



**MINUTES
MONROE COUNTY BOARD OF COMMISSIONERS
JANUARY 30, 2009
MONROE COUNTY COURTHOUSE
JUDGE NAT U. HILL MEETING ROOM**

The Monroe County Commissioners met in a regular meeting on January 30, 2009, at 9:00 a.m. with the following members present: Patrick Stoffers, President; Iris Kiesling, Vice President, and Mark Stoops, Member. Also present: Jane Marie Lind, Executive Director, Commissioners' Office; William Steger, County Attorney; Regina Malloy, Chief Deputy Auditor; and Marilyn Stonecipher, Deputy Auditor.

Not present: Amy Gerstman, Auditor; Bill Williams, Director of Public Works.

CALL TO ORDER

The meeting was reconvened at 9:19 a.m. following the Board of Finance meeting by Patrick Stoffers

PLEDGE OF ALLEGIANCE

**Stoops moved, Kiesling seconded, to amend agenda to include under New Business:
Item E) Resolution 2009-06 – Codification of the Monroe County Code;
Item F) Simplex Grinnell Renewal Agreement;
Item G) Temporary Contract Agreement for the Recorder's Office; and
Item H) Curry Building Renovation Construction Contract.**

Motion passed.

I. APPROVAL OF PAYROLL (\$550,887.61) AND CLAIMS (\$2,403,621.40)

Kiesling moved approval of payroll and claims, Stoops seconded.

Motion passed.

II. **REPORTS**

Kiesling moved, Stoops seconded, to accept the reports from:

A. Weights & Measures

B. County Treasurer

Motion passed.

III. **NEW BUSINESS**

A. Janitorial Service Agreement for Johnson Creamery Building with Top Notch Cleaning Services

Kiesling moved approval, Stoops seconded.

(William Steger, County Attorney) Good morning. As the public should be aware by this time, the Circuit Court Commissioner has moved his office and courtroom to the Johnson Creamery Building. There's also another office involved that's moved to the Johnson Creamery Building. Top Notch Cleaning Services has offered, and this contract represents, their offer to clean one night weekly for the sum of \$25 each cleaning, which includes vacuuming, wet mopping where there are hard surface floors, and cleaning of the kitchenette area.

(Stoffers) I'll note that Item 9 of the contract says, "In consideration of performance of the work, County agrees to pay contractor the sum of \$25 per week payable in the biweekly amount of \$50."

Motion passed.

B. Ordinance 2009-04: Amendment to the Subdivision Control Ordinance, Chapter 856 §§ 7, 9(a) and (c), 11, 13(d), 14, 21, 34 and 42(c) of the Monroe County Code.

Kiesling moved approval, Stoops seconded.

(Jason Eakin, Planning Department) What we have before you today are some amendments to the Subdivision Control Ordinance. While many of them are minor changes, we hope they'll have a major impact as it relates to public safety; that was the main focal point of these discussions. As you can see in your packet, there are several different items. What I can do is just touch on the major elements.

This was forwarded to you by the Plan Commission at their November 18, 2008 meeting by a vote of eight to zero. This was really triggered by some recent development projects in subdivisions that had issues as it related to flooding, access for public safety, and

limited points of ingress and egress for given developments. There are very few points where we had long stretches of roadway with only one way in and one way out. We're hoping that these changes will address some of those.

These are all triggered by new development so this won't be retroactive to any existing developments. But any new development coming in will be subject to this Subdivision Control Ordinance.

Under 856-9, we've made a change which will limit backing of vehicles into arterial and collector streets. That was just strengthening some language we already have.

856-11 really addresses that provision for requiring two points of ingress and egress. Now it's not going to be required for every new development but we hope that when circumstances arise, or it seems apparent as the Plan Commission is reviewing the given development, we can make those recommendations and the language within the Ordinance will support us to require multiple entrances.

856-14 and 856-21 just strengthen the access easements because we had some provisions where you could have some very small easements for pedestrian, bike, utility, and drainage. We've broadened those access easement requirements, as well as providing for adequate turnarounds at dead end streets – temporary dead end turnarounds so that emergency vehicles can make the turns they need to get in and out of these locations which, given the snow, might be helpful for people these days.

Also under 856-21, this is one of the bigger items before you. Presently, if you have a private drive serving more than five dwelling units, you are required to build a road to a County Road standard. Well, what's happened over time is that we would do a subdivision serving five lots but only four dwelling units. So the person who has that fifth house who wants to build, he needs to build the road even though he wasn't the person who developed the site or did the subdivision. We're putting the onus on the subdivider and/or developer at the time to make sure all the adequate access is provided. We just felt that was more of an equity issue that needed to be addressed in the Ordinance.

And then finally, this one came up in a recent development as well. 856-34 limits development where your sole access is via a road that is prone to substantial flooding for periods of time. We had a project where there was really very little we can do in the Ordinance in terms of approving or disapproving of a petition request when we knew that that road flooded regularly. We had the pictures to show it. So we're hoping this will strengthen that.

So we hope these changes will clean up some of those problems that have come up in our reviews of developments and I'd be happy to answer any additional questions.

(Kiesling) As you noticed, I'm familiar with it, partly because most of these we addressed last Summer – last year when I was on the Planning Commission. These were all challenges that we had and I think had been discussed prior to that and a couple of the

longer time members of the Planning Commission had been concerned that we needed to make these adjustments. So I think this is a good step in the right direction and it should be positive for everyone. Thank you.

(Stoops) Most of these items were approved through administrative approval for minor subdivisions, is that right?

(Eakin) Some were. The private drives and the four lots is a very common item we see for minor subdivisions. Now that does have one public meeting requirement, it's not solely administrative review. But the same issue comes up via administratives as well.

(Kiesling) I did ask Bill Williams whether he was in agreement with all these items and he said, "yes." He couldn't be here this morning because he was at INDOT.

(Eakin) David Schilling and I had met as well to discuss these. He was present at our Plan Commission meetings and reviewed the final changes since then.

(Stoops) Where are these amendments available online?

(Eakin) Once they are approved, we will post them to the website on the County Planning Department page. The County Legal Department puts the Ordinances on their page as well.

(Stoops) Is that available within our meeting agenda online, Jane Marie?

(Stoops) I mean typically, when our agenda is proposed and available.

(Kiesling) That's the Auditor's office. I don't know if it's done. They may just do the cover sheet. Either of you know? Does anybody put our agenda online with the backup information?

(Stonecipher) Yes, I put the agenda online.

(Stoops) Because I think I saw a note that all of the ordinances weren't included just because of the size of them, is that right?

(Stonecipher) Sorry, I cannot hear you at all.

(Stoops) I'm just making sure that the Ordinances that we are approving were also available online with the Commissioners' agenda for today.

(Stonecipher) Yes. But anything you were given after I made the packet is not on there.

(Kiesling) So the item we are considering right now should be online, correct because it was in the original packet.

(Stonecipher) Yes.

Kiesling called the question. Motion passed.

C. Ratification of Structural Engineering Services Contract with Silver Creek Engineering for the Courthouse

Kiesling moved ratification, Stoops seconded.

(Steger) As you will recall, we entered into an agreement a couple of months ago with Silver Creek Engineering, a structural engineering firm out of Indianapolis, to evaluate the Courthouse floors preparatory to the remodeling of the first floor Assessor's office. There was preliminary testing before Silver Creek got involved which showed that there was structural weakness. There was subsequent discussion of whether further testing was necessary. It was the recommendation of both John Byers, our architect, and of Silver Creek that further testing probably would not give us any better information than what we already have.

The agreement before you is for Silver Creek to develop a prototype plan to reinforce the Courthouse floors section by section so that this work can be undertaken over a period of time. The result of this will hopefully be to determine cost estimates for the construction which will subsequently result. Their original proposal was \$5,100.00; they have billed and been paid \$3,252.50. So the development of this prototype plan will not exceed \$1,847.50, which is the balance remaining under the prior contract.

(Charles Newmann) Good morning. Which account of the Commissioners will this \$1,800 be coming out of? Will it be coming out of professional services?

(Steger) Probably. I think we've been paying this sort of miscellaneous service out of space needs.

(Kiesling) Cum Cap.

(Steger) Cum Cap – Space Needs.

(Newmann) Okay, thank you.

Motion passed.

D. Indiana Family Health Council Amends Grant for Futures Family Health Clinic (\$4,350.00 Additional)

Kiesling moved approval, Stoops seconded.

(Penny Caudill, Health Department) Every year at the end of the grant cycle for Indiana Family Health Council, they re-evaluate the money that they've had for the year. What

they have remaining unspent is divided out among the agencies that they have funded for that year. This will allow us to submit claims through January 31st in an additional amount of \$4,350.

(Stoops) So this is that standard quarter of a million dollar main funding grant for the Futures Clinic, is that right?

(Caudill) Yes.

Kiesling called the question. Motion passed.

E. Resolution 2009-06: Codification of the Monroe County Code

Kiesling moved, Stoops seconded.

(Steger) Traditionally, twice a year we review and submit for codification – which actually means inclusion – in the Monroe County Code those ordinances which have been passed since the preceding update.

(Stoffers) This resolution covers the period of May 23 December 31, 2008. Just for the record, this is incorporating Ordinances 2008-12, 20, 34, 36, 39, 40, 25 in two instances, 33 in two instances, 30 and 26.

Motion passed.

F. Renewal Agreement with Simplex Grinnell for Fire Alarm Inspection at the Youth Services Bureau (\$2,775.00)

Kiesling moved approval, Stoops seconded.

(Sara Borden, Office Manager, Youth Services Bureau) This is basically just the annual renewal contract for 2009 with Simplex Grinnell for our fire alarm and security system. It is in the amount of \$2,775.00. The term is March 1, 2009 through February 28, 2010.

Motion passed.

G. Temporary Contract Services Agreement for Recorder's Office with Brittney Huffman and Scott Hendrickson

Kiesling moved approval, Stoops seconded.

(Sam Allison, County Recorder) In the interest of saving time, I would just like to open it up to questions. This item has been reviewed by County Legal and there will be no impact on the General Fund.

(Kiesling) This comes from your Perpetuation Fund?

(Allison) Yes ma'am.

(Kiesling) The cost is? What's the hourly rate and is there a limit?

(Allison) Yes. It is \$11.25 per hour for a limit of \$1,500.00.

Kiesling called the question. Motion passed.

H. Bid Award: Curry Building Renovation Construction Contract to Strauser Construction Company of Bloomington (\$1,393,200.00)

Kiesling moved approval of the bid award and to designate that the Commissioner President sign the contract, Stoops seconded.

(Steger) I'd like to introduce Kris Floyd of Christine Matheu Architects, which has submitted a report to you with their recommendation regarding the bids received at our last meeting. The recommendation for the lowest responsive and responsible bidder was Strauser Construction Company of Bloomington. The total bid which is contained in the contract before you is \$1,393,200.00 and that includes three alternates which the County has accepted. Those would include a new roof surface membrane, sunscreens for the atrium and heat tape for the scuppers and downspouts.

Motion passed.

IV. APPOINTMENTS

Kiesling moved, Stoops seconded, to make the following appointments:

- Doug Horn to Plan Commission, term ends January 1, 2013.
- Barry Lessow, Dale Jones and John Whikehart to the Redevelopment Commission, terms end January of 2010.
- Jerry Pittsford to the Board of Zoning Appeals, term ends January 2013.
- Byron K. Smith, Randy Paul, Jack Davis, Joe O'Connor, Jim Palmer, Nancy Ganka and Sue Wanzer to the Help America Vote Act Board.
- Marguerite Shreve and Doug Bruce to the Redevelopment Authority, terms end January 2012.

Motion passed.

V. ANNOUNCEMENTS

(Kiesling) The Monroe County History Center is having a fundraiser and gala at Cook, Incorporated. I'm excited that Cook is willing to have it. It's Friday night, February 6th and I believe Mr. Cook is going to speak.

On Sunday, February 8th, there is a Freedom Salute ceremony for the Indiana National Guard for those returning from Iraq at Bloomington High School North.

Our next Commissioners' meeting is on Friday, February 13th at 9:00 a.m. here in the meeting room.

VI. PUBLIC COMMENT

(Charles Newmann, Monroe County Council Liaison to Monroe County Commissioners) With it being a new year in 2009 and we haven't had the Citizens' Academy present for the last two years. Do the Commissioners have any plans for using the \$2,000.00 that the Council has committed to conducting a Citizens' Academy for the awareness of the citizens of Monroe County on how County Government operates?

(Kiesling) We are very fortunate that the Extension person, Amy Thompson, has put together a plan and we've worked with her. She has put together the information from the previous year when we did this. I was very pleased that she was willing to take that on and we will be assisting her with this program. I don't have exact dates yet; although there are some dates that have been set up for it. We will try to announce those at our next meeting.

(Newmann) Hopefully, the class will be announced in the Spring and maybe conducted in the late Summer or Fall.

(Kiesling) She's working on it right now. She's already identified some dates. We'll put that together so we can make that announcement next meeting.

(Newmann) Good! I'm glad that's happening this year. The other thing is that when I attended your administrative meeting on Monday, I found out that there was timber sale money that was received by Monroe County in the amount of \$59,503.00. Are the Commissioners going to comment on the disbursement of that money?

(Stoffers) I think we disburse to all of the Volunteer Fire Departments through a statutory formula -- \$2,500.00 each. No less than \$1,000.00. DNR determined that it was no more than a little over \$3,000.00 each. The Commissioners decided to disburse \$2,500.00 each.

(Newmann) And the rationale for that in accordance with the State law is that each one of the Volunteer Fire Departments that has a contract with the Department of Natural Resources to help with any firefighting of forest fires in Monroe County. They have

authorized that money as a minimum of \$1,000.00 or 50% of the proceeds that the County receives. I thank the Commissioners for upping that amount from \$1,000.00 to \$2,500.00. Does anyone care to comment on how – let's see, that money was deposited into the General Fund. I guess the Council will have to look to see if there needs to be an appropriation made to the Commissioners in order to actually spend that money. Because right now, I believe that money has come out of your professional services line?

(Kiesling) I think it's been changed around so that there's not a deficit. The Auditor and our staff have worked together on that.

(Newmann) So, since Monday can you tell me what account it's coming out of?

(Kiesling) I have not followed up on that at this time. I will do that when we get finished here.

(Newmann) Okay. Because you're professional services line that was granted by the Council was \$10,000.00.

(Kiesling) That's correct.

(Newmann) And as of last Friday, you'd spent \$22,500.00 out of that line.

(Kiesling) It was not supposed to have come out of there. That information did not come out of our office so we are a little irritated that we did not know any of that was happening, because we didn't even generate the claims. Usually, we generate the claims.

(Newmann) Do you care to explain how that was spent then?

(Stoffers) You know, this isn't a question and answer period. I would appreciate if you would finish making your public comment because you have other speakers behind you.

(Newmann) I would appreciate you advising the public of what's being conducted here.

(Stoffers) What you've asked is an accounting question and a legal question. None of us are accountants or lawyers.

(Newmann) And a citizen awareness question. And then you were speaking very quickly on the appointments to the Redevelopment Commission. I couldn't hear those fast enough.

(Stoffers) Can you reiterate those for Mr. Newmann, please?

(Stoops) We have Barry Lessow, who is a reappointment; Dale Jones and John Whikehart to the Redevelopment Commission. And also Charlie, as far as the issue of how the money is spent and appropriated, it is not that we'll not look into it and give you

a specific answer; it's probably just not the time because we don't have the correct information to do it right now.

(Newmann) Well, the money has already been spent and it's already been documented how it was spent so there's no question there. It will be an error on the State Board of Accounts against the Commissioners.

(Stoops) Right. I'm not quite satisfied that it's an error because we have talked about it. But also with the DNR timbering money, the Commissioners are also considering other things that could be funded with that money. Basically, it comes from timbering our State forests; and it does make sense that the local Fire Departments have access to that money because there is no other coverage for covering our State forests. There are no other revenues that they receive to do that. But also, hopefully at some point, the State will stop timbering our public lands. But while they are doing that, I think it's appropriate that some of that money go to permanently preserve green spaces in Monroe County, and somehow funding programs that do preserve land and plant trees.

(Newmann) I am glad that the State allows some of that money to come back to the counties in Indiana that do have State forests. The way the law reads is that 15% of that comes back to the County, 85% is retained by the Division of Forestry for their activities to manage the forests. The amount of timber that's been cut in Monroe County has gone up significantly. Traditionally in the past just dollar wise, it was around \$30,000.00 that came to the County last year because the increase of cutting in Morgan/Monroe went up to 87. It went down some this year to 59 but that's because the State straddles the line between Morgan and Monroe County and every other year they give more to Morgan County than they do to Monroe County just because of the location of the State forest.

I would be very interested in the Council looking at appropriating some of that money just like they did last year for maintaining green spaces whatever they might be. The primary one that I was looking at would be some type of urban forest system like the forest preserves they have up in Cook County, Illinois, around Chicago. Hopefully, I will be able to get the Council to consider maybe using a little bit of that money even though it's a small amount. Thank you.

(Stoops) Good idea! Yeah, it's far more cost-effective to leave them where they are in our State forests because really we only get a few dollars per tree that's cut out of the State forest. It's not worth it.

(Stoffers) Good morning, Mr. Paul.

(Randy Paul) Hi. Again, I want to thank you for setting up the task force. I think the work we're going to do is very important. I do want to address one issue that's come up and kind of some hopes I have for the task force. My hope is that we set 2010 as being the election when we have things up and running – having all polling sites accessible. To do that, I think we have to do some things we haven't done in the past. The biggest part of this would be to standardize the process. To find volunteers and train them on the

ADA so that when they make the inspections or the surveys on polling sites, they have roughly an 8- or 9-page checklist of what is needed to be able to comply. I think that's going to be critically important. My hope is that the report we give you is not just a fact-finding report; that it actually is a working document that not only identifies problems but gives possible solutions. One area I'm real concerned about is that we be creative in giving recommendations on how to fund changes if needed. I suspect there's going to be some money that's going to be required. My fear is I don't want to see another good idea not be implemented because there is not enough money. I think the budget is going to be a major issue for everybody in County Government. So if we come forth with not only the fact-finding part, but also a real working document that we can make some real changes on. Because the big picture, I think, this task force is as much about changing the quality of life for people in our community with disabilities as it is about the actual voting. If you were to isolate any of the topics we talk about now as far as economic concerns and social concerns, those concerns hit this part of our community the hardest. An example I would use is that when you talk about the unemployment rate currently, I've seen studies done where the unemployment among people with disabilities who can work at least part time, is 25%. If the general overall population had a 25% unemployment rate, there would be marches in Washington and people throwing rocks at buildings. But yet, most people don't realize that. Unless we do some changes within the political process, that's not going to help. Another issue would be healthcare. When you talk about what people refer to as "access to healthcare." For those with a disability with a chronic illness, it's not just access but it's continuous access. There are issues that affect us a great deal and until we have a voice, changes are going to be very, very slow. In order to have that voice, we have to be able to vote and to be able to vote we've got to be able to get on site and actually be able to do it. So I think this is critically important for our community and of the people you put on this task force, I'm very confident we are going to come out with a very good report that you can implement and I think the quality of life for a large part of our community will be much better. So thanks!

(Kiesling) Thank you.

(Stoffers) We are looking forward to your participation, Randy.

(Stoops) Yes, you're welcome.

(Penny Caudill) Just one thing I wanted to do publicly with all the snow. As you know, the Futures Clinic is down the street on South Walnut so I wanted to thank our County Parks Department for plowing our alleyway and our parking and to Gary Cain for helping the staff shovel. So I just wanted to make that thank you.

(Kiesling) Thank you.

(Stoffers) Thank you, Penny. Any additional public comment?

VII. ADJOURNMENT

Kiesling moved, Stoops seconded, to adjourn the meeting.

Motion passed.

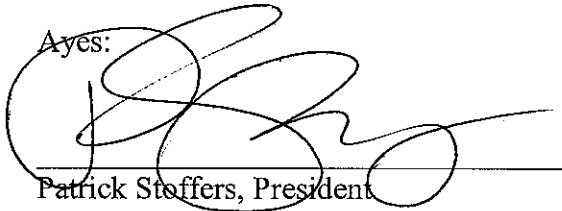
Adjourned at 9:57 a.m.

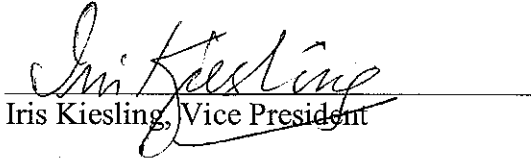
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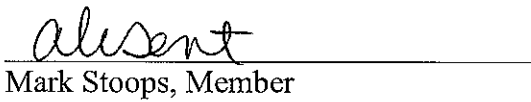
The Minutes from the Regular Session of the Monroe County Commissioners held January 30, 2009 were approved March 16, 2009.

Monroe County Commissioners

Ayes:


Patrick Stoffers, President


Iris Kiesling, Vice President


Mark Stoops, Member


Nays:

Patrick Stoffers, President

Iris Kiesling, Vice President

Mark Stoops, Member

Attest:


Amy Gerstman, Monroe County Auditor