

KNOX COUNTY COUNCIL MEETING
HELD AT THE BLUE JEAN CENTER
MONROE CITY, IN 47591
NOVEMBER 12, 2013

OPENING: Pledge of the Allegiance

ROLL CALL: Council members, Robert Lechner, Michael Thompson, James Beery, Steven Thais, Nicole Like, Terry Johnson and Randy Crismore

ADOPTION OF AGENDA: Agenda Revision – Number 12.5 added – 2013 Sheriff Resolutions #9

COUNCIL REPORTS: Randy Crismore attended the Criminal Justice Meeting. He stated that Judge Tim Crowley and Judge Osborn were not going to seek re election.

Auditors Report – given by Sheila Hobbs – On the Monthly Comparison Report you will see in tax settlement a negative number (\$60,000.00) that is because we had three early draws.

PETITION TO APPEAL FOR AN INCREASE TO THE MAXIMUM LEVY: Steve stated that this is for the shortfall that has been talked about and this would be the go ahead with hiring Umbaugh to go ahead and look into this. Kerry Currier thought this had been done in the last meeting but the paperwork is here and does need to be signed. Motion by Councilman Thompson and seconded by Councilman Beery. Passed 7/0

VINCENNES TWP FIRE DEPARTMENT – TIM SMITH-Here to correct an error , when he asked to borrow the money for equipment he did not ask to spend it, they usually do this at the same time. Request to spend additional money. Motion by Councilman Crismore and seconded by Councilman Lechner. Passed 7/0

CHRIS RIPLEY – INTERLOCAL AGREEMENT BETWEEN THE TOWN BOARD OF BRUCEVILLE AND KNOX COUNTY - Concerning the refurbishing of Davis Rd in the town of Bruceville, agreement written by the Knox County Highway Department and reviewed by Dale Webster, County Attorney. The agreement states that the Town will be responsible for the refurbishment and the Knox County Highway will furnish the man power and the material. Council Lechner asked Kerry Currier if she looked at the agreement and she state that Dale Webster would have and he stated that they do interlocal agreements quite often and this agreement does meet the requirements and they do get in writing what the town will be liable for. Councilman Johnson asked if the commissioners had signed this agreement and Chris said they had. Councilman Thais asked when this project would start and Chris stated it was up to the Highway Department but within a year of the signed copy of agreement and Ron Cardinal stated it would be April 2014. Councilman Lechner stated this agreement states the price is subject to change and if that is true then he would have an issue with it. Councilman Thais stated this was the first the Council had seen this agreement and they may need to read and make modifications if needed to the agreement. Motion to Table by Councilman Thompson and seconded by Council man Beery. Passed 7/0

APPOINTMENT – FREELANDVILLE REGIONAL SEWER DISTRICT – LEWIS A. MEYER 1-1-2013/12-31-2013 – appointed another 4 years. Motion by Councilman Beery and seconded by Councilman Thompson Passed 7/0

CALL FOR PROJECT 2017 – HIGHWAY DEPT-Ron Cardinal stated there was a meeting at INDOT and there is \$110 million dollars available for all the counties coming up. Coming as of July 1, 2014 some of the money will be available to assist projects. Signs and ADA would be the top picks with Bridge #45 also on the list. We would pay the cost and then get reimbursed. The right of way has been purchased and we are ready to move forward on this bridge. Then the signs would be next, Ron discussed the price of signs, he put in for \$600,000.00 and it would be 80/20 split and the Council would have to sign off on the project. All projects have to meet Federal guidelines. This needs to be in by December 13, 2013. There will be another call later but there is \$110 million this first call. We have to come up with 20% for the County portion. We would be reimbursed in 60 days from the state. ADA is in place and we have to be in compliance or you will not qualify for funding. The funding is first come first serve and there is no cap the County would have. The money would be available late 2014 and the year 2015. They are awarding these in January 2014 and then go from there. Ron will draft a letter and the Council will vote on this in the December meeting.

KNOX COUNTY HOUSING-ELIZABETH ELLIS-LINDA PAINTER- Here to ask for a waiver of pilot in lieu of taxes asked the towns to sign the waiver in the past and their auditor stated the County needed to sign the waiver for the year 2013. Linda stated this was their HUD qualified Auditor and she stated this needed to be done by the county not the towns. So they are requesting this be done now for the year 2013 and then they address 2014 next year. Motion to waiver pilot by Councilman Johnson seconded by Councilman Thompson. Passed 7/0

2013 SHERIFF RESOLUTION 2013-9 – Commissary Fund –What the fund can be used for and providing the documents to the Auditor's Office and more internal control. Kerry Currier reviewed and states it goes above and beyond what the state requirements are and to file an audit twice a year and the council can ask at any time for audit. Motion by Councilman Thompson and seconded by Councilman Beery. Passed 7/0

OLD BUSINESS-Josh Palmer – on the courthouse roof overpayment of CMR (\$3,585.00) after many months of trying to contact CMR, they are deducting this amount off their bill. Final bill of \$8,105.00 to clear account this is minus the \$3,585.00. Josh stated he has been unable to make contact CMR at this time. Councilman Thais asked about warranty work, Josh stated some will fall under manufacturer of the roofing and most work is covered only for a year. Concrete work will be done with the money that was withheld that should be enough to cover the concrete work. This is monies coming out of the Courthouse Roof account not the ADA Ramp account. This bill was tabled from last month – Motion by Councilman Johnson to un table and pay Myszak and Palmer the \$8,105.00 this is with them absorbing the cost of CMR overpayment of \$3,585.00. seconded by Councilman Crismore. Passed 6-0 Councilman Thompson abstaining

Josh discussed the ADA Ramp and found out in April that they had a stair case that had to be removed, and then had some trouble on the lime stone. He should have the cut stone on November 11, and found out they will be delivering the stone on November 18. Then it will take three weeks around December 16 it will be installed and the new doors going in at the same time. Price increase of the stairs \$2500.00 brought a different contractor into remove the stairs there is an additional in for \$4635.00 for additional stone and a hydrant that \$425.00 relocation. Evans electric came in because of electrical lines \$2000.00 Perk-a-lawn cut a line and their bill is \$2,659.00. The total \$149,700.00 the final is estimated at \$160,000.00.

NEW BUSINESS- Councilman Thais stated he had been approached and so had other Council Members on the concern of the fuel being used at the Highway. Last month they asked for \$49,000.00 and were given \$20,000.00. Councilman Thompson asked how many vehicles being used to take home, Councilman Beery stated the budget for fuel was \$180,000.00 it seems to him that nepotism, cronyism, politicism is still a problem and he has problem with this. They are requesting \$40,000.00 and its running 20% over their budget and when we are 20% over budget should we not be saying we start leaving some trucks sit and only take them home when weather is a problem. If you're over 20% it seems logical to make some cuts and address the situation. Ron Cardinal stated there are 4 trucks taken home, him and 3 road foreman and that's it. If there is bad weather they try to plan accordingly but weather is hard to predict and in the spring they had to place signs for high water and when you have snow you have trucks and dump trucks going in all directions those things are hard to budget for. Councilman Lechner stated I think the initial question was how many trucks does the department have. Ron stated 12 pickup, 6 -10 wheelers and 3 smaller dump trucks, some tractors and excavators were working daily in (3) districts. Day in and Day out. Councilman Beery asked about the dead end road we just paved and he is not comfortable why the Highway would pave this road if fuel was already over 20% budget this year. Ron asked if any of the Commissioners wanted to address this and Commissioner Holscher stated he would. He addressed the original question about fuel and he stated the highway has 4 pickups that go home, they use them as needed for call outs. Councilman Beery stated they are parked then and Commissioner Holscher stated they are use as needed for county business. Commissioner Holscher stated they have a new system they use Ceres Solution and mileage and fuel are monitored. They are more monitored now than they ever had been in the past. They can tell who fueled up and how much mileage they are getting per gallon, he feels they are taking precaution measures. Mowing all the road sides have been shut off do to a lower priority and some farmers have pickup up the mowing. Some roads have Johnson grass really tall on them and they have made decisions that some just can't be mowed and kept up. Commissioners Holscher stated the Highway Dept is making conscious decisions, and prioritizing. Councilman Lechner asked when the policy of taking the vehicles home change because previously they were all being taken home and Commissioner Holscher stated that had not been the policy since he has been a Commissioner, and Ron stated this has been the policy that only 4 vehicles have been take home since he had been the superintendent and that is 4 years. Councilman Lechner stated that it was policy before. Councilman Lechner

asked about taking vehicles out of county, Commissioner Holscher stated it is in their policy handbook that you cannot take home a vehicle if you live out of county. They can drive a vehicle out of county if they are on county business. Commissioner Holscher stated we had \$180,000.00 budget for 2007 and that was what was given to them this year and fuel has increased since 2007. We can't be expected to not increase the fuel expense. Councilman Beery asked the question with this scenario how much fuel did we use to run pavers and trucks back and forth to a dead end road. Commissioner Holscher stated they looked at the project like they do all projects and saw this would be a good project to do. Commissioner Halter stated that project will bring back to the county money, there are hundred thousand dollar houses being built there and it will be on the property tax roll. Commissioner Holscher stated he did not doubt that you do not approve of that project, you stated that, but they looked at the project, Dale Webster, County Attorney reviewed the project and it was in their legal limits to do the project. Which roads to do and which roads to drop off the list are hard to discussions to make. Everyday someone calls why haven't their road been paved, pot holes fixed etc. It's a hard decision to make. But they have to be made and I'm sorry you don't agree with that particular project. County Attorney Dale Webster stated he would like to say something about the budget, he stated in 2007 the budget for fuel, oil, lub was \$245,000.00 last year's budget was \$180,000.00, in the last 3 years the Highway has spent around \$200,000.00 but the budget is dropped lower every year. Dale stated the years and the amounts and the budget is staying around the \$200,000.00 mark every year but the budget is being lowered every year for fuel. Councilman Lechner stated well the truth is you have a 2.4 million dollar budget that is to be stretched over the next 12 months and we are being told it was spent in 9 months, Councilman Holschers stated that you have to do what needs to be done and if you decide to fund us only \$150,000.00 next year then I guess you can say were over budget 30%. Councilman Lechner state we budget 2.4 million to the Highway Department and it can be spent however you set it up for. Commissioners Holscher said yes and there are other funds that can be used, how much do you have in COIT? Councilman Lechner stated and yes we have funded projects you are given a budget of 2.4 million dollars and that the state has agreed on this budget. Councilman Thais asked about Ceres Solution and if they could get a spread sheet on the vehicle's usage of gallons per mile etc. Ron stated they could but they just started this program and it's only been a few months but they could. Councilman Thais said that he has observed highway trucks at restaurants and that would be personal use and did not want to name the persons but that was a concern of his.

ADDITIONALS AND TRANSFERS

CENTRAL DISPATCH – 1222-000-33-2400- TELEPHONE - \$2000.00 Motion by Lechner seconded by Crismore passed 7-0

SUPERIOR CT 11 – 1000-1470-10-1500-PART TIME CLERICAL Motion by Johnson and seconded by Crismore passed 7-0 **COMMENTS:** Councilman Johnson would like to see if this could be paid from Fund 2510 Superior II Bail Agency Fund

HEALTH DEPARTMENT-1206-000-10-1800 PT TIME COMM DISEASE NURSE- \$18,247.50 Motion Thompson and seconded by Johnson passed 6-1 with Thais as nay

1206-000-11-7100-SOCIAL SECURITY-\$1097.00 Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1206-000-11-7400-UNEMPLOYMENT-\$150.00-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1206-000-33-2100-NURSING SUPPLIES-\$2010.24-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1206-000-22-1100-ALL SUPPLIES-\$4036.92-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1206-000-44-4100-EQUIPMENT/FURNITURE/COMPUTERS-\$4800.00-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1206-000-33-2500-CONTRACTUAL SERVICES-\$649.00-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1206-000-33-2300-EDUCATION, MILEAGE, TRAVEL EXPENSE-\$2506.64-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1168-000-22-2300-FUEL-\$1500.00-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1168-000-22-1100-SUPPLIES-LETTERING-\$200.00-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

1168-000-33-2700-VEHICLE LEASE-\$9720.00-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

8109-000-33-2301-MILEAGE & EDUCATION-\$795.00-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

8109-000-22-1100-ALL SUPPLIES-\$2203.92-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

8109-000-33-2500-CONTRACTUAL SERVICE-\$12,000.00-Motion by Thompson and seconded by Johnson passed 6-1 with Thais as nay

COMMENTS: Council asked for Brenda to look into reimbursing County General for the insurance on the leased Health Department vehicle.

PROSECUTOR-TRANSFER-FROM 2504-000-31-2600-LAW BOOKS TO 2504-000-11-7200-PERF \$1500.00-Motion by Johnson and seconded Lechner passed 7-0

PROBATION-1121-138-21-7500-HOME MONITORING-\$110,000.00-Motion by Beery and seconded by Crismore passed 7-0

1121-138-11-7200-PERF-\$1414.00-Motion by Beery and seconded by Crismore Passed 7-0

1121-138-11-7100-SOCIAL SECURITY-\$1083.00-Motion by Beery and seconded by Crismore passed 7-0

1121-138-10-1600-PROBATION OFFICER-\$7024.63-Motion by Beery and seconded by Beery and seconded by Crismore passed 7-0

1121-138-10-1500-PROBATION OFFICER-\$7111.24-Motion by Beery and seconded by Crismore passed 7-0

COURTHOUSE-1000-131-33-5100-ELECTRICITY-\$15000.00-Motion by Crismore and seconded by Johnson passed 7-0

COMMISSIONER-1112-000-33-9014-VAN GO-\$15000.00-Motion by Berry and seconded by Like passed 6-0 Crismore absent for vote

TRANSFER FROM 1000-130-11-7200 PERF TO 1000-130-33-1300 PROFESSIONAL SERVICES-\$21000.00-Motion by Thompson seconded by Johnson passed 6-1 with Thais as nay

TRANSFER FROM 1112-000-44-7000 MACHINE SHED TO 1112-000-44-4400 TO SALT BUILDING-\$13393.01-Motion by Beery seconded by Like passed 7-0

1112-000-44-4400-SALT BUILDING-\$9985.00-Motion by Beery for \$8585.00 seconded by Like passed 7-0

1112-000-44-4100- HWY EQUIPMENT-\$50000.00-Motion by Thompson for \$37148.00 seconded by Beery passed 7-0

HIGHWAY-1121-000-22-2100 GAS, OIL & OTHER LUB-\$40000.00-Motion by Beery for \$25,000.00 seconded by Thompson passed 7-0

1121-000-33-6400 TRUCK & TRACTOR REPAIR-\$17000.00-Motion by Crismore for \$15000.00 seconded by Johnson passed 7-0

1176-000-44-1000-NEW STATE MONEY-\$122,203.27-Motion by Crismore seconded by Lechner passed 7-0

NEW STATE MONEY-\$300,000.00 – NO ACTION TAKEN

HIGHWAY TRANSFERS –FROM 1176-000-33-1000 OFFICIAL BONDS TO 1176-000-33-2302

LODGING & MEALS-\$200.00-Motion by Crismore and seconded by Like passed 7-0

FROM 1176-000-10-3201 EMPLOYEE WAGNER TO 1176-000-12-2500 DRUG TESTING-\$700.00 Motion by Crismore seconded by Like passed 7-0

FROM 1176-000-24-1002-ROAD MAT'S DIST#2 TO 1176-000-24-1003-ROAD MAT'S DIST#3-
\$2000.00-Motion by Crismore seconded by Like 7-0

FROM 1176-000-44-7000 SALT/MATERIAL TO 1176-000-44-2100 EQUIPMENT-\$2485.40 Motion
by Crismore seconded by Johnson passed 7-0

CUMULATIVE BRIDGE-1135-000-22-5000-CULVERT PIPE \$1459.52-Motion by Crismore
seconded by Like passed 7-0

LOCAL RD & STREET-1169-000-24-1001-ROAD BORE-\$200.00-Motion by Johnson seconded by
Crismore passed 7-0

1169-000-24-1001-ROAD BORE-\$400.00-Motion by Johnson seconded by Crismore passed 7-0

1169-000-24-1001-ROAD BORE-\$200.00-Motion by Johnson seconded by Crismore passed 7-0

SHERIFF DEPT-1121-000-33-6500-JAIL MAINTENANCE-\$10,000.00-Motion made by Beery
seconded by Like passed 7-0

DOC HOUSING-1133-000-44-4300-VEHICLES & EQUIPMENT-\$10,000.00-Motion by Thompson
and seconded by Crismore passed 7-0

1130-000-33-4400-WATER-\$19,000.00-Motion by Thompson and seconded by Crismore passed
7-0

1000-132-10-3200-LAM JAILER-\$5880.00-Motion by Like seconded by Crismore passed 7-0

SHERIFF DEPT TRANSFER-FROM 1000-132-10-3200 LAM JAILER TO 1000-132-10-1300 JAILER-
\$250.00-Motion by Thompson seconded by Crismore passed 7-0

FROM 1000-132-10-2500 LAM JAILER TO 1000-132-10-2500 JAILER-\$1820.00-Motion by
Thompson seconded by Crismore passed 7-0

FROM 1000-132-10-3200 LAM JAILER TO 1000-132-10-3100 JAILER-\$1588.00-Motion by
Thompson seconded by Crismore passed 7-0

FROM 1000-132-10-3200 LAM JAILER TO 1000-132-10-1400 JAILER-\$250.00-Motion by
Thompson seconded by Crismore passed 7-0

1112-000-44-5000-COURTHOUSE ROOF- \$8,105.00-Motion to take off table seconded by
Passed 6-0 with Thompson abstaining

The audio recorded portion of the meeting, where the topic of N. River Bluff Road was discussed, was initiated by Councilwoman Nichole Like, who quoted Indiana Code pertaining to permissible reasons for the paving of private roads. The audio recorded portion of the meeting lasted over thirty-two minutes. Below is the transcription of the audio recorded portion of the meeting.

Nichole Like: Even though I understand the homeowners did pay for the mix, (asphalt), what about the labor? I know there were several employees out there. They had a paver, a roller, we had dump trucks going from Washington to River Bluff Road. I am sure several trips were made back and forth. Since this was a private road on October 2nd, I feel those things should also be paid for.

Dale Webster: I think they were. The county also obtained 1.2 acres of commercial land, as a result of the people involved in having the road paved, (unintelligible). This commercial land is right behind the highway department, it is extremely great that it extends the highway garage property so that they can control it for safety purposes and security purposes. My guess is that the value of the whole thing, put it together with what they have paid, is greater than where we are at now. And I don't know about this, because I am not involved with paving roads, but I don't know if paving the road had even been planned, far enough in advance, for a situation like this. But I don't, I don't know if we had actually committed to that land, yet.

Steve Thais: Have we already accepted that land?

Dale Webster: Has it been formally accepted? No.

Steve Thais: Alright, I am not a surveyor, but, the best records that I can see... I think that land is about a quarter of a mile away, it is not contiguous...

Donnie Halter: I can speak to that. There is an easement that goes down through there, that Kopps, (Richard Kopp), say that they bought, that they bought that railroad easement years

ago, and they are looking up that paperwork for that now, and then we will have it all the way back behind Squirrel Creek (Apartments), which would give us more property than we got now. But the city water lines run through there, and when the city run the water lines through there, they got their easements from the Kopp. So, Nancy (Kopp) is looking that up at the present time.

Steve Thais: Now they do own some land right behind Squirrel Creek...

Donnie Halter: That's correct, that's correct.

Steve Thais: And I think Sheppard Dunn owns the other side of the railroad easement.

Donnie Halter: OK.

Steve Thais: And DNR, (Indiana Department of Natural Resources), owns a large section of that. And then you have the highway, (US 50)...

Donnie Halter: OK.

Steve Thais: And I was under the information that O'Conner, who lives adjacent to the county highway (department), owns...

Donnie Halter: Well, Rich, (Kopp), and Nancy's contention is that they own that railroad right-a-way down through there and she has the filing paperwork, to find that, to prove that. So, we will get that property. But that property was not in the mix for doing River Bluff Road. There is 1.4 million dollars worth of assessed valuation of property on River Bluff Road as it sits

now. We've plowed snow on that road, we've maintained that road, and I guess the bottom line is it is a mute question. It is done. It's over. They paid for it. I don't know where you are going to go with it.

Nichole Like: They didn't pay for the labor only the materials...

Donnie Halter: No, no, the agreement was with us, (commissioners), we were standing out on the road, that we would do the road, we would bring the road up, and then they would give the road to the county. So, it is probably one of the best roads in the county. And we got it relatively cheap, if we were to go build a road. It adds to our road base after we got rid of the rest of it, so I think Cathy, (Lane), I think Phil (Rath) got that information from you on that 1.4 million dollars worth of assessed valuation. He (Phil Rath) just sent me a text saying he got that information from your office.

Cathy Lane: Ok, he didn't talk to me.

Donnie Halter: OK, the bottom line is the commissioners did this. It was our deal. We have done it. It was legal. We talked to Dale (Webster) about it. It was legal and above board. My problem is, is David (Shelton), if you or Nichole (Like) would have called me, all you had to do was say hey, what are you doing out there on River Bluff Road. We would have come up and we would have told you. You could have come up and looked at it, but you guys don't want to be involved in it. All you want to do is sit here and make accusations. And I know that you went over to O'Mara's (O'Mara Construction- supplier of asphalt) and talked to them to find out the price of it, so, if you guys got the time to that, I think you probably just need to just get a life. We don't have time to do that. We don't have time to kiss someone's ring every time we want to do something.

David Shelton: So, you, as an elected official, you do not have to be accountable to the people, in general? That is what you just told me. That is what I just heard from you. You just told me to get a life, that I should not have

any concerns, what so ever, on how taxpayer dollars are spent in my community. Is that not what you just told me?

Donnie Halter: No, David, you know what? You lose me; you had my cell phone number all the time when you were campaigning. You could have called me. But you don't have the balls to call me. You want to come to a meeting and act stupid. I'm not arguing, I'm not arguing with you.

David Shelton: I was not addressing you, sir. You addressed me.

Terry Johnson: So, Commissioner Halter, what you are saying is that the road is paved now. We have a million dollars worth of property value back there. I've never been out there until after this had occurred, but I say it is a nice neighborhood.

Donnie Halter: Right.

Terry Johnson: It is an investment, I guess, is what you are saying?

Donnie Halter: It is a long term investment in the county.

Mike Thompson: You have two homes that are going to be built, two lots that have been sold, probably \$400,000.00 homes.

Donnie Halter: Yeah, there is a doctor building a home up there now as we speak.

Cathy Lane: I have not seen the permit, I don't know.

Donnie Halter: They got it staked out, Phil's getting ready to, Rath is getting ready to move up there and build a house up there on top of the hill.

Terry Johnson: I'm not sure of the time line, but at some point in time, the cart was in front of the horse, but you guys would have paved it anyways.

Donnie Halter: We would have paved it anyway. We would have paved it anyway. We would have paid for the paving on a later day. So, I mean this is a win-win situation, long term, for the county. If they develop that hill up there, around the corner, it is not any different than Farbest, (recent business that located in the Vincennes City Industrial Park).

Nichole Like: Here is the difference. I don't mind using money to pave that road, but it should have done per Indiana Code. I mean, and by the way, I do have a very full life, thank you for your advice...

Donnie Halter: OK.

Nichole Like: I actually have a very full life.

Donnie Halter: Good.

Nichole Like: I can make phone calls, I am a county official. If I feel the need to make phone calls...

Donnie Halter: But why didn't you call me, Nichole? Why didn't you just come up to me and say "hey Donnie"

Nichole Like: Because I wanted the facts and I wanted the figures from a primary source.

Donnie Halter: And are you saying I would not have told you that? I'm an open book, guys. You can come to my house, my car, my ambulance service, anytime you want to. I don't have any secrets, you know. And it always gets to me that you get this feeling that someone is going behind your back. Just call up and ask a question, and we'll tell you. Now, did we do it in a proper time line? Probably not. Probably not.

Nichole Like: Certainly not.

Donnie Halter: But, probably not...

Larry Holscher: I don't know if that's true. I don't know if that is true, Nichole, when you say certainly not. Because when we did ask Dale (Webster), and he looked into it, and he said it was appropriate. He said "do we have a contract that was signed in a public meeting, ready to go?" Yes. He looked at it. So he said you could go ahead and pave it, sign it at that meeting, and it would be appropriate. Actually, if you would have done it before hand, it would have been a county road, and then we would have paid for the pavement or we probably wouldn't have been able to afford to pave it, most likely. But, I think it was actually appropriate, as I understand it.

Nichol Like: Not according to this. There has to be a signed contract before the road gets done. It either needs to be a county road, or...

Larry Holscher: I'll be honest with you, Nichole, I am not an attorney, but we do have a county attorney that I asked, he said it was appropriate. We proceeded.

Linda Painter: Let's give it back.

Larry Holscher: Well, I'm just saying...

Nichole Like: OK, let's say it is all legal and all above board, I also have a question about the prioritization. I understand that there are a couple of very nice homes being built. They probably, in my opinion, they would have been built anyway, in that sub-division. But how did a dead end road, in a private sub-division, serving 9-10 households, get moved to the top of the list?

Larry Holscher: There was no, there is no list. We didn't actually have any paving left to do, at the end of the season. We didn't have money to pave; we didn't have the dollars to pave.

Donnie Halter: We had actually already put the paver up.

Larry Holscher: I mean, we actually went ahead and... that was, to my knowledge, the last thing we paved. Although we did go back and talk to the Parks Department and said at the end of the fall, a lot of the time, we have some time, if the weather holds. We did go and do some paving there. But those are two of last two paving projects that you and I know of. We did do some chip and seal after that. I mean, priority wise, it was kind of like we really didn't have paving dollars or time left to do. That was pretty much it. We would like to do Farbest.

Nichole Like: Was there anything else in the county that could have been done?

Larry Holscher: Did we have anymore dollars to pave?

Nichole Like: As far as I know, whenever you have come before us for a bridge appropriation, we have never turned you down. We have never turned you down for bridge money. We have never turned you down on a project.

Larry Holscher:

Well, I will answer that. We did not have any more dollars to pave. We did do another paving job after that. We were out of paving dollars. We only have so many dollars. They paid for the pavement in that project. The highway department paid for their pavement. I don't really think, I mean I'll be honest with you, I didn't think, at the time, that it was illegal and I don't think it is illegal now. According to the...

Nichole Like:

Why would the story keep changing?

Larry Holscher:

I'm not sure what story you are talking about?

Nichol Like:

The story that I am reading in the newspaper.

Larry Holscher:

I can't really account for what's going on in the newspaper.

Nichole Like:

I read the newspaper one day and we are not paving it. I read the newspaper three days later and we paved it, and now we are going to make it a public road. Which, there was no mention of in the first article. I just would have thought that would have come out. You know, maybe on October 1st, we would have said, "Yeah, we are going to pave that road tomorrow." And there are plans to make it a public road, and by the way, we got landowners with a contract. And I've not seen the contract. I've seen no contract that has been filed. If you guys have it, I would love to see it.

Larry Holscher:

It was filed during, after a public meeting. We had the contract there, we filed it. If you had been at that public meeting, you could have read it then, I guess. It is actually on file.

Nichol Like:

The actual contract? Not the memorandum? Are you talking the memorandum a contract?

Larry Holscher: Dale, (Webster), would you mind answering that. I will be honest, I am not an attorney.

Dale Webster: They could have, you could write a contract on a napkin, if they want to. They have oral contracts to have worked to be performed within a year. That work obviously would be done within a year. They could have had an oral contract, I don't know. There is an agreement signed by all of the landowners, adopted by the commissioners, that says this is what is going to happen, this is who is going to do what, and this is what we are going to pay.

Randy Crismore: Where did the money go that they were going to pay for the material?

Donnie Halter: The material? They paid that over there. They paid it over at O'Mara. Yeah, we didn't have anything to do with it.

Nichole Like: Well, in one article, it said we got a check for \$18,000.00. Landowners presented a check. I mean what?

Donnie Halter: They gave it to O'Mara. We touched no money.

Randy Crismore: With all due respect, it may be a fine hair to split, but under 8-19-7-2, it says the county auditor shall bill petitioners for the services and shall credit the money collected to the highway department fund. Has that been accomplished?

Donnie Halter: I didn't know that.

Randy Crismore: Has that been done?

Donnie Halter: No. Not for the labor. We agreed. We agreed. We agreed, we three commissioners, agreed to furnish the labor, and the machinery, and the fuel, to blacktop the road. They agreed to pay for the oil and asphalt and the prep on the road. They took the dozer out there, did the road, they brushed the road off. They cleaned the road and did all kinds of stuff, and came back and back filled around it.

Mike Thompson: And in return, you also got 1.2 acres of land...

Donnie Halter: Well, we haven't, yet. And that is exactly right. We haven't yet because we haven't got the legal stuff back on that exact property.

Jim Beery: And the county highway will be able to expand?

Donnie Halter: Eventually, that is where we will end up, yes.

Rowe Sargent: Maybe I can clarify something here for you, Nichole. The article in the first paper that was probably my speaking, the reporter called me, and asked me about the first report in the paper. And at that point, we hadn't quit paving. I had thought we quit paving. I think she was quoting me. That later article was after they decided to go ahead a make the agreement and did it. That first quote was my innocence thinking we quit paving and we weren't going to pave it.

Kerry Carrier: Donnie and Larry were not here, but Rowe was certainly a commissioner at the time, but we were asked, several times, by the commissioners, to pave the road at the fairgrounds. It was explained to you, Rowe, and the rest of them, that it violates State Board of Accounts, as far as the code, and the law. You cannot do that with private entities. That is the same document that she (Nichole Like) cited from now. It is illegal. It can't be done that way. And I don't care what property you get, when you pave that road, and there is some question

if these guys got the price that a contractor got, instead of someone else from O'Mara, then you've got possible criminal action. A commissioner over in Daviess County lost his job over that. There are statutes that have to be followed. Rowe, you were smack right dab in that fair board thing. Like I said, Donnie and them, Larry, you were not here, but I think that is the same thing Nichole is citing now. We have got to really be careful about that stuff. It doesn't really matter what it was worth later, and all the other, if you paved it, and it was a private road, it was not done in accordance with State Code.

Nichole Like: Wouldn't you have to have an appraisal done?

Kerry Currier: You would have to have two appraisals if the public is going to buy something.

Donnie Halter: State Board of Accounts has looked at this? Have they not?

Kerry Currier: I don't know.

Donnie Halter: I was under the impression State Board of Accounts has already looked at this.

Kerry Currier: Any time you are dealing with private property, you have to follow that.

Donnie Halter: We're done. We're done.

David Shelton: I just had a question about the parcel of ground. Since we have all three of the commissioners are here, you say this parcel of ground would be a great benefit to the highway department. How so? With it being a quarter-mile away, is a parcel of ground that is fifty feet wide, 897 feet long, and has a creek that crosses that parcel twice. What use, and

what benefit, does that possibly have to the people of Knox County? I don't understand why you cannot answer that question, sir?

Donnie Halter: I don't have to answer to you.

David Shelton: So, you don't have to answer to your actions to the taxpayers? Is that what you are saying now, sir?

(long pause)

David Shelton: I'm coming to you directly. That's what you wanted. Can you please answer my question, sir?

Donnie Halter: OK, I have not walked that piece of property. I don't look at that piece of property, but did you not hear me first say that when we get all the property together, it would be very beneficial to the county? Did you not hear me say that?

David Shelton: Yes, all of the property that does not belong to the principles. The section between his parcel and US 50 belongs to the Indiana Department of Natural Resources. And then you have another parcel underneath US 50. Then you have deal with INDOT to travel underneath their bridge. How is that a benefit to the county? A piece of ground 50 feet wide, 897 feet long, with a creek that crosses it twice, in a flood prone area, as well.

Donnie Halter: When this is all finished up, you can come out there and look at it.

David Shelton: OK.

Steve Thais: Any further questions?

Randy Crismore: The only comment that I am going to make is that it just has the perception of not being properly accomplished. I don't care if we put asphalt out there. I have friends that live out there. And I am sure they are grateful for the money they spent to have that asphalt put out there. But the public of Knox County deserve a better representation of their government when we conduct their business for them. We have checks and balances throughout our system, to make things work, so the public is protected. Who was hurt in this? I don't know.

Donnie Halter: Nobody.

Randy Crismore: Will someone get hurt in the future? I don't know. But if we keep acting in this manner, it's business as usual.

Larry Holscher: Randy, I appreciate what you are saying. And I would 100% agree with you on it may not have appeared proper. We did ask him, asked Dale. He represents the county. He said it was legal. He said it was appropriate. And that's what we did.

Randy Crismore: With all due respect, and here I go splitting hairs again, and I apologize for it, but that was all accomplished the day the job took place.

Larry Holscher: Well, and, and, and, I mean...

Randy Crismore: I am going to leave it at that. The agreement was made, and all the hoops were gone through, and all the T's were crossed and all the I's were dotted, the same day the asphalt went down on the road? I don't know, it just doesn't look good.

Larry Holscher:

Well, and I, and I, I don't really disagree with you. I personally think it was, it was legal. I think that that had happened was, timing wise, it just kind of came about. And the discussion was when we would have time to pave this. When was the weather going to break, things like that. We asked Dale if it was appropriate. He said it was. We got the job done. And, and I still contend that it was legal and it was done properly. Now I have heard you say many times that it may or may not have been done by State Statutes, but I think it was. I think it was the right decision. I mean I, I appreciate being... I don't say we are not being held accountable, because we are accountable. But I think it was done appropriately. I mean I wish we would spend half the amount of time on doing things, focusing on positive things, instead of trying to grill people, dragging them over the coals, for things that were, maybe the T's weren't crossed and the I's weren't dotted. But I think it was appropriate. I don't know. I think it benefitted the county.

Steve Thais:

Any further questions?

Linda Painter:

I have. I have some questions. I am a taxpayer in Knox County. I tried the Vincennes Sun Commercial, I read my paper. I am old fashioned, it get the real paper copy. And I read my paper, I've read the articles. I kind of made some notes about the discrepancies. In the October 1st, Rowe, yeah, you made that statement. Ron Cardinal made it, too. Let me quote Ron, here. "Ron Cardinal states a private project on North River Bluff Road, just north of Vincennes is causing some confusion as to what the county is funding. The people who live on the road are paying for that project on their own. Dave O'Mara, a company for Washington, is paving that. The county is not paying for that." The following morning, at 7:00 a.m., the county began paving that. Now, how did this run on October 1st and Rowe didn't know, and Rod didn't know that the county was going to go out there with a crew of approximately fifteen men, six dump trucks, a paver and a roller? Now, does it look fishy? Yes. It looks fishy. It doesn't smell right, it smells. On October 6th, we have another article, that's a Monday. Again, we are talking about North River Bluff Road. Now we are talking about school buses that run on North River Bluff Road. Well, I did a little fact checking there. There's two school districts that are involved there, Vincennes and North Knox. I... South Knox does not run there.

Larry Holscher: It was Rivet that was the third school.

Linda Painter: Oh, well I don't count them. They are a private, catholic school. And I love them, don't get me wrong, but they are private.

Larry Holscher: There are three school districts, North Knox, Vincennes, and Rivet.

Linda Painter: OK, anyway, I did contact the transportation directors for North Knox and Vincennes and they both told me there are no buses running on that road. Larry Holscher stated, and this is a quote, "They paid us the INDOT rate, so we thought that was acceptable." I want to know who told you those rates. And I would like to see them.

Larry Holscher: I don't think I can.

Linda Painter: Did you talk to anyone at INDOT?

Larry Holscher: No, I talked to our highway superintendant.

Linda Painter: Then why would you say INDOT rates?

Larry Holscher: Are you really going to stand here and question this? You know, I wish you had half as much interest in discussing Curt Coonrod, and his \$100,000.00 bill, when they had \$32,000.00 last year in their budget. They increased that, what percent increase was that, Jim? To go to fifty-two... And then over 100%.

Linda Painter: That is not the subject matter we are discussing.

Larry Holscher: No, it is not.

David Shelton: You are deflecting every one of the pointed questions. Both of you have deflected, deflected, deflected. You place blame in other places. Answer the questions, please.

Linda Painter: Let's not argue about this. Here, I just want to make a couple of more points. Just a couple more points. I don't get up and talk often, I really don't. But, I am a taxpayer. I have lived in Knox County my entire life. I've paid taxes to the county for forty years. I think I have some right to my opinion. Whatever, I do have a right to my opinion. And, I still want to know how this is a win-win for county taxpayers to pave a dead-end road. It is paved fourteen feet wide, it dead-ends into a private driveway, that is clearly posted, "Private-No Trespassing." You can't even turn around without dropping wheels off of the pavement.

Donnie Halter: If they can't turn around, we should put a cul-de-sac there. (muffled laughter)

Linda Painter: Another question, another point I want to make there is when has it become a policy of this county to pave private roads to increase development and improve our tax funding base, because there are going to be a whole lot more developers out there asking for it. We have a lot of developers in this county.

Donnie Halter: And actually, I have been approached by a couple and I told them just what I will tell you. We will take a look at an individual basis, and see if we think if it would become a long-term investment. Because, we got into this thing looking at long-term, down the road. Not today. Long term, down the road. As I say again, as I say, Farbest, the intersection of Farbest and all the drainage we're doing out there. That's all on private property, too. But it is an investment in the county, and that is what we are looking for, investment.

Linda Painter: Keller Road is a little bit different, because it was a commitment made to a factory that was going to employ many people in the county. And that is a whole different ball game.

Donnie Halter: Well, this was a commitment that I made up there to do this road, and um... I don't know what you want to do, guys. You want to just give the road back?

Linda Painter: If this was so above board, why did the story change three times in the newspaper?

Donnie Halter: I have no idea. I have no idea. I have no idea. I really don't have any idea how the story changed three times in the paper.

Linda Painter: How did Ron Cardinal not know, on October 1st, that he was paving on October 2nd?

Donnie Halter: No, no, Ron Cardinal said O'Mara was going to pave it. He was talking about O'Mara furnishing the asphalt to pave it, not to pave it themselves.

Ron Cardinal: We met the week before. The batch plant is committed to a lot of entities, Daviess County, (unintelligible); we met up with John Holland, our contractor, who said it was very doable. So, hopefully, tomorrow, we could get to it. We can get you the mix, tomorrow, but I can't give you that 100% guarantee we can be over here with a crew. Later that day, he had to call in his crew and they had to go to Bloomington. (Unintelligible)

Linda Painter: Oh, so there was intent for Dave O'Mara to pave it with their own private entity?

Ron Cardinal:

In the beginning, I met, all the way with the land owners, with Donnie Halter. And John Holland was on site. And John explained that to the landowners. That is exactly what happened.

Linda Painter:

Did they get a preferred rate:

Ron Cardinal:

Did they get a contractors price? Since Nichole talked to him, (Jim Holland-O'Mara Construction), after Nichole talked to them, he called me at work and said he had talked to her and told her the same thing, basically.

Kerry Currier:

So, they got a preferred rate, a contractor's rate?

Ron Cardinal:

I don't know. We just get our rate, at our tonnage. That's all I know.

Kerry Currier:

That's what I am getting at. Private roads given at your rate?

Donnie Halter:

No. No. No. They did not. They did not. They did not get county rate.

Kerry Currier:

Right, they paid the regular price?

Donnie Halter:

Right. They did not get the county rate. About twenty dollars, or some dollars a ton. And we have no, we actually, the dealings with O'Mara, we had nothing to do with that. That was strictly between the homeowners out there and O'Mara. We didn't have anything to do with that.

Larry Holscher: I'll be honest with you, I think that we are being as above board as we can be. I realize that Linda Painter and David Shelton are close personal friends of certain council members, they've been appointed to the Housing Authority Board.

Linda Painter: Excuse me!

David Shelton: And this pertains to this how?

Larry Holscher: How's that?

David Shelton: How does this pertain to your issue? Again, you're deflecting. Answer the question at hand, is all that everybody is asking, sir.

Larry Holscher: You are doing the bidding of certain council members.

David Shelton: No sir!

Larry Holscher: Yes!

David Shelton: No sir! Not at all.

Linda Painter: Excuse me, I am not a close personal friend of David's.

Larry Holscher: I did not say, I said of certain council members. You were appointed on the housing authority by this council.

Linda Painter: OK. Can I make one more...

Larry Holscher: And I understand that we have answered this, five or six different ways, maybe not to your satisfaction.

David Shelton: That is the problem. You have answered it five or six different ways. Be consistent with your answers.

Steve Thais: I would like to restore order at this time. OK, we have time for one final question.

Linda Painter: It is not really a question, I would just like to comment, make a conclusion here on my own. I have heard here tonight that the county has for many years, maintained private property. I have a real concern with that, with the taxpayer's equipment. With taxpayer's money, we should not be out snow plowing private roads. We shouldn't be out paving private roads. We shouldn't be out put culverts on private roads. That should be true of all governmental agencies. Private property is private property. It has to be, or should be maintained by the citizens who own it. I maintain my own. I hope everyone else does. Thank you for your time.

Councilman Thais asked for any other questions. Commissioner Holscher asked if anyone would like to discuss Curt Coonrod, and Councilwoman Like stated that they had a meeting next week to discuss that.

Council man Lechner asked about the Jail Lam Money being reimbursed and was it going into County General and it is going back to County General.

Councilman Thais state that they had asked Attorney Kerry Currier to advertise that the Council will meet in an executive session on November 18, 2013 at 5:15 at the Eva Hill Room at the Good Samaritan Hospital located in Vincennes Indiana, purpose of session is to discuss privileged information with attorneys and threatened litigation in accordance with Indiana code 514-1.5-6.1 b, 514-1.5-6.2b sub section.

Motion to adjourn by Councilman Lechner and seconded by Councilman Johnson


Steven Thais, President, District At-Large


Randy Crismore, District 1


James Beery, District 4


Robert Lechner, Vice-President, District 2


Nichole Like, District 3


Terry Johnson, District At-Large


Mike Thompson, District At-Large

ATTEST:


Sheila Hobbs, First Deputy