

June 20, 2006

Commissioners met on this day with the following members present: John Richwine, Patricia Dillon and Paul Wilson. Also present were County Attorney Jim Wilson, County Auditor Kathy Stoops-Wright, Deputy Auditor Jane Doty and Commissioners Office Manager Shawn Swindell.

IN THE MATTER OF APPROVAL OF MINUTES

Commissioners approved the minutes of June 6, 2006 upon motions made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF CONTRACT WITH INDIANA STATE BOARD OF ANIMAL HEALTH

Commissioners entered into a contract with the Indiana State Board of Health (BOAH) for the testing for Bovine Brucellosis and Tuberculosis for cattle under the state and federal cooperative programs to conform to regulations governing the re-certification and re-accreditation of the County. Said contract will become effective January 2007 and will cover one year. Motion to approve contract made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF FAMILY DAY PROCLAMATION

Commissioner passed the following Family Day Proclamation upon motion made by John Richwine and seconded by Patricia Dillon.

FAMILY DAY PROCLAMATION

WHEREAS the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS the correlation between family dinners and reduced risk for teen substance abuse are well documented;

WHEREAS parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

WHEREAS family dinners have long constituted a substantial pillar of family life in America:

Now, therefore, we, the Madison County Board of Commissioners, do hereby proclaim the fourth Monday in September as

Family Day – A Day to Eat Dinner With Your Children

And urge all citizens to recognize and participate in its observance.

S/John M Richwine, President
S/Patricia Dillon, Member
S/Paul Wilson, Member

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IN THE MATTER E911 REQUEST FROM SHERIFF DEPARTMENT

The Sheriffs Department requested funds from the E911 fund to upgrade the dispatch center from the old DOS format. They are having difficulty in finding replacement parts for this old system when it needs repairs. The new system they will be purchasing from Lectro-Communications will cost \$94,946.65. Motion to approve request made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

IN THE MATTER OF DRIVEWAY PERMITS

Commissioners approved the following Driveway Permits upon recommendation of County Engineer Chuck Leser. Motions made by Patricia Dillon and seconded by Paul Wilson. Motion carried unanimously.

D06-79	Walter Gillespie	700N, W of SR9, N sd	Rich
D06-85	Charles Conover	NE end of York Dr, N of US 36	FC
D06-86	Jamie & Cathy Dishroon	640S, ½ mi E of 300E, N sd	Adams
D06-91	Paul D Richardson	1100N, ¼ mi W of 300W, S sd	Mon
D06-92	CP Morgan	Summerlake L 820	Green
D06-93	CP Morgan	Summerlake L 810	Green
D06-94	Chad F Dunwiddie	Summerlake L 6	Green
D06-95	Zachary Properties	Jefferson Place L 61	Green
D06-96	Zachary Properties	Jefferson Place L 63	Green
D06-97	CP Morgan	Summerlake L 634	Green
D06-98	CP Morgan	Summerlake L 703	Green
D06-99	CP Morgan	Summerlake L 825	Green
D06-100	CP Morgan	Summerlake L 829	Green
D06-101	Hallmark Homes	Jefferson Place L 62	Green
D06-102	CP Morgan	Summerlake L 782	Green

IN THE MATTER OF UTILITY PERMITS

Commissioners approved the following Utility Permits upon recommendation of County Engineer Chuck Leser. Motions made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

U06-43	Vectren Energy	350 W, S of 250N	Lafayette
U06-44	West Bay Geophysical	100E from ½ mi N of 900N to 1150N	Monroe

IN THE MATTER OF DOCUMENT MANAGEMENT SOFTWARE, LASER FISCHER

Surveyor Brad Newman reported to the Commissioners that the new Document Management Software Laser Fischer, will be installed next week June 27th – June 29th. The four departments in the Courthouse that will be using this system will be Surveyor, Adult Probation, Commissioners and COG.

IN THE MATTER OF SALE OF COUNTY CHIPPER AND PAVER

Commissioner Richwine stated that the County's old chipper and paver were sold on June 16, 2006 at Schotts Auction Gallery, the chipper in the amount of \$5,500.00 and the paver in the amount of \$9,500.00. Also, over the past several weeks the Commissioners have received many letters concerning CAFO's. Some of the citizens requested the Commissioner to put moratoriums on the CAFO's. Commissioner Richwine asked County Attorney Jim Wilson to explain the legalities of why the Commissioners can't put moratoriums on CAFO's.

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IN THE MATTER OF FINDING FUNDS FOR ROADWORK

Commissioner Paul Wilson brought back to the Board an issue that was discussed at the last Commissioner meeting concerning the attempt to try to find additional funds to get more road repair money available to do the work. He states that there were three pieces to the proposal. The first one, maybe we can get an agreement on, the three pieces had to do with the toll road money, food and beverage money and use of money from the sell of the building the County owns at 9th and Meridian. Mr. Wilson stated that he was on the Board of Commissioners when the County purchased the building on 9th and Meridian, because the building was bought at a reasonable amount of money and it was at a time when the County had the money to buy the building with the intent of making that space available for expansion needs outside the Courthouse that the County Government would need. Since then, the fortunes of the County has changed and the building, after having a roof put on and the cleaned up and gutted out and a PC system in, the building has set unoccupied for several years now. He is purposing that he believes it is time to sell the building, simply because the County still is in debt, even though there may be the possibility of a need for additional space at some point, we don't have the money to put into the building to repair it or fix it up for use now. And the City has worked pretty hard at trying to fill up the businesses along Meridian and Main Street line to offer growth in the downtown area. He is proposing that the Board of Commissioners sell that building, setting up some kind of base, minimum bid amount on the building and auction it off. If the Commissioners agree to sell the building in that fashion, that the amount of money that the building would garner, that we would ask the County Council to set that money aside and dedicate it to road repair work.

Commissioner John Richwine stated that there is no question that the County owns the building. The question is if we sell it and there is a list of probably four potential buyers at the moment that he is aware of, quite possibly it could be sold at a fair price. Does Madison County need that particular area of space in the future for any other needs? If so, before we sell it and never get it back we need to certainly qualify that fact and then run that by the County Council and see where they would determine that those funds should be used.

Commissioner Wilson stated he had no problem with that.

Commissioner Richwine also stated that once the conclusion is met on whether there would be money now or in the future to improve that building, and if we really truly need the extra space or not. If that extra space is not needed that would certainly answer the entire question on whether to sell the building or not.

Mr. Wilson asked if he would want an agreement out of the Council to dedicate the funds prior to the time we check off on selling it.

Mr. Richwine said yes. And he thinks there are good reasons to keep that building and to have that space. Once it is gone it may be gone for the rest of his life or longer, it's hard to say. That is a prime location, if we need some extra office space to just let it go, however if it is just going to sit there with nothing done to it for the next 6 or 7 years, that is a liability to the County as well as the City when they could have an open store front.

Mr. Wilson stated that it would also put it back on the tax rolls; right now it is not on the tax roll. Commissioner Wilson made a motion that under the condition that the Commissioners establish a reasonable minimum selling price based on appraisals and that the County Council agreeing that any receipt from the building be set aside for road repair work that the Board of Commissioners put the building up for sell at 9th and Meridian by auction with a minimum bid to be determined by the Commissioner.

Mr. Richwine stated that he is not going to vote to do that or second that motion because I'm not agreeing to sell that building yet. He wants to make sure, absolutely, 100%, that he doesn't feel that in the next couple of years there would be enough money to improve that building and that in the next couple of years the County won't need that space. Then

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after that is determined and the County Council has also determined that we can use that money for however we see fit, he would consider that motion.

Mr. Wilson asked so you are not going to agree to sell the building for two years?

Mr. Richwine stated no that is not what he said. He believes there are specific questions that he wants to make 100% sure about before he votes to sell that building.

Mr. Wilson stated ok, those questions are.....?

Mr. Richwine responded 1. The space is definitely not needed. 2. That if the space is needed that there's not enough money available to reconstruct that building into useful space for the County, so that it would not just be an idol building up until that time and what the time period would be when the County would have enough money to utilize that building, if that was too far out, then there would be no reason to try to hang on to it.

Mr. Wilson said he didn't think those questions are unreasonable he was just trying to figure out in what time frame they were going to bring the issue to a head.

Mr. Richwine stated that he didn't think it needs to be a long time.

Mr. Wilson asked if Mr. Richwine wanted to make a decision in a month from now.

Mr. Richwine said that would be fine.

Mr. Wilson withdrew his original motion and asked that this request be put on the Commissioners agenda in a month.

Commissioner Dillon stated that would be fine, she seconded that.

Commissioner Wilson went on to the next part of his proposal, the big one has to do with the possibility of obtaining the Governor's Toll Road Lease money. The estimated value of the Toll Road Lease money for 2006 and 2007 was \$800,000 each year for the County government not the other entities within the County. A release from the Governor's office indicated that the distribution for the toll road money would occur in mid October of 2006 and in mid October of 2007. It is obvious from all the publicity and the court business that the distribution of that money is still in question because the issue, apparently, has not been set. The idea he is making is in reference to the ability of the County to try to do some road work in 2006 with the toll road money. One of the things that he thinks he has not done a good job in conveying, because it certainly is in question here and in the newspaper article that came out this week, there were still question. What I would like to do is push forward the possibility of transferring on a short term basis, Cum Bridge money in the amount of \$500,000 to Local Road and Street for road repair work. Now obviously Cum Bridge money has to be paid back, by law, by the end of the year, what I'm proposing, the reasoning for that is 1. It would allow us to do road work in the road repair season of 2006, because obviously if the money doesn't come until the middle to the last of October we will have a limited amount of time this fall, if we can do anything at all this fall. 2. The idea was that there is serious need for road repair work now and the probability that the roads that need the work will be in worst shape in 2007 then they are in 2006. What he is not doing is asking the Commissioners, in any way, shape or form to commit today to making that transfer until the Board of Commissioners is absolutely confident that the distribution is going to be made by the State. So in essence, if the concept is accepted we would still have to have a Commissioners meeting, still have the thing presented at the table, and still have a vote, but, if the concept is accepted, it would allow moving forward with the procedures that have to be followed for the transfer of the money in reference to the Council would also have to agree to it, movement of the scheduling for the Council meetings as well as, it would give us the opportunity to prepare and move forward a priority list to include both work that the County Highway can do ourselves and also contract paving work for the bid process predicated upon the different levels of possibility of funding. So as it stands right now, we only have \$300,000 out of Local Road and Street to do whatever work we can do with the \$300,000. So we would set a priority list against the \$300,000, starting with that and

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work that priority list up with additional roads with the possibility of more money. Set that as alternate bids on the road repair work, then we would choose those bids according to the funds we would have available. If there is no resolution in the State, in reference to the toll road money, then I don't recommend in any way, shape or form that the Commissioners move the Cum Bridge money because 1. It has to be repaid back and 2. We would create a debt service that we would not have a known way to pay it back. On the other hand, if it is just a matter of a sixty day turn over, or some amount of time, and we had the assurances from the State that the money had been received from the toll road and was just waiting to be distributed, we can go ahead and get some work done this year. I hope I have made that clear. I think the whole in the description of it was in reference to the fact that I'm not asking the County to stick their neck out in any way, shape or form about entering into an agreement that they don't know for sure they have the money to pay it back or transfer it back into the fund. But half a million dollars more of road work, and that is not using up the whole \$800,000 that is only using up \$500,000 of it, would more than double, what the current \$300,000 amount, we could end up just with that, with \$800,000 worth of work instead of \$300,000 this year.

Commissioner Dillon stated that she thinks that there are several what ifs it there.

Mr. Wilson said he is not asking for any commitment. I want to make that absolutely clear. No commitment to execute any of this, only the commitment to do the research and walk it up to the point that we can execute it if we so choose to do so.

Ms. Dillon stated that she thinks only time can take care of that. Right?

Mr. Wilson said right, because as we walk it through we will gain knowledge all the time but we will be able to step forward and move quickly if we have the opportunity to do so.

Mr. Richwine asked if there is anything else.

Commissioner Wilson made a motion to entertain the research needed to advance the possibility of using the toll road money in conjunction with the Cum Bridge money if and when the Board of Commissioners is satisfied that that is the appropriate step to take.

There was no second to the motion so the motion dies for lack of second.

The last part of the three phase idea, Mr. Wilson states, was in reference to the Food and Beverage money that is committed out of Local Road and Street to the 800N project. Starting out he will reiterate that he very much has been and still are in support of the road improvements on 800N, because he believes it could and will foster economic growth and development in the north part of the County, especially with the link between St Rd 37 and I-69 the 128 and 800N. Having said that, the proposal this year out of the Local Road and Street money that is available for use by the County, the estimated total amount of that money is \$500,000, out of the \$500,000, \$200,000 has been set aside for the work that needs to be done in setting up the road improvement on 800N. Thus, leaving the \$300,000 for road repair work out of Local Road and Street for 2006, what he is proposing is not to take that \$200,000 away by any means, but to replace the Local Road and Street money, if possible, with \$200,000 worth of Food and Beverage money which can be used for that improvement. The reasoning is that the Food and Beverage money in it's charter is set aside for infrastructure economic development and secondly the need, especially this year, the need for road improvements exceeds, by a long shot, the \$300,000 that we have available in Local Road and Street. So the idea is to make the switch between the \$200,000 set aside in Local Road and Street and replace it with \$200,000 of Food and Beverage money. The problem is that of the \$500,000 that is in the Local Road and Street fund, 40% of the total money is set aside for 800N. I believe that we can accomplish both goals, but finding the 40% and putting on the road surface for needed road repair this year would better serve that \$200,000 of the Local Road and

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Street money, so we can still advance the 800N project and put 40% more money than we currently have available on the road surface this year. That is probably the shortest explanation he could give.

Commissioner Richwine responded saying, out of the whole thing, and this would be the one thing I even have the largest amount of problem with, the \$200,000 that is budgeted for 800N, let me first say, there is only one pool of money and that pool of money is not getting any larger, and even if we do get the money from the toll road, and I certainly hope we do, that pool of money is a finite amount, we know quite possibly we will get that and we know exactly what that amount is going to be every year out other funds have been decreasing and along with the Food and Beverage money we also have to share that with other communities in the County. At this time there are three other Federal aid projects besides 800N, one in Alexandria, one in Elwood and ours that all require matching funds and all three of us will have a difficult time, especially Elwood, finding enough money to carry on with their project. It is very important as a county unit that we support all of these projects and we do our utter most best not to let this money from the Federal government in the amount of \$13 million dollars escape us. Some of these improvements could be vital especially like in Elwood to one of the biggest industries and employers we have in the county. Let me also add that the \$200,000 we have budgeted, to replace it with the Food and Beverage money, that really should be spent on one of the other Federal aid projects this year, because we do have money budgeted and Alexandria does, in the hopes that Elwood would be able to proceed with theirs and not lose that potential project. Also, the \$200,000 that we have this year would be one of the smaller amounts that the County is going to have to contribute towards the 800N project and through the years we are going to have to tuck away little bits of cash to actually come up with the bigger years. In the bigger year, which I would have to go back and draw that up, which I believe is about in the amount of \$600,000, that would be a good year for the County Commissioners to go and ask for those Food and Beverage Tax monies in the amount of \$200,000 or even more to support our project. In this particular year, I think that that is going to be the inappropriate place for that money to go.

Mr. Wilson asks so you don't anticipate future years using 40% of the Local Road and Street money on something other than on street surfaces as far as repair work?

Mr. Richwine anticipates getting Food and Beverage Tax money for 800N in a different year than this year and helping with our other Federal aid projects probably in the next two years.

Mr. Wilson states he is just trying to nail down whether we want.....

Mr. Richwine says all you are doing by what you want to do is swapping funds.

Mr. Wilson says yes that is right.

Mr. Richwine says then you will have to come up with it more someplace else and it is going to cause a bigger problem down the road and there are only so many dollars and if you spend them all this year, you have less to spend next year and even less the year after that.

Mr. Wilson agrees on swapping money, all I'm doing is the \$200,000 that I'm swapping, I'm putting in road repair, not stopping the 800N project but it is putting the \$200,000 in for road repair.

Commissioner Richwine says in essence it could stop that project because you now have to count on getting those funds from somewhere else so maybe you don't end up stopping our project but if we take all the fund you could stop Elwood's project. We all need to work as a whole to get these things rolling and not give up on \$13 million dollars of improvements we could have in this county.

Commissioner Wilson says so you aren't going to ask for the \$200,000 out of Food and Beverage this year at all for 800N?

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Mr. Richwine responds we need to sit down and look at what we need as a whole. What the County needs as a whole. We have two other very large projects that could be going, and if we prioritize, since we have money to keep ours moving at the moment, other communities have not. And if we are able to get them through this year without losing those funds, then hopefully they would be in a better position to budget to continue on next year.

Mr. Wilson asks again, so you don't anticipate using that high of a percentage of Local Road and Street money next year?

Mr. Richwine asks, into 800N?

Mr. Wilson says right to a commitment to 800N.

Mr. Richwine states that he would have to go back and look at how that is broken out again to see what the commitment was for next year. Several of the years were consistent and not overly big and then there was one year in particular that was considerably more than the rest. In his opinion that would be the year to get the Food and Beverage money so that we are not taking a bid draw out of the Local Road and Street funds.

Mr. Wilson comments that they have been going to the County Council pretty consistent and telling them what our estimates are of the road repair work that is in serious condition that needs attention and also asking them for additional funds in different ways and my problem is that if they are not supplying addition funds to us, then we have to creatively try to work with the hand that has been dealt and try to find money to put on the road surface because of the....

Mr. Richwine says but you are not finding money in any of these things there is a finite amount of money but all you are trying to do is spend more of it right now that could put us in a worse position later on.

Mr. Wilson says he is just worried about road repair work and the safety of the roads.

Mr. Richwine says I think we all are and I think if you would go back to the County Council minutes you would find that basically every meeting I go to in some way, shape or form I am talking to the County Council about roads and what we can do. It is a very important issue in this County.

Mr. Wilson states that so far the progress we have made is that last year we spent between \$500,000 and \$600,000 out of Local Road and Street for repair work, this year it is going to drop to \$300,000 and the roads are in worse condition this year than they were last year.

Mr. Richwine says it isn't really dropping to \$300,000 you are still spending \$500,000 out of there, \$200,000 is just going to one particular project. Which is a long term project that benefits the whole county.

Mr. Wilson says he wants road repair work for the whole county.

Mr. Richwine asks, in particular, how is 800N different than the whole county? How is that different than any other road in the County?

Mr. Wilson says that the project on 800N is a long term project to improve that road level to State highway specification and what I'm talking about is the deterioration, holes and need for repair work on existing road services at all three levels, chip and seal, asphalt paving and concrete repair work in some additions where the concrete is coming up in chunks. We have both made our case... Mr. Wilson mad a motion that the Board of Commissioners ask for \$200,000 from the Food and Beverage money to replace the \$200,000 that has been set aside in Local Road and Street and that money set aside in Local Road and Street be applied to road repair work in 2006.

There was no second to the motion so the motion dies for lack of a second.

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Next Commissioner meeting is July 5, 2006 because of the Holiday.

There being no further business brought before the Board of Commissioners the meeting was adjourned.

BOARD OF COMMISSIONERS
