

REGULAR MEETING

CLARK COUNTY BOARD OF COMMISSIONERS

October 25, 2012

The Board of County Commissioners of Clark County, Indiana met in Regular Session on October 25, 2012 at 4:00 p.m. in Room 404, Clark County Government Building, Jeffersonville, Indiana.

Present at the meeting were Commissioners – Les Young, Ed Meyer and John Perkins, County Attorney Greg Fifer, Commissioner Secretary Kristi James and Payroll Clerk Mischell Settles.

Pledge of Allegiance was led by Judge Carmichael.

Approval of Minutes

Payroll Clerk Mischell Settles, presented tabled minutes from the September 27, 2012 meeting. Auditor Snelling was absent. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0. Also presented were the minutes from the October 11, 2012 meeting. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0.

Attorney Fifer presented a letter from Auditor Snelling explaining his absence because of the State Board of Accounts Auditors' Conference. The letter also stated that Auditor Snelling had certified claims and verified payroll. Attorney Fifer stated that Auditor Snelling stated the General Fund is in the red but it is his belief that it will be in the black at the end of the year.

Amendment to the Agenda

A. Judge Moore contract

Approval of Claims/Payroll

Payroll Clerk Mischell Settles presented claims and payroll for October 31, 2012 for approval as submitted by the officeholders and department managers. A letter from Auditor Snelling stated all figures had

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been signed, verified and funds are available. Commissioner Perkins made motion to approve. Commissioner Meyer seconded. Motion approved 3-0.

Public Comments Relating to the Agenda

Charles Krininger, 4211 Jack Teeple Rd, Charlestown appeared before the Board and stated in spring of 2011 when the County was mowing they knocked down his fence. He stated that he has been trying to get this resolved by working with the County Highway Department. He stated he hasn't been able to get any answers. Commissioner Young asked Jim Ross, Highway Superintendent to go to the property and see where the fence is located and assess any damage.

William Fairback Jr., 104 N. Ferguson, Henryville appeared before the Board to ask about a fence being removed. Mr. Fairback has appeared before the Board previously. Commissioner Young stated he needs to go to Planning & Zoning regarding his issue. Attorney Fifer stated this Board does not enforce the Planning & Zoning Board. Attorney Fifer stated an appeal would have to go through court. Mr. Fairback stated he had an affidavit from County Surveyor David Blankenbeker. Attorney Fifer stated he would review the affidavit and let Mr. Fairback know if this is a matter for this Board.

I. Administrative Agenda

A. Cecilia Peredo, River Hills appeared before the Board regarding grant agreement for Marysville Otisco Nabb Water Corporation. Commissioner Meyer made motion to approve Office Of Community And Rural Affairs State Community Development Block Grant Program Community Focus Fund EDS # A192-13-CF-12-109. Commissioner Perkins seconded. Motion approved 3-0. Commissioner Meyer made motion to allow Auditor Snelling sign outside the meeting. Commissioner Perkins seconded. Motion approved 3-0.

Ms. Peredo also presented Request for Release of Funds and Certification for the grant. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0. Commissioner Meyer made motion to allow Auditor Snelling sign outside the meeting. Commissioner Perkins seconded. Motion approved 3-0.

B. Jill Oca appeared before the Board to get a signature for a letter to Kathleen Weissenberger regarding Star Hill Road Construction Project – DR2-09-229. Commissioner Meyer made motion to allow President, Commissioner Young to sign the letter. Commissioner Perkins seconded. Motion approved 3-0.

Ms. Oca also presented a letter to River Hills regarding Selection Results for Grant Administration Services for the Star Hill Road Project. Commissioner Meyer made motion to allow President, Commissioner Young to sign the letter. Commissioner Perkins seconded. Motion approved 3-0.

C. Mike Meyer, Clark County Health Department for approval on the following grants: Grant Agreement EDS # A70-3-0532017 for Bioterrorism Hospital Planning of up to \$5,000.00, Grant Agreement EDS # A70-3-0532048 for Bioterrorism Preparedness & Response Supplemental of up to \$26,872.00 and Grant Agreement EDS # A70-3-0531927 for Bioterrorism Preparedness & Response Supplemental of up to \$20,000.00. Mr. Meyer stated there is no local match on the grants. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0. Commissioner Meyer made motion to allow Auditor Snelling to sign the grants outside the meeting. Commissioner Perkins seconded. Motion approved 3-0.

D. Judge Carmichael appeared before the Board for approval on Amendment #1 EDS #D25-13-008 to Requirements For A Work Release Center Under A Grant/Contract With The Indiana Department Of Correction. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0. Commissioner Meyer made motion to allow Auditor Snelling to sign outside the meeting. Commissioner Perkins seconded. Motion approved 3-0. Attorney Fifer asked if the program would contribute to the jail population. Judge Carmichael said “No.”

E. Jill Saegesser, River Hills appeared before the Board to present State of Indiana-Office Of Community And Rural Affairs State Community Development Block Grant Program Disaster Recovery Fund EDS # A192-13-DR2-09-229 for \$1,100,000.00 for the Star Hill Road project. Completion date is December 31, 2015. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0.

Commissioner Meyer made motion to allow Auditor Snelling to sign outside the meeting. Commissioner Perkins seconded. Motion approved 3-0.

Ms. Saegesser presented a letter to Indiana Office Of Community & Rural Affairs for signature. Commissioner Perkins made motion to allow President, Commissioner Young to sign. Commissioner Meyer seconded. Motion approved 3-0.

She also presented an Agreement For Professional Services-Between Clark County Commissioners and River Hills for CDBG Disaster Recovery DR2-09-229 Construction of Star Hill Road. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Commissioner Meyer made motion to allow Auditor Snelling to sign outside the meeting. Commissioner Perkins seconded. Motion approved 3-0.

F. Diane Swank, Insuramax, Clark County Agent of Record appeared before the Board to get approval on 2013 Health Reimbursement Contract with BMS. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0.

Ms. Swank presented the 2013 Medicare Advantage Contract. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0.

Ms. Swank asked for approve on proceeding on getting proposals for adding a flexible spending account to the employees benefits. Commissioner Perkins made motion to approve. Commissioner Meyer seconded. Motion approved 3-0.

G. Judge Moore appeared before the Board to request Commissioners' to approve and ratify contact servers with Leah James. Also request Commissioners' to participate in future management and planning of CIT Program in County, if any, in future years. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0.

H. Attorney Fifer presented a credit application and contracts from Worrell Corp for Form 11 mailing on behalf of County Assessor, Vicky

Haire. Commissioner Meyer made motion to declare an emergency. Commissioner Perkins seconded. Motion approved 3-0.

Commissioner Meyer made motion to pay for the Form 11 contacts from Worrell Corp out of Cumulative Capital Fund subject to Attorney Fifer bringing documentation to the next meeting. Amount is not to exceed \$52,000.00. Commissioner Perkins seconded. Motion approved 3-0.

I. Sheriff's Business – None

J. Auditor Report/Comments – None

K. Attorney Report/Comments Attorney Fifer introduced Eric Goodman. Mr. Goodman appeared before to the Board to present plans for road construction and improvements at State Road 311. He stated that he has been working with Ken Alexander, Town of Sellersburg, Ivy Tech and the Indiana State Police and they are all in favor of the improvements. Mr. Goodman asked for the support from the County to install a stop light and engineers to approve the plans. Commissioner Young asked Hyun Lee to give the Commissioners' the names of the two engineers that he has contacted for proposals. Commissioner Young asked Mr. Goodman to get together the cost and who is going to participate in paying for the cost. Mr. Goodman asked if the County would take participation in the cost of the light. Commissioner Young advised Mr. Goodman to get as much funding as possible. Mr. Goodman stated the Town of Sellersburg wants to take jurisdiction over the light.

L. Officeholder/Department Heads Present at Meeting – County Clerk Barbara Haas stated there might be a problem with the heat at George Rogers Clark School during the election. Commissioner Meyer stated he has been reassured the building does have heat but they use as little as possible. Councilman Kevin Vissing, Councilman Brian Lenfert and Treasurer David Reinhardt were also present.

K. Ratifications and Approvals - None

II. Technical Agenda

A. Hyun Lee presented 2013 highway bid schedule that will be due by December 6, 2012. Commissioner Meyer made motion to approve. Commissioner Perkins seconded. Motion approved 3-0.

III. Public Comments

Martina Webster 2518 Allentown Rd., Sellersburg stated she has been in communication with Attorney Fifer. She thanked for his communication and his honesty. She asked why the low bids weren't rejected in the 2010 Commissioners' Tax Sale. Attorney Fifer passed out and explained a memorandum regarding results of legal services performed by Applegate Fifer Pulliam LLC ("AFP") regarding the 2010 Clark County Tax Sale. After a detailed discussion Commissioner Perkins stated he couldn't personally find anyone that wanted to bid on the properties. Commissioner Perkins asked Attorney Fifer "As a Commissioner did I follow strictly statues the State of Indiana and all the ethics and advice given from you? Was there anything where I personally failed to do that I should have done as elected County Commissioner?" Attorney Fifer stated he hasn't done anything wrong. He stated the he believes the County is better off for having collected the delinquent taxes and he is not in manor ashamed of the work that was done. He stated he does want to put the public concerns at rest. Attorney Fifer stated everything that was done was fully authorized by Indiana State law. Attorney Fifer stated what should have been done differently is 1) the second publication he failed to put the two properties that didn't get bids the first time 2) when the offer for the Walnut Street property in the amount of \$500.00 was received it should have been brought back to a meeting and voted on at a meeting.

Ms. Webster asked if there were signs put on the properties. Attorney Fifer stated there weren't any signs put up.

Jeremy Snelling asked if Attorney Fifer researched the LLC on the business that placed the bids to confirm the business was legitament. Attorney Fifer stated many people that are going to by real estate in today's market will say they intend to form a LLC to insulate them from liability. Attorney Fifer stated when he opened the bid the name of that business meant nothing to him. He stated when his firm searched the LLC they realized it wasn't filed on the Secretary of State. He stated he told his company the deed could not be put in a business that isn't properly organized.

Kelly Khuri 4819 Salem Noble Rd., Jeffersonville asked if the minutes are verbatim as Attorney Fifer mentioned earlier. She stated she has been before the Board before and has asked for something to be reflected in the minutes and it hasn't been. Attorney Fifer stated paperwork is attached to the minutes. He also stated minutes have to accurately reflect what took place such as that made a motion, who seconded and what action was taken.

She stated she has verbally requested twice she wanted her statement reflected in the minutes and it wasn't. Attorney Bottorff said anything provided to a Board in a public meeting would be presented to the minute's keeper as an exhibit.

Commissioner Young made motion to adjourn. Commissioner Meyer seconded. Motion approved 3-0.

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

BOARD OF COMMISSIONERS OF
CLARK COUNTY, INDIANA

LES YOUNG, PRESIDENT

ED MEYER, VICE-PRESIDENT

JOHN PERKINS, MEMBER

SIGNED THIS DAY _____

ATTEST: _____

R. MONTY SNELLING,
CLARK COUNTY AUDITOR