

**REGULAR MEETING BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY INDIANA  
DECEMBER 2, 2005**

The Board of County Commissioners of Clark County, Indiana met in Regular Session on December 2, 2005 in Room 308, City-County Building, Jeffersonville, Indiana.

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

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 exception of the minutes of November 3, 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 one exception. The motion was seconded by Commissioner Haire and passed 3-0. At the last meeting the Commissioners voted to have Auditor Haas place an attachment on the paycheck of each elected official regarding the last State Board of Accounts audit. The attachment informs the officeholders that all the information will have to be placed on the payroll voucher. Due to the Thanksgiving Holiday, Auditor Haas recommended that the Commissioners delay enforcing this requirement for one pay period to give them the opportunity to comply. Commissioner Haire made a motion to approve the delay and it was seconded by Commissioner Guthrie. The motion passed 3-0.

**Pam Thompson, Attorney, and Fred Horlander, Vice President, Clark Memorial Hospital**, informed the Commissioners that the hospital has recently turned the newly constructed medical plaza into condominiums and requested the Board's approval to sell Suite 401. Ms. Thompson presented the proof of publication for the sale. Mr. Moore gave his legal opinion approving the sale and advised the Board that Ms. Thompson provided him with the proper documentation prior to the meeting as per their request. Commissioner Haire made a motion to approve and sign Commissioners Ordinance 16-2005 (An Ordinance Authorizing Sale of Real Estate by Clark Memorial Hospital). This motion was seconded by Commissioner Guthrie and passed 3-0.

At the request of Sheriff Becher, Commissioner Guthrie made a motion to approve and sign the **Daviess County Detention Center Housing Contract** for (\$35.00) thirty five dollars per day, per inmate. The motion was seconded by Commissioner Haire and passed 3-0.

At the request from **Sheriff Becher** for (\$34,184.27) thirty four thousand one hundred eighty four dollars and twenty seven cents to pay what is owed at this time for

gas and oil, the Board advised Sheriff Becher to wait because this was on the agenda for later in the meeting.

**Planning and Zoning Resolution 23-2005 Bugaboo Developers** zoning reclassification request was tabled the first time at the meeting of November 17, 2005. The resolution came to the Commissioners without a recommendation from the Plan Commission. Commissioner Guthrie made a motion to send the resolution back to the Plan Commission. The motion was seconded by Commissioner Meyer and passed 2-1 with a no vote from Commissioner Haire.

Commissioner Haire made a motion to table action on **Planning and Zoning Resolution 19-2005 Robert Lynn Company**, zoning reclassification from R-2 Two Family Residential zone to a **Planned Unit Development (PUD)** until the meeting of December 15, 2005. The motion was seconded by Commissioner Guthrie and it passed 3-0.

At the recommendation of Mr. Lee, County Engineer, Commissioner Haire made a motion to approve and sign the Federal Aid Design Plan for the **St. John Road Project**. The motion was seconded by Commissioner Guthrie and passed 3-0.

Commissioner Guthrie made a motion to approve and sign an agreement with **Beam, Longest and Neff, LLC** for professional engineering services on the St. John Road Project. The motion was seconded by Commissioner Haire and passed 3-0.

A motion was made by Commissioner Haire to approve and sign an agreement with the **State of Indiana, Department of Transportation** on project # STP-9910(031) for preliminary professional engineering services on the St. John Road Project. Mr. Lee reported that the County would be responsible for twenty percent of the cost of the project. Commissioner Guthrie seconded the meeting and it passed 3-0.

**County Coroner Edwin Coots** made a request from the Board for three thousand three hundred forty dollars (\$3,340.00) for outstanding bills. In response to the request from Mr. Coots, Commissioner Haire made a motion to declare an emergency situation to exist that demands immediate action. Pursuant to IC.36-9-15.5-8 (C) the Board found it necessary, to protect the public health, welfare or safety, to expend money from the Cumulative Capital Development Fund in the amount of (\$3,340.00) three thousand three hundred forty dollars to pay these bills. Commissioner Guthrie seconded the motion and it passed 3-0.

Attorney for the **Clark County Health Department Jim Kaiser** presented the commissioners with Renewal # 3 on the **Sexually Transmitted Disease Grant Agreement** in the amount of thirty one thousand two hundred sixteen dollars (\$31,216.00) and Amendment # 1 on the existing AIDS Prevention Agreement with an increase amount of (\$40,000.00) forty thousand dollars. This makes the new total of the **AIDS Prevention Grant Agreement** (\$80,000.00) eighty thousand dollars. Commissioner Guthrie made a motion to sign and approve both documents. Commissioner Haire seconded the motion and it passed 3-0.

Commissioner Haire made a motion to approve and sign a contract with **Jim Kiser** for legal services as attorney for the **Clark County Health Department**. Commissioner Guthrie seconded the motion and it passed 3-0.

At the request of **Mike Harris, Jacobi, Toombs and Lanz**, Commissioner Guthrie made a motion to approve and authorize President Meyer's signature on Change Order- Extra Work Agreement No. 1 for the **Clark-Floyd Landfill Horizontal Expansion**, Section 6, Phase 4 increasing the final contract amount to one million four hundred fifty five thousand four hundred twenty four dollars and twenty five cents (\$1,455,424.25). The motion was seconded by Commissioner Haire and passed 3-0.

Mr. Harris presented the Commissioners with the inspection report for their review and stated that he had already sent a copy to the State of Indiana.

Commissioner Guthrie made a motion to approve and sign the **Sales Order Recap** as a contract with **ESS Election** for the new voting machines in the amount of three hundred fifty thousand six hundred forty dollars(\$350,640.00). Margie Jenkins, Election Board Member, gave a recommendation that the Board sign this contract. Mr. Rob McGinnis, ESS Election, stated that the county should receive the reimbursement before the bill comes for these voting machines. Commissioner Haire gave a special thank you to everyone who worked on this project, with a special thank you to Commissioner Guthrie for his work to get this accomplished.

The annual bids for gasoline, fuel, tires, stone, and other materials and supplies for the Clark County Highway Department were opened and examined by Mr. Moore. Proof of publication was submitted for the record. President Meyer announced that the bids would be taken under advisement and a decision would be announced at a future meeting.

County Engineer Lee took the bids and at the request of the Board and made them available for the public to review.

The Treasurer's report was submitted for the record.

**Larry Harbin, Clark County 4-H**, made a request to tear down the old administration building at the 4-H Fairground and reported that it cannot be used for 4-H purposes. Mr. Harbin also stated that there would be no cost to the County for this tear down. Commissioner Haire made a motion to approve the tear down and the motion was seconded by Commissioner Guthrie. Motion passed 3-0. Paul Graf was on the agenda but did not attend the meeting.

Mr. Moore submitted the following exhibits for the record.

1. A letter **Senator Richard Logar, Senator Evan Boyh and Congressmen Mike Sodrel** regarding 2002 Commitments to U.S. Army concerning water well systems at former INAAP facility.

2. A letter to **Honorable Mitch Daniels, Governor and Kyle Hupfer, Director, Indiana Department of Natural Resources** regarding Water Well System and FUA at River Ridge Commerce Center.

Commissioner Haire made a motion to ratify the above two letters from **Senator Richard Lugar** to President Meyer.

3. A letter to Richard G. Lugar, United States Senator regarding River Ridge.
4. A letter from **Summit Risk Services, Inc.** to Clark County Government, Attention Commissioner Meyer in regard to a discharged employee from **Clark Superior Court # 1**. For the record Mr. Moore was corresponding on the Commissioner's behalf and the Judge's behalf in this matter. Mr. Moore made a recommendation that the Board take the position that they have no liability in the discharge of an employee from an office that is not a County Government Office. (A Court is a State Government Office).
5. A letter from **Patricia Orloff Erdmann, Section Chief Civil Rights and Employment Litigation** to Mr. Moore EEOC Charge No. 241-2006-00146.

Mr. Moore advised the Commissioner to allow him to represent them in upcoming litigation with **Robert Lynn** and allow **Mr. Vissing** to recuse himself because of his representation of the private individuals. Commissioner Haire made the motion to allow Mr. Moore's request. Commissioner Guthrie seconded the motion and it passed 3-0.

Mr. Moore gave the Commissioners an update on the matter in which two meeting ago the Commissioners waived any conflict of interest in a matter where Mr. Moore will represent one of his clients regarding sewer rights (Richard Lewman). The Commissioner President stated that there was no objection.

Mr. Moore reported that the Bond Issue closing for the **juvenile debt** will take place before the Board's next meeting. Commissioner Guthrie made a motion to authorize the President's signature on documents outside the meeting. The motion was seconded by Commissioner Haire and passed 3-0.

Upon a motion by Commissioner Guthrie and seconded by Commissioner Haire the Board declared an emergency situation to exist that demands immediate action. Pursuant to IC.36-9-15.5-8 (C) the Board found it necessary, to protect the public health, welfare or safety, to expend money from the Cumulative Capital Development Fund in the amount of (\$83,281.62) eighty three thousand two hundred twenty one dollars and sixty two cents to pay outstanding Commissioners debts. The motion passed 3-0 and the Board instructed Secretary Angela Coleman to file the proper paperwork in the Auditor's Office.

Commissioner Haire gave a brief statement on a roundtable workshop that she attended at the Annual Commissioners Conference regarding the **Indiana Meth Watch Program**. Commissioner Haire volunteered to follow up on getting this program in Clark County where store employees are trained to detect when someone purchases too much of a certain items that would be used in a meth lab and the stores are then marked with stickers. Sheriff Becher stated that his office currently is involved in this program. The Board of Commissioners and Sheriff Becher gave their approval for Commissioner Haire to move forward with this plan.

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

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EDWARD MEYER, PRESIDENT

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VICKY KENT HAIRE, MEMBER

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RALPH GUTHRIE, MEMBER

SIGNED THIS DAY

ATTEST:

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BARBARA BRATCHER HAAS  
CLARK COUNTY AUDITOR