

**REGULAR MEETING BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY INDIANA
FEBRUARY 23, 2006**

The Board of County Commissioners of Clark County, Indiana met in Regular Session on February 23, 2006 in Room 308, City-County Building, Jeffersonville, Indiana.

Present at the meeting were County Commissioners Edward Meyer, Vicky Kent Haire and Ralph Guthrie, County Attorney Daniel Moore, Secretary Angela Coleman, and Deputy Auditor Theresa James.

No minutes were submitted for approval.

County Auditor Barbara Bratcher Haas stated that she had audited the current list of vendor claims and found that they have a properly itemized invoice or contract attached and that the proper official has affixed a signature stating that the services have been provided. A motion was made by Commissioner Haire to approve the vendor claims as submitted. The motion was seconded by Commissioner Guthrie and passed 3-0.

County Auditor Barbara Bratcher Haas stated that she had audited the payroll claims and found that they comply with the local salary ordinance established by the Clark County Council with the same two exceptions of the minutes of February 9, 2005. Auditor Haas stated that signature of proper officials is affixed stating that the hours have been worked and the amounts are due. A motion was made by Commissioner Guthrie to approve the payroll claims with the two exceptions. The motion was seconded by Commissioner Haire and passed 3-0.

Clark County Planning and Zoning Resolution 3-2006 (Rappe) was called for public hearing. No persons spoke to the Board regarding the resolution. Commissioner Guthrie made a motion to follow the recommendation of the Plan Commission and approve the zoning change. The motion was seconded by Commissioner Haire and passed 3-0.

Clark County Planning and Zoning Resolution 4-2006 (Widman) was called for public hearing. No persons spoke to the Board regarding the resolution. Commissioner Guthrie made a motion to follow the recommendation of the Plan Commission and approve the zoning change. The motion was seconded by Commissioner Haire and passed 3-0.

Clark County Planning and Zoning Resolution 5-2006 (Greenleaf Properties) was called for public hearing. No persons spoke to the Board regarding the resolution. Commissioner Haire made a motion to follow the recommendation of the Plan Commission and approve the zoning change. The motion was seconded by Commissioner Guthrie and passed 3-0.

131
Amendment No. 10 to Ordinance 10-1998 was called for public hearing. No persons spoke to the Board regarding the resolution. Commissioner Haire made a motion to follow the recommendation of the Plan Commission and approve the zoning change. The motion was seconded by Commissioner Guthrie and passed 3-0.

Clark County Planning and Zoning Resolution 2-2006 (Bugaboo Developers) was called for public hearing. The Commissioners heard comments from **Attorney John Kraft** on behalf of **Bugaboo Developers** requesting that they approve the resolution for rezoning. **Attorney John Grannan, Vissing Law Offices**, spoke representing the residents apposed to the rezoning. Commissioner Haire made a motion to follow the recommendation of the Plan Commission and deny the zoning change. The motion was seconded by Commissioner Guthrie and passed 3-0.

Attorney Niles Driskel, representing **Mr. Kevin Wiggam** made a request for the Board's approval on vacating an alley in New Washington. Mr. Driskell reported that Mr. Wiggam owns both sides of the alley and the vacation would not affect any other property owner. Commissioner Haire made a motion to approve and sign **Commissioners Ordinance 2-2006**. The motion was seconded by Commissioner Guthrie and passed 3-0.

At the request of **Mr. Niles Driskel** and **Chief Deputy Assessor Norma Lockard**, Commissioner Haire made a motion to approve and sign a contract with **McCalley Nicolas**, not to exceed one thousand dollars (\$1,000.00) for accounting services regarding assessment. The funding for the contract is to be paid from the reassessment fund. The motion was seconded by Commissioner Guthrie and passed 3-0.

Attorney Mike Maschmeyer, made a request for the Board's approval on vacating a utility easement in **Crystal Springs Subdivision**. Mr. Maschmeyer reported that the vacation would not cause any utility or drainage problems. Commissioner Haire made a motion to approve and sign **Commissioners Ordinance 3-2006**. As a response to a question from Commissioner Haire as to whether this request should have be submitted to the Drainage Board for review prior to this meeting, Mr. Maschmeyer stated that it was not necessary. The motion was seconded by Commissioner Guthrie and passed 3-0.

Bill Grimes made a request that the Board give approve for a leave of absence of one of the employees in the Prosecutor's Office that was suspended without pay. Commissioner Guthrie made a motion to approve the leave and it was seconded by Commissioner Haire. Motion passed 3-0.

Brent Roberts, Butler, Fairman & Seufert, gave an update on **Gatsby 34**.

At the request of County Engineer Hyun Lee, Commissioner Guthrie made a motion to approve forty six thousand seven hundred eighty seven dollars (\$46,787.00) for a contract with **CPI Supply** for new culvert pipe and installation on **Pine Street in Henryville**. Mr. Lee reported that the new pipe is seven times larger than what is there now. Commissioner Guthrie reminded that there are times that even the new pipes may not hold all of the water. . The motion was seconded by Commissioner Guthrie and passed 3-0.

At the request of Mike Harris, Jacobi, Toombs & Lanz, and Mr. Lee, Commissioner Haire made a motion to approve the purchase of a trailer to replace the one at the **landfill** that is used for the scale house. Mr. Harris reported that the purchase would be paid out of the Wilson Switch Road Landfill Fund. The cost for the trailer and set up was given as approximately thirty five thousand dollars (\$35,000.00). The motion was seconded by Commissioner Guthrie and passed 3-0.

Attorney for the Drainage Board Judy DeSemone accompanied **Steve Tolliver, Wastewater One**, as he made a request for a contract regarding waste water disposal. Commissioner Haire made a motion to approve the contract with the stipulation that the previous contract with another company has expired. **Ms. DiSemone** agreed to make sure that the previous contract with another company has expired and report back to Commissioner Haire. The motion was seconded by Commissioner Guthrie and passed 3-0.

Ryan McGregor gave the Community Corrections Director's report.

The Treasurer's monthly report was submitted for the record.

County Auditor Barbara Bratcher Haas reported that she spoke with **Judge Donahue** regarding a mandate from him to be paid out of the other services mandate fund. This fund was set up by the County Council at budget time with five thousand dollars (\$5,000.00). Auditor Haas reported that **Judge Donahue** agreed to wait until March for this because there isn't enough money in the fund to cover all the claims. At the recommendation of Mr. Moore, Commissioner Guthrie made a motion to make a request from the Council for an additional twenty five thousand (\$25,999.00) for this fund. The Board instructed Mr. Moore to go to the meeting of the County Council and make this request on their behalf. The motion was seconded by Commissioner Haire and passed 3-0.

For the Board's information County Auditor Barbara Bratcher Haas reported that there is confusion in her office as to who should fill out a 1099 form. The Auditor has been challenged regarding collection a 1099 from taxpayers who claim an overpayment. The Auditor was given two different answers from two different persons at the IRS. The Commissioners suggested and the Auditor agreed to try and get an answer in writing from the IRS.

133

County Auditor Haas reminded the Commissioners that they have a Solid Waste Non-Revering Fund.

County Auditor Haas reminded the Commissioners that October 20, 2005 they moved to approve the purchase of ten patrol cars and the proper documentation was not submitted by their office to appropriate the funding. The Commissioner instructed Secretary Angela Coleman to submit a request from the **Cum Cap Fund** for this purchase.

County Auditor Barbara Bratcher Haas submitted the proof of publication for the bid opening for **Bridge # 20 Construction**. The following bids were opened and read by Mr. Moore as follows:

R L Vuckson	\$400,014.69
American Contact Service Inc	\$568,581.20
Gohman Asphalt	\$426,899.74
Mac Construction	\$382,439.13
Fulkerson Construction Inc	\$419,064.08
Temple & Temple	\$418,813.45
Team Contraction LLC	\$311,800.00

Mr. Moore reported that all bids included the proper bid bond. The Board move to take the bids under advisement until the next meeting.

At the recommendation of Mr. Moore, Commissioner Haire made a motion to approve and sign a **Memorandum of Extension of 2005 Contracts** for legal services. The motion was seconded by Commissioner Guthrie and passed 3-0.

Regarding a request from Auditor Haas for Mr. Moore to review a request from the **City of Charlestown** to write off taxes on a conveyance, Mr. Moore reported that he sent a letter to **Mr. Cooper, Attorney** for the **City of Charlestown** and has not received a response.

Mr. Moore and Mr. Lee reported that the **City of Charlestown** has still not responded to a request for information regarding the roads involved in the de-annexed areas. The Commissioners asked Mr. Moore to send the request again to the City of Charlestown.

Mr. Moore reminded the Board that he had given them some language alternatives regarding the insurance eligibility matter.

134

In regard to a request from **Mary Conway, St. Anthony Federal Credit Union**, to solicit Clark County Employees to deposit to the credit union by direct deposit. Mr. Moore reported that he reviewed the copy of their new charter that was provided to him by Ms. Conway and was satisfied there was no constitutional issue. Commissioner Haire made a motion to table decision until the next meeting. The motion was seconded by Commissioner Guthrie and passed 3-0.

At the recommendation of Mr. Moore, Commissioner Haire made a motion to approve and sign **Addendum # 1 to Enhanced 9-1-1 Service Agreement with SBC Global Services, Incorporated** to be paid out of the 911 fund. The motion was seconded by Commissioner Guthrie and passed 3-0.

A letter from **County Surveyor Robert Isgrigg** regarding **Draft Post-Construction Storm Water Management Ordinance** was entered for the record.

Mr. Moore made a recommendation that the Commissioners clearly make a decision whether to appeal **Judge Barker's** decision on the **moratorium lawsuit**.

A letter from **Judge Jacobi** to **Prosecutor Steve Stewart** requesting appointment of counsel in a civil employment suit was submitted for the record. Mr. Moore reported that this can be disregarded because the **State Attorney General** will provide Mr. Stewart with counsel.

Auditor Haas reported that the County does not have a signed **contract** with **Lifesprings**. **Secretary Angela Coleman** stated that she was also contacted by a representative of **Lifesprings** and they are sending a copy of a proposed contract for the Board's review. The Commissioners asked Mr. Moore to review the contract and make the initial contact with **Lifesprings**.

Jim Trachtman, MS Consultants, gave a presentation and made a request for consideration in future county projects.

The Board moved to table decision on an ordinance regarding recycle until the next meeting. The Commissioners instructed **Secretary Angela Coleman** to put this on the agenda for the meeting.

Commissioner Haire asked for the other members of the Board's approval to call **Joe Olson, Clark County Health Insurance Agent of Record**, and set up a meeting with a company from the Commissioner's conference.

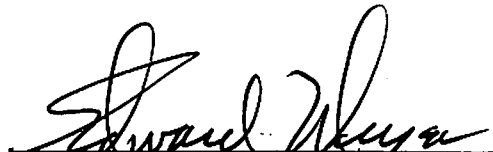
The Commissioners instructed Auditor Haas to get a list of the entities that have not submitted their share in the insurance fund and report back at the next meeting.

135

To the extent the Board held an executive session of any type under (I C 5-14-1.5-6) or otherwise, the Board hereby certifies that no subject matter was discussed therein except that posted in the notice for session or meeting (I C 5-14-1.5-6.1).

There being no further business to come before the Board and on a motion made by Commissioner Haire, seconded by Commissioner Guthrie, and unanimously carried, the meeting was adjourned.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, INDIANA


EDWARD MEYER, PRESIDENT

VICKY KENT HAIRE, MEMBER


RALPH GUTHRIE, MEMBER

SIGNED THIS DAY

ATTEST:


BARBARA BRATCHER HAAS
CLARK COUNTY AUDITOR