they're already meeting those requirements. But, that was rejected unanimously by the home builders, and now we're at an impasse, we're at a position where it's BAT or what the home builders want. We've made efforts to conciliate that, but have heard nothing essentially, or have made no headway in coming to a negotiation. I think it's important to note, because I don't think that it's been sufficiently addressed, is that this ordinance as proposed only requires, only mandates requirements for individuals with masters licenses employing apprentices. This is only going to affect electrical, plumbing, HVAC, and sheet metal workers, as I'm sure Mr. Lehman can attest to. This isn't going to be broader than that, and I think there's been some misconceptions in the home builders, among the home builders that this is going to mandate more requirements than it actually does. I also think it's important to reiterate that we still haven't, we don't have any tangible evidence that this is going to detrimentally affect, financially, the home builders out there. In fact, if the program's adequately train their apprentices, as they say they are, the costs are going to be minimal, because they're already meeting the requirements of BAT. It's just a matter of paperwork and compliance. But, the benefit, in contrast, of having the BAT out there, is you're going to ensure that there are qualified, experienced, well-trained and safe workers, safe apprentices, which is going to benefit the county exponentially. If the ordinance is adopted by the Commissioners, as it's been proposed by the building trades, you're going to get that benefit. Thank you.

President Fanello: Thank you, Jennifer. Are there any questions for Jennifer at this time?

Jennifer Keppler: Thank you.

President Fanello: Thank you.

Unidentified: How many counties are—

President Fanello: Sir, sir, I can't have you speaking from the audience, because we can't get it on record, and I've got to maintain some kind of order in here. We have too many people. So, right now I'm going to ask Roger Lehman to come forward. Roger, I don't know if you have any new information that you would like to add at this time.

Roger Lehman: I did provide a copy, it looks like this, except it doesn't have the pink on it that I received from the ABC, which is Associated Building Contractors of Indiana, relative to their apprenticeship program. Part of the concern in this program was the cost, and I thought the thing to do, if I could find it and get it in time, would be to look at what others are doing. This is from Indianapolis. If you look at the front page there, they, ABC is certified in 14 trades, they train in six different locations, and they are, as it states, all Bureau of Apprenticeship Training approved. In the second paragraph it talks about some of the requirements. In the third paragraph it talks about the cost for an apprentice working for a non-member company, that would be somebody that does not belong to the ABC, the cost would be about \$1,600 per year. I thought maybe one of the folks from the IAC or PHCC could tell what the cost would be here for member/non-member participants. Then, the last paragraph talks about the 8,000 hours and so on and so forth. In this case they would not only receive their apprenticeship approval, but they would also receive an associates degree from Vincennes University, because they do take some of the general education requirements through the community college program. On the second page, it gives minimum qualifications. Some of the comments were made about the publishing of wage scales and so on, and if you look at the right hand lower box where it says wages of apprentices, down at the bottom, it shows the percentage of journeyman's rate based on the apprentices, and shows an increasing scale as they go through the program. It does not state what the scale has to be, it just states this is the ABC's proposal, and they're BAT approved method of doing their apprenticeship program, and how the people that participate pay for that. Then, the last page is the actual application form, and shows the fees. For a member company it's \$500 per semester, a non-member, \$675. A one time enrollment fee of \$100, a textbook fee of \$100 per year. And a hands on fee of \$75 per semester. So, these are some actual costs that are involved in the process. I think that's important. I would like to state, one more time, that this only affects the mechanical trades. It does not affect the excavating, carpentry, dry walling, and the miscellaneous construction trades that the ordinance does not require apprenticeship programs for. We only require them for electrical, HVAC, refrigeration, and steam fitting.

President Fanello: So, if you're a member of the ABC, then the ABC is BAT certified?

Roger Lehman: Their program is BAT certified.

President Fanello: Their program is BAT certified?

Roger Lehman: Right. Correct. I also spoke with a local company that has an in-house program, and asked them about their costs. For a company to run their own program would involve additional labor, based on the reporting requirements of the BAT. This person said that if an individual company had their own in-house BAT approved training program, that if they had five or more students, they probably would have to have an additional employee to do their record keeping and so on.

The programs that we're discussing here are two existing programs, the IAC and the PHCC, which already do some of the reporting, and they can speak to that maybe better than I can. But, at any rate, the issue with the fee increases, that primarily is for technology to allow us to do our jobs more efficiently, as was stated, and I don't want to reiterate all those issues concerning the fee increases, but we are working with the same staff we had 20 years ago, and doing almost twice as much work. So, we really need some way to monitor the apprenticeship programs, and in my estimation, the only reasonable approach, at this point in time, is the BAT process, which is probably being met in most, in almost every fashion, by the existing programs. But, the programs that exist now, without that monitoring, are reliant solely upon their training committees, because again we don't have the opportunity to monitor, you know, the activities of each individual program. So, having said that, we would recommend that the BAT program be the program that is required at this time. And would recommend you approve the ordinance as submitted.

President Fanello: Okay, thank you, Roger. Are there any questions for Roger? I guess, I would look for direction from the board as to how you would like to proceed?

Commissioner Crouch: Roger had suggested that perhaps someone might want to respond to his figures on the costs.

President Fanello: Bill, do you have any information regarding that?

Bill Pedtke: I don't have it.

President Fanello: Okay, I'm going to let one—

Bill Pedtke: He's from the program.

President Fanello: Okay, if you're from the program, okay.

Jim Rexing: I thank you for hearing me. Good morning.

President Fanello: You're welcome, Jim.

Jim Rexing: Again, my name is Jim Rexing. I'm speaking on behalf of the independent electrical contractors. Just a few things, to make some comments about some things that were just recently said. The person, the lady that was representing the building trades, and let me clarify something, it seems that over the years "building trades" has become the norm of a term that is used by the unions to refer to their trades. Keep in mind that when they say "building trades" are in support of this, or "building trades" are not in support of that, they're not speaking for all of the building trades. Building trades also include independent contractors. They do not own that term. So, when you hear building trades, please keep in mind that they do not speak for us. We've talked about abuses, I really didn't want to get into that today, I have examples of abuses within our existing programs that is happening with our opposition here today that are touting this high and mighty BAT certification as the only way to administer a program. I would really prefer not to get into that, but I can show you abuses on the other side that makes no sense to me that you would tout a BAT certification, and do some of the things that are happening within those programs. The costs, if you want to look at bare costs, you know, this is not a good comparison, I don't think. The cost of \$1,600 that Roger just spoke about from ABC to administer, you know, a BAT program per pupil, right now we have all volunteer staff, and that's how we hold our costs down. We're spending

about \$800, so, you're going to double the cost. But, that's really not the big issue, I'm hoping that you all got my e-mail that I sent over the weekend. I think it explained some very definite issues that, I mean there's issue after issue we could talk about, but, I think, one issue that I explained in that e-mail was that my calculations, and this is based on some pretty good research within our industry, we didn't pull these numbers out of the air, my calculation is that if we go BAT only, if our program is required to do BAT, because of the wage scale averaging that we have to do, there's always been a differential between residential wages and industrial and commercial. I think rightfully so. What that does is it let's the guys that want to be in that niche of residential to stay only in that market and hold housing costs down. It's a good thing for our community. One thing that I haven't really mentioned in public is the fact that we have been, for 20 years, administering this program, and we have had it open to the public. We right now, we've had several people from Gibbs Die Casting, Whirlpool, Bristol Myers attend our program, and they don't have any intention to be in the construction electrical field. But, they want that information. They want that classroom curriculum. We right now have a person from the Evansville Traffic Department that's in our program. If it goes BAT, that's gone. We cannot offer that to those people. I think it's a community service that would be lost. Roger's comments about the other trades not being affected, that's true right now, but, you know, as things continue to mushroom, as things continue to get more restrictive, what could happen down the road is you could see that there could be a proposal made that other trades initiate apprentice programs. Like we've said before, we're the only one's in the state that I know of that even require an apprentice program to work in the city/county. You know, I can take my people to, with my masters license, in Marion County, and I can take my people up there and work. That's what free enterprise is all about. We're so restrictive here already that it's ridiculous. You know, he said that it wouldn't affect the other trades, but, like I say, down the road, it can, because other trades can be required to initiate apprentice programs. If they do, then BAT is going to be the norm, and the same situation just rolls to them. I think I gave you pretty good, hard numbers in that e-mail that, based on my calculations, and these aren't, like I say, pulled out of the air, I did some research on this, that because of the wage increase that would be required, because of the provisions within a BAT, that just on the electrical costs, labor only, for a 2,500 square foot home in this county, for the average home, would be over \$700 increase. We've heard from builders that are saying \$700 is a lot of money within a home. In talking to Bill Pedtke, and I'm not going to state exact numbers, but I think Bill can correct me here if I'm wrong, but I think just that cost, and if it doesn't, and I can't speak for HVAC people, because, you know, I don't know how exactly this is going to affect their costs, but I'm sure that this is going to do some similar situation to the HVAC trades. So, you know, you could have another trade seeing the same situation. You know, if you start raising the cost of a home \$1,500, I think in talking to Bill that you have probably, they keep up on this very well, I think they can tell you that it's going to put probably 700 to 800 people, in our county, out of that house. It's going to make, that amount of money is going to make it not affordable for that amount of people. There's very strict criteria that the home builders look at, trying to make home building affordable for the community, and that's why they're on top of that, and that's why they can state that. So, you know, that can't be good for the community. I can't see how that, how BAT, and BAT, it's no different than, as far as the curriculum, classroom curriculum, you know, it's nothing different than what, we're using BAT curriculum. A curriculum that's approved by the Department of Labor. The only thing BAT is a monitoring media. It just makes you responsible to the Department of Labor. I don't want to go on and on here, but, I guess, to summarize, I guess, in light of the fact that we have the most restrictive requirements anywhere that I've run across, and I'm pretty sure

anywhere in a three state area that I've been, and Roger has said for years that he feels like our tradesmen here are second to none. In light that we have that situation, in light that there is absolutely no evidence, no evidence that making programs BAT will make a better work, will make for better workmanship or put better tradesmen out there in the field, there is absolutely no evidence of that. In light of the evidence that I've given you concerning the increased costs, and in light of the fact that I know, with good faith effort, alternate standards can be implemented to the license and disciplinary board standards. You know, what's really kind of awesome about this whole thing is that everybody keeps speaking for the license and disciplinary board, and we haven't heard any of their members speak here at any of these meetings. Actually, when this was presented to the licensing and disciplinary board, and I'll have to disagree with the February date, I was at a meeting and I would say it was September when this was first presented to the licensing and disciplinary board for a vote. They actually were told later by an attorney that they were not, they couldn't legally vote on this. It was actually a very split vote, it was a 3-2 vote, and they did not have a full quorum that day. So, there was a lot of discussion there. There was a lot of, this wasn't a cut and dried issue with, you know, if someone tells you the licensing and disciplinary board said, yes, we want to do this. That's not true. That is absolutely not true. So, with all that said, I'm just urging you that you either take the alternate standards that were presented to you on the 13th of this month, send them back to the attorney to have them implemented legally within the ordinance, along with BAT, or to, please, delay a vote on this matter until we can have further discussion.

President Fanello: I have a couple of questions.

Jim REXING: Certainly.

President Fanello: When you said that your program already meets BAT standards, then—

Jim REXING: No.

President Fanello: Your program does not meet—

Jim REXING: Our curriculum—

President Fanello: Your curriculum.

Jim REXING: —is approved for a BAT program. In other words, we're teaching, in the classroom right now, we're teaching our people everything that they would be taught if we went to BAT. It's all the other provisions, yes, our curriculum is approved by the Department of Labor—

President Fanello: Then what are the restrictive provisions that you're worried about? And how does the alternate programs differ from that? Are the alternates lower in standards then?

Jim REXING: The alternates don't include all of the provisions, all the requirements of a BAT, and for one, a wage scale. The wage scale, when you start averaging wage scales, you take that differential, you know, between the residential and the commercial work, and you bring that together, and, basically, what you've done is, you know, you've made it more costly for the residential people.

President Fanello: Well, why don't you explain that, because when I got on the website yesterday, trying to research all of these, it doesn't say anything in there about mandatory increased wages. So, explain—

Jim REXING: Okay, I did not bring the BAT standards with me.

President Fanello: —your interpretation.

Jim REXING: I think I have someone here that has, and I can pull that page. No, not that. If you would bear with me.

President Fanello: There was a summary in there.

Jim REXING: Would you like me to read it? Or would you like to see it?

President Fanello: Sure, why don't you go ahead and read the pertinent parts.

Jim REXING: Okay, here, this is under apprentice wage progression. We don't have any problem with having a, you know, a wage scale, per se. But, the way it has to be determined, I mean, we don't have a problem with the apprentices being paid some kind of progressive scale, but, because of the way that it has to be set up is what raises the residential costs.

President Fanello: And, what, at that point, then what way does it have to be set up that bothers you?

Jim REXING: Okay, it says;

“The progressive wage schedule shall be an increasing percentage of the wage rate as established in the following; the sponsor shall, at the same time each year, survey the actual wage rate of first year journeyman electricians employed by participating contractors—“

In other words, within this program.

“—during the previous twelve months and establish an average wage rate. The sponsor shall notify the registration agency—“

Which would be the Department of Labor.

“—of this new average wage rate. Each apprentice wage rate shall be a percentage of the established average wage rate of first year journeyman electricians employed by the sponsor. Increases shall be based on satisfactory completion of both hours worked and appropriate period of related and supplemental instruction. In no case shall the starting wages of apprentices be less than required by the Federal Labor Standards Act.”

It goes on to say that a first year apprentice, within his first hours of training will earn 40% of that established journeyman rate. In his second 1,000 hours, 45%. It goes up, basically, each semester, or each 1,000 hours, until it reaches 85%, and then when he completes the program he would have to be a paid journeyman scale. That average journeyman scale.

President Fanello: So, it's not telling you what....I'm asking these questions, because I'm just making sure that I understand correctly.

Jim Rexing: Oh, it's not--

President Fanello: It's not telling you what you have to pay, it's saying it's based on averages.

Jim Rexing: Yes.

President Fanello: It's based on a progressive scale, based on averages.

Jim Rexing: Right. I mean, let's use two hypothetical numbers here and say that, you know, one, the average residential contractors out there are paying their people \$15 an hour, \$18 an hour, whatever, and the average contractor that's doing commercial/industrial work is paying their people \$25 an hour. You average that together and that's your wage. So, basically what it amounts to is after that, after that averaging is all said and done, then those residential guys are going to go to \$20 an hour. That's the scenario that I gave you in the e-mail that raises that cost.

President Fanello: Thank you, Jim. Does anybody else have any questions for Jim?

Jim Rexing: Are there any other questions?

Jennifer Keppler: May I make a rebuttal?

President Fanello: Yes, because I do want to hear....because I've heard conflicting stories about the wages, and that is a point that I'm interested in.

Jennifer Keppler: I'm bringing Mike Falkenstein with me. He is the head of the Plumbers apprenticeship program. He can speak a little better to the costs and that sort of thing, but I did want to answer a couple of legal issues that were brought up. The wages are not set by BAT. There's a regulation, a specific federal regulation, 29CFR29.5, that requires only that a progressive scale of wages is implemented, and the only wage setting requirement is that minimum wage be paid. That's it. In certain situation, such as a prevailing wage, obviously, a higher wage is required to be paid, but the regulations themselves don't require any specific wage, just a proportional share. So, I just wanted to clarify that wages should not be an issue under BAT, only minimum wage is required under BAT. The other thing that I wanted to clarify is that there's been a good bit of talk about how Vanderburgh County is the most regulated county around, and I just wanted to point out that there is already an apprenticeship ordinance on the books, here in Vanderburgh County, and also in the city. This, what the building trades has proposed is simply a mechanism for enforcement, and also some stricter guidelines to rectify some of the abuses that I had talked about earlier. I just wanted to clarify that as well. I'm going to let Mike talk a little bit about the plumbers apprenticeship program.

President Fanello: Thank you.

Jennifer Keppler: Thank you.

Mike Falkenstein: Good morning. I would just like to make a few comments that were made earlier, or correct a few comments about BAT being an added cost to a program. If you already have an existing training program in place, there is no

additional cost. They were talking about having to add on additional staff if they had five apprentices. We have 175 apprentices and 1,300 journeyman doing additional training yearly with two people on board. It's not an additional cost. BAT does not set the standards, BAT does not set the curriculum. You submit the curriculum to the BAT, and your standards, and how you want to run your program and get it approved. We run a building trades, BAT approved, and a residential BAT approved, with totally different scales and rates and training. All approved by the BAT. So, there is no additional cost to that. I would gladly answer any questions you might have.

President Fanello: Does anybody have any questions? Thank you. I appreciate that. I'm cautious about letting too many people speak. I don't know, Jim, do you have any comment that you want to add?

Jim Rexing: I understand what he's saying with a code residential program and a commercial program, or whatever you want to call it. If you want to set up two programs, have, you know, two sets of teachers, two administration situations, that type of thing, it can be done. Then the wage variance that I talked about can be held to a minimal, but there again, you know, you have, you know, more administration. These figures that I've seen, and I've seen some others in the background here of how they do this careful calculations of pennies per man hour that it costs to administer these programs. In our situation, like I say, we are a volunteer staff, we're all, the board of directors we're all in IEC and all master electricians that are overseeing this program. We could not, the additional work could not be done by us. We have businesses to conduct, so we would have to definitely hire an administrator. I think I stated that in the e-mail. That additional cost, you know, we calculated to be between \$20,000 and \$25,000 a year, based on speaking with other people that do run BAT programs. I just don't know what else to say, I think, you know, within that e-mail when you're talking about raising, you know, the prices of a home, why do, you know, why should we have the community support these standards. It's so easy to come up with some standards that would be so credible, and would be able to be so accountable to our local authorities. I would like to say, you know, here we see everybody but the licensing and disciplinary board, which are the people which have the final say, and that can actually pull a program or approve a program. Unfortunately, you know, and I hate to say this, but when we started out, you know, a month or so ago with these alternate standards, we had the full support of Roger Lehman. Roger is a very fair person. Everyone works well with Roger. He's a fantastic Building Commissioner, and all of a sudden we saw politics play in. All of a sudden the heat was coming down on Roger. We don't want this. I'm sorry, and I'm sorry to have to bring this out, but, you know, the Building Commissioner is the most knowledgeable about this situation. He was in full support of our alternates when we first started. Now through all the pressure that's being put on him by others and people in this room, he has basically went 180 on us. I'm certainly sorry that happened, because I think we lost some fairness there. That's all I have to say.

President Fanello: Thank you, Jim.

Unidentified: (Inaudible. Not at mic.)

President Fanello: Okay, you do? Okay, this is the last, unless we have any more new information, I think we're going to end it with this right here.

John Peninger: Commissioners, my name is John Peninger. I am a home builder, and I sit on the Building and Roofing Board. We speak about all the layers of

regulations that we have. Our board oversees very few complaints. We're the preliminary board which passes all the complaints on up to the Roofing and Disciplinary Board. We see very little. I have a problem with the assertion that there are many, many abuses. Yes, there is always abuses, but one amplification of a point that I would like to mention about Jim's point was the minute, or apparent minute costs of raising a home 1/2 of a percent, 3/4 of a percent, which is what \$1,500 would be. That doesn't sound like a whole lot, but it would knock a lot of people out of the home buying market. It will knock out the entry level people. Those people are so close to buying or not buying that \$1,500, \$2,000 will prohibit them from purchasing their first new home. Or first existing home. National 2004 statistics, and this is just one that I've been able to memorize, when a home is sold, it perpetuates in the resale of someone else's home between 2.6 and 3.3 turns. Turns is not the terminology that the home builders, National Home Builders, uses but, when that entry level person is knocked out of a purchase, the owner of the entry home cannot buy a move up home. That move up cannot buy the larger home that they will finally raise their family in. So, we're talking not just one home, or 800 homes per year in the county, we're talking possibly three. Every time a person buys a new home, they put new carpet in, they put new drapes in, they rehab their house which adds income to our retail, which pays the income and that cycles through our economy. Commissioners, as you add a little layer, and that reminds me of the Di-Tech guy who has this stack of papers, he moves one layer from the top sheet of that commercial, it's just one sheet, but you start adding one sheet to the stack of that, and it removes a certain number and that prohibits two to three times that number of people that will be brought into and remain and turned over in our county. Don't do this, please.

President Fanello: Thank you, John. Okay, do the Commissioners have any questions for anyone? Any questions, Commissioner Mosby? I guess, that I would look to the board for direction in how they would like to proceed.

Commissioner Crouch: Madam President?

President Fanello: Yes.

Commissioner Crouch: In the ten years that I have sat on this board, eight years as County Auditor, and two years as County Commissioner, I have rarely seen an issue that has divided the people that are affected so strongly. This has been before this Commission for two weeks, and I think that we need sufficient time for the two sides to come to a compromise that will continue to guarantee affordable and quality housing here in Vanderburgh County and the City of Evansville. I would like to make a motion that we defer this until after the first of the year.

President Fanello: Commissioner Mosby?

Commissioner Mosby: I'm not going to second the motion.

President Fanello: I will look to direction from you.

Commissioner Mosby: I will make a motion to adopt the new apprenticeship, registration of apprenticeship ordinance that we have that adds the letter (f). The original document that we're working with does not have (f) under 15.36. So, I would make a motion that we adopt the ordinance that adds letter (f) to the registration of apprenticeships.

President Fanello: And the letter (f) gives?

Commissioner Mosby: The letter (f), if anybody is not familiar with it, says that;

“Apprenticeship programs not registered with the United States Department of Labor, Bureau of Apprenticeship Training (“BAT”), but actively operating in Vanderburgh County, Indiana prior to the date of the final passage of this ordinance shall be permitted until July 1, 2006–“

which in turn will give 18 months for people to operate and become approved by, and registered with the BAT. I would make a motion that we adopt this as a working document, and go with the 12-04 as amended.

President Fanello: Okay. Before I vote, I would just say that I have taken a lot of time to research this issue. I’ve spoken with people on both sides. I’ve spoken with attorneys. I’ve spoken with city officials. I’ve spoken with Roger. I do not feel that we’re doing anything too restrictive here. If you have a curriculum in place that is, you know, following standards, and you have a good curriculum in place, this should be no hardship on your program. I’ll ask for order in the room please. I mean, these are my feelings after researching it, and I haven’t heard any new information that gets me to believe otherwise. That’s not to say that in the future alternate programs could not be added to this ordinance. But, when the Building Commissioner tells me he has no resources, and city officials tell me they have no resources to monitor alternative programs, we have no choice. I think what everyone is trying to do here is set down some minimum standards, and some way to enforce standards. Right now anybody that has a program, there is no way to monitor that program. We do not know how things are working. All it takes is one really bad abuse to leave a bad taste in people’s mouths. Some abuses have happened. That’s not to say that the majority of those in this community don’t give us quality projects, because they do. We have a lot of quality projects in this community. But, we have had some abuses, and, unfortunately, we’ve had some people come in out of town and abuse what happens in this county. I think all we’re doing here is setting down some minimum standards, and as we move forward there is nothing to say that alternates cannot be added in the future, because they could be. I think that that’s something that you should continue to explore with the Building Commissioner and with city officials as they move forward on this. So, I will second Commissioner Mosby’s motion.

Kevin Winternheimer: We’ll need a roll call vote.

President Fanello: Okay. Roll call.

Kevin Winternheimer: This is just on the motion to amend to add the subsection (f) to 15.36.160.

President Fanello: Okay. So, first off we’ll take a roll call vote on the motion to add the 18 month provision. Commissioner Crouch?

Commissioner Crouch: No.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: I vote yes. Now, we will need a motion to pass the ordinance as amended. Commissioner Crouch?

Commissioner Mosby: I will make—

President Fanello: Oh, I'm sorry.

Kevin Winterheimer: You need a motion.

Commissioner Mosby: I will make a motion to adopt CO.12-04 as amended with the letter (f) in section 15.36.160.

Commissioner Crouch: I'll second for the vote.

President Fanello: For the vote. And, roll call vote, Commissioner Crouch?

Commissioner Crouch: The one thing that was said, I just want to make a brief statement before my vote, is that if both standards are the same, why don't we pass the BAT? My position is, if both standards are the same, why don't we have them both? I have to vote no.

President Fanello: And, I'll say that if they are the same, then there shouldn't be...there's always going to be issues when new standards are put in place, but I do not feel, from my research, that there's anything here that's restrictive. I don't find where, there's nothing to substantiate the dollar amount of costs that have been talked about. I guess, it will be a wait and see approach, and as things come up, ordinances can always be changed in the future. So, I will second, or say yes on the roll call vote. Commissioner Mosby?

Commissioner Mosby: I just want to say, after having dialogue with several people, numerous people, and talking with Roger late last night, and I understand where Roger is coming from, and it seems to me like that Roger is adamant that he have something to work with. A uniform process to work with that is setting a standard to help him. The one thing I think I've heard more than anything is that if we had more time we could work with this, you know, to give us a little more time and I think we could work this out. I would encourage that. I definitely would encourage both sides to have dialogue, and to try to work this out. I think, in the end, the general public is the one that is going to benefit from the quality of product that this county has to offer. That is the reason that I wanted to insert (f) into this amendment, which gives everybody in this room 18 months to now work with Roger and to work together. I've seen this community come together before. This community can come together again. I think if both sides, over the next 18 months will work together, and work with Roger, we could have an ordinance that everybody could live with. If not, then it's not seen to be that a way, then you always have the opportunity to come back to this Commission. I will vote yes.

President Fanello: So, the amendment passes. I do thank everybody for their comments and their participation in this discussion.

Bill Fluty: Catherine, we need to change tapes.

(Tape Change)

President Fanello: Roger, did you want to go ahead, we'll go ahead and take these other ordinances that we have on here.

**Second/Final Reading of Ordinance Regarding Exemption
from Building and Construction Fee Schedule**

Roger Lehman: I think we don't have any issues with any of the other three. So, if we were to go ahead, I would recommend—

President Fanello: The first one on the agenda is the second reading of county code regarding exemption from building and construction fee schedule. Do I have a motion to pass on second reading?

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered. Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

Bill Fluty: Can you wait a minute, we won't pick this up on the, we might not pick this up on the tape.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Aye.

President Fanello: And I vote yes. That ordinance does pass.

**Second/Final Reading of an Ordinance Concerning Fees
of the Building Commissioner's Office**

President Fanello: The next one that Roger has on the agenda is the second reading of an ordinance concerning fees of the Building Commissioner's office. Do I have a motion to pass?

Commissioner Mosby: Motion to accept, and call the roll.

Commissioner Crouch: Second.

President Fanello: So ordered. Commissioner Crouch?

Commissioner Crouch: Yes.

President Fanello: Commissioner Mosby?

Commissioner Mosby: Yes.

President Fanello: And I vote yes. Thank you, Roger.

Roger Lehman: Was there one more? Was that all of them?

President Fanello: Yes.

Roger Lehman: Okay, thank you.

President Fanello: That's it. Thank you.

Roger Lehman: Thank you all very much for your time and effort on this.

President Fanello: The next item on the—

Kevin Winternheimer: (Inaudible).

Commissioner Mosby: No, we did it last week.

Kevin Winternheimer: Oh, we did it last week. Okay. That was the second one.

Employee Group: Second Floor Break Room

President Fanello: The next item on the agenda is discussion of the second floor break room, and Dave Rector was just here. There he is.

Commissioner Mosby: I think we ought to close the door.

Dave Rector: Did you say we're next?

President Fanello: You're next.

Dave Rector: Dave Rector, Building Authority. I have complied with your request, last week I think it was, to talk with the judges regarding, perhaps, their continued need of that space where Human Relations is located now, and could they forego that at this time, and expand in to there later when the old jail goes, etcetera. At that time I think I had also given you drawings of the second and third floor, the difference in the square footage. Human Relations now has about 1,400 square feet, the second floor proposed renovation gives them about 1,175 square feet. Using the third floor gives 860, so, as you can see there's quite a reduction. Another thought since that point that came up, and I don't know how it would be viewed or accepted, is at the east end of the second floor, that void space outside the Election Office, is maybe converting that into a break room. That might be bigger than what we were talking about down here. But, with that, I think we're back to where we are. We need a decision. Judge Heldt and Judge Niemeier are here to address their thoughts on it. Once again, we're holding up construction at this point—

President Fanello: Right.

Dave Rector: —and we need to do something one way or the other.

President Fanello: Okay, does the board, would you like to hear from Judge Heldt and Judge Niemeier?

Commissioner Mosby: Dave, how much room, if we went to the end of the second floor, how much room, have you measured it to see how much square footage would be there?

Dave Rector: It's a reduced space from what they have on the second floor now, but it's bigger than what they would have had out in that foyer area of the second floor. Maybe a little more convenient being at that end where the predominance of the people are, where you have the Auditor, Treasurer, all the assessors, and we could set it up, I think, with an aluminum store front entry with all the break room tables in there, and the vending machines. Not as desirable as it is now, but, I mean, the whole issue is, we've got four walls, so much square feet, and we're full and expanding.

Commissioner Mosby: Oh, I totally understand that.

President Fanello: And the cost on that was?

Dave Rector: It would be less than what we were going to do...I think the \$10,000 estimate to do down here would be less than that, because we would be constructing one less wall.

President Fanello: Any more questions for Dave?

Commissioner Crouch: Dave, help me out, I'm sorry I missed the beginning of what you said.

Dave Rector: Sure.

Commissioner Crouch: You're talking about doing what on the second floor down by the Election Office?

Dave Rector: Another proposed option for a break room replacement would be at the east end, that void area at the dead end of the hallway. We could close that off and make that a break room.

Commissioner Crouch: It would be smaller than currently what they have?

Dave Rector: Than the current break room, yes.

Commissioner Mosby: I guess, I would like to hear what Madelyn has to say.

Madelyn Grayson: I just have one piece of new information. I did receive an e-mail from Judge Niemeier. I had asked him about the conversation that he'd had with Dave Rector, and he explained to me, I fully understand that he's been waiting a long time for this space, and they do need this space that would be provided with Human Relations in order to get the second courtroom. That is pretty much the sole reason for them moving over here. But, in addition to that, we'd asked Mayor Weinzapfel to re-examine, possibly temporarily moving Human Relations either to the Old Courthouse or another location, until the Sheriff's administration area would be vacant, possibly next November. Mayor Weinzapfel was here this morning, he had not responded to my e-mail, he hadn't had a chance, he didn't really indicate whether he was for or against that, but if there's any way that we could have a little bit of time to see if he would even consider doing that, that would be the only other option that I see at this point. Other than the option that Mr. Rector just explained. But, they do use that area outside the Election Office to, when the inspectors come to pick up their packets, that's where they set up everything in the hallway. I know that's twice a year, but that's an area that is used for that type of purpose. So, if we could have some time to at least see what the Mayor's opinion is on that. I did get

a chance to talk to him briefly this morning, but he did not indicate how he felt about that.

Commissioner Crouch: Madame President, why don't we move on with the agenda and ask Mrs. Grayson and Mr. Rector to go down to the Mayor's office and see if you can get some kind of response to that request, if he's available.

Dave Rector: I think also maybe in deference to the Judges, because I know they do have court this morning, do you want to hear from them, so it can free them up to get away?

Commissioner Crouch: Sure.

President Fanello: Sure, while you're checking.

Commissioner Crouch: Because it had been proposed, or it had been asked if that space, since the Judges—

Dave Rector: And I'll run down and try to catch the Mayor.

Commissioner Crouch: —or the courts are getting more space than anyone is currently, if that space could be foregone until we can have other space available, so, that we don't have to deny our county employees a break room.

Dave Rector: I'll run down and try to catch the Mayor and see. He's got multiple decisions around that, and how do we pay for that. Then, does he want to use the vacated Sheriff's space for Human Relations, at that point, instead of EPD. This thing is just a domino effect, and it just keeps moving.

President Fanello: I would just add, the only problem with moving offices to the Old Courthouse right now, it's not completed, the renovations are going on over there won't be completed until the spring of 2005, and it would probably be a little bit more costly option. So, at this point.

Dave Rector: Tremendously so. The other option though with C.K. Newsome that we'd talked about, how does he view that? That was less expensive than the Old Courthouse.

President Fanello: Why don't you check on the item as requested by Commissioner Crouch, and while you're doing that, Judge Niemeier can offer his viewpoints.

Brett Niemeier: Brett Niemeier, Juvenile Court Judge. To answer your question, Suzanne, the primary reason why juvenile court has long sought a new facility is so that we can expand from one courtroom to two. That's an absolute must. You know, juvenile court has not had an expansion since this Civic Center was built. We are busting at the seams. We're working late on many, many occasions, after everyone else leaves the Civic Center, and that's simply to try to move cases for the general public. You know, that's what the move is all about. It isn't so that I have a better office, as a matter of fact, my office is probably going to be smaller. It's not about our employees having access to break rooms, because right now we don't have any break rooms in our part of the Civic Center. What this is about is serving the general public better. The only way that we can do that is to have two courtrooms. The only way I can have two courtrooms is to have the space that's currently being occupied by Human Relations. If that was taken away from us, then we would be cut back to

having to re-design the project to have one courtroom, and quite frankly why are you going to be spending a million dollars to give me the exact same thing I have right now? I mean, that would just be a waste of taxpayers' money. So, I mean, I certainly don't want to step on anybody's toes, taking away a break room, but my concern is about the public at large, and how we best serve them. I think that it has to be done by allowing juvenile court to have this entire area, so we can meet all the needs of the public.

President Fanello: What part would we not be completing? I may have missed it, whenever you said it, but if we were to just break off that section there and left Human Relations there, what part would we not be completing at this point?

Brett Niemeier: Well, we would have to totally re-design the project. Right now that area contains, I believe, four offices for the probation department, also two restrooms for drug testing, and also an office for our Youth Service Bureau, who we contract with to do our drug testing, then a small conference room, which is in the back of a courtroom. So, if we take away all those offices, then, obviously, we would have to put those off to someplace else, and the only place we could put those offices, would be in the area right now that's been designed as our second courtroom. So, again, we would be back to having only one courtroom, and why are we going to spend this kind of money for just having one court room again? Any other questions?

President Fanello: Any questions for Judge Niemeier? Thank you, Judge.

Brett Niemeier: Thank you.

Dave Rector: Do you want us to just go and see if we can catch Jonathan?

President Fanello: Right, we'll go ahead on down the agenda, and we'll see if you can catch the Mayor.

Area Plan Board Appointment (Deferred)

President Fanello: The last item on the discussion item, Commissioner Crouch, I didn't know if you had spoken with your new Commissioners and had decided who to appoint to Area Plan.

Commissioner Crouch: I apologize.

President Fanello: I assume you're going to have, their first meeting is on the fifth, so I assume your Commission is going to have a meeting?

Discussion of First Commission Meeting of 2005

Commissioner Crouch: Yes, and, in fact, if it pleases the Commission, I would like permission to notify the media that our first meeting will be on January 4th, which is a Tuesday at 4:30.

President Fanello: Okay.

Commissioner Mosby: Permission to advertise.

President Fanello: Okay.

Commissioner Crouch: Second.

President Fanello: So ordered. So, you'll be able to meet that requirement.

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, the election equipment audit, I was in contact with John Nuerris from Sys.Test last week, and he tried to contact the Clerk's office to set up a time to come in this week, but was informed that they were all out on holiday this week. So, his goal is to talk with you, Commissioner Crouch, and the new County Clerk, and be in here, hopefully, next week and start the audit. Is there any other old business?

New Business

President Fanello: New business?

County Engineer

President Fanello: Department head reports, County Engineer.

Pat Seib: Good morning, Patrick Seib, the Assistant County Engineer. First, I have a street acceptance request for Stone Creek Subdivision, Section Five. This is located up off Seib Road and Kansas Road. The street acceptance is for 911' of Clippinger Road, 168' of Newport Drive, and 44' of Mooring Road. It is requested that these streets be accepted for maintenance. They were built in general conformance with the approved plans.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: Second, I have a storm sewer acceptance request for Stone Creek Subdivision, Section Five. The storm sewer acceptance is for 693' of off right-of-way reinforced concrete pipe and drainage structures. It is requested that this storm sewer be accepted for maintenance. The storm sewer was constructed in general conformance with the approved plans.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: Third, I have a recommendation for approval of Hawthorne Estates Subdivision road plans, with the exception of road number six, the northern entrance of the subdivision. This subdivision is located on Seib Road, just north of Eagle Crossing Subdivision. Once the sight distance issues are resolved at this intersection, road number six will be brought back for approval at a later date.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: Fourth, I have a recommendation for approval of the Schutte Road improvement plans for Eagle Village apartments, subject to any additional requirements by INDOT. The development is located at the southeast corner of Schutte Road and the Lloyd Expressway. The improvements include widening the existing road to accommodate a northbound right turn lane, and a southbound left turn lane, and resurfacing the road along the length of the development's frontage.

Commissioner Mosby: Motion to accept.

Commissioner Crouch: Second.

President Fanello: So ordered.

Pat Seib: Are there any other questions?

President Fanello: I don't think so.

Pat Seib: Thank you.

President Fanello: Thank you, Pat.

County Highway

President Fanello: County Highway.

Dennis Hudnall: Good morning, Dennis Hudnall, County Highway. First of all, I just have a report on the snow a little bit here. We continue to remove snow, but we are facing other problems. As the snow melts, the water is collecting on the roads, and it has nowhere to go because we've stacked the snow up on each side of the road. So, at the present time we're trying to cut bleeders to the drains in order to divert this water away from the road surface. But, we have a lot of road surface, about 560 miles to be exact. So, we're going to continue to remove snow in these subdivisions and cut these bleeders to try to get the water to run away from the roads. I think they made good progress since last Wednesday. They've worked endlessly to try to get every road. We've had a lot of positive comments, as well as negative comments on how well we've done. Overall, I think, the positive outweighs the negative. But, what I would like for the Commissioners to understand is that there's just some nooks and crannies that's in this county that a 30' truck cannot get in and get out. I've had 16 vehicles stuck that we couldn't tell where the road began and

the ditches were on each side. Once a truck that is loaded with 22,000 pounds, or 22 tons of salt and sand get off the road, they're stuck. Now, that truck is out of commission, and what we must do is get a wrecker and we're down. If that wrecker is not available, we might be down for four hours. That four hours I'm not removing anything off the road. So, we've faced a lot of hazards. We've faced a lot vehicles sitting on the road, but, overall, our roads are in good shape in the county. I hope you agree. I know you all have driven them, but we continue to get calls, people are understanding, and we're getting them as they call them. Another thing, do you have any questions on the snow removal?

Commissioner Crouch: Did you have an opportunity to check on Bartels Road?

Dennis Hudnall: I went to Bartels, the car is still, he's still got it stuck in the way. I really can't get up the hill with any of my trucks. I could get the front part of it, but not what he's talking about. Mark Taylor and I drove up there as soon as I talked to you yesterday, and we couldn't hardly get up the hill. So, it's one of those roads that's very difficult to get. Now, I've got small trucks, but when these trucks were ordered, in the name of saving the county money, we did not get four wheel drives. So, I've got truck 14, 15....13,14 and 15 that are not four wheel drives. It should have been thought of when those trucks were ordered, that you're going to get the small trucks in the nooks and crannies. These small trucks have been stuck more than anything I ever had. Now, the new truck that we just ordered that the Commissioners here have okayed, and we're waiting to come in is a four wheel drive. I wish it was in at this snow, we could have used it a bit. But, there's certain things that we just can't do with a snow that's 22 inches deep. We can only push it so far.

Commissioner Crouch: How are the subdivisions? I know that--

Dennis Hudnall: We're working on the subdivisions right now. What impedes us in the subdivisions is you see people feverishly shoveling out their driveways, and then a county truck comes along and throws four feet of snow in the front of it where they still can't get out. So, you know, you're either going to clean the road and fill their driveway up, or leave the road alone, and let them continue to shovel. So, as they call, like Sashoni Drive, they called just a while ago, I've got trucks out there in Sashoni and all the subdivisions. It's more manageable now because we did have our melt. So, this is one of those things, you're damned if you do, and damned if you don't. But, I assure you, we're doing everything we can to make everybody happy in the county.

Commissioner Crouch: A suggestion, in the future, can we get an answering machine or voice mail? I know that I called out over the weekend several times to the County Highway Garage, and it just rang and rang and rang. I didn't know if perhaps, or an answering machine, or an answering service so that, you know, so that people can at least, you know, get some kind of--

Dennis Hudnall: Well, there is an answering machine on one that people leave there, like they call in sick or whatever. It's a certain number that they call. It's not the 577 number, but we can get an answering machine out there. We were out there all the time, except for Christmas Day.

Commissioner Crouch: This was Sunday, you know, when I called you at home.

Dennis Hudnall: Yeah.

Commissioner Crouch: But, I just thought that for in the future that might be good for when—

Dennis Hudnall: Well, not all the time do we call the people in the office, you know, we call the crews in and then the supervisor goes out with the crews. So, I could either do it two ways, I could call office personnel in to answer the phones while they're out on the road, or get that answering machine.

Commissioner Crouch: I think the answering machine would be sufficient.

Dennis Hudnall: It probably would be cheaper. The only other thing I have is, my weekly report didn't make it up here, but I do have a copy for everyone. If you have any questions.

President Fanello: Thank you, Dennis.

Dennis Hudnall: There's one other thing that I would like to add, I want to thank the Commissioners for 2004, for their support of the County Highway. We've done some good things out there, and that's through the help of the Commissioners. They okayed for us to get new equipment. So, by providing all of those things, and the support, we're able to do our job. Really it's made management look good out there. I just want to thank you for your support.

President Fanello: Thank you, Dennis.

Commissioner Mosby: I'm going to take this opportunity to thank you. Mainly for everything you've did over the past two, or three, or four years, but in being with Dennis last Thursday, and knowing what you guys were going through, and tell Mark and Chris and Dave Hudson, I think they did a tremendous job. One recommendation, I think Dennis will back me up that I would say the Commissioners need to look at, is that you might want to get some kind of written agreement with the towing company to have priority put on some of the equipment that they're having break down. I know I went to Seminary Road for Dennis, and two guys had sat on Seminary Road for like eight hours waiting for a tow truck. We had a truck sit up on 57 for 7 ½ hours, and then, you know, weren't towed until later. Well, I don't have anybody that wants to go that far to get your truck. Or I don't have a truck big enough to pick up your truck. I mean, I was at the fire house and talked to them, I guess, the last time at midnight, went out there at 6:30 the next morning, and still had four trucks, one laid over on Peerless Road, one on Seminary, one on 57, and one on Mill. All these trucks are broke down and we can't get wreckers. Fortunately, Tri-State was good enough, on the spur of the moment, to give me two trucks, and went to Seminary and 57, (Inaudible) over on Peerless, but that is one recommendation that I would make to the Commissioners, when they sign a towing contract, that the people that bid on this will give you a priority. You know, they say we can't get to your trucks because the roads are bad. We can't clear the roads because our trucks are stuck. I mean, so, let's face it, until you give us some help, you know, I mean, and we were trying to pull them out ourselves and hanging up other trucks, which, you know, created a problem. This is just things that you'll go through. But, you know, I don't want Dennis and them to be blamed, because I seen what they were going through after 24 hours of being out there. It wasn't a good situation when you get 22 ½ inches of snow, I think these guys did a tremendous job, did the best they could. I just want to thank you. Thank Mark, David and Chris.

Dennis Hudnall: Sure will. Thanks for the comments. Another thing they might look at too, I know that the wrecker services, Hamrick, Tri-State, Ride Out, we were trying to get anyone that we could, because our mission was to get snow off the road. I really didn't care what wrecker pulled them out at that point. It's because we're in an emergency situation here, people is depending on us to get our, to get the snow off the road, to get them out and get them mobile. The handicap was, and it's kind of frustrating when you've got four of them stuck at the same time, and this is not a detriment to my people that was driving these trucks, there is times where you can't tell where the road begins. To get off of the road, it just looks like one big playing field, a white one. It's very easy to get off the road. They done the best they could. So, thanks for your understanding. We'll improve each time, but I hope we don't have another one of these for a hundred years.

Commissioner Crouch: Thank you for your suggestion. I think that's a good one.

President Fanello: Thank you, Dennis.

Dennis Hudnall: Thank you.

Resume Discussion of Second Floor Break Room

President Fanello: Now, everybody is back, we'll move back up to the break room issue.

Dave Rector: I'm not sure how we explain the Mayor's comments. He was in a meeting. We interrupted him briefly. He had not had a chance to see Madelyn's e-mail with the request to consider temporarily relocating them outside of the building, so we caught him cold. I think it's fair to say the Mayor is a bit frustrated with where we're going with this too, and I think his response was, basically, do what you have to do, but my preference is I want Human Relations in this building. Would you, do you got anything else?

Madelyn Grayson: Yes, his preference is to keep it here in the building. He said, but do what you have to do. If it's going to be a temporary change anyway, I don't, I mean, I know we keep throwing things out here, I don't know if Human Relations wouldn't consider a temporary move to the third floor break room, even though it's smaller if they knew that it would only be for ten, eleven months, and they could get a bigger space. It's just that that second floor room is the only place that the Assessor's have to go, not in addition to being a break room and a lunch room for the second floor employees, that is a working conference room that is the only one in existence on the second floor for the township assessor's to take taxpayers for their meetings that they have with them.

President Fanello: If we're not going to take the second floor break room, I'm not going to be in favor of taking anybody's break room, because that's not fair. Because then we're going to have people on the third floor come to us and say, we want our break room.

Madelyn Grayson: Well, I mean, the option was possibly the third floor break room and then converting room 318 into a small break room for the third floor employees. That was an option presented last week. Even though it's smaller square footage—

Dave Rector: We looked at that, creating another lounge down there, and another break room. We could do that, can do that, you'll lose 318 as a meeting room for the Civic Center. It's all trade off options.

President Fanello: Right.

Dave Rector: I'm not sure that this board can decide to move Human Relations out to leased space, because then you're committing—

President Fanello: I'm not going to make that decision.

Dave Rector: —the city to an expense for their department. I appreciate Jonathan's comment to do what we've got to do, but I'm not so sure that you all can decide to do that for them.

President Fanello: The point about the Old Courthouse is it's not ready. I mean, we can't move anybody over there. It would cost additional money, but we couldn't even move anybody to the Old Courthouse until at least next summer, after the renovations are done.

Dave Rector: Yeah, it would take several months.

President Fanello: Right.

Dave Rector: We would have to design the space and then build the space out. The Old Courthouse, though desirable for all of us, we would like to see it used, isn't a quick fix.

President Fanello: Right, not at this point in time.

Dave Rector: The only way it could be a quick fix is if you just go in and have this huge room and everybody just sits there. I think you said Jon Jennings space is now available, but there's no build out there, it's just a big room. Once again, you're committing the Mayor to moving a city department and paying another lease cost.

Commissioner Mosby: I don't think we can do that. They pay 80% of that.

President Fanello: I think we need to find the least cost alternative right now, until other, because there are going to be other changes in the building. There will have to be in the future because of the space requirements needed.

Dave Rector: Yeah, I don't know, we've talked this issue a number of times, we don't know how it's going to be funded, but when the old jail goes, there going to be tremendous renovation take place in the Civic Center. At that time we can readdress these issues. They are going to have to now, I mean, we just didn't expect this to come up then.

President Fanello: Right. Right. So, I would look to how the board wants to proceed, because we've got something under construction right now, and that's costing the taxpayers money as well. I certainly understand the viewpoint of the employees. Commissioner Crouch?

Stephanie Pruett: I would like to say something. The assessors, I mean, we are busting at the seams as well, and we've desperately needed space for a long time.

If that second floor break room was going to be considered for any office space, it should be considered for us. However, that is the only place we have to go for training, for meetings with taxpayers. We pull blue prints, we go down there and pull them out and let taxpayers look at them, discuss things with them. If you take away that second floor break room, we're not going to have anywhere to go that's going to be convenient to where we're located. If this is temporary, and the courts can't, even though they are getting a larger space, if they can't reduce the size of space that they're wanting for the Health Department, the third floor break room could easily be converted for the Human Relations, and then room 318 be used for the third floor break room.

President Fanello: What's the cost involved in that? I mean, what's the cost in comparison to what we're doing?

Dave Rector: Well, the issue really around the third floor and doing that, it's probably not anymore than what we're doing on the second floor. It's the square footage reduction. You're going from 1,400 square feet to 860, instead of 1,175.

Stephanie Pruett: It's temporary.

Commissioner Mosby: Yeah, but you still can't expect them to go down that far.

President Fanello: No, we can't expect them to reduce it by that much. That's just not fair.

Stephanie Pruett: I measured that third floor break room, and it came in at around 1,000 square feet.

Dave Rector: I guess, the CAD drawings must not reflect that accurately then. All I can tell you is what the building drawings reflect.

Commissioner Mosby: You say the end of the hall is bigger than the other part?

Dave Rector: Not bigger than the existing break room.

Commissioner Mosby: No, no.

Dave Rector: Bigger than trying to do something out in the corridor, with the traffic coming back and forth from the courts building, through the second floor, and the space would be available to try to put something in there. I'm just offering that as an alternate. You know, some space for a small break room for them to still be able to use.

Commissioner Mosby: I mean, and that's cheaper than going the other route?

Dave Rector: Than moving them off-site?

Commissioner Mosby: No.

Dave Rector: Which route, David?

Commissioner Mosby: You were talking about the other break room in the atrium.

Dave Rector: Yes, that would be less.

Commissioner Mosby: It's cheaper to go to the end of the hall?

Dave Rector: Yes.

Commissioner Mosby: I mean, I would be open to that, going to the end of the hall. I mean, at least we'll still have a break room. If you need to look at documents you can use 318, it's a conference room, it's open to anybody.

President Fanello: And what's this room number over here. I mean, that room is pretty large.

Dave Rector: 303.

Commissioner Mosby: 303 is always open.

President Fanello: It does have a really long conference table with chairs in it, and a coffee machine. It's a very large room.

Stephanie Pruett: Is that going to interfere with when filings, people file to run for an office, you know, that's where everybody gathers. Is that going to interfere with our break room—

President Fanello: Well, our first service is to the taxpayers, not people running for office.

Stephanie Pruett: Well, also, well, the Election Office, it's always cluttered with voting machines, and when people are coming down to get their equipment for their voting location. I mean, there's always people down there. Is that going to interfere?

Dave Rector: This may be something that the new board wants to address more immediately, is the Election Office was one that was proposed to relocate.

Commissioner Mosby: Right.

President Fanello: Right.

Commissioner Mosby: I mean, we have no elections—

Dave Rector: Before that gets done, maybe that's the time now to say—

President Fanello: Right.

Commissioner Mosby: There's no elections next year. So, we don't have to worry about the Election Office. I mean, and, you know, everybody is going to be inconvenienced a little bit. I mean, you're going to be inconvenienced without a break room, maybe the Election Office will be inconvenienced, I mean, as the judge said, they don't even have a break room over in their building. So, I mean, it's one of the things, we've got to have space. I understand their needs. I mean, I understand Judge Niemeier over here and getting the other judges more space over there to try to move cases through. I mean, I know it's an inconvenience, but, at least, I would rather see you have a break room than no break room. If we can do this at a, you know, a reduced cost to what the other one is, at least we'll have something.

Dave Rector: There's not a good option.

Commissioner Mosby: There's not a good option. The building is too small. I mean, put another floor on would be the best option, and that's not an available option. We have to think about the taxpayers.

Dave Rector: We have talked, you know, in the expansion of building two more stories out here, an elevated two story over that. But, once again, these are things down the road—

President Fanello: And they cost money, and we don't have a lot of money right now. So, we've got to make do with the best that we have, and try to find the best solution possible.

Commissioner Mosby: I think we've talked about the Election Office, Voters Registration both going over there, and then we could free up more space, and, you know, if it's possible, take what we do now and expand in it a little bit, and you'll have a bigger break room, and still have a break room on the second floor.

Dave Rector: This actually is probably a three year to five year expanding project before it's all settled out again. You're talking close to 35,000 square feet of additional space freed up when the old jail goes, and what decisions are going to be who occupies that space. We have proposals, but no firm decisions.

Commissioner Crouch: Is 318, you had mentioned that at the very beginning, 318 is that available for a break room for, to move the break room for the second floor up there?

Commissioner Mosby: I don't think they want to be on the third floor. They're wanting something on the second.

Dave Rector: It's available. The only, it's just your decision, do we lose 318 as a meeting room for the building? But it could be converted to a lounge and a small break room, a smaller break room. Then you're going to address the needs of meetings, as an example, I think I said December had 20 meetings in there.

Commissioner Crouch: 318 is not acceptable?

Stephanie Pruett: I think we were talking about using 318 as a break room if they move Human Relations to the third floor break room, I mean, this third floor break room here. Then giving the third floor a break room in 318, and leaving the second floor break room as it is.

Commissioner Crouch: But, if for space purposes that's not an option—

Stephanie Pruett: Right.

Commissioner Crouch: —is 318 agreeable for a break room for the second floor?

Stephanie Pruett: Well, we could use this third floor break room. I mean, we're not saying we can't come up here and use the third floor, it's just the second floor is larger, and it's convenient to the assessor's, just being down the hall, also the courts building, they use our second floor break room since we have the catwalk attached to the second floor. Employees from the courthouse come over here all the time to

use our break room. So, I mean, we understand, we know everybody needs space. I mean, there's no doubt, but we're not just fighting for our break room, also, just because the assessor's have been asking for space for many years, and that is one place that we could go to, and we, you know, do our training down there for videos and blue prints, and now that's being taken away from us. The third floor has three meeting places, 318, 307 and 303. So, any meetings that are held in 318 should not be a problem in going to one of the other meeting locations.

Commissioner Crouch: Right, but if the space for the lounge up here is not large enough for Human Relations, then, I guess, my question is, if we have to give up the second floor break room, say that's a decision we make, then what would you all want to replace that?

Stephanie Pruett: I'm sure whatever option he comes up with will be fine.

Madelyn Grayson: I think I would prefer having 318 versus tables out in the hall.

Stephanie Pruett: I agree.

Commissioner Mosby: Now, keep in mind they are going to put a wall up there, and it's going to be enclosed. So, I mean, I would say that's your two options, they'll enclose the end of the second floor, or you can come up to 318.

Commissioner Crouch: I would be happy for you all to work with Mr. Rector and come up with an option that you feel is the best in light of everything.

President Fanello: So, you're saying in light of leaving the plans as originally—

Commissioner Crouch: I mean, it's just not a good situation. There's, I mean, it's just not a good situation. I think that, unfortunately, our county employees are the one's that are going to pay the price. Everyone, no one is going to be happy. Not everyone is going to be happy.

Madelyn Grayson: So, in the meantime, when they start construction on the second floor break room, if that's the choice you make today, in the interim time we'll just have to use the third floor existing break room—

President Fanello: Until another one is constructed, or you come up with...I think your two options are enclosing the end of the hall on the second floor, or converting 318.

Commissioner Crouch: Or the space, that common space by the courts. I guess, what I would like to see is you all get with Mr. Rector and come up with an option that you think is the next best thing to having the second floor break room.

Commissioner Mosby: How long will it take, Dave, to construct something? As soon as they decide?

Dave Rector: Actually the longest period of time will be lead time on the storefront system to enclose the end of the hallway. Because it's an anodized, bronze aluminum store front system that probably has, with any indication of the doors at the Centre, they've been on order for ten weeks. So, I could immediately get the machines relocated, so at least they would still be there and functional. Then we

would order the store front system, install that, that would be less than a week's time, as soon as it came in. I could get everything ready, except for that.

Commissioner Mosby: How soon are you going to start on Human Relations?

Dave Rector: We're waiting.

Commissioner Mosby: You're waiting?

Dave Rector: We've already moved the water line in anticipation, thinking it was going to start three weeks ago. So, we're ready to start now. I've got to get them up here quickly, or else we're going to push out the construction schedule downstairs for the courts, which is scheduled for the first part of May. You know, it just comes back, we talked about dollars, taxpayers dollars, the delay in it. I know all of us are empathetic to all of these needs, but we're trying to respond to how we spend the dollars. I can only advise you of what's happening because of it.

Commissioner Mosby: I would make a motion to go on with the Human Relations relocation, and for you all to, as quick as possible, get him an answer of which way you would like to go, the end of the hall or 318, so he knows what to do. Then you'll have a break room, and, hopefully, not a big break in the interim.

Commissioner Crouch: And—

Dave Rector: The big thing about going to 318, is moving those machines up to here then, and getting water to them for the coffee machine. We may have to forego the coffee machine there, because there's not immediate available water. Both of these locations we talked about had immediate water available, that's why I looked at those.

President Fanello: That's why I think you need to look at the least cost alternative.

Dave Rector: If you want 318, yeah, that's fine. If they want the end of the hallway, I would be happy to try to do what we can to replace in some way what they are losing.

Commissioner Mosby: I would just go ahead and approve whichever in my motion. Whichever they decide, I would, that would be involved in my motion.

Commissioner Crouch: And the Auditor made a suggestion, is it possible that we could even use the Election room for a temporary, you know, lunch room, break room? The Election Office, since there's no election next year.

Dave Rector: If the desire is to use that end of the hallway for it. We could get the machines down there, and then open up the Election Office for a break area to sit down in, at least until the system came in.

Madelyn Grayson: I can shorten this a lot, because us three here are speaking on behalf of the employees and we would much rather prefer the end of the hallway by the Election Office, and keep something on the second floor as to coming up to 318.

President Fanello: Okay.

Madelyn Grayson: So, if you could just proceed with that.

President Fanello: I was going to say, I wouldn't really want to personally make a decision for the Election Office without Susie Kirk having that input.

Dave Rector: We could check with her and get the machines down there, and see if she would mind if we open up the front part for a sit down area until the store front system comes in.

Commissioner Mosby: Then I'll make my motion that we go ahead and go forward with Human Relations on the second floor, and work to make the break room at the end of the hall on the second floor.

Dave Rector: I can work with you on that.

Bill Fluty: Just a clarification, I was really suggesting that Human Relations move into the Election Office temporarily, since there is no election next year, and then there will be five months in the next year. They could use that space temporarily until the jail vacates, and then maybe they could move over there permanently.

President Fanello: I'm still not going to make—

Bill Fluty: That office is already set up for an office.

President Fanello: —that kind of decision without, and plus, I mean I don't know where you're going to move all the Election Office...isn't there storage back there for all the machines?

Dave Rector: All the machines are in the back room.

President Fanello: Yeah, I think that's stretching it, but—

Dave Rector: The front room would be available, I would think.

President Fanello: I wouldn't want to make that decision for Susie Kirk.

Dave Rector: I mean, that office holder.

President Fanello: Yeah, I think Susie would have to be involved in on that. So, Commissioner Mosby your motion stands. Commissioner Crouch?

Commissioner Crouch: I'll second it.

President Fanello: Okay, and I'll say so ordered. Thank you.

Madelyn Grayson: Thank you.

Dave Rector: Thanks for all your help.

County Attorney

President Fanello: County Attorney.

Kevin Winterheimer: Yes, I have a little bit longer than usual report. Some year end last minute things trying to get done. But, first and foremost I would like to thank the

Commissioners for letting me serve the residents of Vanderburgh County as County Attorney for a little over two and a half years. It's been extremely challenging. The experience that I brought of 22 years with the city in, only to find out there was a lot about the county that I didn't know, that I thought I did. That came to light for the first time when I got a call from the Coroner two days into the job wanting an outline of the privacy rights of a corpse, which I had no idea, had never dealt with with the city. So, what makes the legal profession rewarding is the fact that it's challenging and you continue to learn. I did so in the last two and a half years, and I appreciate that opportunity. I also want to thank all of the department heads, those that are here and not here, you have a tremendous group of people in department heads and those working for them. The citizens of Vanderburgh County don't realize what a great amount of expertise they have, and great workforce they have who work long and hard hours, and in most cases for very little pay. I particularly want to thank Bill and Madelyn. I worked quite a bit with them, and as far as the ordinances and resolutions. Bill, I hope you realize what a tremendous asset Madelyn is to your office. She was extremely and consistently helpful in everything, and trying to make this operation run. I wanted to particularly thank her. Now, on to some business that I have, I apologize for not getting this to you in advance. I mentioned at the last meeting that Sigecom had asked for a reduction in their performance bond on the basis that they are substantially complete in the construction of their cable network system. They said in a letter that that system was substantially complete back in June of 2000. I prepared this resolution. It's CO.R-12-04-025, and since you did not get it in advance let me pass it down. It reads;

“A resolution approving a reduction in the performance bond for Sigecom. Whereas, Sigecom maintains a franchise agreement with Vanderburgh County providing for a performance bond of \$50,000 to ensure the construction of a system according to the franchise agreement, Whereas, said franchise agreement provides for the reduction of the bond when the network construction is substantially complete, and Whereas, Sigecom represents that the system is substantially complete and was so on about June of 2000, requests that said bond be reduced to \$25,000, as provided in said agreement. Now, therefore, be it resolved by the Board of Commissioners of Vanderburgh County and as follows, pursuant to the franchise agreement granted to Sigecom, and upon it's representation that the network system is substantially complete, the Board of Commissioners approves a reduction in the franchise performance bond to the sum of \$25,000.”

I would make a recommendation that you approve this.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winterheimer: Okay. The next item I have, we've been talking for a number of months about the resolution of the claim on the current Safe House. As you all recall, some time ago the detainees, one or more of them, caused damage to the property by managing to shake loose, or whatever, the water pipes on the property, causing damages to the premises. Our insurance carriers thoroughly investigated this, they found the extent of the damages to have a dollar value of \$113,000,

\$88,000 of that is covered by the insurance, and \$25,000 will need to be covered by our Self Insurance Fund. I give to you, or present to you a release agreement with Ms. Mary Hart, the owner of that structure authorizing the settlement and release of any claims that she has relative to that incident and that incident alone in the amount of \$113,000. If she should happen to have any other claims for any other incidents, it would not be covered by this agreement. This covers the agreement where the premises were damaged by the damaging of the water pipes. I would ask for your approval of that.

Commissioner Mosby: Motion to approve release agreement.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: Next, I have four documents that were e-mailed to me late yesterday afternoon by Scott Peck. This is on the Mill Terrace Subdivision. One of them is entitled "certificate regarding execution of bonds". Another one is "certificate regarding arbitrage and certain federal tax and other matters". The third one is called "a bond purchase agreement", and the last document, it's just entitled, "United States of America" at the top, and is another bond document that needs to be approved by the Commissioners. Let me see if I can find the, the principal amount to be borrowed is \$222,656.25. The interest rate on these bonds is 6.85%. Somewhere in here it outlines what the payments are going to be. Ahhh! The payments for all but one, all the owners out there elected 30 years, except for one person, they are going to be payments of \$707 on May tenth of each year, commencing May 10, 2005, I believe. The other payment, I believe, is \$831 for the 20 years, or approximately there about. That's the calculations that they made. I ask for your approval of these four bond documents.

Commissioner Mosby: Motion to approve bond documents.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: I don't know, do you have copies? If not, here are copies. Let's see, okay we got the Sigecom, I believe that just about...and, Suzanne, if I understand right you're going to have a meeting on January 4th then at-

Commissioner Crouch: At 4:30.

Kevin Winternheimer: At 4:30. I guess, to formally ask for your approval of my resignation, effective January 4th at 4:30, which I assume you'll appoint a new County Attorney. I ask for your approval of that by vote.

Commissioner Mosby: Motion to approve resignation January 4th, 4:30.

Kevin Winternheimer: Right.

Commissioner Crouch: Second.

President Fanello: So ordered.

Kevin Winternheimer: I believe that is all I have.

President Fanello: Alright. Kevin, I just want to say thank for everything that you've done. You've been an outstanding legal representative for this board.

Kevin Winternheimer: Thank you.

Commissioner Crouch: A couple of questions. Kevin, on the jail fire, and I noticed that Chief Deputy Williams is here, are we any closer to a settlement on that? Or getting close?

Kevin Winternheimer: Right now the Sheriff and the Chief Deputy and I met with our insurance representative, and right now that is being handled by the Building Authority's insurance. We are hopeful that that will all be taken care of through the Building Authority. That's where we stand on that.

Commissioner Crouch: Good. Then, the, I had sent an e-mail about a county employee who had a question how pay was going to be handled on 12/23, last Thursday when there was a state of emergency declared. How the county was going to handle pay to the employees. Whether that would be a paid holiday, or a paid day off?

Kevin Winternheimer: Yeah, that was quite an unusual set of circumstances. I guess, the bottom line comes out to be that that will be a decision for the County Commissioners to make. You have a number of options, you can go ahead and pay them for that, if that be your decision. Anybody that would have taken, in the case of the e-mail, a vacation day, you have a number of options there, you could give them an extra vacation day next year, or pay them, however you want to do it. I do not know what the city is going to do in that regard. I know that question was asked too. What I would suggest at this point is seeing what the city is going to do, try to make it somewhat equitable and fair for the employees. Obviously, I can see an employee complaining if they had to come in and worked, and were paid, and somebody did not come in and were still paid, that the employee that came in and worked would say, wait a minute, that's not quite fair. If I came in and worked. So, you have a number of options, you may be granting extra vacation days or an extra personal day to make up for that if somebody came in and worked, or what have you. At this point I don't have a good recommendation for you. I would suggest that the next Commissioners take that up and just see how they're going to handle that. There are a lot of different alternatives that you have, and options that you have out there.

Commissioner Crouch: On the 23rd, wasn't the building closed? I mean, it was closed down wasn't it?

Bill Fluty: Yes. I think it's different than the 22nd. The 23rd people had scheduled vacation days—

Kevin Winternheimer: Right.

Bill Fluty: —and they're asking now do they get another day, because there are employees that were off that day that didn't have scheduled days. The building was closed.

Commissioner Crouch: I guess, the question is, in a state of emergency, if the building is closed, I mean, if we officially close the building because of a state of emergency, then how do we handle that pay to the employee? What you're suggesting is we get with the city and see how they're going to handle that?

Kevin Winterheimer: Yeah, I would think you might want to be somewhat consistent. I don't have an answer for how the city is going to handle that, or is handling that. Whether they're granting, you know, I don't know what they're doing, but there are a number of options that you would have. You should probably check with the city and see how they are going to handle it, and then take that up as soon as you can with the next set of Commissioners, and treat the employees with what you feel is the fair way of doing it.

Commissioner Crouch: Could the Auditor check on that with the city.

Bill Fluty: Yes, I've already asked that question to the city, and I don't have an answer at this time.

Superintendent of Buildings

President Fanello: Superintendent.

Tammy McKinney: I need to add, first of all, I need to add three late pink slips to the consent items. Do you want to vote on that?

President Fanello: We have three late pink slips.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, with my report I need the Commissioners to sign just a deed of gift that just shows where we gave the jail bars to the museum. They just need that, I think, basically, for their records.

President Fanello: Okay.

Commissioner Mosby: Motion to approve.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: Then, I think everyone got the letter where Rita Heathcotte is resigning from the Courthouse Foundation Board. So, Suzanne, you and the new Commissioners will need to appoint, and I have to look at the by-laws, but I think she was like the financial appointment. If you don't have a copy of the by-laws I can get that for you.

Commissioner Crouch: That would be great, thanks.

Commissioner Mosby: Motion to accept resignation.

Commissioner Crouch: Second.

President Fanello: So ordered.

Tammy McKinney: That's all I have.

President Fanello: Thank you, Tammy.

Burdette Park

President Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. Here is my worksheets. Bonita wasn't her usual, efficient self. I guess, she couldn't make it in. On the twenty-fourth and twenty-fifth, because of the state of emergency and because I thought the safety of the park was not what it should be for people to be using it, we did not let people have their rentals at the park. They've all been contacted and taken care of, but from my point of view it wasn't presentable for the people to have their functions. So, the 23rd, 24th, and 25th there was no rentals, but on the twenty-sixth we did get the buildings cleaned up enough, and I brought the people out there, and went to the buildings with them to make sure that they thought they were fine, and they did, and everything was fine. The park is back open, as well as it can be with the amount of snow we had. Other than that I've got my worksheets, if you have any questions, which I know you haven't had time to look over them. But, it's about the normal stuff, except for the cleaning up of the snow. At this time I would like to thank the Commissioners, and Kevin, Tammy, Patty, Madelyn, Bill for the support and help you've gave me at Burdette in the last couple of years.

Commissioner Mosby: Thank you.

President Fanello: Thank you, Steve, for all that you've done. You kept the park going, and it's the best park we have in this county. The only park we have in the county, but—

Steve Craig: We've got two, but the other one is a little one.

President Fanello: —I'll put it up against—

Steve Craig: Thank you very much.

President Fanello: Thank you.

SWCD & Ozone Officer Reports

Commissioner Mosby: Motion to accept Soil and Water and Ozone.

Commissioner Crouch: Second.

President Fanello: So ordered.

Consent Items

Commissioner Mosby: Motion to accept consents.

Commissioner Crouch: Second.

President Fanello: So ordered.

Commissioner Mosby: Then, I'll just take this opportunity to thank all the department heads; Kevin, Tammy, Steve, John, Pat, Dennis, Chief Deputy Ellsworth for all your help over the past four years. Then Bill and Madelyn and Commissioner Crouch.

President Fanello: I would like to thank everybody for all their support as well, and good luck to the next Commission.

Commissioner Crouch: Thank you.

President Fanello: Do I have a second on that motion to adjourn?

Commissioner Crouch: Second.

President Fanello: So ordered.

(The meeting was adjourned at 10:56 a.m.)

CONSENT ITEMS

Travel Requests: County Assessor (1)

Employment Changes:

County Assessor (1)	Burdette Park (3)	Commissioners (1)
County Clerk (1)	DADS (1)	

County Clerk: Submit monthly report for October 2004.

Those in Attendance:

Catherine Fanello	David W. Mosby	Suzanne M. Crouch
Bill Fluty	Kevin Winterheimer	Tammy McKinney
Madelyn Grayson	Jonathan Weinzapfel	Sherman Greer
Roger Lehman	Bill Pedtke	Jennifer Keppler
Jim Rexing	Mike Falkenstein	John Peninger
Dave Rector	Stephanie Pruett	Pat Seib
Dennis Hudnall	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

(Not in office when minutes approved.)
Catherine Fanello, President

(Not in office when minutes approved.)
David W. Mosby, Vice President

Suzanne M. Crouch, Member

(Recorded and transcribed by Madelyn Grayson)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
TRANSITION MEETING
December 29, 2004**

The Vanderburgh County Board of Commissioners met in a special transition session this 29th day of December, 2004 at 11:10 a.m. in Room 303 of the Civic Center Complex with President Catherine Fanello presiding.

The purpose of this transition meeting was to discuss the following.

I. Major Projects

- Jail/Community Corrections
- Juvenile
- Old Courthouse Energy Savings
- Carpentier Creek Study
- 2005 Road Projects
- Burdette Park: Lazy River Ride

II. Administrative Tasks

- Purchasing Guidelines
- 2005 Budget Information
- Efficiency Study
- Election equipment audit
- Website responsibilities
- EUTS
- FOP contract
- Online purchasing
- Insurance renewals
- Miscellaneous items

(The meeting was adjourned at 12:00 p.m.)

No final action was taken at this meeting.

Those in Attendance:

Catherine Fanello
Bill Nix

Suzanne M. Crouch
Patty Avery

Cheryl A.W. Musgrave
Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

(Not in office when minutes approved.)
Catherine Fanello, President

Suzanne M. Crouch, Member

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