

**POSEY COUNTY COMMISSIONERS TUESDAY, MARCH 18, 2014**

The Board of Commissioners met in regular session in the Commissioners' room at the Hovey House, 330 Walnut Street, in Mt. Vernon on Tuesday, March 18, 2014 at 9:00 a.m. Members present: Carl A. Schmitz, Jerry R. Walden, James L. Alsop, Attorney Bill Bender and Auditor Kyle J. Haney.

Commissioner President Schmitz opened the meeting by leading the Pledge of Allegiance.

**MINUTES**

J. Walden made a motion to approve the minutes of the previous meeting and J. Alsop seconded the motion. Motion carried with a vote of 3-0.

**CLAIMS**

J. Alsop made a motion to approve the claims and J. Walden seconded the motion. Motion carried with a vote of 3-0.

**CLERK'S REPORT**

J. Alsop made a motion to approve the Clerk's Report and J. Walden seconded. Motion carried with a vote of 3-0.

**TREASURER'S REPORT**

J. Walden made a motion to approve the Treasurer's Report and J. Alsop seconded. Motion carried with a vote of 3-0.

**OPENING OF BIDS: SECTION VII BITUMINOUS MATERIAL (CHIP AND SEAL) & SECTION VIII ASPHALT (HOT MIX MATERIAL)**

Commissioner Schmitz proceeded with opening the bid folders. The bids were opened in the following order: David Enterprises, Inc. and included documents; Metzgar and included documents; J.H. Rudolph & Co., Inc. for hot mix and included documents; J.H. Rudolph & Co., Inc. for liquid asphalt and included documents; and E & B Paving, Inc. and included documents. Mr. Schmitz stated that Auditor Kyle Haney will copy the documents and forward them to Steve Schenk, Highway Superintendent. Mr. Schenk will make a recommendation to the Commissioners in April at the next meeting. J. Alsop made a motion to table the discussion until the next meeting and J. Walden seconded. Motion carried with a vote of 3-0.

**COLLECTION SERVICES VENDOR AGREEMENT-AMERICAN FINANCIAL CREDIT SERVICES, INC.**

Treasurer Justin White introduced Liz Williams from American Financial Services, Inc. Mr. White stated that the company collects judgments for personal property taxes and has worked with various counties in Indiana. Mrs. Williams stated that American Financial Services, Inc. is a company that has successfully collected property tax debt for 65 counties throughout Indiana including Warrick, Vanderburgh, Pike and Gibson. The cost for the company's services are paid directly by the taxpayer. It is noted that the exact dollar amount of property tax judgments on file is unknown and that there is no collection process at this time. Commissioner Walden stated that the ambulance collection services has had success with this type of collection service. Attorney Bill Bender informed that the agreement is reasonable and that it allows for a thirty day cancellation should the county be unsatisfied with their services. It is reiterated that the county does not pay for the service and the fees are collected from the taxpayer. J. Walden made motion to approve the service agreement with American Financial Services, Inc. and J. Alsop seconded. Motion carried with a vote of 3-0.

**INDEMNITY AND HOLD HARMLESS AGREEMENT INRE: BETH A. LEVEAEY**

Scott Champlin addressed the Commissioners on behalf of the Indemnity and Hold Harmless Agreement for Beth A. Lavey. He explained that the Town of New Harmony utilizes Deputies for part time employment services as opposed to hiring and training new officers. Mr. Champlin stated that it was agreed between Sheriff Oeth and himself that it was in the best interest to disclose and express an Indemnity and Hold Harmless Agreement. The agreement is intended to provide the Sheriff's Department with liability protection. Sheriff Oeth expressed that it is understood by all parties that Deputy Lavey's priority is to the county and that the part time work with New Harmony is to be conducted during her off duty hours from the county. Funding for Deputy Lavey's employment with New Harmony will be provided by New Harmony. J. Alsop made a motion to approve the Indemnity and Hold Harmless Agreement for Beth A. Lavey and J. Walden seconded. Motion carried with a vote of 3-0.

**POSEY COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP, INN KEEPER'S TAX**

John Taylor presented to the Commissioners with regard to the Inn Keeper's Tax. It was brought into question as to whether or not New Harmony State Park is taxable. It was noted that the tax may only pertain to the tourist cabins. It was stated that the Commissioners are prepared to act on the matter. Mr. Taylor stated that a Conventions and Visitors Tour Board must be established prior to collection and enforcement of the Inn Keeper's Tax. It was decided that the goal is to establish a Board of Members and begin collection by July 1, 2014. The Council must also approve the decision to implement the tax. J. Walden made a motion to approve the Inn Keeper's Tax for Posey County and pass it on to County Council and J. Alsop seconded. Motion carried with a vote of 3-0.

**SPILLMAN TRAINING CONTRACT**

Sabrina Harms addressed the Commissioners in regard to the Spillman Training Contract for on-site training with the CAD System upgrades. Attorney Bill Bender reviewed the contract. J. Walden made a motion to accept the Spillman Training Contract and J. Alsop seconded. Motion carried with a vote of 3-0.

**POSEY COUNTY ECONOMIC REDEVELOPMENT COMMISSION-  
APPROVAL OF ECONOMIC DEVELOPMENT AREA**

Attorney Bill Bender presented to the Commissioners a request from the Posey County Economic Redevelopment Commission to establish an Economic Development Area near the proposed location of the Midwest Fertilizer Plant in order to collect TIF contributions that will provide funding for new infrastructure. Commissioner Alsop noted that corrections to the language used, grammatical errors and spelling changes to road names needed to be addressed. The intention of Midwest to use the designated water treatment area was questioned and it was established that the company could freely choose not to use the designated area and that it would not change the purpose of the Resolution. It is addressed that while grammatical errors can be corrected, changes to the number of jobs may not be critical and would not justify hindering the four step approval process. It is suggested by Attorney Bender to approve the Resolution as it is submitted and change the number of jobs created to reflect a more accurate number at a later date. Mr. Bender justified the suggestion by stating that the specification of the number of jobs does not change the substance of the Resolution. J. Walden made a motion to approve the Resolution and J. Alsop seconded. Motion carried with a vote of 3-0. The Resolution referred to is Resolution 2014-03-18-01.

**PROPOSAL FOR PREPARATION 2013 MEDICAID AMBULANCE COST  
REPORT- CHARLES MALINOWSKI, PRESIDENT, MALINOWSKI  
CONSULTING, INC.**

Charles Malinowski, President, Malinowski Consulting, Inc. addressed the Commissioners to present the proposal for the preparation of the 2013 Medicaid Ambulance Cost Report as well as to update the Commissioners on the 2011/2012 Medicaid Ambulance Cost Report. He stated that the 2011/2012 report showed a recovery of \$131,000 with a net to the county of \$112,000. Mr. Malinowski informed the Commissioners that although he has not had contact with the CPAs, he believed that the process for reimbursement was moving forward. Mr. Malinowski requested that the Commissioners employ Malinowski Consulting, Inc. services to recover 2013 Medicaid Ambulance Costs. J. Walden made a motion to approve Malinowski Consulting, Inc. for 2013 Medicaid Ambulance Cost Report and J. Alsop seconded. Motion carried with a vote of 3-0.

**ROAD CLOSURES FOR COMMUNITY EVENTS**

St. Wendel's Men's Club requested the use of roadways around St. Wendel to support their annual Grillin' & Chillin' 5k Run on June 7<sup>th</sup>. It is noted that the Highway Department had provided barricades. J. Alsop made a motion to approve the use of roadways and J. Walden seconded. Motion carried with a vote of 3-0. Ribeyre Gym Restoration Group requested the use of roadways for their sponsored 5k Run on August 2<sup>nd</sup>. It is noted that the run follows a path in New Harmony. J. Walden made a motion to approve the use of roadways and J. Alsop seconded. Motion carried with a vote of 3-0.

**LOWER NEW HARMONY ROAD, PUBLIC COMPLAINT- JOHN FINCH,  
CITIZEN**

John Finch notified the Commissioners and voiced a public complaint with regard to a tractor that is being driven up and down a roadway near his home. He stated that the tractor causes damage to the roadway and blocks traffic. Mr. Finch requested action from the Commissioners to prevent the roadway from being used by this tractor. He also provided photographs of alleged road damage. Steve Schenk, Highway Superintendent, replied that some of the apparent damage could be from variations in asphalt layers or from snow removal activity. It was noted that James Cooper from Arizona voiced a complaint to the Commission as well. It was explained that the tractor in question is a piece of equipment that is equipped with tracks as opposed to wheels, that it is being tested by ATI. It is required to be operated on asphalt roadways for 100 hours to determine the equipment's ability to withstand certain conditions. Commissioner Jerry Walden stated that he participated in a ride along. It was stated that while the operation of this equipment is an inconvenience, the ability of the Commissioners to restrict the equipment's use of this roadway is unknown. It was suggested that a possible solution would be to implement a weight limit on the road, however it was realized that it would restrict the use of certain farming equipment as well. It was also stated that another remedy would be to request the company to utilize alternating routes on different roadways. Mark Kost and Rebecca Wells, also Citizens of the Public, voiced complaints and concerns for safety and it is their opinion that ATI is a private business that is posing an inconvenience to the community. It was recognized that making a formal complaint before the Commissioners is the first step in a process. It was established that the Commissioners and Attorney Bender will investigate the matter further and work to achieve a solution. Concern for the proper use of county roads and safety for citizens will be addressed.

**HIGHWAY DEPARTMENT UPDATE**

Steve Schenk, Highway Superintendent, updated the Commissioners on the Highway Department. The total patcher that was recently purchased for liquid asphalt will be delivered that day. He reported that there is approximately 20 miles of chip and seal roads that will have to be recycled and Mr. Schenk requested permission to advertise bids for recycling. Mr. Schenk stated that he realized he was on the Continental Camp Road Committee and has been updated with the task of addressing the road repairs and

maintenance. He added that Citation has stated their intention to participate in the road repairs for Continental Camp Road and that it will be further discussed when all parties gather for discussion. He reported that in most cases, the weight limit postings for the road are being obeyed and that the Sheriff is handling the instances when the postings are not being followed.

### DEPARTMENTAL UPDATES

Commissioner Schmitz stated that Betty Postlethweight requested an approval for voting areas so that they can be advertised. J. Alsop made a motion to approve and J. Walden seconded. Motion carried with a vote of 3-0.

Commissioner Alsop stated that the Posey County Transportation Advisory Committee met the previous day in regards to the Western bypass. It was also discussed that the City of Mount Vernon expressed an interest to participate in establishing a public transit system from Mount Vernon to the Evansville area and requested the County's partnership. Mr. Alsop stated that the County is interested in the project and that a feasibility study is necessary to decide if this is beneficial. The funding for the feasibility study is available through grants.

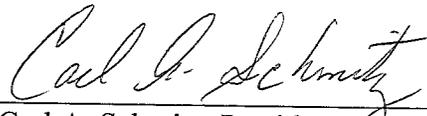
Chuck Thompson reported that a suitable, used ambulance was located through Alexis Fire and Safety. The unit has 75,000 and is \$35,000 and he is still reviewing other used units. The unit will be used in a low mileage area. He is still considering the remount process, however the correct chassis necessary is unavailable. Options for an alternative chassis are being considered. A remount will cost \$60,000, which includes the purchase of the chassis and the remount. Mr. Thompson is also looking into purchasing a van. It is noted that a new ambulance unit is \$115,000. Mr. Thompson expressed that his intention is to wait to hear from Jerry Wilderman to evaluate whether or not a remount is feasible.

Sheriff Greg Oeth reported that the jail is full again. Mr. Oeth also noted that there is an Executive meeting on March 31<sup>st</sup> for a Merit Board.

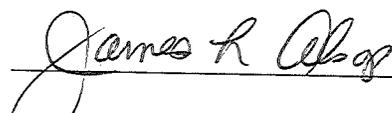
Treasurer Justin White reported that tax bills are being mailed on April 1<sup>st</sup>. Mr. White also stated that the online payment goes live on Thursday of the current week for testing purposes.

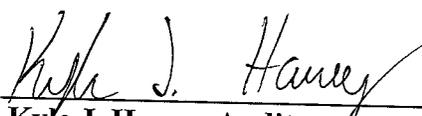
Commissioner Alsop added that Larry Williams with McKim's IGA contributed cardboard to Posey County Solid Waste, and in turn, the cardboard generated approximately \$4,700 in 2012.

No other business was discussed, and the meeting was adjourned until Tuesday, April 8, 2014.

  
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Carl A. Schmitz, President

  
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Jerry R. Walden

  
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James L. Alsop

ATTEST:   
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Kyle J. Haney, Auditor