

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
August 12, 2013
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Marlin Weisheit, Vice President and Rick Reid, Member

President Don Williams called the meeting to order.

Commissioner Administrator, Roger Emmons, recorded the minutes. Auditor, L.B. "Dixie" Dugan was in attendance.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Verified Petition for Vacation of Certain Public Utility Easements, Drainage Easements and Right-of-Ways in Paradise Park Subdivision, in Warrick County, Indiana.

Don Williams: I'll entertain a motion to suspense with the commissioners meeting for a public hearing.

Marlin Weisheit: So made.

Rick Reid: Second.

Don Williams: Motion and a second. Public hearing is now in session concerning the matter of vacation of certain public easements. Sherri, do you want to talk to that?

Sherri Rector: Yes, this is a Petition to Vacate Public Utility Easements, Drainage Easements and Right-of-Ways in Paradise Park Subdivision that will become Castle Commons Subdivision that is located beside Paradise Peoples Bank. You just met over the drainage easements in the Drainage Board meeting and they're relocating some of the easements which were approved by the Planning Commission for a Primary Plat approval, condition upon these easements being vacated by you. They will be submitting a new plat that will put new easements on in their place and meets the ordinance. And we do have letters from all of the utility companies and then the okay from the Drainage Board so it's all in order. We record the plat and the easements simultaneously with each other so that's taken care of together.

Don Williams: Okay, thank you, is anyone here to represent this petition? If you would, state your name and who you represent.

Krista Lockyear: Certainly, Members of Commission, my name is Krista Lockyear; I'm here on behalf of K & E Multifamily, LLC, who is the developer of this new apartment project. We're really kind of finalizing the process; we began when you approved the rezoning of this to a PUD back in February of 2013 and as Sherri indicated we're just vacating those easements because they've been relocated...will be relocated once that new plat is recorded. Two (2) items with your vacation, the Vote to Vacate and the Ordinance that you would be signing, we do reserve at this point a part of an easement in favor of the Town of Newburgh and that legal description is in there, so your vote doesn't actually vacate that part that the Town of Newburgh has asked us to preserve for them. Also, Chandler Utilities wanted to preserve their existing water facility easements until the new easements or facilities were put in and tested and approved by them. So your vote also does not vacate those but I would allow Chandler Utilities to vacate it once they've approved the new ones.

Don Williams: Okay, Counselor, do you have anything on this?

Adam Long: I had the opportunity to speak with Ms. Lockyear about this and one of the utilities was able to...I believe from that conversation or those conversations that the recitation that they've provided appeared to be accurate.

Don Williams: Okay, so we're looking at vacating everything but Newburgh and Chandler's interest?

Krista Lockyear: Correct.

Don Williams: Is there any questions from the board during the hearing?

Marlin Weisheit: Nope.

Rick Reid: No.

Don Williams: Is there anyone out there that would like to speak to this topic for or against? Hearing none I'll entertain a motion to close the public hearing.

Rick Reid: Motion to close.

Marlin Weisheit: Second.

Don Williams: Motion and a second. The public meeting is closed.

ACTION ON PUBLIC HEARING

Vacation of Certain Public Utility Easements, Drainage Easements and Right-of-Ways in Paradise Park Subdivision, in Warrick County, Indiana.

Don Williams: The Warrick County Commissioner's Meeting is now in session. The first item here is to take action on the public hearing...what's that?

Sherry Rector: County Commissioner's Ordinance 2013-21.

Roger Emmons: 2013-21.

Rick Reid: Do you need a motion?

Don Williams: I do need a motion. Is there any discussion? Okay.

Rick Reid: Motion to approve Ordinance 2013-21.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Does this have to come back for a second time since we're all unanimous?

Sherry Rector: They hadn't in the past.

Adam Long: Yeah, in my opinion, based upon this and you guys being unanimous you would not have to do so.

AREA PLAN COMMISSION

REZONING PETITIONS

PC-R-13-05(A)- Petition of June Barron to rezone 0.495 acres located on the W side of Epworth Rd approximately 1000' N of the intersection formed by Stahl Rd.(S 375) & Epworth Rd.(W 1050), Ohio Twp. from "C-1" Neighborhood Commercial to "R-1A" One Family Dwelling. (Complete legal on file.) Advertised in The Standard June 27, 2013. Unanimous recommendation of approval by Plan Commission on July 8, 2013.

Don Williams: Okay, next we have a couple of Rezoning Petitions. PC-R-13-05(A) first.

Sherry Rector: First one is PC-R-13-05(A) Petition of June Barron to rezone point four nine five (0.495) acres located on the west side of Epworth Road approximately one thousand (1,000) feet north of the intersection formed by Stahl Road and Epworth Road in Ohio Township from "C-1" Neighborhood Commercial to "R-1A" One Family Dwelling. It was a unanimous recommendation by the Plan Commission at their July 8th meeting. And the purpose for this rezoning is Mrs. Barron rezoned it some years back for a little business that she had. Her son is now wanting to purchase it. The bank is requiring it to go back to a residential zoning.

Don Williams: Is there anyone here to represent this topic? If you would please, approach the platform and give us your name and address please.

June Barron: I'm June Barron. And my address is 3533 Epworth Road, Newburgh, Indiana.

Don Williams: Okay, thank you, Ma'am, and you, Sir?

Nick Barron: I'm Nick Barron, 3533 Epworth Road.

Don Williams: And you're the one that's going to...

Nick Barron: Um-hm.

Don Williams: Okay. I don't recall when we've ever turned down a down zoning. (Laughter) Thank you for coming.

Rick Reid: I understand you...and if these zoning commercial they don't want to make a loan on it.

Nick Barron: Well, it is what it is and we went...it's alright...we appreciate it.

Don Williams: Do either of you have any statements you'd like to make to the board?

June Barron: Just thanks.

Nick Barron: Yeah.

June Barron: For helping us to go through the process.

Don Williams: You're quite welcome. Is there any question from the board?

Marlin Weisheit: No.

Rick Reid: No.

Don Williams: Okay, then I entertain a motion on the rezoning petition. Now, do we need an ordinance number for that?

Sherry Rector: 2013-22.

Don Williams: 2013-22. So we have to actually pass a law to get that done.

Rick Reid: I'll make a motion to approve Ordinance 2013-22 to rezone the property from "C-1", Neighborhood Commercial, to "R-1A", One Family Dwelling.

Don Williams: Do I have a second?

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Approved three (3), zero (0). Thank you very much.

Rick Reid: Sorry about your problems.

Nick Barron: That's alright, thanks a lot, Guys.

PC-R-13-06- Petition of Ray G. & Lisa Hall to rezone 1.0 acre located on the W side of Bell Rd. approximately 0' W of the intersection formed by Nester Hill Rd. & Bell Rd.(W 850), Ohio Twp. from "A" Agriculture to "R-1" One Family Dwelling. (Complete legal on file.) Advertised in The Standard June 27, 2013. Unanimous recommendation of approval by Plan Commission on July 8, 2013.

Don Williams: PC-R-13-06.

Sherri Rector: Petition of Ray G. and Lisa Hall to rezone one (1.0) acre located on the west side of Bell Road zero (0) feet west of the intersection formed by Nester Hill Road and Bell Road in Ohio Township from "A" Agriculture to "R-1" One Family Dwelling. It was a unanimous recommendation of approval by the Plan Commission on July the 8th. The purpose for this rezoning is they want to create a three (3) lot subdivision and need to go down to the "R-1" zoning to comply with the lot size in the zoning ordinance.

Rick Reid: I was going to say because the "A" should cover it for the one single family house but not the three (3).

Sherri Rector: Right, right.

Don Williams: Okay, is there anyone here to represent this petition? If you would come forward, if you would, Sir, state your name and your address.

Ray Hall: Ray Hall, 3069 Nester Hill in Newburgh.

Don Williams: Thank you, Sir. Do you have anything you'd like to say or add to that?

Ray Hall: No.

Don Williams: Okay, is there any questions from the board?

Rick Reid: Is that the one with the mobile home right on the corner?

Ray Hall: Yeah.

Don Williams: Is there anyone here to speak for or against this particular rezoning? Hearing none I'll entertain a motion.

Rick Reid: Is that going to be 2013-23?

Don Williams: I assume it will be.

Sherri Rector: Yes.

Rick Reid: Make a motion to approve Ordinance 2013-23 to rezone the property on Bell Road from "A" Agriculture to a Single Family Residential "R-1".

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Thank you, Sir.

Ray Hall: They'd said in the letter to bring the check for sixty eight dollars (\$68.00)...

Sherri Rector: That goes to me, that goes to the...

Don Williams: Just make sure it's got Warrick County on there somewhere and...

(Laughter)

Rick Reid: Not Sherri's name.

Sherry Rector: No, no, this goes to Warrick...actually it goes to Warrick Publishing so we can put it in the paper. That's it. Thank you.

Rick Reid: Tim's over there taking notes.

Marlin Weisheit: Thanks, Ray.

Don Williams: You were a concern for a brief second there.

Sherry Rector: Don't tell me you're paying off while I'm in a meeting. (Laughter)

AMENDING ORDINANCE TO THE COMPREHENSIVE ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE XX(A) SOLID WASTE DISPOSAL FACILITY "M-3" DISTRICT SUBSECTION 8 NON CHANGING OR USAGE, ABANDONMENT AND EXPIRATION OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. Advertised in The Standard June 27, 2013. Unanimous recommendation of approval by Plan Commission on July 8, 2013.

The purpose of this ordinance is to establish a reversion of zoning upon change of usage, abandonment, expiration or ownership (Ordinance 2013-___)

Don Williams: Alright, go ahead and take that, we have an Ordinance of the Comprehensive Zoning Ordinance.

Sherry Rector: This is an Amending Ordinance to the Comprehensive Zoning Ordinance. An Ordinance to Amend Article XX(A) Solid Waste Disposal Facility "M-3" District Subsection 8 Non Changing or Usage, Abandonment and Expiration of the Comprehensive Zoning Ordinance for Warrick County. It was a unanimous recommendation of approval by the Plan Commission on July the 8th, 2013. The purpose of this ordinance is to establish a reversion of zoning upon change of usage, abandonment, expiration or ownership in an "M-3" Solid Waste District. This is the way it was in our previous ordinance before 2005. It got somehow eliminated when the new ordinance was done. And this is the only zoning classification this falls under and because it is Solid Waste. We just worked for two (2) years with an individual up around Elberfeld trying to get the property cleaned up and it finally is. And of course, you know Solid Waste is a serious zoning and so basically if it ceases or changes ownership then they have to come back before you and the Planning Commission with a Rezoning and Development Plan.

Rick Reid: Is there an ordinance number?

Sherry Rector: Yeah, that would be 2013-24.

Rick Reid: So you're basically going...just changing the Comprehensive Zoning Ordinance, right?

Sherry Rector: Yes, yes.

Don Williams: It'll revert back if there's a new purchaser and once they do something with that property they would come and present their plan.

Sherry Rector: Right.

Rick Reid: Motion to approve the ordinance 2013-24 for the rewording of that ordinance.

Marlin Weisheit: Second.

Don Williams: Motion and a second to pass Ordinance 2013-24. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Sherry Rector: That's all I have, thank you.

Rick Reid: Thanks, Sherry.

Adam Long: Sherry thanks for getting that to me today, I saw it today for the first time and I was like...I had a chance to review it so thanks for getting it over to me.

Sherry Rector: Yeah, and I think we put it up here and then I got to thinking, 'you know, I need to email this to Adam before we get to a meeting and he's like 'what?'. And I'll make sure you get them emailed to you, any other ones.

Adam Long: Sure, yeah, it all worked out okay.

ITEMS FOR DISCUSSION

Agreement for Professional Services ~ Health Department

Don Williams: Okay, we have some Items for Discussion, let's continue there.

Roger Emmons: Thank you, Mr. President. The item under that section is Agreement for Professional Services for the Health Department, is an agreement between the Warrick County Board of Health by and between the Board of Commissioners and Tina Latham. She's filling in for Matthew Johnson who is on sick leave. This agreement is from August 1st of this year thru December 31, this year. Eleven dollars (\$11.00) per hour and I believe Adam had a chance to look at it. It's basically the same type you've approved in the past for previous persons that filled in.

Don Williams: It's funded by grant?

Roger Emmons: Let's see...

Don Williams: I was thinking it was but I could be wrong.

Roger Emmons: It doesn't...it just covers the compensation but I don't see a funding source. They just do a payable in the arrears after submission of claims to the Auditor. I don't see the funding source in here, it may be under they're part-time line item.

Don Williams: It may not be grant, I could be wrong.

Roger Emmons: Right. The scope of services listed for Ms. Latham so...

Don Williams: The main thing is its funding source is in place and we're not looking at passing something that the Council hasn't funded or need to that's why...

Adam Long: Under paragraph ten (10)...ten (10) indicates that either party can terminate without cause upon thirty (30) days written notice of either party, the board shall have the right to terminate the contract at anytime the board is notified that funds are no longer available.

Don Williams: Okay, so we're good.

Adam Long: So that's been contemplated.

Don Williams: Okay, good, any questions from the board?

Marlin Weisheit: I have none.

Don Williams: Entertain a motion.

Rick Reid: None.

Marlin Weisheit: I make a motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries, thank you.

Roger Emmons: Thank you.

DEPARTMENTAL REPORTS

COUNTY ADMINISTRATOR

Request for Leave of Absence without Pay

Don Williams: Department Reports, County Administrator, you're...

Roger Emmons: Thank you, we have a Request for Leave of Absence without Pay, it's been submitted in writing pursuant to the Employee Handbook, Section 4.9 and Matthew Johnson has submitted this request in writing, it's to begin on August 20th and it's for six (6) months. This was submitted through proper channels by our HR Director.

Marlin Weisheit: I make a motion to approve his leave of absence.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Roger Emmons: Thank you.

Request for FMLA

Roger Emmons: We have two (2) Requests for Family Medical Leave. Joyce submitted all of these to me; all of the forms that are required have been submitted with proper signatures. I would recommend approval. They are a Storm Water employee and a Courthouse employee, by Courthouse I mean one of the Custodians. Joyce has signed off on both.

Don Williams: Okay, any questions from the board?

Marlin Weisheit: Make a motion to approve.

Rick Reid: Second.

Adam Long: And that's to approve both?

Rick Reid: Yes.

Marlin Weisheit: Yes.

Don Williams: Okay, I have a motion and a second to approve both FMLA Requests. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Discuss HR Director Employment Contract

Roger Emmons: The next item Discuss Human Resources Director Employment Agreement, um, due to what we're describing as extreme funding limitations, which is basically what it is, the Commissioners are going to have to consider terminating the agreement with Joyce Leone, DBA JEL and Associates, LLC. Pursuant to the agreement the commissioners may terminate with thirty (30) days written notice. I prepared that termination letter upon review of Commissioner Williams and Attorney Long and amended it pursuant to Don's recommendation. I have it here for your consideration. The...I'll give the notice to her tomorrow should you approve this and the thirty (30) days would end at the end of work day on September 11th of this year.

Don Williams: Any questions from the board?

Rick Reid: Well, we'll miss her but we can't afford her right now either so...

Don Williams: Yeah, she's never been funded and we can't do anymore than...

Rick Reid: Yeah, right. I'll make a motion to approve the termination.

Marlin Weisheit: Second.

Don Williams: Actually we're approving a cancellation of her contract.

Rick Reid: Okay...

Don Williams: Just, is that...?

Rick Reid: Yeah, cancellation of contract.

Roger Emmons: Termination.

Adam Long: Yeah, termination of the contract, it's a Notice of Termination letter pursuant to the numeral whatever paragraph within her contract.

Don Williams: Okay, I have a motion and a second to terminate the HR Contract. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

5K Run/Walk Using Degonia Road as Route

Roger Emmons: Next item is a request to use Degonia Road as a route for a 5K Run/Walk. Jennifer Ward submitted...she called me first of July and then sent me an email July 8th which I forwarded to the board on behalf of a company called Filthy Fitness, Incorporated, it's a Non-Profit Organization. She first wanted to close down portions of Roth and Bawel Road and that was not too safe so she since agreed to use the route that many other groups have used which is from the 4-H Center east to approximately Two Story Road and back to the 4-H Center. She has submitted their Release and Waiver of Liability Agreement. I thought she was going to have the Certificate of Insurance but I haven't received that but our power went out and the email was out so it may be on my computer now, but she did tell me that that's not any problem, they can get their Certificate of Insurance to us with Warrick County names.

Don Williams: And we have time, they're not scheduled until October 5th.

Roger Emmons: Yeah, October 5th.

Adam Long: Well, in the event there's a stumbling block for them, the board could approve it subject to a receipt of the certificate.

Roger Emmons: Yes.

Bobby Howard: Is this again a request for a closure of this? Or just under traffic?

Roger Emmons: No, they're going to run it under traffic which we've done...I don't know, I know the Extension Office has done three (3) or four (4) and there's been some other groups. They've never...I'm not aware of any incidents, Sheriff, have you had any problems with that?

Don Williams: Any other questions from the board? If not I'd entertain a motion.

Marlin Weisheit: The only question I have is if we are required to have maybe a deputy on site or...?

Roger Emmons: Well, she has communicated with the Sheriff's Office and...

Marlin Weisheit: Okay.

Roger Emmons: That's what we've done in the past; of course that's up to Sheriff Kruse as to how he stations his deputies.

Don Williams: Then we need to make it contingent upon proof of insurance.

Rick Reid: Right.

Marlin Weisheit: Yes.

Rick Reid: I'll make that motion to have the 5K run/walk using Degonia Road as a route subject to the receipt of a Certificate of Insurance for that date.

Marlin Weisheit: Second.

Don Williams: Okay, a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Roger Emmons: Thank you.

Don Williams: County Auditor...?

Roger Emmons: Mr. President, I have a couple of other items if you don't mind.

Don Williams: I'm sorry, you've got something else. There goes my agenda. (Laughter)

Commercial Insurance Coverage – Quotes from Local Agents for 2014

Roger Emmons: It shouldn't take long. The first is the...we were discussing Commercial Insurance Coverage for 2014 and getting quotes from Local Agents and I would request the board approve this by motion and direct me to begin that process.

Don Williams: Okay, if there's no questions from the board, I'll entertain a motion...

Rick Reid: I'll make that motion.

Don Williams: Okay, I have a motion that we go out and solicit quotes for our Property and Causality Insurance.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Bicentennial Celebration Proclamations

- a. **Selvin Bicentennial Community Picnic ~ Proclamation 2013-07**
- b. **33rd Annual Newburgh Fiddler Fest ~ Proclamation 2013-08**
- c. **127th Annual Labor Day Celebration & Parade ~ Proclamation 2013-09**

Roger Emmons: Thank you very much. And then I have Proclamations in conjunction with Warrick County Bicentennial Celebration. They were submitted to me this morning by Todd Glass who is on the Bicentennial Steering Committee. And we had got with Angie Leslie, Auditor's Office, to get these Proclamation numbers before Mr. Glass prepared them. They are Proclamation 2013-07 which is the Selvin Bicentennial Community Picnic.

Don Williams: What was that again?

Roger Emmons: 2013-07.

Don Williams: Selvin Community?

Roger Emmons: Selvin. It's going to be on Saturday, August 24th, and do you want me to give you all of these at once?

Rick Reid: Sure.

Don Williams: Was it August 24th?

Roger Emmons: Yes. And then Proclamation 2013-08 is the 33rd Annual Newburgh Fiddler Fest. That will be held the weekend of August 23rd through the 25th. And third and last is Proclamation 2013-09 that is the 127th Annual Labor Day

Celebration and Parade. It'll be...those celebration activities will be held in Boonville the weekend of August 30th through September 2nd, 2013.

Don Williams: I think we can probably pass all of these Proclamations all at the same time if you gentlemen would like to do that.

Marlin Weisheit: I'd make a motion to pass all three (3).

Rick Reid: And I second that.

Don Williams: Okay, I have a motion to pass Proclamations 2013-07 the Selvin Community Picnic; 2013-08 the Fiddler Fest; and 2013-09 the Labor Day Celebration. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Roger Emmons: Thank you, Gentlemen; the other two items are informational items.

COUNTY AUDITOR

Don Williams: Mr. Auditor, you have business for us, Sir?

L.B. "Dixie" Dugan: Yes, Sir, I have vouchers and invoices in the amount of three hundred ninety two thousand six hundred twenty three dollars and ninety nine cents (\$392,623.99).

Don Williams: Okay, this is payroll?

L.B. "Dixie" Dugan: Payroll.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: I have a motion and a second to approve the claim. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

COUNTY PURCHASING

Tri-State Fire and Safety Protection, Inc. Contract

Don Williams: County Purchasing, Mr. Grassman, you have a couple of items for us?

Joe Grassman: Joe Grassman, Purchasing Manager. The first item is the...our contract with Tri-State Fire and Protection Agency which does all of our fire extinguisher inspections, sprinkler inspections, smoke detector inspections and that sort of thing in most of the buildings for the county. Basically what we've done is...prices really haven't changed since we negotiated this contract in 2011, they just added the Harbor House/Drug Court to our contract. Adam has reviewed it and is okay with the contract, basically I'd like to get your approval to have this signed and continue on for another three (3) years with this company.

Don Williams: Counselor, it's the same except for the addition of the Harbor House?

Adam Long: The rates have changed a little bit, the last agreement that we had filled out had rates from 2011 or something like that so the rates have adjusted slightly but essentially it's the same contract and actually I think we might have fixed some grammatical errors or something like that...

Joe Grassman: Yeah, we did a little...

Adam Long: But essentially it's the same document.

Don Williams: Any questions from the board?

Marlin Weisheit: I have none.

Rick Reid: None.

Don Williams: Entertain a motion.

Marlin Weisheit: I'll make a motion to approve the contract with Tri-State Fire and Safety Protection.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Joe Grassman: Thank you.

Old Courthouse ~ Roof Leaks

Joe Grassman: The second item is regarding the roof leaks here in the old Courthouse. I think, in my opinion, it's a pretty serious problem; it needs to be taken care of as soon as possible. I sent you all information, you knew all this, I got three (3) bidders to come up, three (3) inspectors, only one (1) of them bothered to give us a quote and that was Heidorn Construction, they gave us actually two (2) quotes. One (1) quote was a get us by for a while quote, option number two (2) and then a more of a long term repair was the option number one (1) it's forty six thousand seven hundred eighty seven dollars (\$46,787.00), that's a lot of money...

Don Williams: Six hundred what?

Joe Grassman: It's forty six thousand seven hundred eighty seven dollars (\$46,787.00).

Rick Reid: Is that the long term?

Joe Grassman: That's the long term.

Don Williams: Yeah, it was thirty three something if I recall...I call it the band-aid.

Joe Grassman: Yeah, thirty three five twenty seven (\$33,527.00) was the option to basically go up there and patch it. So I'm requesting that we...that you all decide and make a decision how you wish to proceed and...

Don Williams: Roger, do we have a funding source for this?

Roger Emmons: Do we have what?

Don Williams: A funding source, I mean, we got to pay for it.

Roger Emmons: No.

Don Williams: We don't have...I consider this pretty much an emergency...

Roger Emmons: Oh, I agree but...

Don Williams: Cause it's dripping down on the clock area.

Roger Emmons: I think it's a good thing for the County Council to consider.

Don Williams: It truly is a rainy day problem. (Laughter)

Roger Emmons: Either out of their Rainy Day Fund...literally.

Don Williams: I mean, it is cause...

Roger Emmons: Or out of their budget.

Don Williams: If not the clock is going to be ruined, the roofs going to be ruined and the building will be ruined in the long run. The building is deteriorating and this is just, I think, the beginning.

Roger Emmons: You could...I would have to go through the paperwork; you could use Cum Cap if I prepare the Proclamation to declare it an emergency and that is a funding source. We'd have to...

Don Williams: I don't want to wait two (2) weeks to get going on this, so that's my problem. Can we declare it an emergency today?

Adam Long: I don't know if you can do it prospectively.

Don Williams: I mean, the roof's leaking for crying out loud.

Roger Emmons: Well, you got plenty of funds in the Cum Cap Contractual Services, it's just a matter of, you know, can you do it retroactively by...we got to get this done...

Adam Long: You can add an extra regular meeting if you'd like to do that for that purpose.

Don Williams: Okay, we can't approve it and just sign the proclamation?

Adam Long: I wouldn't feel comfortable doing it in that order. I think that you could do it under that frame work but in the order suggested I don't feel comfortable.

Don Williams: How long before you can have that ready?

Roger Emmons: Probably tomorrow.

Adam Long: Do you need...I think forty eight (48) hours notice so you can have the meeting on Wednesday or Thursday.

Roger Emmons: Right.

Don Williams: You guys got time on Thursday or Friday, either one?

Rick Reid: How about the Solid Waste Management, the 15th?

Don Williams: That's a Thursday.

Rick Reid: I know, but I mean, do you want to wait that long?

Don Williams: Yeah...

Adam Long: Well...

Joe Grassman: Don, can I say one thing? You asked me this question today and I didn't have the answer but I do now, this is Heidorn's...you asked him when he could start and they won't be able to start for five (5) to six (6) weeks after we say they can.

Don Williams: Oh, so there's not that big of a rush.

Joe Grassman: Well, it's a rush to let them know...

Don Williams: We got a temporary cover...we got a cover on it right now.

Joe Grassman: The longer we wait to tell them it's going to take five (5) weeks after that.

Don Williams: I understand, I understand...

Roger Emmons: But do you consider that we've taken quotes?

Joe Grassman: Yes.

Roger Emmons: You've actually gone through the formal process?

Joe Grassman: Yes, I solicited three (3) quotes...

Roger Emmons: Okay, well, I know you...

Joe Grassman: Only one (1) bidder responded but still solicited three (3) quotes.

Adam Long: Did they make any structural findings, just out of curiosity; I think there was something...

Joe Grassman: Heidorn definitely found some wood rotting in the cupola area.

Adam Long: And those are things that were discovered at that time that we were previously unaware of.

Joe Grassman: Right...when he went up to inspect...

Adam Long: As part of our findings for the proclamation or the documentation...

Roger Emmons: And I can work with Joe to get that wording correct.

Adam Long: Yeah, okay.

Don Williams: And another issue on this, Joe didn't bring it up, but there is also a possibility that one (1) or more of those four (4) clock faces that face north, south, east and west, could be leaking around the face. And in the meeting with Heidorn we had the option of having them get a crane and go up there and look at them which would be somewhat costly, or when they go up there to make the repairs my thought was have them look at it then and if they need to be caulked it'll be one thousand dollars (\$1,000.00) or less to caulk those clock faces from the frame.

Adam Long: We just need to make sure that our change order stays within that...I think it's a twenty percent (20%) threshold that we ran into with the elevator.

Don Williams: I think it would be. Yeah, it would definitely be within twenty percent (20%).

Adam Long: Twenty percent (20%) is eighty two hundred dollars (\$8,200.00).

Don Williams: Yeah, it'd be within ten percent (10%).

Adam Long: Okay.

Don Williams: But the old Courthouse is a beautiful building and we're at a point in its history where we've got problems that are a whole lot more than cosmetic so...we went out and took pictures a couple of weeks ago, we need to start probably next month then or the month after to approach the council and let them know what was going on with the Courthouse.

Adam Long: One thing out of curiosity would be with respect to Heidorn's time table and in light of the Boards current position would be whether Heidorn would accept notice earlier then essentially when the vote would take place. I mean, it seems to me like...maybe not the decision being made but it seems like people are inclined to approve such but...to get through the procedure...

Joe Grassman: I'm sure they would start...initiate our time, you know the time frame that it's going to take before they can start as soon I talk to them on the telephone it'd be that simple.

Adam Long: They could pencil us in?

Joe Grassman: Yes, absolutely. We can express our interest in trying to expedite the whole process because, you know tell him about the...express the...emphasize the nature of the problem.

Don Williams: You contacted three (3) quoter's and you contacted them all, the two (2) that didn't bid at least what, once or twice or more?

Joe Grassman: I sent...I contacted them initially, they all...all three (3) of the contractors came and inspected it, then they left and I said 'send me a quote' well, only one (1) did so I called the two (2) back that didn't send me a quote and I said 'you guys went up and inspected, do you got any idea what's going on?' they said 'yeah', I said 'well, can you give me a quote?', 'sure, yeah, we just forgot' or one thing or another. That's been two (2) or three (3) months since then and no response.

Don Williams: Okay, I feel comfortable.

Joe Grassman: Yeah, I think I made every effort.

Rick Reid: Can we make a motion that we'll pay for this if the Council doesn't?

Don Williams: No, I think we just approve the repairs and we'll see where it goes. If we go out of Cum Cap that is a line item that we control, there's not too many that we do but Cum Cap is one of them.

Roger Emmons: Right, I mean, the Council will have to appropriate...

Don Williams: Yeah, so that's appropriated...

Roger Emmons: But it's only...this board is the only ones that can use that...those funds. They're special.

Don Williams: I'd rather ask them for out of the Rainy Day first and see what happens. Maybe they'll at least split it with us if nothing else so we'll see how it goes.

Roger Emmons: That's a good idea.

Don Williams: Okay, so do we need to do anything until we have that special meeting.

Rick Reid: Can Joe go ahead and tell them to go ahead and start?

Don Williams: I think Joe can do that.

Rick Reid: Okay.

Don Williams: He can stick his neck out.

Roger Emmons: We might as well wait until the 26th unless they can start...of course it doesn't matter, if they can start earlier than the five (5)...

Joe Grassman: I think if they're pretty well assured that we're going to do it; I think they'll start...pencil us in right away and they'll start...

Roger Emmons: Yeah.

Adam Long: But that would be an anticipated five (5) weeks.

Joe Grassman: According to the email I got yeah, but maybe I can talk to them and like I said try to push them a little bit.

Don Williams: Who put the covering up on it now temporarily?

Roger Emmons: Well, all we've got now is up underneath the cupola the clock, which was refurbished a number of years ago looks brand new still. It is housed in a little shed that's inside the building and we have a tarp over that.

Don Williams: Protecting the clock?

Roger Emmons: Yes.

Don Williams: Okay.

Roger Emmons: But that's all we have, anything else that's coming in is...

Don Williams: If they can cut that back to three (3) weeks it'd be good.

Joe Grassman: Okay.

Adam Long: If you want you could set the Extra Regular Meeting whenever or if you're just going to approve it in a regular meeting...

Don Williams: If they will...I can call the meeting I guess at anytime really, my thought would be is Joe contact them if they're willing to go ahead on a verbal we're going to approve this we can actually do it on the 26th without having a special meeting, go ahead and start the process rolling. If not you need to let us know so we can schedule the meeting.

Joe Grassman: I'll call tomorrow and I'll email all of you immediately after I talk to them and I'll add Roger.

Roger Emmons: Okay, thank you.

Don Williams: So do we need to take any action today to bring it back on the 26th under your business, Joe.

Joe Grassman: Okay.

COUNTY ATTORNEY

Williams Baling Agreement

Don Williams: Item D, County Attorney.

Adam Long: I have a Baling Agreement that is something that was drafted awhile back the geographic scope of what was subject to the agreement as far as property to be baled had been modified to a certain extent and so the document has been changed to reflect that change in territory essentially and I believe I forwarded that to Roger and we're...

Roger Emmons: I have it too.

Adam Long: It's just essentially for the baling of the property by the Security Center and Harbor House and south of the 4-H Center.

Marlin Weisheit: About eleven (11) to twelve (12) acres there I think.

Adam Long: It very well could be, I recited the total ownership there but then segregated out all the things that couldn't be done, I don't know what the residual acreage is but it's marked out.

Roger Emmons: On the exhibit...could very well be what Marlin mentioned.

Adam Long: Certainly.

Roger Emmons: And we have a revised Exhibit A for our file and for Mr. Tony Williams' file.

Don Williams: No relation.

Rick Reid: No.

Roger Emmons: No relation.

Don Williams: Not even a 32nd cousin, I must state that.

Roger Emmons: I did call Mr. Williams and he's in agreement, he just said he'd wait and I'll call him tomorrow, he can come in and sign it then we'll have a completely executed agreement.

Rick Reid: Okay.

Don Williams: What's the will of the board?

Marlin Weisheit: Do we need to make a motion on that then, Adam?

Adam Long: Yes, this would be entering into a contractual relationship so yes.

Marlin Weisheit: I'll make a motion to approve the new Baling Agreement with Mr. Williams.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Roger Emmons: Thank you. This just requires President Williams' signature. I've got a letter for him as well.

Don Williams: You have anything else?

Adam Long: That is all I had today, thank you.

COUNTY ENGINEER

Discuss Weed Control Board Appointments

Don Williams: County Engineer, you have several issues for us.

Bobby Howard: Yes, the first item I have is to discuss the Weed Control Board Appointments. I believe last year five (5) appointments were made to the Weed Control Board, two (2) of those appointments are no longer able to serve and I would like to recommend some people for approval so that that board can begin meeting again. The first recommendation I would have is Phil Springston from the agricultural side of things, we have to have a representative from agriculture on that board and he said he was willing to serve.

Roger Emmons: Did you say Phil or Bill?

Bobby Howard: Philip.

Roger Emmons: Philip, okay.

Marlin Weisheit: I make a motion that we appoint Phil Springston to the Weed Control Board.

Don Williams: As the Agriculture Representative...

Marlin Weisheit: As the Agricultural Rep., yes.

L.B. "Dixie" Dugan: P-H-I-L-I-P.

Rick Reid: Second.

Roger Emmons: Yeah, just one (1) "L".

Don Williams: Yep, I'll second that motion. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: You seconded the motion. All in favor say aye, sorry about that, sidetracked. We have another one, you have a Highway Representative, and do you have a recommendation?

Bobby Howard: I would recommend Terry Turner from the Highway Department.

Don Williams: He has stated interest in doing this?

Bobby Howard: Yes, he has agreed as well.

Don Williams: Okay, thank you.

Rick Reid: I'll make that motion.

Marlin Weisheit: I'll second that.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Now, that would leave Linda Orth, who's the Township Trustee, Garilyn Bradley who's Soil and Water and Amanda Mosiman who's our Extension Officer.

Bobby Howard: Great.

Roger Emmons: That Township Trustee resigned.

Don Williams: Oh she did?

Roger Emmons: Yes.

Marlin Weisheit: I don't think...

Roger Emmons: She's been replaced by Eric Stamps. Did you say Linda Orth?

Don Williams: Yes.

Roger Emmons: Lane Township? Yeah, she resigned.

Bobby Howard: So I'll need to get another member then. (Laughter)

Marlin Weisheit: And I don't know if that one young lady, Ms. Bradley, I don't think she's still on Soil and Water, you might want to...

Don Williams: She's still working for Storm Water...

Marlin Weisheit: For Soil and Water?

Don Williams: Does inspections for Storm Water I'm sure.

Marlin Weisheit: Okay.

Bobby Howard: I'll check.

Marlin Weisheit: Yeah, just check.

Don Williams: If you would check. Does it have to be somebody from Soil and Water?

Bobby Howard: Yes.

Don Williams: Okay, yeah, we need to check on all those and let us know on the 26th if you would.

Bobby Howard: I will do so, thank you.

Don Williams: We know Ms. Mosiman down in the Extension Office is still there and I know she spoke to me a week or two ago about when it's going to get active again so she's on board for sure. Okay, we made our appointments there, next item.

Request Use of Highway Donation Funds ~ Rock for New Drug Court Parking Lot

Bobby Howard: The next item I have was to request to be reimbursed from Highway Donation Funds for the rock that was spent for the new drug court parking area. I guess the Harbor House has been remodeled and court services are being held there now and they didn't have a sufficient parking lot. And that total is eighteen hundred eighty dollars and sixty six cents (\$1,880.66).

Don Williams: Fifty six cents (\$0.56)...

Bobby Howard: Sixty six cents (\$0.66). Eighteen eighty sixty six (\$1,880.66).

Marlin Weisheit: And you want to take that out of the Highway Donation Fund?

Bobby Howard: That would be my request.

Roger Emmons: Has it been turned in for payment?

Bobby Howard: I have already paid it out of Local Road and Street.

Roger Emmons: Okay, so what will happen...?

Don Williams: We reimburse it from ...

Roger Emmons: I think it can just be reposted from what he's paid it out of to the Highway Donation discretionary line item, which is four one nine zero point one zero (4190.10) if that's the Board's wishes.

Marlin Weisheit: Do you need that in a motion?

Don Williams: I do.

Marlin Weisheit: I'd make a motion that we do that transfer to reimburse that account.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Yeah, nothing is supposed to move in and out of that line item without board approval in an open meeting.

Marlin Weisheit: Yeah, I appreciate Bobby getting that taken care of out there, I know they've moved and everything is going good out there so...

Don Williams: Hasn't always happened like that, except for once anyway.

Stop Sign Request: Hillsboro/Vann Road

Don Williams: Okay, item three (3).

Bobby Howard: Item three (3), I've had a stop sign request at the intersection of Hillsboro and Vann Road the request is for a three-way stop. Upon inspection there is a site distance issue back to the east along Hillsboro when you're coming north bound on Vann and my understanding is that there's some...there is a lot of speeding thru the area as well and...

Don Williams: We had a speed study done some years ago did we not?

Bobby Howard: Yes.

Don Williams: And there was speeding going on then, so my assumption is that the road situation is probably...

Rick Reid: Magnified.

Don Williams: Continues...magnified, you live on that road so I'm sure you're aware of it.

Marlin Weisheit: Sheriff, you'd be okay with that stop sign being placed there? Hillsboro and Vann, making that a 3-way stop there?

Sheriff Kruse: Yes.

Don Williams: Do we have to do that by ordinance? Or are we okay? We've done it by motion before I know.

Adam Long: I believe that the board quite some time back approved or created an ordinance that stated that the traffic control could be modified by resolution so I just need Bobby to send me the details and then I'll take a look at that. Just email me.

Don Williams: Okay, can we go ahead and approve it by motion and then additionally look at the resolution when it's done. That way the highway department can go ahead and get started on the signs?

Adam Long: I don't...I think...

Don Williams: We'll wait, Counselor.

Adam Long: I think since the ordinance exists, to change it by resolution that's the way it should go.

Don Williams: Okay, we'll keep it clean.

Marlin Weisheit: You got a consensus to do it though I believe so...

Don Williams: Yeah, absolutely.

Rick Reid: Yeah.

RW Armstrong Name Change – Letter Approving Contracts Transfer to New Name

Bobby Howard: Item number four (4) is a letter I received from CHA which is now...they are the company that merged with RW Armstrong and Associates and they sent me a letter letting me know that there's a transition in place and RW Armstrong would like to assign all their contracts they currently have with us to CHA and they would like us to sign this Consent to Assignment of Contracts and we have one (1) contract outstanding with them and it's the Warrick County Bridge 271 CE Agreement, which should be finishing soon but they would just like approval to transfer I guess to sign the contract to CHA Consulting.

Don Williams: Okay, any questions? If not, what's the will of the board?

Rick Reid: Is there a problem with it?

Adam Long: No, essentially the person that was doing the contract or obligated to us apparently is ceased to exist by the fact they've been absorbed so this is not out of the ordinary at all.

Don Williams: This Bridge is almost completed if I remember right; it's not too far...

Rick Reid: So moved.

Don Williams: Motion by Commissioner Reid.

Marlin Weisheit: Second.

Don Williams: Second by Commissioner Weisheit. All in favor let it be known by saying aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries.

Change Order #2 for Scales Lake Project

Bobby Howard: The next item I have is Change Order #2 it's a Request for Extension to Contract Time for the Scales Lake Project. The substantial completion date was originally September 30th, 2013 and that's moving the final completion date...oh, wait...the substantial completion date was originally July 31st and that will not change to September 30th and the final completion date was October 31st and they need this changed due to the...partly due to the weather we've had and then some issues with the foundation re-design took some time to get the new foundation installed and I would recommend approval of that extension.

Adam Long: Does that fit within the grant's time table?

Bobby Howard: Yes, we've already...

Don Williams: They've already approved it.

Adam Long: Okay, just making sure. I remember there was a deadline in there for the completion so I just wanted to make sure that we had that...

Bobby Howard: We put a request...

Don Williams: They've already approved that sixty (60) day extension.

Bobby Howard: Yes, I did get an email from Debbie that said that the extension was approved.

Marlin Weisheit: I'd make the motion to approve that Change Order #2 for Scales Lake to change the deadlines to...final on October 31st.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Bobby Howard: Speaking of change orders, can I just go ahead and bring up the Lincoln Avenue change order?

Don Williams: Might as well.

Bobby Howard: Lincoln Avenue, Phase II, we have Change Order #3 and #4. Change Order #3 is the total of sixteen thousand seven hundred twenty one dollars and twenty seven cents (\$16,721.27). Warrick County's portion will be three thousand three hundred forty four dollars and twenty six cents (\$3,344.26) and this is due to the numerous natural springs that they have encountered along the project location. This is to put in some under drains to handle some of that flow to outlet the water to storm sewers and I would recommend approval of this change order.

Don Williams: Is that it? Just that one thing the spring...?

Bobby Howard: And then I have another Change Order #4, this is due to some signal loops at Lincoln and Bell Avenue, um, they had to be removed as part of the pavement removal in the area and that was not included in the cost of the contract and that change order is for a total of one thousand six hundred seventy five dollars and thirty cents (\$1,675.30). Warrick County's portion is three hundred thirty five dollars and six cents (\$335.06). And I'd recommend approval for both of those change orders tonight.

Don Williams: Okay, we have two (2) Lincoln Avenue Change Orders, what's the will of the board?

Rick Reid: I'll make a motion to approve the Change Order #3 and #4 for Lincoln Avenue.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Request to Close Parker Drive and Waldo Way

Bobby Howard: And the last item I have is I have received a request from Kendall Construction Group, I don't know if anyone's here...

Don Williams: No, I meant to take care of this when they were here and, you know just jump down to it and I neglected to do so...

Bobby Howard: They had a request to close Parker Drive and Waldo Way while they're going to do construction in the area. They felt like a lot of traffic cuts through this roadway to avoid the Oak Grove Road and State Road 261 traffic signal. This is the first time I've had a development request public roads be closed so that they could develop their area and I think those areas, in my opinion, that roadway alleviates some traffic congestion at that intersection and I would not recommend closure.

Don Williams: Questions for the board? If not I'll entertain a motion.

Marlin Weisheit: I'm not in favor of closing either one of those entrances there, I mean...

Don Williams: Well, make a motion to deny and we'll act on it.

Marlin Weisheit: I'll make a motion to deny. (Laughter)

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. That leaves no vote three (3), zero (0), denial.

Marlin Weisheit: With that said, if they close that little strip at the bottom where they've got just their construction I don't think nobody's going to have a problem with that...

Don Williams: No problem with that.

Adam Long: They can submit an amended request.

Bobby Howard: He contacted me via email so I will get in contact with him tomorrow.

Don Williams: We could, instead of him having to come back and request again, can we not just rescind our second and our motion and go ahead and amend it where it...to allow them to use that small section there that doesn't affect the traffic on the roadway that away it wouldn't have to come back and we'd have to spend time on it again.

Adam Long: You voted to deny their request for all of them so somebody could make the motion that only a portion of it would be approved without rescinding anything.

Don Williams: Anybody want to make a motion to approve that small portion, was it just off to the north I think.

Marlin Weisheit: Yeah.

Bobby Howard: It would be Parker Drive just east of Waldo Way.

Don Williams: Okay, do I have a second?

Rick Reid: Second.

Don Williams: Sheriff?

Rick Reid: Do you need a vote on that?

Don Williams: Not yet.

Adam Long: Did the Sheriff second that? I was...

Don Williams: Sheriff's got a gun and he wants to...

Sheriff Kruse: No, I just wanted to point out that the school busses use that as a lay down area between the kids they drop off at the middle schools and elementary schools and the high school times. So, they...and I don't know, it may not be a problem but they drop some kids off and then they pull in there for a lay down period and then they go back out and run route again.

Don Williams: In other words they just sit in that area for awhile.

Sheriff Kruse: Do what?

Don Williams: They just sit there?

Sheriff Kruse: Right, they pull off of Oak Grove and wait in there for a little while.

Don Williams: We haven't made that motion yet have we?

Marlin Weisheit: They wouldn't want to be in there during all that construction though, they'll probably want to change their...

Sheriff Kruse: Well, and I don't know about that but I know they've used that for years to pull in there for a little bit and then...

Marlin Weisheit: Cause there's going to be a lot of construction. We just don't want to stop the flow of traffic problems down there so...but I can't imagine a bus driver want to pull back...they're going to have that area congested with a lot of building and supplies.

Sheriff Kruse: You're talking about in the apartment area?

Marlin Weisheit: The apartment buildings, yeah, there in the bottom.

Sheriff Kruse: I thought they were closing it for the road for the 261 project.

Marlin Weisheit: No, this is for the apartments.

Sheriff Kruse: Okay, I just wanted to bring that up before you voted.

Marlin Weisheit: Yeah, appreciate you bringing that up, yeah.

Don Williams: Okay, what do you want to do with that? We have the motion I believe, motion was made and a second.

Marlin Weisheit: I'm still in favor of allowing them to close that little section cause the buses can work around that little section without any trouble.

Don Williams: So I have a motion...who made the motion?

Rick Reid: Marlin did.

Marlin Weisheit: I made the motion and Rick seconded.

Don Williams: Second by Rick to close that section. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Marlin Weisheit: We might want to let the Director of Transportation, Guy Gentry, aware of that too, Bobby, just so he can let the drivers know.

Don Williams: Okay, do you have anything else, Mr. Engineer?

Bobby Howard: No, that's all I have thank you.

COUNTY HIGHWAY

Don Williams: Do you have anything you want to talk about from the Highway Department?

Bobby Howard: We did receive our Wheel Loader and in about a week we should receive the Asphalt Reclaimer.

Don Williams: Good. Congratulations on the work that you did there.

Bobby Howard: Thank you.

Don Williams: The numbers look real good out at the Highway Department. I think you'll particularly be congratulated on the smoothness of your trip past the Council in the budget.

Bobby Howard: Thank you.

Don Williams: They seem to appreciate you a whole lot more than they did me.

COUNTY SHERIFF

Don Williams: Sheriff, do you have anything, Sir?

Sheriff Kruse: No, Sir.

COMMISSIONERS ITEMS FOR DISCUSSION

Commissioner Williams: Commissioner Reid, do you have anything?

Commissioner Reid: Nothing.

Commissioner Williams: Commissioner Weisheit, do you have anything?

Commissioner Weisheit: Not at this time.

Commissioner Williams: Just one thing, just a reminder, to keep it on the top burner, I mentioned I think to you in passing but the old Lillpop building over here, as soon as we've got appraisers appraising that building, and we know we got people interested, Mark Mayer for one, as soon as those are in we need to get right on with getting that issue resolved with that building and if we can make it profitable going back on the tax rolls I think we need to move in that direction. And that's all I have. Entertain a motion.

Commissioner Reid: Motion to adjourn.

Commissioner Williams: Oh yes, Sir. Come on up.

Roger Emmons: How are you doing, Ted?

Ted Blake: Great, Ted Blake, 8811, 8855 Outer Lincoln Avenue. Just had a little question on these old trees in front of my property there at 8855 and I thought that there might be a consideration of taking these old things down and that's what I was hoping to do.

Commissioner Williams: Do you have picture for us there?

Ted Blake: Yeah, I don't know if you can tell anything about them but they're old maple trees and they worked right up against the stumps...

Don Williams: Are they in the road right-of-way?

Ted Blake: They're right up against their construction limits there, Bobby, is that right?

Bobby Howard: My understanding is they are up against the construction limits, the contractor didn't feel like he damaged the trees; I'm not sure that... There's a statement that we purchased so many trees when we bought the right-of-way, I'm not sure if being on the right-of-way line, on the construction limits line if we needed to take them down or not, if it's the Board's...

Commissioner Williams: You want them down, Sir? Is that what you're saying?

Ted Blake: Yeah, these...especially these two (2) old maples right there in front of the house, you can see that they've both been damaged by the ice storm, cars run into them from the road; we've been dealing with this...

Bobby Howard: I don't know if the grading...did it even get into the root system?

Ted Blake: Yeah, they did.

Bobby Howard: A little bit in the one?

Ted Blake: Well, both of those across the front there, these pictures are after they've done some of the grading and stuff here but you can tell...

Bobby Howard: Yeah, I mean, we'll look at it, I know our inspectors talked to you about it a little bit.

Commissioner Reid: You've got some dead ones in this one.

Ted Blake: Josh, he talked like that you didn't think they needed to come down but you can look at the trees and tell that they've already been stressed by all the other damage and then the earth being moved and maple trees that had

roots all up on top of the ground there. So they...on that one side anyway they've taken roots away from it and I'd just soon go ahead and get them removed.

Bobby Howard: With them not being in the contract limits, the contractor doesn't have it in his contract to remove those trees. So that would be a change order to the project if we do so.

Ted Blake: And there's another situation...

Bobby Howard: Unless they can wait until after the project's been cleared out.

Commissioner Williams: And then we can do it.

Ted Blake: I have no problem...

Bobby Howard: I believe they're in the right-of-way still.

Commissioner Williams: If they're in the right-of-way then the county can legally take them down but we do not want to increase the price of this contract.

Ted Blake: I understand.

Commissioner Williams: I'd rather do it after the roads...

Ted Blake: I've been dealing with this thing since 1989 and, I don't know, hopefully I'm getting on this speaker thing but since dealing with this in 1989.

Commissioner Williams: You would if you were at that microphone for sure.

Ted Blake: After dealing with this road project since 1989, we'd just like to see that we get something out of the value of thing here taken care of. We would have liked to have other things along with the project too, we'd like to have the sidewalks on both sides of the road down through there because the amount of foot traffic down through there and everything else and we brought this to light many times over the years since this has been going on. But we didn't get all that but there's also a stump that...see, I thought somebody was overseeing what everybody else had been doing down there but evidently we've cut the cart loose from the horse and the horse took off running and...

Bobby Howard: My understanding, the stump was going to be ground out here later on if it's in the right-of-way, didn't Josh mention to you that they could...?

Ted Blake: Well, he didn't know about the stump. Now where the trees are at in that wide driveway there they're going to dig that out or something.

Commissioner Williams: Do you want these back, Sir?

Ted Blake: That's not necessary, you can have them.

Commissioner Williams: How high is the stump?

Ted Blake: Well, it high enough you could sit on it I guess.

Commissioner Williams: Is it eighteen (18) inches or is it twenty four (24)? How high is the stump?

Ted Blake: Well, I guess it's about twenty (20) inches or something like that I'd say off the ground probably but it's on top of the hill down there. But what that was where the water and the electric and all that got in there and piled dirt in there and nobody came back and got the thing so...I mean...

Bobby Howard: I'll check to make sure but my understanding was someone that was utilities in the utilities contract, which is outside of our right-of-way, and then other portions of it is inside our right-of-way but outside of construction limits.

Ted Blake: Yeah, anyway, I just...

Commissioner Williams: We'll check on that for you.

Ted Blake: I'm just coming up here to try to bring it back to light again...

Commissioner Williams: I don't think we'd want to change the contract to do that but once the road is done, anything that's in the county right-of-way...

Bobby Howard: If it's in the county right-of-way and if possibly there's damage to it...I don't know I'll have to look at it.

Ted Blake: Well, through the negotiating process to purchase in the right-of-way and all that stuff, if I'd realized that when they told me that those trees would be taken, those people that were acting as agents I guess for the county or whatever buying this property, I assumed that what they were saying was what would happen. If I'd realized differently I would have negotiated more than four hundred dollars (\$400.00) a tree to take the tree down cause there's no way in the world you can take one down for four hundred dollars (\$400.00).

Commissioner Williams: No.

Ted Blake: But anyway, we're all trying to work together in good faith and I want the county to progress too, I wished it would have been a little bit narrower when it progressed through there but that's what we got so I'm trying to work within the rim of what we got here and we've all known each other for years, we'll try to get this worked out. I just come back to keep in contact with you about it more than anything else, thank you for your time.

Commissioner Williams: Thank you, Mr. Blake, I appreciate it. Did you have your hand up? Okay, did I have a motion?

Rick Reid: Motion to adjourn.

Marlin Weisheit: Second.

Don Williams: Motion and a second. We are adjourned.

DON WILLIAMS, PRESIDENT

MARLIN WEISHEIT, VICE PRESIDENT

RICHARD REID, MEMBER

ATTEST:

L.B. DUGAN, AUDITOR
WARRICK COUNTY, INDIANA