

**FOUNTAIN COUNTY
COMMISSIONER'S MEETING
SEPTEMBER 17, 2007
6:30 P.M.**

The Fountain County Commissioners met September 17, 2007 at 6:30 p.m. at the Courthouse with the following board members present: Lowell Osborn, Terry Ellingwood and Janet Shoaf.

The Minutes of the September 4, 2007 meeting were read and approved.

CLAIMS

A motion was made by Janet Shoaf and seconded by Lowell Osborn to approve the computer claims #1-125. Vote: 3-0

MONTHLY REPORTS

The Commissioners reviewed the August 2007 report from the Treasurer and the July & August 2007 report of the Clerk.

COMMISSIONERS

Terry Ellingwood made the statement that he is assuming the position of President of the Commissioners unless one of the other Commissioners felt differently.

Lowell Osborn made a motion to appoint Janet Shoaf as Vice President of the Commissioners. Terry Ellingwood seconded the motion. Vote: 2-0-1

A secretary was not appointed or voted upon.

CLERK/POLLING PLACE

Patty Gritten, Clerk, asked the Commissioner for permission to temporarily move the polling place for Troy from the Covington Senior Center for the fall election and to permanently move it to the Covington Gymnasium for the 2008 election.

Lowell Osborn made a motion to change the polling place as presented by the Clerk. Janet Shoaf seconded the motion. Vote: 3-0

JAIL COMMITTEE

Bill Stonecipher, President of the Jail Committee asked that the Commissioners give the Committee more lead way. The Committee feels that they are unable to help the Fountain County taxpayers by focusing on only one aspect of the jail. The Charter given to the Committee was limited to remodel/add-on or do nothing to the current jail. The Committee's main discussion always came back to the cost as they felt the earlier proposal to build a new jail was too costly to the taxpayers. Bill Stonecipher stated that he would like to ask other vendors to submit proposals to the Committee for review.

The Committee does not want to start at the beginning again. Mr. Stonecipher stated that all areas of the county were represented by this committee. Janet Shoaf stated that she felt the Commissioners should grant the Committee permission to look at other vendors. Terry Ellingwood agreed with that statement but said that parameters and limits should be set and not to leave it wide open.

The Commissioners tabled the matter.

PLAN COMMISSION

Jim McKee and Brad Buening presented the Commissioners with a copy of the proposed Comprehensive Plan for Fountain County. Mr. McKee stated that all legal requirements have been met.

Terry Ellingwood asked how many people in Fountain County would this affect that zoning is not already touching. Mr. McKee and Mr. Buening stated that they would need more time to get those figures together.

Janet Shoaf made a motion to approve the Comprehensive Plan. Lowell Osborn seconded the motion. Vote: 2-1

Terry Ellingwood stated that he could live with a plan that only addressed confined feeding operations and landfills. He is opposed to putting restrictions on the citizens of Fountain County.

FOUNTAIN COUNTY HISTORICAL SOCIETY

Dale Clawson asked permission for the Historical society to use the foyer in the basement for their basketball display and the Community room for their flag presentation.

Janet Shoaf made a motion to grant the Historical society permission to use the building. Lowell Osborn seconded the motion. Vote: 3-0

APPLE FESTIVAL

Reba Osborn asked permission of the Commissioner to use the Courthouse for mural tours during the festival on October 6, 2007. Janet Shoaf will open the building for the tour. The custodian will open the restrooms as 7:00 a.m. and close them at 7:00 p.m.

E-911 BUDGET

Lowell Osborn made a motion to approve the budget of the E-911 for 2008. Janet Shoaf seconded the motion. Vote: 3-0

COUNTY EXTENSION

The Auditor stated that the County has incurred several repair bills for the air conditioning unit for the extension office. She asked if the pipes/lines could be fixed to prevent the unit from freezing up. The Commissioners recommended that an estimate be submitted to them for repair.

The Extension office will be receiving a new Isograph. The vendor will be taking the old one and paying the county \$500.00 for the trade-in. He has indicated that he does not want the machine and stated that if a non-profit organization would want it they should be outside the courthouse when he loads it and he will give it to them.

Janet Shoaf made a motion and was seconded by Lowell Osborn to give the machine to a non profit organization. Vote: 3-0

COMMISSIONER'S SALE

Richard Holmes stated that the Lonnie Smith property had been on the tax sale at least two times prior to the auction. He stated that the 2008 pay 2009 taxes would be the responsibility of the buyer. He then opened up the property for bids.

Willard "Larry" Askren bid \$1,000.00 for the property. There were no other bidders on the property. Mr. Holmes asked the Commissioners if they would accept the bid.

Janet Shoaf made a motion to accept the bid in the amount of \$1,000.00. Lowell Osborn seconded the motion. Vote: 3-0

INFRACTION/ADDITIONAL

Janet Shoaf made a motion to go to the Council with the request from the Prosecutor in the amount of \$4,000.00 Special Prosecuting Expenses (0132-0000-05-451.230) in the Infraction Deferral budget for 2007. Lowell Osborn seconded the motion.

Vote: 3-0

JAIL/ADDITIONAL

Sheriff Bass is requesting an additional of \$5,000.00 for Utilities (0101-0380-03-435.030) in the Jail Budget. He stated that the City of Covington has had a 21% increase in rates since January 1, 2007. Lowell Osborn made a motion to go to the Council with the request. Janet Shoaf seconded the motion.

Vote: 3-0

COMMISSIONERS OUT OF COUNTY HOUSING

The Auditor requested an additional in the amount of \$30,000.00 for out of county housing. She stated this is mostly due to the fact that Montgomery County has not billed Fountain County for the entire year of 2007. Janet Shoaf made a motion to go to the Council with the request in the hopes that the funds would not have to be used unless necessary. Lowell Osborn seconded the motion.

Vote: 3-0

ALLIED WASTE

Janet Shoaf made a motion to sign the service agreement between the County and Allied Waste. Lowell Osborn seconded the motion.

Vote: 3-0

CONTRACT/LANDFILL

Dan Pyle would like to enter into a contract with the Commissioners regarding the mowing of the old county landfill for the hay. In the past the county has paid someone \$1200.00 to mow. Mr. Pyle is willing to do it for free in exchange for the hay but would like a fifteen (15) year contract. He would also like to be able to fertilize it and re-seed it for alfalfa. Commissioner Osborn felt like this was to long but would agree to a seven (7) year contract.

Janet Shoaf made a motion to have the county attorney draft a contract for the Commissioners and Mr. Pyle. Lowell Osborn seconded the motion. Vote: 3-0

COUNCIL PAYMENT OF CLAIM ON JAIL PROJECT

Richard Klage stated that the Council has a fiscal responsibility to the taxpayers on the payment of claims. He stated that he continually asked Envoy at each of the Committee meetings if the county would owe money to any of the vendors. He was told repeatedly that the county would not incur any expenses until the project moved into Phase II, which was the design phase.

Ron Howard stated that the Council voted 7-0 that they would not pay any invoices in regards to the Jail project. He stated that three parties, namely RQAW, London Witte and Barnes & Thornburg submitted statements. The Council thought that the statement went away and then found out that they had been paid from the County General Maintenance fund. The Auditor was requested to pay the bills on the November 6, 2007 meeting. She paid them on November 9, 2007 at the request of the Commissioners, which was approved on December 4, 2007 on the monthly claim list.

The council stated that they had no knowledge of this payment. Janet Shoaf stated that no one had told her that the Council did not want those invoices paid. Commissioner

Shoaf stated that she thought the invoices were paid in good faith. She stated that when they looked into a jail eight years ago the County General Maintenance fund was used to pay for those expenses. She stated that she is not certain they were paid in error.

Ron Howard stated that in November 2005 the Council made a decision to engage the services of those four companies (Envoy, RQAW, Barnes & Thornburg and London Witte). He asked each one and they all stated that no monies would be incurred. No contracts were signed.

The Council has asked the Commissioners to send a letter to each of the companies that submitted invoices and request that the money be returned to the county. He would like to see that a registered letter go to each CEO of the companies and would like to have a copy of that letter by September 30, 2007.

Terry Ellingwood feels all the Commissioners should sign the letter and send a copy to the Council.

Richard Holmes was asked to report. He stated he has talked with Envoy and has asked for a narrative in form of a response. He asked Envoy what the triggering factor was. Envoy was unaware that the other vendors had submitted an invoice. Mr. Holmes stated that Barnes & Thornburg had worked extensively on the remonstrance portion of the project.

Mr. Holmes stated the lead counsel from Barnes & Thornburg had called asking if they should send an invoice. He stated that they could submit a claim and see what happens. Mr. Holmes stated that if statements were made at a meeting in regards to not charging the county, he was unaware of them.

Ron Howard stated that in November 2005 the council voted to fund the project in the amount of \$9.8 million dollars. The costs of these vendors was included in that amount because the jail came in at approximately \$9.2 million. It was then stated that the county would not be charged until the design phase of the project. He stated that the three companies were present and no comment was made regarding the statement about not getting paid until the design phase.

Lowell Osborn made a motion to write a letter to the three companies that submitted invoices requesting a refund. Janet Shoaf seconded the motion. Vote: 3-0

The Commissioners asked Mr. Holmes to help draft the letter but they will sign the letter.

COUNTY HIGHWAY

Walter Wilson stated that he has not heard back from SHPO on Bridge #5. The Evansville and the Veedersburg deal will not be going through. He is recommending that they remove and replace the bridge and do nothing else.

Walt stated that all major projects have been completed for 2007.

THE NEXT MEETING WILL BE MONDAY, OCTOBER 1, 2007 AT 9:00 A.M.

Attest: _____

Lowell Osborn

Janet Shoaf

Terry Ellingwood