

**REGULAR MEETING BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY INDIANA  
SEPTEMBER 20, 2007**

The Board of County Commissioners of Clark County, Indiana, met in Regular Session on September 20, 2007, in Room 404, Clark County Government Building, Jeffersonville, Indiana.

Present at the meeting were County Commissioners Edward Meyer, Ralph Guthrie, and Mike Moore, County Auditor Barbara Bratcher Haas, Attorney Dan Moore, Secretary Kristi James, and Deputy Auditor Theresa James.

**Approval of Minutes**

The minutes from the meeting of September 6, 2007, having been mailed to the Commissioners and Mr. Moore prior to the meeting, were presented to the Board for approval. Commissioner Moore made a motion to approve the minutes as submitted. The motion was seconded by Commissioner Meyer and passed 2-0-1 with an abstention from Commissioner Guthrie because he was not present at that meeting.

**Approval of Claims**

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 and the proper official has affixed a signature stating that the hours have been worked and the amounts are due. A motion was made by Commissioner Guthrie to approve the payroll claims as submitted. The motion was seconded by Commissioner Moore and passed 3-0.

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.

Commissioner President Meyer recognized **Jeffersonville High School Students Taylor Lockard, Lauren Waiz and Kim Hensley** attending the meeting for their government class.

At a motion by Commissioner Guthrie, seconded by Commissioner Moore, and a vote of 3-0, the Board voted to approve and sign **Commissioner's Resolution 7-2007** (A Resolution Enacting Procedures for the Investigation and management of Complaints Regarding Developer Bonds, Letters of Credit or Sureties).

Commissioner Moore made a motion to approve and sign **Commissioner's Ordinance 11-2007** (An Ordinance Authorizing Clerk of Court to Continue Conducting Marriage Ceremonies under Circumstances Described). The motion was seconded by Commissioner Guthrie and passed 3-0.

**Joe Edwards, Vice President SRI Incorporated**, spoke to the Board regarding the twenty seven parcels that did not sell at the County's recent tax sale which was held on August 7, 2007. Mr. Edwards stated that taxes were paid up on one thousand eighty-nine (1,089) parcels and the county collected three million dollars (\$3,000,000.00) in taxes. Mr. Edwards made a request to the Board to do research with the Auditor on these twenty-seven parcels and then present a plan to the Board with options regarding a silent auction. At a motion by Commissioner Moore, seconded by Commissioner Guthrie and a vote of 3-0, the Board voted to allow SRI Incorporated to do the research and present the plan for the Boards consideration.

A motion was made by Commissioner Moore and seconded by Commissioner Guthrie to approve and sign a contract with **Auctioneer Steve Heil** to sell various county properties at public auction. The motion was seconded by Commissioner Guthrie and passed 3-0.

Representatives of the homeowners in the **Sunset Hills Subdivision** that attended the meeting of August 23, 2007 with complaints about the problems in **Sunset Hills Subdivision** returned for this meeting as agreed, giving the Commissioners opportunity to have County Engineer Hyun Lee to work with the homeowners in an effort to resolve the problems.

**Mr. Ben Schy, 13235 Sunnybrook Drive, Memphis, Indiana** spoke regarding the problems with the roads in **Sunset Hills Subdivision**.

**Mr. Steve Wills, 13209 Sunnybrook Drive, Memphis, Indiana,** spoke regarding the drainage problems in **Sunset Hills Subdivision**.

**Mr. Aaron Rogers, 13145 Sunnybrook Drive, Memphis, Indiana,** spoke regarding the overgrown and trash filled lots in **Sunset Hills Subdivision**. **Mr. Rogers** stated that **Mr. Sprigler, Developer of the Subdivision,** will not enforce the homeowner's association regulations.

**Mr. Mike Garza, 13203 Sunnybrook Drive, Memphis, Indiana,** presented the Commissioners with the resolutions of the subdivision and a brief overview of the health and liability issues that the residents are facing in the **Sunset Hills Subdivision**.

Regarding a gap in the foundation of **Mr. Mike Garza's Home,** the Commissioners suggested Mr. Garza contact the builder of his home. Mr. Garza stated that the builder will not return his calls and they decided to try this first.

Commissioner Moore made a motion that the Commissioners take responsibility to fix the roads and drainage problem in **Sunset Hills Subdivision** because the County Engineer let the subdivision bond drop. The motion died for lack of a second.

**Brian Dixon, Clark County Drainage Board,** reported that in response to a request by one of the homeowners in **Sunset Hills Subdivision,** he did an inspection of certain lots in the subdivision and he believed that a swell or ditch along the back of their properties could help their problems. Mr. Dixon stated that after he did some research he found that there are no easements along the back of the properties. Mr. Dixon informed the Commissioners that **Sprigler Brothers** have had **Mr. Blankenkoper, Land Surveyer,** design a ditch to correct the drainage problem, but have been unsuccessful in obtaining easements from all of the property owners involved for the plan.

Commissioner Moore stated that the Commissioner's should stop **Builder Mr. Gary Speth, Mr. Sprigler** or anyone who will walk away from a project of this size from getting building permits in Clark County until these problems are resolved. Brian Dixon stated that Mr. Speth paid to have a ditch cut to help with the problems. Commissioner Moore stated that Mr. Speth told the homeowners that if this would cost less than six hundred dollars he would fix it.

Commissioner Moore made a motion that the Commissioners accept responsibility to fix the drainage problem and pave the roads in **Sunset Hills Subdivision**, get Mr. Speth to clean up his lots and stop Mr. Sprigler from ever building in Clark County again. For clarification Commissioner Moore stated that his motion was for Brian Dixon to come up with a plan to fix the drainage problems and then do what it takes to fix them. The motion died for lack of a second.

When asked by Commissioner Guthrie for a report, County Engineer Hyun Lee reported to the Board of Commissioners that he met with **Mr. Sprigler** in 2006 and did an inspection of the streets and some drainage. Mr. Lee stated that he found two places that were a problem, informed the engineer of the development of these problems, and did not know at that time **Sunset Hills Subdivision Bond** expired in 2004.

Commissioner Guthrie reported that he visited the **Sunset Hills Subdivision** earlier in the day and there are some problems but the road is in a construction zone and is probably in above normal condition. Commissioner Guthrie instructed County Engineer Hyun Lee to give all the information pertaining to Sunset Hills Subdivision to Attorney Moore and asked Brian Dixon to give the Commissioners a complete report on the drainage in the **Sunset Hills Subdivision**.

Attorney Moore advised that the private restrictions in the **Sunset Hills Subdivision** need to be addressed and that enforcing private restrictions is not a government matter. Attorney Moore also advised that the problems with the buildings are between the homeowners and the builder. Attorney Moore advised that the drainage problems in the subdivision rest with the Drainage Board instead of the Commissioners.

Attorney Moore advised that a professional drainage plan by a professional engineer needs to be the first step and that should be handled by the Drainage Board. **Mr. Garza** stated that the homeowners went to the Drainage Board for assistance and were told that the Board could not help them. **Brain Dixon** explained that The Data Board was informed by their former attorney that they were not to respond to matters that were approved before the Clark County Drainage Board was formed. **Mr. Dixon** stated that he would look into this matter

A motion was made by Commissioner Guthrie to file a lawsuit against the developer of **Sunset Hills Subdivision** and put a hold on building permits in that area. Commissioner Moore left the room. The motion was seconded by Commissioner Meyer and passed 2-0. Commissioner Moore returned to the room.

At a motion by Commissioner Meyer and seconded by Commissioner Guthrie the Board moved to send the homeowners in **Sunset Hills** back to the Drainage Board and informed them that the Drainage Board does have funding . The motion passed 2-1 with a no vote from Commissioner Moore.

**Ms. Tami Ross** questioned the Commissioners regarding Indiana Law 36-9-27-69.5 passed in 1981. Attorney Moore again suggested that the emphasis needs to be on a drainage plan.

**Mr. John (unclear)** spoke to the Board with concerns about the value of the property in this subdivision because of these drainage and road problems.

County Engineer Hyun Lee stated that the subdivision is eighty percent complete so it is time for the final coat on the roads pursuant to the County Ordinance.

At the request of Connie Kitts, Commissioner Guthrie made a motion to keep the same members on the **Employee Health Insurance Committee** and allow them to attach a letter to the employee's paychecks notifying them of a meeting to discuss insurance concerns before open enrollment in November. Ms. Kitts also, requested that the committee have permission to discuss health and life insurance with County Insurance Agent of Record Joe Olson. The motion was seconded by Commissioner Moore and passed 3-0 to allow the members to remain the same, allow them to meet with Mr. Olson and attach notice of a meeting on the employee's paychecks.

At the request of Shirley Nolot, **Clark County Treasurer**, a motion was made by Commissioner Guthrie to approve and sign a contract with **MainSource Bank** for remote deposit transfer. The motion was seconded by Commissioner Moore and passed 3-0.

A motion was made by Commissioner Meyer to approve and sign **Commissioner's Ordinance 12-2007 (An Ordinance Banning Outdoor Fires in Unincorporated Areas of Clark County, Indiana)**. The motion was seconded by Commissioner Guthrie and passed 2-1 with a no vote by Commissioner Moore. Ms. James was directed to secure proper legal publication of the ordinance.

A motion was made by Commissioner Guthrie to enter into the record the **Certificate of Substantial Completion** on Project # CCVBC.013.97/ Addition and Renovation on Clark County Corrections Complex. The motion was seconded by Commissioner Moore and passed 3-0.

A motion was made by Commissioner Meyer and seconded by Commissioner Guthrie to approve payment of **surveyor's contracts** from the **Perpetual Corner Fund # 260**. The motion passed 2-0-1 with an abstention from Commissioner Moore.

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

At a motion by Commissioner Meyer, seconded by Commissioner Guthrie and a vote of 2-1 with a no vote from Commissioner Moore, the Board moved to authorize payment to **Dixon Engineering** in the amount of nine thousand dollars (\$9,000.00) for engineering services from **Perpetual Drainage Fund # 237**.

**Randy Burton, Chief New Washington Fire Department**, spoke to the Commissioners regarding revoking **New Washington Fire Department's EMS Certification**. President Meyer recused himself and Deputy Auditor Theresa James from the room for Mr. Burton's statement because they both had testified in the recent court case regarding this decision.

The Board signed the original **Consent to Assignment of Agreements with Farrar, Garvey & Associates, LLC** transferring to **Clark Dietz, Incorporated**, where **Clark Dietz, Inc.** will assume and perform **Farrar, Garvey & Associates** obligations thereunder as approved at the September 14, 2007 meeting.

The Commissioners instructed Mr. Lee to cover the seventy seven thousand dollars (\$77,000.00) which was used to pave the roads in the **Forrest Green Subdivision** and the **Lakeside of the Summit** with equal one third from each of the paving schedule allocations set aside this year for paving in each district.

Commissioner Guthrie made a motion to approve and sign an **interlocal agreement** with the **Town of Borden** for ditch cleaning, after paving season, along a portion of **Daisy Hill Road**. The motion was seconded by Commissioner Moore and passed 3-0.

County Engineer Lee reported that he received the paperwork from **Bid Bridge Incorporated** for a contract for reverse bidding services on the internet for rock salt purchases and sent it back with questions about the language in the contact. The Commissioners instructed Mr. Lee to contact **Mr. Cory Masters** who gave the presentation at a meeting in August and is the contract person. Commissioner Moore instructed Mr. Lee to provide the paperwork to Attorney Moore for review.

Commissioner Moore reported that **Indiana Land Company** has committed twelve thousand dollars \$12,000.00 to the **Cabin Hill Road Project**.

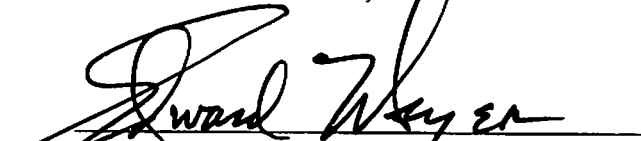
A motion was made by Commissioner Guthrie to hire **Attorney Jack Vissing** to represent the Commissioners and proceed with litigation against the developers of the **Lakeside of the Summit Subdivision**. The motion was seconded by Commissioners Moore and passed 3-0. The Commissioners instructed Mr. Lee to forward the information that he has on this case to Mr. Jack Vissing.

The Board discussed recycling by continuing to provide the **recycle bins** in the outlining areas in Clark County.

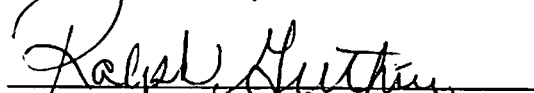
To the extent the Board held an executive session of any type under (I C 5-14-1.5-6) or otherwise, the Board hereby certifies that no subject matter was discussed therein except that posted in the notice for session or meeting (I C 5-14-1.5-6.1).

There being no further business to come before the Board, a motion was made by Commissioner Guthrie and seconded by Commissioner Moore to adjourn. The motion was passed 3-0.

BOARD OF CLARK COUNTY  
COMMISSIONERS  
CLARK COUNTY, INDIANA

  
EDWARD MEYER, PRESIDENT

MIKE MOORE, MEMBER

  
RALPH GUTHRIE, MEMBER

SIGNED THIS DAY

*Oct. 18, 2007*



ATTEST:



BARBARA BRATCHER HAAS  
CLARK COUNTY AUDITOR

