

Council Meeting
January 20, 2009 – 5:01 pm

The meeting was called to order by President Spaetti. Councilmen Spaetti, Ebert, Winsett, Kress, Waninger, Kroeger, Bunner, and Attorney Wetherill were present.

Minutes

11/18/2008 minutes; Winsett made a motion to approve. Bunner seconded. All in favor.

12/16/2008 minutes; Kroeger made a motion to approve. Kress seconded. All in favor.

01/02/2009 minutes; Ebert made a motion to approve. Winsett seconded. All in favor.

Drainage Advisory Committee

Logsdon gave a report from the Drainage Advisory Committee, inserted as follows:

The following were in attendance: Kirby Youngblood, Jimmy Boyd, Bob Reinke, Paul Giles, Stanley Herron, Bill Spaetti, Jim Ebert, Charles Waninger, George Lynam, Phil Schmidt, Chuck Painter, Dennis Fueger

The financial report per completed projects was provided by Logsdon:

DRAIN	CONTRACTOR	BID	FINAL COST
Tower Drain # 1	K & K Dirtworks	\$10,100	10,100.00
Tower Drain # 2	Herron Excavating	\$11,650	11,650.00
Tower Drain # 3	Herron Excavating	\$ 7,500	7,500.00
David Walters	Youngblood Farms	\$ 3,015	3,015.00
David Walters Trib	Youngblood Farms	\$ 1,650	1,650.00
Big Sandy # 1	K & K Dirtworks	\$ 4,500	4,500.00
Big Sandy # 2	K & K Dirtworks	\$23,500	23,500.00
Big Sandy # 3	K & K Dirtworks	\$ 9,800	9,800.00
Crooked Creek	K & K Dirtworks	\$ 8,860	8,860.00
Robert Hatfield	K & K Dirtworks	\$ 14,074.99	14,074.99
TOTAL			\$97,539.99

Miscellaneous Expenses Reported for the above projects:	
DNR Permits	200.00
Legal Expenses for Mr. Robinson	165.00
Fuel Surcharge for Herron Excavating	2,607.24
Total Miscellaneous Expenses	\$2,972.24
Total Funds Expended	\$100,512.23

Uncompleted projects as of January 1, 2009	
Cooked Creek Project – Advanced Services	995.00
Spraying Completed Projects- Tower, David Walters, Hatfield Drains	2,500.00
Total Funds Necessary to Pay for these projects	\$3,495.00
Total of Funds spent and committed to projects	\$104,007.23

In 2006-7 the Drainage Board requested that the Spencer County Council provide **\$115,000.00** to initiate this special project designed to improve the infrastructure of drains and roads across the county. In 2008 the Council was requested to appropriate an additional **\$19,000.00** to provide funding for anticipated projects. Due to several factors this amount was not utilized and a balance of **\$33,487.77** remains in the account created to fund the drainage projects. As noted above there are uncompleted projects that will cost **\$3,495.00**. This leaves a working balance of **\$29,992.77** as of January 1, 2009.

Extensive discussion was held per the projects that need to be selected for the coming year. The group reached consensus that the work be completed on the following drains: Lake Drain, Pigeon Creek, Anderson River, Crooked Creek and Garrett Creek. Mr. Herron was requested to meet with the Warrick County Surveyor and determine if they would be able to assist on a 50-50 basis for work to be completed on Pigeon Creek.

It is understood by the drainage advisory group that the following financial estimates for projects to alleviate current drainage situations are not accurate predictions of the total cost that will or may be incurred.

Funds are requested for work on the following drains:

Anderson River	\$ 20,000.00
Lake Drain	\$ 25,000.00
Crooked Creek	\$ 20,000.00
Pigeon Creek	\$ 25,000.00
Garrett Creek	\$ 25,000.00
Total Requested	\$115,000.00

With a current working balance of \$29,992.77, the council is requested to consider approval of appropriations during the 2009 year in the amount of \$84,007.23.

Logsdon expressed appreciation for the support and guidance of all advisory board members who give of their time and talent to make this special project one that benefits all of Spencer County. On behalf of the advisory board, Logsdon expresses appreciation to Council

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Members for making funds available for the projects listed above and considering the request for additional funds.

Logsdon explained that the only correction with the report is the working balance of \$29,992.77. He was unaware that at the end of the year the money reverts back to the Rainy Day fund and needs to be re-appropriated.

Logsdon requested the approval of the requested additional of \$50,000 which will enable the drainage board to start bidding the initial projects. Surveyor Herron is in discussions with Warrick County to split the cost of the Pigeon Creek work and he will be working on specs for the Lake Drain project.

Kress stated he is very happy to see the costs are being kept under control. He said it is nice to see that all of the final costs came in at the bid price. Spaetti thanked Logsdon for going above the call of duty with the projects. Logsdon stated that he could not have done anything if it were not for the cooperation of the farmers and the contractors in the community working together. Kroeger stated it is a great project and he appreciates Logsdon keeping the council informed. Ebert stated that he has heard nothing but compliments from landowners regarding the past project.

Logsdon stated Surveyor Herron has started off in the right direction with the contractors by telling them that the Lake Drain project is dangerous and that he will be present throughout the project.

Surveyor's Truck

Logsdon explained that the truck used by the prior surveyor is no longer drivable. The Drainage Board is looking into other alternatives. One alternative is the possibility of paying the Surveyor a flat fee each month for using his personal vehicle.

Commissioner Attorney Contract

Lueken presented the revised contract for legal services signed by the commissioners for the councils' review. He stated that a provision was added after the last meeting which states that if legal services are not provided for a period longer than two weeks, any future salary payments would be withheld until such services are resumed.

Spaetti asked Wetherill about the provision that litigation would be charged separately. Wetherill stated that if the county is ever sued, then insurance will pay for any legal services.

Kroeger stated that Lueken works for the commissioners, and they signed the contract, so they are apparently satisfied with the amount and the provisions.

Gogel stated that he started the discussion about having a contract to enable the county to keep control of costs. He stated he is unsure if the amount agreed to is the correct amount but he is willing to try it for one year. He stated that he feels legal services should be bid out like any other service to the county. Logsdon agreed that he would like to keep a cap on expenses and he was willing to try it for one year.

Bunner stated that the wording added to provision number two could be better and he expects more from an attorney. Discussion was had on the provision. Kroeger stated that in the future he would like to see the contract written by a third party so it can be used by any attorney in that position. Bunner stated he would also be willing to try it for a year. Kroeger stated his main concern still is the lack of accountability since there will not be monthly bills.

Shelton explained a salary ordinance amendment will need to be approved. Ebert made a motion to approve the salary ordinance. Winsett seconded. All in favor.

Tourism

The Spencer County Tourism Commission requested the re-appointment of Larry May and Paula Werne to the Commission. Kress made a motion to approve the appointments. Bunner seconded. All in favor.

Law Books Online

Shelton discussed a quote from Lexis-Nexis to have law books available online in place of having the books in the office. Last year over \$2,000 was spent on updates for the books. The quote for the online service was \$99 per month. Wetherill and Lueken both said they should be able to get the quote cheaper. They will work with Shelton and report back to the council.

Additional

Rainy Day Fund

Drainage Task Force – Ebert made a motion to approve the requested \$50,000. Kress seconded. All in favor.

Riverboat

Legal Fees – An additional of \$10,000 is requested for the 231 Adult Plaza litigation. Kroeger made a motion to approve the request. Ebert seconded. All in favor.

Health Department

State Monies for Emergency Preparedness – Rita Stallings and Donna Etienne explained that the health department held a regional mass immunization and qualified for \$10,000 from the state. They requested the money be appropriated for use to purchase an Emergency Response Trailer and other supplies. Ebert made a motion to approve. Kress seconded. All in favor.

Tobacco Settlement/Child Restraint Seats – Stallings and Etienne stated that each year they use the tobacco settlement money to purchase child restraints for residents for free. They requested the appropriation of \$16,904 to purchase the car seats. Bunner made a motion to approve. Waninger seconded. All in favor.

Reassessment

Aerial Photography/GIS – Deputy Assessor Donna Burrows discussed the proposed re-flying of the county and how it will help with reassessment. Wetherill stated that the updated photos will also help with the planning and zoning office. The cost of the photography is \$43,540. Waninger made a motion to approve. Bunner seconded. All in favor.

Professional Services – Lueken discussed the need for the county to hire a professional to do the appraisal of AK Steel. John Shelton of Tax Management Associates stated that he has done audits on steel mills in the past. The cost of the appraisal is \$18,000 with all travel expenses included. Discussion was had on why the county must pay for the enforcement of state regulations. In conclusion, Kroeger stated that the dollar amounts are substantial and the audit needs to be done by someone who knows the business. Kroeger made a motion to approve \$18,000. Kress seconded. All in favor.

Family and Children

Connie Branch discussed how the county is still responsible for any expenses from 2008 and the state has taken over expenses starting in 2009. Expenses turned in so far total \$86,500. She expects an additional \$7,800 for Children's Psychiatric, which she will request next month. Kroeger stated that he has enjoyed working with Branch over the years and he appreciated the work she does. Ebert made a motion to approve the \$86,500. Waninger seconded. All in favor.

County Council

COIT/ Santa Claus Water – The previously agreed to \$100,000 payment to the Santa Water Project was requested for appropriation. Discussion was had on the placement of waterlines on CR 800E. Commissioner Gogel explained that they are only cutting into the road when necessary and the utility is responsible for returning the road back to county specifications. Kroeger made a motion to approve. Kress seconded. All in favor.

COIT Bond – The bond payment of \$114,107 for the county highway building was requested for appropriation. Ebert made a motion to approve. Bunner seconded. All in favor.

Transfers

Commissioners

The commissioners requested a decrease in Legal Services and an increase in County Attorney in the amount of \$15,000. Kroeger made a motion to approve. Winsett seconded. All in favor.

Courthouse

Since the Maintenance Supervisor was changed from a contractor to part-time status, \$11,700 was requested to be transferred from Courthouse Contractor to Maintenance Supervisor. Kroeger made a motion to approve. Winsett seconded. All in favor.

Salary Ordinance

Shelton explained that a salary ordinance amendment needs to be signed since the Commissioners voted to keep their salary for 2009 the same as 2008 and decline the raise which was approved. In addition, the Courthouse Maintenance Supervisor has to be added to the salary ordinance. Kress made a motion to approve the amendment to the salary ordinance with the two changes. Kroeger seconded. All in favor.

LEPC Spending Plan

EMA Director Perdue and Kellie Singleton discussed the LEPC spending plan. The council approval is not needed, but Perdue wanted to keep the council informed.

LTRSD

Matt Steinkamp, the council representative on the LTRSD board, reported that at the last meeting Grady Gordon and Rick Garrett resigned from the board. The Luce Township Advisory Board will make the replacement appointments. Steinkamp stated Ed Ingram is now President. Discussion was had on the role Town of Richland will play on the board and the future plans of the board. Steinkamp stated it depends on the appointments made by the Advisory Board. Ingram stated that the grant will be lost in February regardless.

Winsett and Steinkamp discussed talking to people who have not signed and finding out the reasons why.

Ebert stated the easements need to get in. Steinkamp agreed and said that even though the county is losing population, Luce Township has the best potential for growth because of its proximity to Newburgh and Evansville. Sewers would help with the growth and stop the negative growth.

Steinkamp stated that the biggest reason people have given for not signing is that they are waiting to see movement in the project.

Kroeger stated that Spencer County has led the state in assessed value growth, and the growth has happened where the county has sewers. Sewers improve the value of an area which causes growth which in turn causes tax rates to go down. Kroeger also stated that now is a great time to start a project because costs are down and contractors are looking for work. The Santa Claus Water bid came in a million dollars under budget.

Steinkamp stated that they need a unified board to move forward. Discussion was had on giving a guarantee of a monthly cost. Steinkamp stated it has been suggested but some board members have shot it down because they say it could just be changed later. Steinkamp stated that all he can do is state that he will not vote to continue with a project that would have an average cost of more than \$65 per month.

Lueken discussed his concern about the chemicals used.

Kroeger stated that the people of Luce Township have to be the ones to make the project move forward. Steinkamp stated again that it depends on the new appointments.

AIC Legislative Meetings

Kroeger stated that there will be two AIC sponsored Legislative Meetings on January 28th and February 24th and 25th. Kroeger encouraged participation.

Ebert made a motion to adjourn. Kress seconded. All in favor. The meeting was adjourned at 7:37pm.

County Council,

President

Attest:

Cindy Shelton, Auditor
