VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 1, 2017

The Vanderburgh County Board of Commissioners met in session this 1st day of August, 2017 at 3:00 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

Call to Order

President Ungethiem: Good afternoon. I would like to welcome you to the Vanderburgh County Board of Commissioners August 1st Commissioners meeting.

Attendance Roll Call

President Ungethiem: Madelyn, roll call please, or attendance please.

Madelyn Grayson: Commissioner Shoulders?
Commissioner Shoulders: Here.

Madelyn Grayson: Commissioner Musgrave?
Commissioner Musgrave: Here.

Madelyn Grayson: President Ungethiem?
President Ungethiem: Here, having three Council, or Commissioners present, we have a quorum.

Pledge of Allegiance

President Ungethiem: Would you please join us for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Ungethiem: Thank you.

Commission President Comments

President Ungethiem: Before we get started, I just want to make a note that the World Games were held, I think in Budapest, this past week, and our own gold medal swimmer from the Olympics, Lilly King, I think captured four more gold medals in the World Games, and set four world records. So, that is quite an accomplishment for her, and we congratulate her on her additional collection of hardware.

Commissioner Shoulders: Absolutely.

Public Hearing and Final Reading of Vacation Ordinance CO.V-08-17-003:
Vacation of Part of a 16' Drainage Easement & Underground Public Utility Easement: Eagle Crossing, Section 3B, Part of Lot 120

President Ungethiem: We’ll move on to action items. The first item is a public hearing and final reading of vacation ordinance CO.V-08-17-003. This is a petition to vacate part of Lot 120 in Eagle Crossing, Section 3B, and part of 16 foot wide drainage and underground utility easement. I assume, since this is a public hearing, we open the public hearing?

Commissioner Musgrave: Do you need a vote to open that?

Joe Harrison, Jr.: Go ahead.
President Ungethiem: Yeah.

Commissioner Musgrave: I’ll motion to open the public hearing on the vacation ordinance CO.V-08-17-003.

Commissioner Shoulders: I will second the motion.

President Ungethiem: A motion has been moved and seconded. All of those in favor signify by saying aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Ungethiem: The public hearing is open.

Joe Harrison, Jr.: Scott Buedel is here.

President Ungethiem: Pardon?

Joe Harrison, Jr.: I think Scott Buedel might be here.

President Ungethiem: Scott is here from the petitioner. We would like to hear his comments.

Scott Buedel: Scott Buedel with Cash Waggener and Associates, here on behalf of Todd and Rachel Mayer, or Mazzier, however it’s said. We started the process of just doing a minor subdivision for them. They were trying to purchase some property behind them. In the process of locating the house and some of the improvements on their property, it was determined that their pool, the back side of their pool and part of the sidewalk around the pool, was located in the drainage and underground public utility easement. We went through the process to get the letters from all of the utilities, all of the agencies to sign off on that vacation, and everybody, nobody had an objection to that. We’re actually just asking to vacate, for the most part, half of the easement that’s there. The other half of it would still remain, if anybody ever needed to use that easement.

President Ungethiem: Okay. Any remonstrators on this item? Seeing none. Any questions from the Commissioners?

Commissioner Shoulders: What was the name again of the homeowner, did you say? You said it was Todd who?

Scott Buedel: Todd and Rachel Mazzier.

Commissioner Shoulders: Mazzier?

Scott Buedel: M-a-z-z-i-e-r.

Commissioner Shoulders: Yeah, gotcha.

President Ungethiem: No other questions?

Commissioner Musgrave: No.

President Ungethiem: I would entertain a motion to approve.

Commissioner Musgrave: So moved.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second to approve the final reading of the vacation ordinance CO.V-08-17-003. Roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.
Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and it is approved by a 3-0 vote.

(Motion approved 3-0)

Scott Buedel: Thank you.

President Ungethiem: Thank you.

Final Reading of Ordinance CO.08-17-016:
Amending Ch. 2.86: Recorder Fees Charged to Bulk Users

President Ungethiem: Next up is a final reading of ordinance CO.08-17-016, amending chapter 2.86 of our code, Recorder Fees Charged to Bulk Users. I would entertain a motion to approve the final reading.

Commissioner Musgrave: I'll move approval.

Commissioner Shoulders: Yeah, second.

President Ungethiem: We have a motion and a second. Debbie is here to give us any final explanation on this.

Debbie Stucki: Just if you had any more questions. Thank you.

President Ungethiem: It's basically a State law that we're just mimicking here locally.

Debbie Stucki: Just amending our ordinance to reflect the new fees set by the State.

President Ungethiem: Right. Any remonstrators on this? Seeing none. Any questions by the Commissioners? Okay, we've got a motion and a second. Roll call vote please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and it is approved by a 3-0 vote.

(Motion approved 3-0)

Commissioner Shoulders: Thanks, Debbie.

President Ungethiem: Thank you, Debbie.

Debbie Stucki: Thank you.

Final Reading of Ordinance CO.08-17-017:
Amending Ch. 8.16.025: Removal of Weeds & Rank Vegetation

President Ungethiem: The next item is final reading of ordinance CO. 08-17-017, amending section 8.16.025 of the weed removal ordinance. A motion to approve final reading?

Commissioner Musgrave: So moved.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. Do we have anyone here to speak about that? Seeing none. Any remonstrators on the weed removal ordinance? Any questions by the Commissioners? Roll call vote please.
Madelyn Grayson: Commissioner Shoulders?
Commissioner Shoulders: Yes.
Madelyn Grayson: Commissioner Musgrave?
Commissioner Musgrave: Yes.
Madelyn Grayson: President Ungethiem?
President Ungethiem: Yes, and it is approved by a 3-0 vote.

(Motion approved 3-0)

President Ungethiem: That’s all of the items that we have under action items.

County Engineer

President Ungethiem: We’ll move on to department head reports. Who wants to start? John, do you want to start? You weren’t here last time, so we’re going to let you go first again.

John Stoll: The first item I have is a request to hire Koberstein Contracting to remove a shed on a property at the corner of Peck Road and Baseline Road. This shed is in the way of Vectren’s gas main relocation for the Peck Road project. If we can get the shed removed, then they can complete the gas main relocation project, which then will allow us to get the project out for bid. I contacted three contractors, Koberstein Contracting provided the low price quote of $4,750. I just need your approval to proceed with hiring them.

Commissioner Shoulders: So moved.
Commissioner Musgrave: Second.
President Ungethiem: We have a motion and a second to remove the shed for $4,750. Any other discussion?

Joe Harrison, Jr.: Can I ask one thing? Do you have the names of the others? The other two? Can you provide those to Madelyn?

John Stoll: I emailed them to Madelyn. I sent it out to Klenck and to Blankenberger. Blankenberger provided the only other price quote, and that quote was $5,000.

Joe Harrison, Jr.: Okay, thank you.

President Ungethiem: Okay. Any other questions? Roll call please.
Madelyn Grayson: Commissioner Shoulders?
Commissioner Shoulders: Yes.
Madelyn Grayson: Commissioner Musgrave?
Commissioner Musgrave: Yes.
Madelyn Grayson: President Ungethiem?
President Ungethiem: Yes, and it is approved 3-0.

(Motion approved 3-0)

John Stoll: Next I’ve got an administrative settlement request for Green River Road, Phase VI. This is parcel 42, which is owned by Kinjohn Properties, LLC. They have requested an increase of $13,509.14. This would make their new, revised offer $28,009.14. I’ve reviewed it, Joe Harrison’s reviewed it, and we would recommend approval of the administrative settlement.

Commissioner Musgrave: Move approval.
President Ungethiem: We have a motion and a second. Any further discussion? All of those in favor of the administrative settlement signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: It is approved.

**Motion approved 3-0**

John Stoll: Next I’ve got a waiver for the requirement of a partial mortgage release on that property. It’s, the increase was due to a sign. Since it’s not really related to a structure of the property itself, we’re requesting approval to waive the requirement to get a partial mortgage release.

Commissioner Musgrave: Move approval.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second for a partial mortgage release for parcel 42. Any other questions or comments? All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: The motion carries.

**Motion approved 3-0**

John Stoll: Next I have an administrative settlement for parcel 20, owned by Bengert, on Green River Road, Phase VI. This is for an increase of $4,561, which makes their new offer amount $44,961. Again, Joe Harrison and I both reviewed that, and we would recommend approval.

Commissioner Musgrave: Move approval.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. Any further discussion? All those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: All of those opposed?

(None opposed)

President Ungethiem: The motion carries.

**Motion approved 3-0**

John Stoll: Next I’ve got a request to make two additional offers on Green River Road, Phase VII, which is the section between Boonville-New Harmony and 57. The properties are; parcel 2 owned by Angermeier, and the offer amount would be $23,200; and parcel 23, owned by RJSS, LLC, and that offer amount would be $18,000.

Commissioner Musgrave: I move approval.

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1 This is actually a waiver of the requirement for a partial mortgage release.
Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second to approve the right-of-way for two parcels, parcel 2 and parcel 23. Any further discussion? All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: The motion carries.

(Motion approved 3-0)

John Stoll: The final item that I have is a right-of-way encroachment agreement for the intersection of Elna Kay and Spry Road. The property owner at that intersection installed a fence in the right-of-way for Elna Kay and for Spry Road, and this would just allow the encroachment to exist, but it holds the county harmless if there’s any liability.

Commissioner Musgrave: Move approval.

Commissioner Shoulders: I second the motion.

President Ungethiem: We have a motion and a second to approve right-of-way encroachment at Elna Kay and Spry intersection. Any further discussion? All those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed same sign.

(None opposed)

President Ungethiem: The motion carries.

(Motion approved 3-0)

John Stoll: That's all I have, unless you have any questions.

President Ungethiem: Alright.

Commissioner Shoulders: Thanks, John.

John Stoll: Thanks.

President Ungethiem: Thank you, John. Any other department heads? Seeing none.

Board Appointment: Old Courthouse Foundation Board

President Ungethiem: We'll move on to board appointments. We do have one board appointment, and it is Lucas Neuffer? Is that how you pronounce that? Lucas Neuffer at the Old Courthouse Foundation. I would entertain a motion.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I'll second the motion of Lucas.

President Ungethiem: We have a motion and a second. Any further discussion? All of those in favor of Lucas Neuffer being appointed to the Old Courthouse Foundation signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Same sign opposed.

(None opposed)
President Ungethiem: The motion carries.

(Motion approved 3-0)

New Business/Old Business

President Ungethiem: Okay, moving on, new business. Do we have any new business to discuss? Seeing none, do we have any old business?

Public Comment

President Ungethiem: Any public comments? Seeing none.

Consent Items

President Ungethiem: We’ll move on to consent items. I would entertain a motion to approve the consent items as listed on the agenda.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I will second.

President Ungethiem: We have a motion and a second to approve the consent items as listed on the agenda. Any further discussion? Let’s have a roll call on that.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and the consent items are approved by a 3-0 vote.

(Motion approved 3-0)

First Reading of Rezoning Ordinance VC-8-2017

Petitioner: Gregory A. Duke
Address: 13601 N. Highway 41
Request: Change from CO-2 to C-4
Action: Approved 3-0 to Send to APC

President Ungethiem: The next item is rezoning. We have first reading of rezoning ordinance VC-8-2017. The petitioner is Gregory A. Duke; the address is 13601 North Highway 41; and the request is to change from CO-2, CO dash two, to C-4. This motion will send it on to Area Plan, and then it will be reviewed by Area Plan and come back to us. So, I would entertain a motion to approve.

Commissioner Musgrave: So moved.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. Any further discussion? Seeing none, roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.
Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and it is approved by a 3-0 vote.

(Motion approved 3-0)

Adjournment

President Ungethiem: Anything else to come before this Body?

Commissioner Musgrave: Motion to adjourn.

Commissioner Shoulders: I will second.

President Ungethiem: A motion to adjourn and second. We are adjourned.

(The meeting was adjourned at 3:13 pm.)

CONSENT ITEMS:

Contracts-Agreements & Leases: Health Dept. : Child Fatality Review Grant.

Commissioners:
Approval of the July 25, 2017 Commission Meeting Minutes.
Commission Letter to County Council.
Commission Memo Regarding Travel Ordinance.
SWCD: July 24, 2017 Meeting Minutes.
Supt. Of Co. Bldgs.: Quotes for Plaster Repair & Painting at the OCH.

Employment Changes:
Burdette Park (2) ONEP (1) Sheriff (4)

County Treasurer: June 2017 Monthly Report.

County Engineer: Department Head Report.

Those in Attendance:
Bruce Ungethiem Cheryl Musgrave Ben Shoulders
Brian Gerth Joe Harrison, Jr. Kristin Comer
Madelyn Grayson Scott Buedel Debbie Stucki
John Stoll Others Unidentified Members of Media

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

_____________________________
Bruce Ungethiem, President

_____________________________
Cheryl A.W. Musgrave, Vice President

_____________________________
Ben Shoulders, Member

(Recorded and transcribed by Madelyn Grayson.)