

MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 4, 1985

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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 4, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 4, 1985, in the Commissioners' Hearing Room, with President Robert L. Willner presiding.

The meeting was officially opened by Chief Deputy Sheriff, Lee West, who declared the meeting of the Vanderburgh County Commissioners in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, October 28, 1985, be approved, with the following correction:

On Page 6, Paragraph 7, the sentence beginning with "Jesse Crooks" in Line 5 should read as follows:

"Jesse Crooks had some photos which were taken in May 1983, which showed the house next to them being sandbagged and the floor level of that house was approximately 1 ft. lower than this is going to be. Mr. Lehman said the one next door is 3-4 inches lower."

A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS/ELECTION TABULATION EQUIPMENT

A motion was entertained by President Willner that County Attorney David Miller be instructed to open the bids received on Election Tabulation Equipment. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: POOR RELIEF APPEAL/PERRY TOWNSHIP

The Chair recognized Mr. Jeff Effinger, who was seated in the audience, and asked that he approach the podium, state his name and address and the nature of his appeal.

Mr. Effinger identified himself, said he resides at 3303 Claremont Avenue, Apartment "C". He said they were two months behind on rent. First of all, he took a letter from his Landlord down to the Trustee's office to show they were behind on their rent. Ms. Hempfling told him --on Thursday afternoon -- that Red Mosby would get in touch with him by Friday morning. He did not receive a call. He was also by the phone on Monday and received no telephone call from Red Mosby. On Tuesday, his landlord called and said that Ms. Hempfling had called him and told him the Trustee could not help the Effingers because they were a month behind. Actually, they were two months behind, but paid one month, which leaves them still one month behind right now. He told his landlord he didn't blame him -- he wants his money. But the Trustee's office said they could do nothing to help them because they received a \$316.00 check from ADC on August 20th -- and the Trustee also failed to help them when they lived at 407 N. Tekoppel Avenue.

President Willner asked Mr. Effinger, "And the two months behind -- they have paid one month and are still one month behind in rent?" Mr. Effinger said that is correct. Mr. Willner asked if that would be for the month of October? Mr. Effinger said that is right. President Willner asked Mr. Effinger the amount of rent he pays? Mr. Effinger said they pay \$200.00 per month. Mr. Willner asked if this includes utilities? Mr. Effinger said that it does not. The landlord, however, does pay the water bill. President Willner asked Mr. Effinger if he has a telephone? Mr. Effinger said that he does; one telephone.

Mr. Willner asked Mr. Effinger how many persons are in the family? Mr. Effinger said the family consist of four (4) members; his wife, one child age 17 months, one child two (2) months old and himself.

Mr. Willner asked Mr. Effinger if he is employed? He responded that he is not. Mr. Willner asked when and where he was last employed? Mr. Effinger said he worked for Hardy Brake Co., but was laid off April 26, 1985, due to the fact that they cut off the line on which he worked -- not enough work to merit same. Mr. Willner asked if Mr. Effinger has applied for a job through the Indiana State Employment Office? Mr. Effinger responded in the affirmative. Mr. Willner asked if Mr. Effinger has refused to go anyplace the Employment office has sent him to see about a job? Mr. Effinger said

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that he has not.

Continuing, Mr. Willner asked Mr. Effinger if he knows what the income eligibility standards are in Perry Township? Mr. Effinger said that he does not. President Willner entertained questions from the Board.

Commissioner Cox asked Mr. Effinger if he draws Unemployment? Mr. Effinger stated that he does not. Mrs. Cox asked if he is eligible for Unemployment? Mr. Effinger said that he is not. Mrs. Cox asked, "Then, what is your monthly income, Sir?" Mr. Effinger said that it is "zero". Mrs. Cox said that mention had been made of a check from ADC. Mr. Effinger said they only received one (1) ADC check. The only reason they got that was because their youngest child was premature and only weighed 2 lbs. 13 oz. and was in the hospital for almost two (2) months. Mrs. Cox asked again how many ADC checks the Effingers have received? Again, Mr. Effinger stated that they only received one (1) ADC check.....in the amount of \$316.00 on August 20th. Mrs. Cox asked if the Effingers are on the Food Stamp Program? Mr. Effinger said that they are. Mrs. Cox asked if ADC or Welfare Department took care of the hospital bill? Mr. Effinger said they did, although they have to pay some; for instance, one came in last week and of the total amount they have to pay \$60.00. All of the bills are not yet in. Mrs. Cox asked, "But this \$316.00 was just a one-time payment from ADC?" Mr. Effinger said that is correct. Mrs. Cox said that the Trustee's Guidelines state that for a family of four (4) the income limitation per month in order to be eligible for assistance must be less than \$400.00. But they do have it "starred" and it says, "The Trustee does not assist ADC recipients with rent or utility payments unless special circumstances exist."

President Willner requested that Mr. Effinger tell the Board a bit more about the "one" check from ADC. How come they are only receiving one check? ADC recipients usually receive a check every month, do they not? Mr. Effinger said that is the way that he understood it. But as he understands it now, the reason they are only getting one check is because that both he and his wife are able to go out and get work -- he doesn't understand it, himself, and doesn't know why they even let them have one check. He said this is the first time he's had to apply -- and he feels bad even being on it -- he's never had to have it.....

Mrs. Effinger, who was seated in the audience, interrupted.....they told her the reason they were eligible for ADC for the one month was because she was not able to work because of having the baby -- that's what they told her. And they told her they would not be eligible for ADC in November. She received a letter this past Saturday saying that they were cut off ADC. President Willner asked if the Perry Township Trustee has seen that letter? Mrs. Effinger said that the Trustee has not seen it. Mr. Effinger interjected that Red Mosby had told both he and his wife not to come back to his office.

Mr. Mosby was seated in the audience and interrupted, "Tell them why!" Mr. Effinger said he doesn't know why --

Commissioner Borries asked Mrs. Effinger if ADC gave any reason in writing why the ADC was cut off? Mrs. Effinger said she would have brought the letter with her, but she didn't think she would need it. Commissioner Borries said he thinks she does. It is very hard for the Commissioners to act on anything -- it's not that they do not believe Mrs. Effinger, but they need to see things in writing sometimes.....

Commissioner Willner asked Mrs. Effinger who her ADC caseworker is? Mrs. Effinger said it is Mrs. Dick. Commissioner Willner asked Jim Lindenschmidt to call the Welfare Dept. to see if someone from that department can come up to the Commissioners' meeting. He does not understand the reason for the one-time only ADC assistance. There are a lot of non-working mothers receiving ADC. Commissioner Cox said there are also a lot of working mothers receiving ADC. Both Mr. and Mrs. Effinger acknowledged that they do not understand everything -- as this is the first time they have ever applied for ADC. Commissioner Willner requested that they remain seated in the audience until it can be determined whether someone from Welfare Dept. can come up to the meeting.

The meeting proceeded with President Willner recognizing Red Mosby, Perry Township Trustee, and requesting that he come to the podium to present the Trustee's viewpoint.

Mr. Mosby said that, first of all, when Mr. Effinger talked on the phone he told the investigator that she was "too tight to squeak" and said he'd like to talk to Mr. Mosby. Well, Mr. Mosby wouldn't talk to him. Mr. Mosby said the facts are included on the Appeal Request Form -- in black and white. He said that a year ago he had to take both

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Mr. Effinger and his mother out of his office -- he isn't going to put up with that kind of stuff; he doesn't have to. If they come in there and walk around like decent people -- yes; but he gets on the phone and is smart with the investigator, etc. -- he received \$316.00 and that is what he should have paid the rent with. He told him he paid off a \$250.00 loan -- he should have paid his rent first.

Mr. Effinger interrupted by saying that Mr. Mosby knows that half the stuff he is saying is a lie and he knows it. Further argument between the two parties took place -- much of which was unclear because both parties were talking simultaneously.....

Commissioner Willner admonished Messrs. Mosby and Effinger, saying "Let's don't talk back and forth." Continuing, Mr. Willner asked Mr. Effinger if his wife's name is Rita K....and the family resides at 3303 Claremont, Apartment "C"? Mrs. Effinger said that is correct. Commissioner Willner asked if the Effingers received a check from ADC in the amount of \$316.00 on 10/1/85? Mrs. Effinger said it was actually around October 12th that they received the check.

Mr. Mosby stated that he tried to be nice to the Effingers -- it's all in the report --and he doesn't see where he's done anything wrong. The Effingers received \$316.00 and instead of paying off a loan he should have first paid his rent. That's all he has to say.

Commissioner Cox asked Mr. Mosby if she is reading the guidelines correctly, and that the income limit for a family of four (4) is \$400.00 -- and the \$316.00 put him over the guidelines? Mr. Mosby said that the \$316.00 ADC check, together with food stamps and non-food orders would put him over the income limit. Mrs. Cox asked how much Mr. Mosby figures Mr. Effinger's monthly income to be?

Mr. Mosby said that, as he understands it and sees it, they give the ADC to people to pay the rent and utilities -- and they come first out of that check.

Commissioner Willner asked Mr. Mosby if the Effingers will receive another ADC check next month? Mr. Mosby said he doesn't know. He didn't know that they were cut off ADC yet. Mr. Mosby also pointed out that his office didn't call the landlord; the landlord called the Trustee's office. The Trustee's office does not call landlords.

Commissioner Willner asked Mr. Mosby if he is aware of any jobs -- or attempts at this point -- for Mr. Effinger to secure employment? Mr. Mosby said he doesn't know of any. Commissioners Cox and Willner continued to review the Trustee's records, following which Mrs. Cox stated that, according to the file, the last time the Effingers received assistance was October, 1984, at which time they received a non-food order for \$6.82-- and they asked for no further assistance from the Trustee until July 22, 1985. Further study revealed that the period during which the Effingers recently sought assistance was August, 1985. Mr. Lindenschmidt returned to the meeting and Commissioner Willner reported that the Effinger's caseworker is not in the office, but is expected back around 3:00 p.m. He asked the Commissioners if they want to continue this case until next week or wait until she comes up to the meeting today? The Commissioners selected the latter option. Commissioner Willner requested that the Effingers and representatives from Perry Township Trustee's office remain seated in the meeting until the caseworker arrives. In the interim, the Commissioners will proceed with the scheduled agenda.

RE: BIDS - ELECTION TABULATION EQUIPMENT

Attorney Miller reported that only one (1) bid was received on the equipment in question. The bid was received from Thornber Election Systems and, from a technical standpoint, the bid is in proper order to be considered by the Commissioners. He has distributed copies of an attachment which the Thornber representatives have attached to the proposal. The reason he has distributed this attachment to the Board is because there is a complicated set of alternatives from which the Commissioners can select, in terms of how to pay for the equipment, should they elect to take it. On the first page is a list of purchase methods, with reference to Schedule I, Schedule II, Schedule III and Schedule IV. Those same schedules are repeated in detail on Page 3 -- and the Commissioner should turn to Page 3 to see what the modes of payments are. The cash purchase price, which is set out in the bid as \$71,858.00 would be due 30 days after receipt of the equipment and the invoice. He hasn't viewed the attachment thoroughly enough to tell the Commissioners if there is a commitment about when delivery will occur, but in reading the first two pages quickly, he does not note that delivery was promised at any particular time. In any event, the cash price is \$71,858.00.

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If the County chooses to purchase over a three year period, the purchase price would be the same and the payments are set out in Schedule II, showing a total payment of \$29,701.31 December 31, 1985. Of course, the Commissioners do not have that \$29,701.31 in the 1985 budget. He believes the appropriation we have is in 1986 and some discussion might be in order in that regard, should they choose that alternative. Schedule III is the lease-purchase option and the lease payments would be \$27,000.00 per year. We would lease the equipment effective 12/31/85 and the first year's lease payment would be due on that date in the amount of \$27,000.00. As he understands this document then, we could purchase the equipment at the end of 1986 for a total sum of \$62,858.00 additional, which would mean that we would have paid something in the neighborhood of \$18,000.00 for the privilege of looking at it and trying it out for one (1) year. If we make two years of lease payments at \$27,000.00 each, then at the end of 1987 if we wish to make the purchase we would pay an additional \$53,000.00, having already paid \$54,000.00, so we would have paid a total of \$107,858.00. Schedule IV, which provides for a lease-purchase over 5-year period, provides for an annual lease amount of \$18,000.00. We could pay that \$18,000.00 for as many of those years as we wish (as he interprets this document) and at the end of each one of the ensuing four (4) years, we can see that the purchase price goes from \$65,858.00 in 1986 to \$59,858.00 in 1987, \$53,858.00 in 1988 and \$47,858.00 in 1989. That is the bid; that is the only bid. Attorney Miller said he believes that the Commissioners need not only to examine the price, but the other commitments concerning warranty and that kind of thing.

Commissioner Willner queried the other Commissioners concerning their feelings as regards this matter. If the County paid cash, of course, this would be the cheapest route. What did Council allow? Commissioner Borries said they allowed \$27,000.00. Commissioner Cox said that figure was based on estimate that we rent for one year on a trial basis and there is also a provision in the lease -- or in the specs, and we need to make sure that it is in the proposal, if the charge for personnel to be here at the time of the elections. If she recalls correctly, it was something like \$1,200.00 and she thinks it is very important that we do have personnel here on the night that the ballots are being counted -- technical people familiar with the equipment.

Attorney Miller said there is nothing in the alternate agreement that speaks to providing of personnel (the 3-page agreement that was offered). As indicated, he has not had an opportunity to read the entire proposal. He said what he has given the Commissioners is only 3 pages out of the proposal, which constitutes what the bidder calls the agreement per se. And, of course, the agreement in fact will be made up of all the intended documents, including the warranty. He does have some questions concerning the warranties; provided in the document is a 90-day warranty and Thornber further agrees to provide upon delivery a 90-day equipment warranty and(inaudible) an equipment maintenance contract. It seems to him that the matter of the warranty should be discussed. He would suggest that the Commissioners would not want the warranty to run out before the Primary Election.....so the 90-day warranty period might need to be adjusted. If we're leasing the equipment, he would assume that there is a maintenance provision and the company agrees to maintain the equipment during the lease period at no charge. No draft of any lease has been included in the attachment, so there was no way for him to make judgment about what the lease would entail. It does leave a number of questions open, with regard as to the actual terms of the lease as well as commitment for personnel from Thornber to be here on election night.

Mr. William Higgins, Sales Representative for Thornber Election Systems, was at the podium. He said that Page 2 of the attachment does say that they have on-site support via providing a qualified person for the official public test (election night) and Item C concerns education of County personnel on the operation of the ELPAC system, including procedures and operation manuals.

Commissioner queried Mr. Higgins asking, "That is part of your bid then?" Mr. Higgins said that is correct.

Commissioner Borries stated that the Commissioners are interested in saving money -- as always -- and he guesses what they want to do and the reason they looked at the lease is to allow both parties, County Clerk Helen Kuebler, and the Election Board to look at this process -- to have the support personnel here during elections -- and then make a decision. How then, can we get the best price out of these then that we can which would allow those involved to look at what we have? Personally speaking, he wouldn't be willing to buy something that was not going to be effective here in the County. He thinks Thornber's equipment is going to be good; but he thinks they would all want to look at the equipment prior to making a decision.

(continued)

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Mr. Higgins said he understands. He thinks our best deal, of course, is the out-and-out purchase at \$71,858.00 -- that is the best. If, however, we want the lease-purchase then, there again, the quicker we buy after we start the lease -- that is the next best option. Then, it would appear that probably the lease for the first two elections in 1986 -- then maybe on December 31, 1986 we felt confident with the system and felt that it was something the taxpayers and voters wish to be using -- the \$62,858.00 purchase at that time.....

Attorney Miller interrupted by saying that he would point out, unless his arithmetic is wrong, if the Commissioners will look at Schedules III and IV, if we lease under Schedule III for one (1) year and buy in 1986 (at the end of 1986) we would have paid \$89,858.00. On the other hand, if we were to lease for five (5) years and at the end of 1986 make a purchase after having paid \$18,000.00 in lease payments for the year 1986, we would have paid not \$89,000.00 but \$83,858.00 and the consideration flowing their way is that we have made a longer commitment to keep it if we don't buy it. And the consideration flowing our way is that if at the end of 1986 we like what it does, we can buy it for \$6,000.00 less.

Commissioner Willner said what it all boils to is that it cost us \$12,000.00 to look at it for one (1) year.

Continuing, Mr. Higgins said that in the lease-purchase plan, there would be like the personnel included where in the out-and-out purchase personnel are not included. There are also charges for maintenance contracts and quality personnel -- and the maintenance contract is in here and that is \$1,000.00 per election. So, we'd have an average of \$1,500 per year for maintenance only.

Attorney Miller asked if Item B listed on Page 2 with regard to on-site personnel is part of Thornber's commitment?

Mr. Higgins said he is going to have to call his office to make clarification of that; normally, on a purchase the first time, they want to seethey have personnel there. But he can determine quickly whether or not this is true. His boss has told Helen Kuebler that for the first election that Thornber can have on-site personnel here and also for the testing, etc. He is certain they would also bring someone down to train County personnel. They can guarantee that it in writing.

Commissioner Cox said the point is that what the Commissioners need to decide here -- because we do not have an option for leasing it for a 1 year period or two (2) elections and then buying it, the options would commit the Commissioners to a lease over a 3-year period with a buy-out after either the first or second year. Yet, still, if they did not want it, they would still be committed to paying that annual lease fee for a 3-year period and/or taking it for a 5-year lease agreement -- and the same thing here. If it was not satisfactory, we would still be bound to that \$18,000.00 over a 5-year period.

Mr. Higgins said he is certain that is what the trade-off is with making that less -- they would be assured that we would be with them for 5 years.

Commissioner Willner said this is going to have to be examined -- and they will see what the options are. But there is nothing about promised delivery included. Once a decision is reached as to which would be the best way to go, when could we have the equipment?

Mr. Higgins said they have been thinking about January 1st -- because they realize the County Clerk needs it as soon as she can get it, so she can be getting used to it; plus it will take some time to train people on the equipment, etc.

Attorney Miller said there is a statement in the document to the effect that the bid is as of October 31, 1985 and the price remains in effect for sixty (60) days. Sixty (60) days would take us to December Commissioner Cox asked, "What about January 4, 1986. Attorney Miller said he is saying that Thornber's bid is only good for sixty (60) days and we don't have any money. Commissioner Willner said that sixty (60) days from today they will have -- it will be January 4, 1986. Attorney Miller said that if the bid can be amended so that prices are good sixty (60) days from today, that would solve a technical problem. Does Mr. Higgins have authority to do this? Mr. Higgins said it is hereby done.

(continued)

Commissioner Willner requested that Mr. Higgins identify himself for record purposes as well as for the benefit of the news media personnel.

Mr. Higgins stated his name is William Higgins and he is with Thornber Election Systems. He is a sales representative. His home is Mt. Carmel, IL. He lives less than one (1) mile from the Indiana border.

Attorney Miller interjected that Thornber does not have lease form attached. Leases have all sorts of different termination provisions and if we choose to enter into a lease for a three or five year period, he would suggest to the Commissioners that one of the things we would want to negotiate with Thornber would be the cost of an early termination -- and it seems to him that it would be in the County's interest and in the company's interest to negotiate, in advance, up front, what it would cost the County to extricate itself from this lease after one or two years, three years, four years, or five years.....and put it down in the lease. That, of course, would be based upon what the company is thinking its losses and outlays are going to be and what it can stand in returns and what the county can stand. But we certainly would not want to enter into a lease that would commit us for five years without any way to get out of it. And that is where we are with Thornber's bid at this point. If we accept a bid on a lease basis, we would want to do it with the condition that an agreement could be reached on the question of early termination and the cost of same. Could Mr. Higgins convey that to his company?

Mr. Higgins responded in the affirmative. He said that, of course, there could be the 3-year and that could be terminated at the end of the year by purchase. He just knows the County is going to like the equipment.

Attorney Miller said he has no reason to question Mr. Higgins' enthusiasm, only to request that we be covered in case.

Commissioner Willner said he thinks what Mr. Miller is saying is that we would like to lease-purchase this equipment over a 5-year period, and the buyouts are listed. All we need to know is what the returned equipment cost would be? Therefore, we would be interested in Schedule IV with that option.

Attorney Miller said he believes the Commissioners need to take the matter under advisement for one (1) week so they can determine which option they need. But any approval or adoption of these options would have to be conditioned upon a satisfactory negotiation of the return costs -- in the event of early return.

Mr. Willner asked Helen Kuebler, County Clerk (whom he had invited to the Commissioners table at the beginning of the discussion on the Election Tabulation Equipment) if she has anything to add?

Mrs. Kuebler said she would want the lease to include warranty and the assurance of on-site personnel on election nights.

Mr. Higgins asked if we're thinking in terms of the buyout at the end of one (1) election, or a year's elections -- or is that what we want to negotiate?

Commissioner Willner said, "No, that is listed here."

Commissioner Cox explained that what the Commissioners mean is that, after we take the one plan based on 5-year lease at \$18,000.00 per year, they want to know how much it will cost them to get out of that lease at the end of a 1-year's period, a two (2) year period, etc. -- if they do not want the equipment. The proposal tells them what it will cost to buy the equipment. What it does not tell them is how much it will cost them if they don't want the equipment. This is what they need to know.

Mr. Higgins said that in talking about the figures before and the 3-year plan, he thinks they could for sure get that at the end of the year. At the end of that year, for the \$27,000.00 (if they wanted to return it at that time) he does not believe this would present a problem. He thinks they could do that with no dollars exchanged at all. But the \$18,000.00 is much less and he will have to negotiate with the company on that.

Attorney Miller suggested that Mr. Higgins get those alternatives together (on the 3-year and 5-year plans) and see what....

Mr. Higgins interrupted saying, "I am talking about at the end of each year --

Attorney Miller said, "Not just the first year. Give us a cost at the end of each lease year -- both on the 3-year and the 5-year lease.

President Willner entertained a motion that the Commissioners take this matter under advisement for a period of one (1) week. Motion was made by Commissioner Borries that the bid from Thornber Election Systems regarding bid on Election Tabulation Equipment be taken under advisement for one (1) week, with a decision being rendered on Tuesday, November 12th. A second to the motion was provided by Commissioner Cox. So ordered.

RE: POOR RELIEF/PERRY TOWNSHIP

The Commissioners were still awaiting the arrival of the caseworker from the Welfare Department with regard to the poor relief appeal filed by the Effingers.

Mr. Mosby, Perry Township Trustee, was recognized by the Chair and said that they do not pay any rent or utility assistance for applicants who receive ADC...so he doesn't see why.....

Commissioner Cox interrupted by stating (quoting from the Trustee's Guidelines) "Unless special circumstances exist.".....Mr. Mosby said there are no special circumstances. He told the Commissioners what they did with the ADC money; Mr. Effinger said he paid off a \$250.00 loanand that's all he knows.

Commissioner Willner said that, somewhere along the line, he still would like to know why the Effingers are only getting one (1) ADC check....he'd like to know this for his own information. However, he believes that possibly Commissioner Borries is correct in stating that the Commissioners should probably deny the appeal and instruct the applicant to re-apply. Would Commissioner Borries care to make a motion?

Commissioner Borries moved that the poor relief applicant's appeal.....

Commissioner Cox said that evidently we're figuring the \$316.00 ADC check received in October and his food stamps and non-food order does put the Effingers over the income limit specified in the Trustee's guidelines for assistance for the month of October. However, we're in the month of November now. There is nothing to keep the Effingers from applying for assistance in November -- if they can get a letter stating that this was a one-time only ADC check, then they can re-apply for assistance -- because Mr. Effinger is laid off and has no income and he is trying to find work. She asked if Perry Township Trustee has a workback program? Maybe he could work into that.

In response to query from Mr. Effinger, Mrs. Cox explained that the ADC check is dated and credited to his income for the month of October only. If he receives no more ADC assistance, then he would be eligible for assistance from the Trustee's office.

The meeting was briefly interrupted by the arrival of Betty Dick from the Welfare Department, the Effinger's caseworker.

Commissioner Willner said that the Effingers have stated that they received a check in the amount of \$316.00 from ADC, but that it was a one-time issuance.

Mrs. Dick verified that that is correct. The Effingers were eligible for the \$316.00 due to Mrs. Effinger's incapacity to work due to having a child.

Commissioner Willner asked that Ms. Dick explainhe understands the incapacity ...but since there is no income in the household per se, why would they not be eligible for monthly assistance?

Ms. Dick said that is because in the State of Indiana a family is not eligible if the parents and children are together, unless one of the two parents is incapacitated.

Commissioner Willner thanked Ms. Dick and said this is what the Commissioners wanted to know -- that pretty well explains it. He guesses the Commissioners did not realize that -- that if there are two parents both able to work -- that they get no such thing as ADC. Mrs. Dick said that is right.

(continued)

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Mrs. Cox said then, this was a one-time check for October only and they will get nothing as of 11/1/85.

Commissioner Willner said this is a bad situation. However, motion is made that Board deny the poor relief appeal for the month of October. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Cox asked if the Effingers understand that they now need to re-apply to the Perry Township Trustee for assistance for the month of November.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Claim/Kahn, Dees, Donovan & Kahn: Claim submitted in the amount of \$282.00 re litigation concerning Complete Lumber Co. matter. Attorney Miller had contacted Pat Shoulders, at the request of the Commissioners, to determine if this is the final billing. Attorney Miller said the attached letter from Mr. Shoulders is self-explanatory.

Burdette Park Waterslide: Attorney Miller said he hopes the Commissioners have received their copies of the draft of the letter sent to Albertsson-Hunter. We have a proposed settlement with the Albertsson-Hunter people and it contemplates that we will retain all the bid bond and retainage that we have and receive a check from Albertsson-Hunter in the amount of \$8,500.00, giving us some \$35,000.00 to work with and we will complete the work out there ourselves. That is conditioned upon their providing us with proof that they have paid all sub-contractors.

Commissioner Willner expressed appreciation to Attorney Miller for this update on the Burdette Park Waterslide situation.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel presented copies of the Weekly Absentee Report for employees at the County Garage for period of October 28 thru November 1, 1985..... report received and filed.

Weekly Work Report: Also presented was the Weekly Work Report for the same period..... report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Schissler, Schmuck, Mt. Pleasant, Old 460, Hedden Rd. and Kneer Rd.

Paved: Hedden Rd.

Chip & Seal: Martin Station Rd.

Grader: Old Henderson, Martin Station, Buente, Emge, Baehl, King Rd., Golden Rule, Mann Rd., Schmidt, Hedden Rd., Burkhardt Rd., and Wright Rd.

Cut Bleeders
& Open Drains: North, South, East and West

Patch: Church, Old 460, Nolan, Speaker, Old Henderson, Voight, Berry Lane, Broadway, Felstead, West Haven, Upper Mt. Vernon, Keenland Blvd., Plaza East Dr., and E. Virginia St.

Mower: Seminary, Bayou Creek and Nurrenbern

Hogue Road/Bad Potholes: Commissioner Cox noted that there are some bad potholes on Hogue Rd., between where Eichoff deadends there and Racener Rd. Mr. Bethel said those are being taken care of today. Mrs. Cox said she will check those on her way home.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers presented copies of the Weekly Bridge & Guardrail Repair Report for period of October 28, 1985 thru November 1, 1985.... report received and filed. (He said he also appreciates Mr. Bethel interjecting a bit

(continued)

of excitement to an otherwise boring meeting.

Commissioner Cox said she thought it was very interesting.

Continuing, Mr. Jeffers said that with regard to the Bridge & Guardrail Repair Report, they did as much as they could in view of all the rain we had last week.....with the type of work they normally do. On Thursday, they cleaned the bridge deck, sidewalks and curbs, gutters and the median on Oakhill Road Bridge, at the request of the City Traffic Engineer. He received a complaint that the curbing was not painted yellow (that's a City bridge that requires certain median, curbings, etc., be painted yellow). They are finishing that up today, because there was still some debris that they couldn't clean because it was wet. In case the Commissioners saw the work order which came through, the City Engineer's office wanted him to assure them that the surveyor's crew is working on this bridge. Mr. Jeffers then entertained questions concerning the guardrail report. There were none.

Upper Mt. Vernon Rd./Work Release Program: Mr. Jeffers said that last week there were questions about the Work Release crew's project to cut culvert cuts (specifically on Upper Mt. Vernon Rd.). He noted in the minutes that there was reference made to a report to the Commissioners today concerning same; he will try to make it brief.

Basically, earlier this year they entered into an arrangement with the Circuit Court's Work Release unit to patch some culvert cuts, which the County Garage was unable to patch due to their extensive schedule which required road patching of their own. The surveyor's office supplied the Work Release crew with plans to patch these culverts -- which, by the way, were all new culvert installations -- with 6" concrete slab in lieu of 6" depth of hot asphalt. They also supplied them with certain equipment and advice which enabled them to complete the work safely and correctly. Work Release people are completing the last of approximately 25 cuts this week, weather permitting. It is his understanding that they have poured seven (7) cuts today.

With regard to the barricade procedures which came under question last week, they would like to reiterate that all barricades which are provided by Work Release Program are built and painted to accepted safety standards. After Commissioner Borries' statement of concern last Monday, inspectors from the surveyor's office were instructed to visit all the sites on Upper Mt. Vernon Rd. each morning and evening Tuesday through Friday. Tuesday they made certain recommendations to the Work Release crew to improve the set-up, and these requests were accomplished. Basically, they added a couple of barricades and a flashing light at the top of the hill approaching Mrs. Goebel's house. Since last Monday they have encountered no further problems nor have they received any phone calls since that time. The rain did present somewhat of a problem; they were unable to finish pouring the cuts during the rain.

When the job is completed this week, he wants to meet with the Commissioners and Circuit Court representatives to make an assessment of this project and receive the Commissioners' advice on whether the arrangement with Work Release should be continued. While a continued partnership with Work Release is being considered, he'd like for the Commissioners to know that they are very satisfied with the Work Release project in that the County is getting a high quality product, and it is preparing the roadways for future paving with materials which will not have to be removed and re-patched prior to paving with hot asphaltic concrete. They assume that the County's intention to pave approximately 100 miles of road next year will be carried out and it will probably be carried out on high traffic roads first. They are installing patches on just such roads, which are in need of paving. These concrete patches will preclude the need for the contractor to include a large volume of base as they did on Allen's Lane to patch material which has to be removed, thereby saving the funds for more surface material that can be used over a longer stretch of roadway. Best of all, they are training people who have no previous work skills or very few work skills and they are improving their self-image and, at the same time, the County is getting this work done at a price that is cheaper than we could do it with hot asphalt concrete from a contractor and probably cheaper than we could do it ourselves. If there are any questions about the Upper Mt. Vernon Rd. project, he will be glad to answer them. Otherwise, they would like to meet with the Commissioners next week to take a look at the whole deal.

Commissioner Willner said he does not believe that anybody questioned the motives or whether the Work Release people were doing a good job or whether it was needed. The problem was that they wanted the citizens in the area to be comfortable via being able to see the dangers coming on. That's the only question he had; but he will certainly

(continued)

be glad to meet next week and discuss the matter. But he heard nothing said about their integrity or the job they were doing.

Mr. Jeffers said he, in no way, meant to insinuate that. It is just that he heard many comments from many sources -- as to the equipment, the backhoe, etc. And they just want to assure the Commissioners that the Work Release people are doing an excellent job...and he does not want to do anything without the Commissioners' knowledge and support.

Commissioner Borries said that the comments he made were initially from a resident in the area who was concerned about it from driving that area. Mr. Borries said he believes Mr. Jeffers stated that the Work Release people were following all safety standards -- so the Commissioners wanted to verify that and assumed that this was the case. They did find two flashing lights at one end -- but these were the only lights they had seen lit that night. However, insofar as the program itself, he was just trying to obtain information in order to reply to the residents -- just to see what the surveyor's supervision was in this particular matter and he believes Mr. Jeffers' explanations today are a lot better than those of last week. The Commissioners did not see any other barricades lighted, but the patches themselves seemed to be very good. Thus, he does not think there are any problem in terms of what they were doing other than the fact that he wanted to, first of all, see that if the surveyor's office is indeed taking responsibility to make these assignments, then he thinks they are responsible to make certain that they are following the proper safety standards. When they were coming back down a lane that was not under construction, there was one fellow who had to make a hard brake just right at one particular baricade, so that was just the concern there. He just asked the question as to when they would be finished.

Mr. Jeffers said they had hoped the Work Release people would be finished last Friday; but, of course, the rain four days last week hampered the project. Again, he hopes they are finished by this coming Friday.

Indicating that he does not wish to go into it too deeply, Mr. Jeffers said it is very discouraging to them on any project when people rip off those flashing lights. He doesn't know of what value they are, other than the fact that there are two (2) 12-volt batteries inside each one. However, they have lost a substantial number of flashers -- especially this year...on their own job sites as well as the Work Release job sites. It is very discouraging when you pay \$15.00 each for them and they disappear in a day or two. Last week they were out there frequently and they used one of those red and white cars and that seemed to slow it down. They have the license number and location of pick-up truck that they're checking into -- that was seen leaving the site of some barricades.

Corps of Engineers/New Bridge over Bluegrass Creek: Mr. Jeffers said that last week the County Engineer brought to the Commissioners a Notice from the Corps of Engineers regarding the new bridge over Bluegrass Creek at Boonville-New Harmony, which will be part of the I-164 project. Commissioner Willner was interested in retaining the concrete beams from the bridge now at the site. The surveyor's office looked at the plans for I-164 at Boonville-New Harmony Rds., and the plans call for that structure to remain in place. What they are actually doing is relocating Boonville-New Harmony a little north of its present location, building a new bridge, and where that relocated Boonville-New Harmony connects into the old road in Warrick County, they will be using the old road surface as an access to the property which lies west of Bluegrass Creek and east of I-164 in Vanderburgh County. There is some agricultural land -- so you will have an old roadway which will be used as a basically field entrance or private access road. The old bridge will remain in place; so possibly we will want to consider abandoning the road. We'll have to go to Warrick County on it, because it will only be used by a couple of farmers. But he wanted to let the Commissioners know that they will not see that bridge come out -- it is going to stay there. The only reason he mentions this is that Commissioner Willner was looking for an answer on the concrete slabs.

Rollett Lane & Broadway Avenue: Mr. Jeffers said he was hoping that Bob Lutz would stay at the meeting, because he lives on Rollett Lane and could probably give a firsthand report of the situation. The surveyor's office received notice on Friday afternoon that the bridge at this site was being washed out by Wolf Creek. They inspected it over the weekend and again this morning. What is happening is that the shoulder on the northeast corner of the structure is being washed underneath the wingwall and into Wolf Creek. In the early 1960's, the County had planned to rebuild this

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structure; but the plan evidently was dropped. The structure is now inside the City limits of Evansville. It is not a part of the County's bridge inventory so it remains classified as a culvert. They do have a plan prepared to replace the structure. He will leave the Commissioners a set of said plans so they can review them at their leisure. Subsequently, perhaps we could negotiate with the City as to how they are going to handle the problem. If it becomes a bridge, they can use bridge funds. If not, perhaps they can help them remove the safety hazard at that location. It really does need to be replaced.

Commissioner Willner asked if their plans show a pipe or concrete structure? Mr. Jeffers said he orally advised the City Engineer this morning concerning the situation they observed. *Att. Miller* asked, "Orally?" Mr. Jeffers said that is correct. *Att. Miller* said he should put this information in a memo and Commissioner Willner agreed. Mr. Jeffers said he will prepare a memo and give it to them tomorrow morning (Tuesday, November 5th). So far, all discussions have been verbal. The City told him on Friday that they wanted the surveyor's office to handle this. Mr. Jeffers said, however, that he thinks we should negotiate with them. *Att. Miller* asked that Mr. Jeffers put some type of chronology down.....

Commissioner Cox said that while the surveyor's crew is in the area, she would like to renew her request to have the bridge on Broadway (about 2 ft. from the one on Rollett Lane) cleaned. Mr. Jeffers said he remembered her request when he visited the area this morning. Mrs. Cox said there are probably refrigerators, cars and everything in there now....it's a mess.

Benchmark on Elmridge Drive: Mr. Jeffers asked if the Commissioners want to know what the surveyor's crew has done with regard to establishing a benchmark in Elmridge Drive? Or, have they already decided what they are going to do with regard to the house discussed last week? There seemed to be some questions left hanging last week.

In response to query from Commissioner Borries, Mr. Jeffers said that Mr. Lehman had a picture of the house immediately west of and on the same side of the street as the subject structure that showed water standing at approximately 378 ft. above sea level. The Commissioners might want to note that the day before the photo was taken that the water was about 379 ft. above sea level; the surveyor's office observed it at that height. The photo was taken on May 5, 1983. About six days preceding that date, there were six (6) hard days of rain (anywhere from 1/2" to 2 1/2" per day) and the river was standing at 42 ft. to 44 ft. on the flood gauge, which translates to about 371 ft. to 373 ft. above sea level, and neither the rainfall nor the height of the river would cause 100 year rain or 100 year flood. However, the Commissioners can see that the amount of headwater coming down the Creek and slamming into the river backed up -- it was a headwater flood; it was not

Commissioner Willner said he wonders what happened during this last rain -- he wonders what the situation is on that now?

Mr. Jeffers said the creek is high, but it is not nearly what it was in 1983. He said it wasn't a 100 year flood; but he couldn't really tell the Commissioners without looking at it closely whether it was a 25 year or 50 year flood -- but it was one of them. The U.S. Army Corps of Engineers prepared a flood plan information study of Pigeon Creek in 1967. They prepared it from aerial photographs, so Mrs. Cox's statement that she believed the information in the maps was correct is absolutely the case. This plan was prepared via modern methods of aerial photos and it shows that the 100 year flood occurred at that location in May, 1961 to an elevation of 383.0 ft. That was also a headwater flood. That is approximately the same elevation that occurred in January of 1937, which was our backwater flood. That was also 383.0 ft. It almost reached that level in March of 1964 -- it came within 1 ft. of reaching that level. Mr. Jeffers said he will cut his report on this short by telling the Commissioners that the elevation of that house was recorded by the surveyor's crew at 381.0 ft. As for the data they used, they came over the hill from Lynch Road, which is U.S.G.S. Evansville data...that is the best they could do.

Montgomery Rd./North of Mann Rd.: Continuing, Mr. Jeffers said that Commissioner Willner is familiar with the next project to be discussed. On Montgomery Rd., just about 200 ft. north of Mann Rd., there is a bridge which they relocated from the Union Township bottoms around 1980. When they replaced a bridge down there, they took the old bridge up and put it up there for the farmers. The new bridge inspection report due in January will show that Burroughs & Associates recommends immediate replacement of the

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Structure No. 6. Their preliminary drainage calculations show that we can replace that structure with a large pipe about 6-7 ft. in diameter. That would remove it from the bridge inventory and it would provide a safe crossing for the very little traffic that utilizes the current bridge. Right now, they have it posted as per the Commissioners' latest ordinance at two (2) tons and No Trucks. The surveyor would like the Commissioners' permission to pursue putting in a pipe and taking the bridge off the inventory.

Commissioner Willner requested that the surveyor's office draw up a set of plans and provide the Commissioners with a cost estimate and then submit for consideration.

Culvert Problems on N. Green River Road @ Sugar Creek: Mr. Jeffers said the surveyor's office received several phone calls today (and he got one over the weekend) about a culvert that was sinking. Upon inspection, it was determined that that is the recent installation of a storm drain by B.M.B., Inc. which has, in fact, has failed and the hot asphalt pavement has sunken approximately 8 inches, causing a dangerous condition for motorists. Mr. Jeffers said he believes that we should contact the contractor immediately and have him make those repairs, since the specifications have a time limit on that.

Commissioner Willner asked if Mr. Jeffers measured the concave? Mr. Jeffers said he hit it -- and his jaw hit his knee -- so he figures that is good for eight (8) inches. Mr. Jeffers entertained questions. There were none.

RE: TRAVEL REQUEST/AREA PLAN COMMISSION

The Chair recognized Mrs. Barbara Cunningham, Executive Director/Area Plan Commission. She said she has before the Commissioners a request to attend the Division of Outdoor Recreation's Plan Advisory Committee conference on November 13, 1985, to be held in Indianapolis. This is a committee of the Department of Natural Resources. For the Board's information, she has included letters on the conference.

President Willner stated that Mrs. Cunningham is a new member of the Outdoor Recreation's Plan Advisory Committee and she has accepted that committee slot. He has a letter both asking and thanking her to take that slot. He asked whether Mrs. Cunningham has anything to add?

Mrs. Cunningham said there is also a possibility that the following morning she might be at the Department of Natural Resources Division of Water; it all depends on whether she finds out at the previous meeting that she has also been invited to attend this meeting the subsequent morning.

Commissioner Willner asked if Mrs. Cunningham will be driving? She responded in the affirmative.

Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that the request be allowed. A second to the motion was provided by Commissioner Cox. So ordered.

RE: TRAVEL REQUEST/COUNTY ASSESSOR

Commissioner Willner said that at last week's meeting a request was made by James Angermeier for the approval of funds for attendance at the annual conference of the Association of Indiana Counties, to be held in Indianapolis on November 24, 25 and 26, 1985. The request was deferred until this week, to give the County Auditor sufficient time to determine the remaining funds in the Travel account. Mrs. McBride checked this past weekend and found that we have a little over \$1,000.00 remaining in the account.

Commissioner Willner said it is also his understanding that Mr. Angermeier also has some funds in this office (\$901.14) that he is going to return to the County at the end of the year. Thus, he entertains a motion concerning Mr. Angermeier's request. Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

County Auditor Alice McBride said that we need to upgrade the Resolution with regard to the amount of money that we can pay to people going on trips. We haven't done that

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for two or three years. She can get the Resolution out and bring it to the Commissioners for purposes of updating. The Board was in agreement.

RE: RESOLUTION RE POLYCHLORINATED BI-PHENYL DISPOSAL PLANT IN HENDERSON COUNTY, KY

President Willner advised that the Town of Newburgh and the City Council of Evansville passed Resolutions concerning the subject matter. They are now asking the Vanderburgh Board of County Commissioners to do the same.

Commissioner Borries said he has some concerns about the proposed PCB Plant and he asked that this matter be placed on today's agenda. Given the track record of the company and the impact on the environment in our community, that what passing this Resolution would do is to echo the Boards of other surrounding communities. It is not just a state problem in Kentucky; but this type of thing affects the surrounding regions. Thus, he requests that the Commissioners pass a similar Resolution, expressing their concern.

Commissioner Cox asked if the Resolution would also support a Department of Transportation development study -- not an environmental study.

Commissioner Borries said he believes the D.O.T. would study the consequences of what would happen should the trucks, etc., be traveling through our area and have a spill, etc. Commissioner Cox said she believes it is called a "Development Risk Study" or something to that effect.

Commissioner Borries said that he has personally heard several comments expressing concern about the whole process. Due to our location, we are involved in a whole region. Via the Resolution, the Commissioners are requesting that the Federal Government come in and examine the situation.

The Resolution prepared by the Town of Newburgh does not mention a study. It says that,

"No permits to build a PCB disposal and/or separating and/or processing facility in Henderson County, Kentucky, should be issued by any federal, state or local agency until the owner of such plant has established by clear and convincing proof that such plant does not present a significant risk to the residents of the tri-state, and their property."

Continuing, Mrs. Cox said that, personally, she would support the Development Risk Study; she thinks we need to know how to protect ourselves if and when this does come about.

President Willner asked then, if the Commissioners' Resolution would read that they encourage the Federal Government to conduct an in-depth study of the plant being sought in Henderson County, Kentucky, which may or may not affect Vanderburgh County and its residents -- to be studied to the best of their ability and keep us informed as to their findings? He entertained a motion. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. President Willner said he will have the Resolution drawn up for the Commissioners' approval and signatures.

The Resolution adopted by the Town of Newburgh read as follows:

RESOLUTION 1985-18

A RESOLUTION REGARDING A POLYCHLORINATED BI-PHENYL DISPOSAL PLANT IN HENDERSON COUNTY, KENTUCKY

WHEREAS, the Town of Newburgh lies but a short distance upwind and upstream of Henderson County, Kentucky, and

WHEREAS, the Town Board of Trustees understands that there is a proposal to build a polychlorinated bi-phenyl disposal and/or separating and/or processing plant near the Ohio River in Henderson County, Kentucky, and

WHEREAS, the people of the Town of Newburgh have no forum to express their opinion regarding such plant except through the elected Trustees of the Town, and

(continued)

WHEREAS, the polychlorinated bi-phenyls have been determined, by the United States, to be a health hazard and the production of such substances has been banned by federal law, and

WHEREAS, in addition to air and water transportation or any escaping PCB's from the proposed disposal and/or separating and/or processing plant, there is a potential risk of spillage of PCB contaminated substances if such are transported to the plant by motor carrier over and along roads and highways in the State of Indiana and Warrick County, and

WHEREAS, while the disposal of PCB's is both commendable and necessary, adequate consideration and study for safe disposal of such substances must be paramount to all other bases for the decision to allow such plant to be built.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWN TRUSTEES OF THE TOWN OF NEWBURGH, WARRICK COUNTY, INDIANA:

Section 1. No permits to build a PCB disposal and/or separating and/or processing facility in Henderson County, Kentucky, should be issued by any federal, state or local agency until the owner of such plant has established by clear and convincing proof that such plant does not present a significant risk to the residents of the tri-state, and their property.

2. That all federal, state and local agencies so empowered, should require the developer of such plant to provide for the cost of training and maintenance of monitors and response teams in Indiana and Kentucky to monitor for and immediately contain and eliminate any spill of PCB's into the environment from the plant or any transport carrying contaminated fluids to the plant.

ADOPTED this 23rd day of October, 1985.

Daniel C. Bradley, President
Wilmer E. Wells, First Vice President
Norman E. Dahmer, Second Vice President
Shirley J. Burnett
Robert A. Hamm

ATTEST:

Sally K. Diaz
Clerk-Treasurer

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/B.M.B., Inc.: A claim in the amount of \$2,448.00 as a second progress payment on the North Green River Road storm sewers was presented for approval. Attorney Miller asked if that is the one that is sinking? Mr. Easley said it is down about 3 inches and he talked with B.M.B. early this morning and they advised they had arranged for J. H. Rudolph & Co. to put about 3 inches of asphalt in there. Attorney Miller stated that the Commissioners had just heard from the County Surveyor that it was down about 8 inches; Commissioner Willner echoed the statement..and said it will certainly get your attention if you go over it. Mr. Easley said that for a small car, it proves bump. Nonetheless, B.M.B. advised that even if it requires overtime, it will be fixed today. Attorney Miller said that Bill Jeffers had just advised the board that it is washing out. Mr. Easley said they put down sand and a crushed stone base. Commissioner Willner said it will be interesting to read the newspaper tomorrow and see whether it is 8 inches or 3 inches. Attorney Miller advised against approving the claim if B.M.B. has something sinking out there. Mr. Easley said we are still holding 10% retainage, which is \$2,000. Commissioner Willner said he would like for Mr. Easley to hold the claim for one week pending Mr. Easley's findings on the project.

RE: ACCEPTANCE OF STREETS & STORM DRAINAGE IMPROVEMENTS

Daisy Lane/Harper Heights Subdivision: Mr. Easley said the next item on his list concerns the acceptance of Daisy Lane (a street off Highway 65 that was constructed

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several years ago. He and Bill Bethel have looked at it. They were requested to make several repairs, accomplish sealing of joints, etc., and they have done a very satisfactory job of doing this and it is recommended that the County bring this street into the County road system. Daisy Lane is 630 ft. long. Thus, he submits the following request:

October 29, 1985

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets & Storm Drainage
Improvements in Harper Heights Subdivision
for Daisy Lane

Dear Mr. Willner:

Mr. Bill Bethel and the undersigned have made an inspection of subject street and storm drainage improvements that were repaired this summer. These street improvements were constructed several years ago. The inspection was made on October 25, 1985.

All streets are paved with 6 inches of concrete and have been constructed in accordance with county road standards. All joints in the pavement have been sealed and the edges of the pavement have been properly backfilled.

The following is a summary of the length of the completed street in subject subdivision:

Daisy Lane ----- 630 ft. = 0.12 miles

It is recommended that the street and storm drainage improvements on Daisy Lane in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel, County Highway Superintendent
Richard Tieken, 5200 Daisy Lane

President Willner entertained a motion. Motion was made by Commissioner Borries that acceptance of Daisy Lane be approved and that mileage of same be included in the County road system mileage count. A second to the motion was provided by Commissioner Cox. So ordered.

Hickory Lane & Brush Ridge Rd./Whispering Hills Subdivision - Section "C": Mr. Easley said his next recommendation concerns streets in Whispering Hills Subdivision - Section "C", which is a new subdivision west of St. Wendel developed by Joe Elpers. He submitted the following request:

October 29, 1985

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets & Storm Drainage
Improvements in Whispering Hills Subdivision -
Section "C"

Dear Mr. Willner:

(continued)

Mr. Bill Bethel and the undersigned made an inspection of subject street and storm drainage improvements on October 25, 1985. These street improvements were constructed during the summer of 1985.

All streets are paved with 6 inches of concrete and have been constructed in accordance with the approved plans. All joints in the pavement have been sealed and the curbs have been properly backfilled. All storm drainage inlets and storm sewers have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed streets in subject subdivision:

Hickory Lane-----	1,022 ft.
Brush Ridge Road -----	<u>750 ft.</u>

Total 1,772 ft. = 0.34 miles

We are enclosing a sketch of the subdivision showing the completed streets in Section "C" of this subdivision.

It is recommended that the streets and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel, County Highway Superintendent
Joe Elpers, Developer
Veach, Nicholson, Griggs Assoc.

Mr. Easley said they did a beautiful job on these streets; they backfilled the curbs and the grass is coming up. All of the storm drains are in and they did a very nice job with lots of good crack control. The acceptance of these streets will enable the plat to be recorded. He supposes this is one of the first developments under the new subdivision ordinance that we have accepted prior to the recording of the plat.

Commissioner Cox asked if the designated area in yellow is what the county is maintaining? If so, how do they get back to the area to maintain it?

Mr. Easley said it is connected to dedicated right-of-ways in Whispering Hills, a subdivision off St. Wendel Rd.

In response to query from Commissioner Cox, Mr. Easley stated that the street is probably 1/2 mile or less from St. Wendel Rd. The right-of-way is a dedicated right-of-way and is a crushed stone road -- but it is not an accepted road; it is not in the county mileage system.

Commissioner Willner asked who installed the first section? Mr. Easley said he believes Mr. Elpers did -- this is an Elpers' subdivision. The beginning of the road is asphalt and then it goes to crushed stone. It is his understanding that Mr. Elpers intends to asphalt the unasphalted area. They haven't built too many homes back in there to date none in the new area.

Commissioner Cox asked why Mr. Elpers needs this accepted -- for a loan? Mr. Easley said that Mr. Elpers put in all the streets and he has not recorded the plat and he may have borrowed the money. He can't sell a lot until the plat is recorded -- and the new subdivision ordinance requires that he either put up a bond or build the street or put up a letter of credit or an escrow account. We have used escrow accounts in some cases.

Commissioner Cox said this is kind of irregular.

Mr. Easley said if the Commissioners want to take the matter under advisement for one

(continued)

week and go out and look at it.....-

Mrs. Cox interrupted that looking at it wouldn't make any difference. She is not questioning Mr. Easley's attestation that the road is built to specs and it is a good road. The problem she has with it is accepting it for maintenance when we have to go down an unaccepted road to get there, and if we do any damage on this unaccepted road with some of our equipment, what would our liability be? This is her only concern. She has no question concerning the construction of the roads. Can we, as a county, not go ahead and --can he petition to have this other section accepted?

Mr. Easley said it is a dedicated right-of-way and the fact that the stone isn't presently being maintained by the county -- he thinks we would still have the right to drive over that road just like everyone else is driving over it to build houses.

Commissioner Willner said that what Mrs. Cox is saying is that she is talking about leverage to get the other work done. Could we not say?.....

Mrs. Cox interrupted that this is not what she is really saying. Her concern is the liability the county would have from St. Wendel Rd. down to the road we are accepting. Mr. Easley asked, "Insofar as damaging the roadway?" Mrs. Cox said, "Sure! Can we go across and move our equipment on that road?" Mr. Easley said it is a dedicated right-of-way.

Mrs. Cox said that in order to get back to the streets in Whispering Hills Section "C" to remove the snow, we are taking care of an unaccepted road. Mr. Easley said, "You don't have to lower the snowplow!" Mrs. Cox asked, "Then how the heck are you going to get back there? Use your noodle!"

Commissioner Willner said he would like to see the rest of it finished in the same way. Does Mr. Easley know what Mr. Elpers' plans are?

Mr. Easley said that Bill Nicholson told him that it was his understanding that -- people have to drive over the crushed stone to get to the beautiful homes -- and he now thinks he is going to be under pressure to go ahead and finish.....

Commissioner Willner asked how far it is?

Mr. Easley said that Mr. Bethel says it is something like 1/3 mile -- maybe 1/4 mile. It is paved with asphalt; it has some chuckholes in the asphalt. But he was under pressure, as he could not even record this plat unless he put those streets in there. He was talking about putting in ditches and he would need culverts, and Mr. Easley recommended that they put in the curb and gutters -- and it really turned out very well.

Commissioner Cox said her point is that people live back there -- it is not going to do any good to take care of their little roads back there if they can't get to and from St. Wendel Rd.

Mr. Easley said the Board can take the matter under advisement and he can communicate the Commissioners' wishes.....

Commissioner Cox said the Commissioners can say they accept his road plans as being built to standards, but waive maintenance of these areas until such time as it is completed to St. Wendel Rd. or Highway 65. If this would help him obtain loans, etc., then the Commissioners could do this. She has no problem there. But insofar as maintaining them, she thinks.....

Mr. Easley said, again, that he can't sell lots back in the subdivision until he gets the plat recorded and he can't get the plat recorded until he gets acceptance of the streets.

Attorney Miller echoed this, adding that there is now some inclination not to accept the streets until the approaches are paved and accepted as county roads -- and he thinks Mr. Elpers is going to find himself with a cash problem, because he probably needs to sell the lots in the back

Commissioner Willner said that Mr. Elpers is a developer and he thinks that probably what the Commissioners should do is to go ahead and accept Hickory Lane and Brush Ridge Rd. and advise him that the Commissioners expect the rest of it to be brought up to

(continued)

County standards. We will accept that and hold his next project hostage until it is done! Mr. Willner's last statement brought smiles to the faces of the board.

Commissioner Borries said he thinks Mr. Elpers is following the intent of the new ordinance and he doesn't see now the Commissioners can deny him. However, he also believes that Commissioner Cox has a valid concern -- so if Mr. Easley can convey same to him. Mr. Easley has made a recommendation and verifies that the streets are good roads. He guesses his concern would be that he hopes that the Commissioners are not faced with the situation again on this new ordinance.

Mr. Easley said that as we play "catch up", this may happen. The last units of a subdivision -- maybe the man did not do the job that he should have done, or maybe you go over some rough pavement before you get to first-class paving. As the Commissioners know, some of the streets in the past were not put in as it was intended that they should be put in -- people went bankrupt or never got around -- Charmar, for instance, has collected money and he talked to the contractor this morning; he is supposed to be out there putting stone in places, etc. This is a question of where the old has to splice into the new. If these people are insolvent and have gone out of business and the homeowners don't want to reach for their checkbook, then he doesn't know how the county is going to get all of them.....

Commissioner Borries moved that the streets in Whispering Hills Subdivision - Section "C" be accepted, as follows, and placed in the county mileage system. Further, he asked that Mr. Easley express the Commissioners' concerns that the non-dedicated part be improved as quickly as possible. Commissioner Cox stated that she cannot second the motion. A second to the motion was provided by Commissioner Willner. So ordered.

Hickory Lane-----	1,022 ft.
Brush Ridge Rd. -----	750 ft.

Total 1,772 ft. = 0.34 miles

Burdette Park Waterslide: Mr. Easley started to give an update on the situation with the waterslide at Burdette Park, but Commissioner Willner interrupted stating that Attorney Miller has already covered that.

Mr. Easley asked if we're going ahead and get the work done.....

Attorney Miller interrupted saying he did not get approval from the Commissioners concerning the final proposal. All he did was to explain the proposal that we made. Thus, perhaps Mr. Easley should cover this.

Mr. Easley said he would like to have permission -- doing this erosion control work that Albertsson-Hunter left undone requires some concrete to be poured in order to keep any mud from getting into that swimming pool. This last big rain that we had last week, he is sure, put several cubic yards of silt in it. In order to do the erosion control work, he is asking permission -- we've have about three (3) contractors who can jump in there and get it done. They've had it scheduled for a couple of weeks, knowing the negotiations were going on. He would like to have permission to accomplish this work within the next two (2) weeks.

Commissioner Willner asked if he's received a check from Albertsson-Hunter? Or, he could use the retainage money? He has the money to do that? Mr. Easley replied in the affirmative. Commissioner Willner entertained a motion.

Commissioner Borries moved that Mr. Easley be granted permission to accomplish the necessary work in the time period indicated, with a second from Commissioner Cox. So ordered.

Mr. Easley said that, in conjunction with that, this water collection channel that has been caving in for several years? County Council has seen it and he and Mr. Tuley looked at the deck repairs and the water collection channel that takes the water that comes off the hill -- doing that work concurrently with this other work. He was out there Friday and again this morning and he submitting copies of a letter that he wrote to Mr. Tuley. They agree as to the estimated cost of the work. It is his recommendation that Mark Tuley concurrently obtain funds to pay for this work (County Council has indicated they will approve same) because this deck replacement is something like 5 ft.

(continued)

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from the drainage channel. We're going to be backing ready-mix trucks in there to repair the concrete channel; they can move the flume over there and pour this at the same time. He asked Mr. Tuley if he has any comments.

Mr. Tuley said they had some broken plumbing underneath the deckwork and the Commissioners asked that he go ahead and tear that deck work up so they could find out how bad the damage was.

Attorney Miller said that before anything further is said, he thinks we are now at the point where this part of the project will probably have to be bid.

Mr. Easley advised that there are several different contractors involved -- the landscape man, a plumber and a concrete mixer. None of them will probably exceed \$7,500.00.

Commissioner Willner said this is service work.....

Mr. Tuley said he believes what Mr. Easley is asking is that the Commissioners go ahead and declare this an emergency..... if they leave the open deck exposed all winter long

Commissioner Cox asked if all the deck is now torn out?

Mr. Easley said not all of it -- but they are in the process. The rains came in on them and slowed the project.....but they are now back working toward that goal. A plumber was out looking at it today. They hope the estimated \$15,000 will cover the cost of the project; however, they are uncertain about the plumbing costs. Both he and Mr. Easley are hoping the work can be accomplished for \$15,000.00. Obviously, it is not as bad as the \$40,000.00 mentioned in the news media. They are, of course, doing only what has to be done. With money from the 1986 budget, they are going in and seal some concrete and hope that will suffice. In essence, he and Mr. Easley would like for the Commissioners to approve their going ahead and starting on the work. Insofar as the \$15,000.00, he does not have the funds. He talked to several members of County Council and they were out at the park and knew that this was going to have to be done. They do not yet have the plans for the filter system completed; thus, he needs the Board's approval to proceed with the deck work and to go before Council on Wednesday, November 6th, to request funds. He then turned to County Auditor Alice McBride.

Mrs. McBride said there are two choices: It is too late for Mr. Tuley to advertise for an additional appropriation. He could, perhaps, pay for this work out of his pool account (since he has some monies left in that account) -- he could transfer that money and then next month they could advertise to put the money back into the account he takes it out of. Or, if he doesn't have sufficient funds in the pool account, then they could just advertise and have a special meeting just for this money -- because it is too late to advertise for Wednesday's meeting.

Mr. Tuley said he spoke with Harold Elliott in the hallway a few minutes ago and he said they were out at the park and did tell him to go ahead and tear up the deck so they could determine how bad the problem was and how much money would be needed -- and said, that with the Commissioners' blessing, to bring the transfer of funds request to them on Wednesday and they will handle it at that time.

Commissioner Willner said he has no problems with declaring this an emergency. He turned to Attorney Miller and asked, "You do understand that this is something you can't give a testament on as to what is underneath? You must do much work before you even can see what is needed under the deck? This is why he says it is "service" and doesn't need a bid. But whatever the Attorney says do, they will do.

Attorney Miller said he believes that classifying this as "emergency service work" is an acceptable solution.

Commissioner Cox queried Attorney Miller concerning procedure for emergency invitational bid?

Attorney Miller said the Commissioners just have to declare it an emergency and obtain three (3) invitational bids on the work.

Commissioner Willner said you can't have someone come out there and give you a bid on the work -- it's impossible -- you can't see what the trouble is.

(continued)

Commissioner Cox asked, "Then how can Andy see what the trouble is?"

Commissioner Willner said that Mr. Easley is giving an estimated educational guess and Mr. Tuley is going to act as the contractor and we're going to do the work ourselves -- that which we can do -- and with the help of Judge Miller's troops we're going to have the labor and we're going to do the contracting ourselves.

Commissioner Cox said, then the total cost would have been more than \$15,000.00 had we not had the free labor from Work Release?

Commissioner Willner said that is correct. Also, Burdette's maintenance people will be involved in the work. Thus, we need to say that it is service work and grant Mr. Tuley permission to request a transfer of funds.

Attorney Miller said he supposes that if Mr. Tuley can scrape together enough money to get work done until next Council meeting (December 4th) -- then he can get on December council call and a special meeting will not be necessary.

Commissioner Willner entertained a motion to place Mr. Tuley on Council Call for November meeting to request transfer of funds and on December Council Call to request additional appropriation. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Cox asked if the Board also needs motion to declare this an emergency? Commissioner Willner said that Mr. Tuley will provide the Board with a letter.

Following is letter from County Engineer Andy Easley to Mark Tuley, Manager of Burdette Park, concerning the repairs at Burdette Park Swimming Pool:

November 4, 1985

Mr. Mark Tuley, Manager
Burdette Park
Nurrenbern Rd.
Evansville, IN 47712

Re: Burdette Park Swimming Pool Repair and
Renovation Work Required for the Fall of
1985

Dear Mark,

This is to confirm our conversation on this date concerning the cost of subject repair and renovation work that needs to be accomplished this fall.

The following is an itemized list of the repairs required, together with the estimated cost of each item:

ITEM	DESCRIPTION	AMOUNT
1.	Concrete Deck Replacement	\$ 6,000.00
2.	Puumbing Repairs	1,000.00
3.	Joint Sealant Materials	500.00
4.	Storm Drainage Channel Renovation	7,500.00
	Total	\$ 15,000.00

It is suggested that you make arrangements for the funds to pay for this work, in order that a contractor can be authorized to perform the work as soon as possible. Our concrete pouring weather is just about over and the work should be considered of an emergency nature.

If you have any questions, please contact me.

R. Andrew Easley, Jr./ P.E.
County Highway Engineer

cc: Board of Commissioners

(continued)

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RE: HIGHWAY 57 NORTH WATERLINE PROJECT

President Willner submitted the following letter concerning the Highway 57 North Waterline project:

October 29, 1985

Mr. Ted Hoesli
Ted Hoesli Diesel Service, Inc.
14020 Indiana Highway 57 North
Evansville, IN 47711

Dear Mr. Hoesli:

The Board of Directors in their meeting on Tuesday, October 29, 1985, approved Revised Estimate No. 6441-A in the amount of \$49,914.46, less \$85.00 Deposit, Balance Due - \$49,829.46.

Please accept or reject this quotation by November 29, 1985.

For your information, attached is a revised copy of the Engineer's Report and Drawing.

When submitting payment(s) for this estimate, please refer to the above-referenced number.

Very truly yours,

EVANSVILLE WATER & SEWER UTILITY DEPARTMENT

James McIntyre
Director, Utility Administration

cc: R. Andrew Easley, County Engineer
Robert L. Willner, President/County Commissioners

Commissioner Willner said it is his understanding that some of this money has already been turned in to the Water Department and Mr. Easley is working on the balance.

Mr. Easley said he talked to Mr. Hoesli and his wife is in the process of getting people to write the checks and Shell Mining stopped by to see them last Tuesday after they met with him. It appears that the financial arrangements for this extension have pretty well been made. He urged them to get the money to the Water Department by Friday. Apparently there are one or two who could not come up with the money and Shell Mining has indicated that they would make a contribution to the Water Department, since the Water Department has agreed to pay several feet there that they wouldn't have had to otherwise and Shell appreciates that -- and he believes the Water Department has been pretty cooperative (as has Shell) and the Commissioners have helped in getting all parties together -- the people really appreciate it. Mr. Easley said he thinks that perhaps by the 20th of November they will have all the money on deposit.

RE: ST. JOE AVENUE BETWEEN MILL ROAD & DIAMOND AVENUE

President Willner said he wants to read the following letter regarding concern over section of St. Joseph Avenue between Mill Rd. and Diamond Avenue:

October 30, 1985

Mr. Robert Willner, President
Vanderburgh County Commissioners
City-County Building
Evansville, IN 47708

Re: St. Joe Avenue between
Diamond Avenue & Mill Rd.

Dear Mr. Willner:

(continued)

I am taking this opportunity to write to alert you of my concern over the above-captioned road. As you may or may not be aware, this section of the road is four (4) lanes with an additional left turn lane designated by medians. It is my opinion that when driving on this section of road after dark and/or when it rains, it is dangerous because of the difficulty in determining where the medians are.

I do not present the problem without a solution, however. I think that an inexpensive yet effective cure for this problem would be to install small reflective squares which I have seen elsewhere. I have noticed these reflective squares on Walnut Street on the medians between downtown and Highway 41. I am of the opinion that St. Joe needs something much more than Walnut Street, which is lighted by street lights. I do realize that I am making a comparison between a city street and a county one, but still feel some solution is needed.

I hope upon receiving my letter that you will contact me and let me know your thoughts on this subject. By copy of this letter, I am asking that the other Commissioners be aware of this problem, and if they have any thoughts I would appreciate hearing from them also.

Thank you in advance for your prompt attention.

Very truly yours,

Donald Mark Burk

cc: Rick Borries, Commissioner
Shirley Jean Cox, Commissioner

Commissioner Willner stated that the Commissioners have discussed this problem previously -- and he agrees with Mr. Burk's letter. He requested that Mr. Easley provide the Commissioners with a cost estimate for the reflective material -- making those medians distinguishable during evening/nighttime hours -- at the earliest possible date. Mr. Easley agreed to do so.

RE: RESOLUTION AUTHORIZING AGENT TO ACCEPT PENSION LIABILITY

Commissioner Willner noted that the Board of Commissioners previously signed a Resolution authorizing Jean Haskins to act as an Agent on behalf of Vanderburgh County to accept Pension Liability. However, subject resolution needs to come before the Commissioners in a formal meeting session for record purposes. The Resolution reads as follows:

A RESOLUTION AUTHORIZING AN AGENT
TO ACCEPT PENSION LIABILITY
ON BEHALF OF VANDERBURGH COUNTY, INDIANA

RESOLVED, that Jean Haskins, Bookkeeper/Retirement, of Vanderburgh County, be, and hereby is, fully authorized and empowered to act on behalf of and in the name of Vanderburgh County, as its agent to accept pension liability, pursuant to IC 5-10.2-3-1 and further to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana. This resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Executive Secretary of PERF.

Adopted this 16th day of October, 1985.

Governing Body

BOARD OF VANDERBURGH COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

President Willner entertained a motion. Motion was made by Commissioner Borries that the Resolution be approved, with a second from Commissioner Cox. So ordered.

(continued)

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RE: COUNTY TREASURER - MONTHLY REPORT

Commissioner Willner requested that the record reflect that the following report for month of October was received from the County Treasurer.....report received and filed.

NOVEMBER 1, 1985

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

Reassessment (249) -- Invested \$1,000,000.00 Jan. 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is Dec. 26, 1985.

Local Roads & Streets (216)--Invested \$1,500,000.00 Aug. 7, 1985, at 7.60%. Estimated income at maturity is \$45,916.67. Maturity date is Dec. 30, 1985.

Monies on Deposit -- Invested \$500,000.00 (\$100,000.00 with each of the five (5) Savings & Loans) Jul. 5, 1985, at 7.125%. Estimated income at maturity is \$17,317.71. Maturity date is Dec. 27, 1985.

Monies on Deposit--Invested \$2,000,000.00 July 5, 1985, at 7.15%. Estimated income at maturity is \$70,705.56. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$1,500,000.00 Aug. 7, 1985, at 7.60%. Estimated income at maturity is \$45,916.67. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$1,000,000 Oct. 25, 1985, at 7.60%. Estimated income at maturity is \$13,933.33. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$2,000,000.00 Nov. 1, 1985, at 7.45%. Estimated income at maturity is \$24,419.44. Maturity date is Dec. 30, 1985.

Actual Interest Receipted to Date:	County Revenue	\$509,144.11
	Local R & S	45,526.00
	Revenue Sharing	9,834.16
	Cumulative Bridge	84,500.00
	Total	\$649,004.27

Projected Revenue: Interest to be receipted when current investments mature.

County Revenue	\$172,292.71
Local R & S	45,916.67
Reassessment	86,288.89
Total	\$304,498.27
City	\$1,632,450.00
School	1,500,000.00
Total	\$3,132,450.00

RE: CLAIMS

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$282.00 for litigation concerning Complete Lumber Co. matter. This is the final billing. Motion to approve claim was made by Commissioner Borries that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Schultheis Insurance Agency, Inc.: Claim in the amount of \$75.00 for Official Bond for County Sheriff Clarence C. Shepard for period 1/1/86 to 12/31/86 was presented. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

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RE: PROCLAMATION CONCERNING COUNTY GOVERNMENT WEEK

Commissioner Willner read the following Proclamation concerning County Government Week to be observed the week of November 18th through November 22nd, 1985, which has been prepared for the Commissioners' approval and signatures:

P R O C L A M A T I O N

WHEREAS, COUNTY GOVERNMENT IS AN IMPORTANT AND BASIC LEVEL OF GOVERNMENT IN THE STATE OF INDIANA; AND

WHEREAS, CITIZEN KNOWLEDGE ABOUT THE OPERATION OF COUNTY GOVERNMENT IS ESSENTIAL TO GOOD GOVERNMENT; AND

WHEREAS, THE ASSOCIATION OF INDIANA COUNTIES, THE INDIANA SECONDARY SCHOOL ADMINISTRATORS, AND THE INDIANA BANKERS' ASSOCIATION HAVE JOINED THE ADVISORY BOARD OF INDIANA POLITICAL EDUCATION IN PROMOTING STUDY OF COUNTY GOVERNMENT BY OUR CITIZENS, YOUNG AND OLD;

NOW, THEREFORE, I, ROBERT L. WILLNER, PRESIDENT OF THE VANDERBURGH COUNTY COMMISSIONERS, EVANSVILLE, INDIANA, DO HEREBY PROCLAIM THE WEEK OF NOVEMBER 18TH THROUGH NOVEMBER 22ND, 1985, AS

COUNTY GOVERNMENT WEEK

IN THE STATE OF INDIANA AND URGE ALL CITIZENS TO BECOME BETTER INFORMED ABOUT THE ORGANIZATION AND OPERATION OF COUNTY GOVERNMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND HAVE CAUSED THE SEAL OF THE COUNTY TO BE AFFIXED THIS FOURTH DAY OF NOVEMBER IN THE YEAR OF OUR LORD, ONE THOUSAND NINE HUNDRED AND EIGHTY FIVE.

BOARD OF COMMISSIONERS OF THE
COUNTY OF VANDERBURGH

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

ATTEST:

Alice McBride
Auditor

A motion was entertained by Commissioner Willner that the Proclamation be approved and signed. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. Continuing, Commissioner Willner said it is his understanding that there is a move afoot to put some information in the public schools at the high school level throughout the State of Indiana. He asked Commissioner Borries if it is correct that government teachers might also get involved? Commissioner Borries responded that he thinks one of the local banks is going to participate via seeing that one of the members of the Indiana Banking Association gets the tabloids. Hopefully, some of the county offices might want to begin to -- perhaps the Commissioners can contact them and ask that they make an effort to explain what they do, also -- because there are a tremendous number of services involved in County Government. He believes that the week of November 18th through November 22nd that County Government will be observed in all counties. Commissioner Willner said that attached to the Proclamation signed by the Vanderburgh County Commissioners is a Proclamation signed by Governor Robert D. Orr for the same week in question.

RE: HOLIDAY CLOSING COUNTY OFFICES- NOVEMBER 11, 1985

President Willner announced that all County offices will be closed on Monday, November 11, 1985, in observance of Veteran's Day. The next Commissioners' meeting will be held on Tuesday, November 12th at 2:30 p.m.

RE: SCHEDULED MEETINGS

(continued)

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Wednesday	11/6	2:30 p.m.	County Council Meeting
Wednesday	11/6	6:00 p.m.	Area Plan Meeting
Tuesday	11/12	2:30 p.m.	County Commissioners' Meeting
Tuesday	11/12	4:00 p.m.	Auditorium Advisory Board Meeting

Commissioner Willner said that on Wednesday, November 6th, Jim Lindenschmidt and Mark Tuley will both observe birthdays.

Commissioner Borries noted that Commissioner Willner's birthday is also on Friday, November 8th. (Mr. Bethel interjected a note of humor as he remarked, "I didn't know you announced catastrophies before they happened!")

RE: EMPLOYMENT CHANGES - RELEASES

Legal Aid Society of Evansville

Barton A. Bates	P.O. Box 2686	Exec. Dir.	\$16,583/Yr.	Eff: 11/7/85
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Circuit Court

Michael Seger	1520 Brentwood	PT Intern	\$4.00/Hr.	Eff: 11/1/85
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Prosecutor

Chris Lenn	2800 Saratoga	Dep. Pros.	\$19,000/Yr.	Eff: 11/4/85
J. Michael Woods	5413 N. Fares	Dep. Pros.	\$19,500/Yr.	"
Cynthia L. Hansen	8006 Heather Ct.	Dep. Pros.	\$19,500/Yr.	"
Peggy Kissel	1255 Bella Vista	ParaLegal	\$12,500/Yr.	"

Treasurer

Mary E. Frank	2424 Neeley Pl.	Clerk	\$11,600/Yr.	Eff: 11/4/85
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(LOA thru November) Attached to Ms. Frank's employment change notice was the following memo from Pat Tuley, Treasurer:

"TO: COUNTY COMMISSIONERS

This is a request to extend the leave of absence of Mrs. Mary Ellen Frank through the month of November. This will postively be the last month of her absence. Again, as before, I do not feel the county should pay her share of the insurance as her request is strictly a voluntary request. Thank you. Patrick Tuley"

In response to query from Commissioner Willner, Mr. Lindenschmidt advised that Mrs. Frank's LOA is not due to illness, but rather to personal reasons.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Knight Township Assessor

Tonya Ann Forehand	7133 Washington Ave.	Deputy	\$11,760/Yr.	Eff: 11/4/85
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Circuit Court

Kenneth Roy, Jr.	8423 Yellowstone	PT Intern	\$4.00/Hr.	Eff: 10/19/85
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Prosecutor

Chris Lenn	2800 Saratoga Dr.	Dep. Pros.	\$20,500/Yr.	Eff: 11/4/85
J. Michael Woods	5413 N. Fares	Dep. Pros.	\$20,500/Yr.	Eff: 11/4/85
Cynthia Hansen	8006 Heather Ct.	Dep. Pros.	\$20,500/Yr.	Eff: 11/4/85
Timothy Klingler	Box 425, Seib Rd.	Dep. Pros.	\$18,000/Yr.	Eff: 10/30/85
Peggy Kissel	1255 Bella Vista	ParaLegal	\$13,500/Yr.	Eff: 11/4/85

Pigeon Township Assessor

Thomas P. Toon	600 Cullen Ave.	PT	\$35.00/Day	Eff: 10/28/85
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(continued)

Treasurer's Office

Rosemary Muensterman	6025 Broadway	Clerk	\$35.00/Day	Eff: 11/4/85
Mary Jo Mooney	5215 Monroe	Clerk	"	"
Kim Ford	708 E. Chandler	Clerk	"	"
Lural Martin	3655 Jackson	Clerk	"	"

CLAIM:

President Willner said he also has a claim from Attorney David L. Jones. However, he has not had an opportunity to review same. Thus, he will defer the claim for one (1) week.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 5:00 p.m.

PRESENT:COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David V. Miller

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers, Chief Dep

BURDETTE PARK

Mark Tuley

AREA PLAN COMMISSION

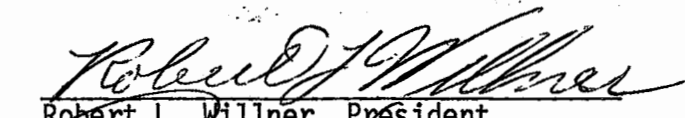
Barbara Cunningham

OTHER

Red Mosby, Perry Township Trustee
Betty Hempfling/Perry Township Trustee's Office
Mr. & Mrs. Jeff Effinger/Poor Relief Applicants
Betty Dick/Welfare Dept.
William Higgins/Sales Rep., Thornber Election Systems
Helen Kuebler/County Clerk
News Media Personnel

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 12, 1985

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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 12, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, November 12, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:40 p.m. by President Willner, who noted there were a couple of minor changes to be made with regard to last week's minutes, which have already been made on the original minutes by the Secretary. On Page 11, Paragraph 2, Line 3 -- Atty. Miller should be inserted in lieu of Mr. Easley in two places. In Paragraph 5, Line 10, "200" year rain should be corrected to read "100" year rain. At the bottom of Page 23, the effective period for the bond should read 1/1/86 to 12/31/86. With notation of said corrections, he entertains a motion concerning approval of the minutes. Motion was made by Commissioner Borries that the minutes be approved, as corrected, with a second from Commissioner Cox. So ordered. Commissioner Cox stated that considering the minutes from last week's meeting consisted of 26 pages, these are minor.

RE: ELECTION TABULATION EQUIPMENT/THORNBUR - William Higgins

President Willner advised that last week the Commissioners took under advisement a proposal from Thornber Election Systems which contained three (3) alternatives:

- a) Schedule I Cash Purchase
- b) Schedule II Purchase over 3 Years
- c) Schedule III Lease/Purchase over 3 Years
- d) Schedule IV Lease/Purchase over 5 Years

The Commissioners had asked Mr. Higgins to get back to them with information on how much it would cost the County to terminate the lease under the 3 and 5 year terms, after a one (1) or two (2) year lease. Is Mr. Higgins prepared to provide this information?

Mr. Higgins said that under the Lease/Purchase Plan Schedule III, there would be no penalty whatsoever for terminating the lease either after the 1st or 2nd year. However, under Schedule IV (Lease/Purchase over 5-Year Period), to terminate the lease at the end of the first year the County would have to pay the difference between \$18,000 and \$27,000, or a total of \$9,000. To terminate the lease at the end of the second year would cost the County \$18,000 (\$9,000 each for the first and second year). However, at the end of 1988 there would be no penalty charged if the lease were terminated.

In response to query from Commissioner Borries, President Willner said that Council had approved \$27,000 and the Commissioners have \$27,500 in the budget. Therefore, they have enough funds to pay for the first year's lease under Schedule III (Lease/Purchase over 3-Year Period). Again, in response to Commissioner Borries' query, Commissioner Willner said the total equipment price for outright purchase was \$71,858.00. He subsequently entertained a motion. Motion was made by Commissioner Borries, that Schedule III (Lease/Purchase over 3 Years) be approved, subject to the County Attorney reviewing the Agreement with Thornber and including the Termination provisions just outlined by Mr. Higgins, with the Agreement being signed by the Commissioners and Mr. Higgins during today's meeting. A second to the motion was provided by Commissioner Cox, after verification by Mr. Higgins that Thornber agrees to deliver the equipment by the 1st of January and individual on hand to run the election. So ordered. (Attorney Jones and Mr. Higgins left the meeting to finalize details of the Agreement.)

RE: PETITION TO VACATE A PORTION OF A PUBLIC ROAD COMMONLY KNOWN AS EAST WALNUT STREET

The Chair recognized Carl A. Heltdt, Attorney for Petitioners William C. Houser and Kathleen Houser. Attorney Heltdt said that Mr. and Mrs. Houser are the owners of Lot Twenty-three (23) in East Meade Estates Subdivision. A Plat of said subdivision is attached to the Petition and is marked "Exhibit A". At the present time, that portion of East Walnut Street requested to be vacated is unpaved, as the paved portion of East Walnut Street stops at the east line of East Meade Drive. Said portion to be vacated is not now, nor has it ever been used for a public roadway. Attorney Heltdt's clients have talked with all of the abutting landowners....and all are in agreement concerning the vacation. The total number of feet involved in vacation is 50 ft. The Edmonds have indicated they have no intention of ever developing this and are in

(continued)

COUNTY COMMISSIONERS
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favor of the vacation, according to his clients. In response to query from President Willner, Attorney Heldt said there is a utility easement for the other four lots.

Following further brief questions and comments concerning the proposed vacation, President Willner entertained a motion.

Motion was made by Commissioner Borries that Public Hearing concerning Petition to Vacate a Portion of East Walnut Street will be held on Monday, December 2, 1985, at 2:30 P.M. in Room 307 in the Civic Center Complex. A second to the motion was provided by Commissioner Cox. So ordered.

In response to query from President Willner, Attorney Heldt said he will immediately take care of the necessary legal advertisement concerning the hearing. Notice of the Hearing, together with attachments, will be mailed via Certified Mail to the abutting landowners by the Clerk of the Legislative Body.

RE: VANDEBURGH AUDITORIUM - Kim Bitz

The Chair recognized Kim Bitz, Manager of Vanderburgh Auditorium and asked that he present his report.

Disposition of Old Parking Lot Gate Equipment: Mr. Bitz stated they have salvaged any usable parts of the old parking lot equipment (purchased from the Building Authority) and he requests permission to attempt to sell the remainder as scrap metal. Motion to approve request was made by Commissioner Willner, with second from Commissioner Cox. So ordered.

Problems with New Parking Lot Gate Equipment: In response to query from Commissioner Willner, Mr. Bitz said he believes the problems experienced with the new parking lot gates are pretty much resolved. Currently 95% of the problems result from people using token in the coin slots or vice versa.

Problem Areas to Be Presented to Auditorium Advisory Board: Commissioner Cox said she had a call from Dorothea MacGregor (Pigeon Township Trustee) this morning and she is quite concerned about her people who utilize the Auditorium Parking Lot. The same holds true for several Welfare Department employees, and employees from the County Assessor's or Township Assessors' offices. Several of these people utilize the Auditorium Parking Lot, but have to leave during various periods of the day. Can something be worked out for these people who pay to park -- but have to leave?

Mr. Bitz said he supposes he could give them extra tokens, but then he doesn't know how this could be regulated.

Commissioner Willner asked that, since the Auditorium Advisory Board has a meeting scheduled this afternoon at 4:00 p.m., Mr. Bitz present this problem area to them and seek their advice concerning same. Along with that problem, would he please bring the following matters to the attention of the Board and ask their advice:

- a) He has a letter from employees asking that the parking fee be reduced from 75¢ to 50¢. If that is done, they will use the Auditorium Parking Lot.
- b) There is also still a problem with regard to parking in the drive in front of the Auditorium.

October Financial Report:

1984	\$11,739.46
1985	\$17,490.25

Year To Date:

1984	\$121,498.43
1985	\$141,205.51

Mr. Bitz said that currently all accounts are close to being depleted. There are adequate funds available to complete the year, with the exception of utilities. The Auditorium received \$8,500 for this account at the November Council Call. He estimates that it will take another \$19,000 to pay the remainder of the 1985 utility bills. He requests permission to go on December Council Call to seek an additional appropriation of \$19,000 for Account 320 (utilities). Commissioner Willner said he believes that Council instructed Mr. Bitz to return in December, is that correct? Mr. Bitz verified

(continued)

that this is correct. Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that Mr. Bitz go on December Council to request \$19,000 additional appropriation for Account 320 (utilities), with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK

President Willner presented the following Financial Report for October, which had been submitted by Mark Tuley, Manager.

1985 STARTING BUDGET

1985 Budgeted	\$ 485,881.00
1985 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	14,445.01
1985 Additional Appropriation	231,400.00
Total 1985 Budget	738,045.44
Repealed back to Council	- 10,037.22
Remaining 1985 Budget	\$ 728,008.22

EXPENDITURES & BALANCE 1/1/85 to 10/31/85

Total Expenditures	\$ 648,005.03
Total Balance	\$ 80,003.19

INCOME 1/1/85 to 10/31/85

Pool	\$ 70,603.34
Waterslide	36,245.00
Rink	31,056.14
Rentals	61,009.92
Miscellaneous	32,130.02
Total	\$ 231,044.42

OCTOBER 31, 1985

Total Expenditures	\$ 648,005.03
Total Income	231,044.42
Total Deficit	416,960.61
Less Long Term Capital Improvements	- 197,574.91
Total Deficit	\$ 219,385.70

Commissioner Willner asked that the record reflect that the report was received and filed.

EARLY CLOSING OF SKATING RINK/SECURITY: Commissioner Cox said that she had a telephone call concerning the fact that the Skating Rink decided to close early on Sunday, November 10th. The problem is that several parents drop their children off at the skating rink and then return to pick them up at the close of the skating session. If they decide to close the rink early, this leaves children there with no security guard or anyone --and it gets dark pretty early. This is not a good practice. If we had a security guard there during this period of time or someone down there until the parents pick the kids up, this would be much better. In response to query from Commissioner Willner as to how many children she is talking about, Mrs. Cox said this could involve a lot of children. Commissioner Willner said he will check this out with Mr. Tuley.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period of November 4 thru November 8, 1985----report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage....Report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Kneer Rd., Old 460, Boehne Camp Rd., Boonville-New Harmony East, St. Joe Avenue and Frontage, Barbara Drive.

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Paved: Hedden Rd., Tanglewood, Kansas, Section of Ridgewood, Clover and Rosewood.

Chip & Seal: Martin Station

Patch: Hogue, Heinlein, Green River, Sheridan Rd., #6 School Rd., Hogue Rd., DeShields, Mesker Park and Five Dollar Rd.

Tree Crew: Heinlein Rd., Schroeder, and Middle Mt. Vernon.

Grader: Kneer Rd., Old \$360, Burkhardt Rd., Oak Grove Rd., Nuebling, Sensemeier, and Martin Station Rd.

Commissioner Willner asked Mr. Bethel, "On our paving contract with Rudolph, they have finished St. Joe Avenue, has he asked our Traffic Department to stripe that as soon as possible? Mr. Bethel said it is ready for striping and he asked them today to stripe it.

Striping of Allen's Lane: Commissioner Willner asked if they have striped Allen's Lane yet? Mr. Bethel said it is already striped. Commissioner Cox said they did a good job; it looks nice.

Striping of Other Roads: In response to query from Commissioner Willner, Mr. Bethel said he does not know whether J. H. Rudolph will start on Old Petersburg Rd. or New Harmony Rd. next. Commissioner Cox said they are out in the area, so they ought to do New Harmony. Both Commissioner Willner and Mr. Bethel said they don't guess it makes any difference which road they start on, since both have to be done. Commissioner Willner entertained further questions from the Board.

Allen's Lane: Commissioner Cox asked if Mr. Bethel is going to get Allen's Lane chipped and sealed this week? Mr. Bethel said he hopes they are. If they don't get it done this week (since there are only four workdays) then they should get it done on Monday of next week.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers presented copies of the Weekly Bridge & Guardrail Repair Report for period of November 4 thru November 8, 1985.

Oakhill Road Bridge: Mr. Jeffers said he spoke with Bob Mangold, the Superintendent of the Traffic Department's paint division, and told him that Oakhill Road Bridge was ready to be painted..the curbs. Mr. Mangold told him he would be out on St. Joe Avenue today and couldn't get to it.....so he believes they are out on St. Joe Avenue. Mr. Jeffers entertained questions from the Board.

Browning Road Problems: Commissioner Cox said she notes on Mr. Jeffers' report that on Wednesday they built a drop box and backfilled newly installed 15" CMP at 2227 S.E. Browning Rd. She doesn't know whether this is a Surveyor's office problem -- or one for the County Engineer -- Mr. Easley is not present, is he? Mr. Lindenschmidt stated that Mr. Easley is in court this afternoon. Continuing, Mrs. Cox said that at 2323 S.E. Browning Rd.--just a block down --they are having a lot of problems with culverts. There is one under Browning Rd. just down from Abel's Park, a subdivision. The gentleman who called her told her that in 1959 the County ordered them to put a culvert in and the culvert is used to catch the water runoff from their fieldbed and filter sanitary systems. Mr. Jeffers said that may be the same culvert they referred to here by this address. Does she recall the gentleman's name who called her? Mrs. Cox said it is not the same culvert -- and the gentleman's name is Stearn. He told her that the surveyor's crew was working up further and they thought it might correct the problem. She doesn't know whether the culvert has come apart, become clogged, or what -- but it is not draining. There are about five (5) houses along S.E. Browning Rd. between the work the surveyor's crew did and the corner there that are involved in this culvert situation. It is on County right-of-way, but she doesn't know whether the county owns that or what.

Mr. Jeffers said they were hesitant to work on some of the problems that are out there, because they wanted the Health Department to inspect and advise them. They surely didn't want to re-connect any sewage....because you can tell from the lake now that there is a very high people count and when they inspected this particular site (the private landowner had already dug up the drop box and found out what was wrong with it) he told the crew

(continued)

just to put a new pipe in to replace the one that had been completely rusted out -- and just connect it to the existing drop box and please not to dig up any of these other lines which were obviously clay-tile sewer of various sorts. He didn't want any of that to be re-connected

Mrs. Cox said that as far as the water being contaminated, it isn't; it is not a health problem according to Mr. Engle in the Health Department.. she talked to him. It is a 10 inch belltar line -- is that what it is called? Mr. Jeffers said that may be what he was referring to as clay-tile. It has bell ends and comes in 10 inch diameters and 10 ft. sections.

Commissioner Cox asked Mr. Jeffers if he will check this, and if it is not in their jurisdiction, will he let her know?

Mr. Jeffers said he will try to let the Commissioners know what is going on. But they don't have any drawings to show where that is located; they will have to pull it out.

Mrs. Cox said the gentleman said that in 1959 is when Abel's Park was built; it is a subdivision at Erskine Lane and S.E. Browning Rd. Does he not think that back in 1959 the Area Plan Commission would not have a recorded Plat? Mr. Jeffers said he is certain we have a recorded Plat, and he will see if it contains any information about that septic system.

Mrs. Cox expressed her appreciation to Mr. Jeffers.

Montgomery Rd.: Mr. Jeffers said that by way of bringing the Commissioners up to date on Montgomery Rd., they informally priced an aluminum arch to replace the old bridge on Montgomery Rd. The unit would cost approximately \$7,500.00. They could assemble it themselves on site and with approximately another \$2,500 in miscellaneous materials such as concrete and rock, they feel they can replace that bridge with a culvert for approximately \$10,000. They will go ahead and investigate this a bit further and provide the Commissioners with a more detailed cost breakdown; but if they were to do this, they would like to do it in the winter. All the crops are harvested and the fields are laying bare -- so they wouldn't hamper anyone's agricultural endeavors. He said this is the bridge which he noted would probably come up on the bridge report as needing immediate replacement. It is just falling apart. This is a very low traffic road; but Burroughs & Associates is going to recommend immediate replacement.

Reflective Delineators for St. Joseph Avenue: Mr. Jeffers said that since Mr. Easley is not present today, he has some cost estimates on reflective delineators. This has to do with the letter to the Commissioners from Donald Mark Burke re St. Joe Avenue. He was checking some prices on the phone today for safety equipment and the company to whom he was talking happened to carry these reflectors, and he just asked them for an informal price quote. One-way reflectors for 500 units - 2,500 units are \$1.90 each. Bi-Directional reflectors for the same number of units would be \$2.00 each. There are approximately 1½ miles of median and David Savage advised that the requirement is that they be spaced 20 ft. apart. To do that would require approximately 790 units to do the both sides of the median..which comes out to about \$1,580.00. The price for the apoxy which is used to glue these down (manufacturer claims you can glue 100 reflectors with one (1) gallon of mix) -- so a 10 gallon kit (which contains 5 gals. of Mix "A" and 5 gals. of Mix "B") is \$210.00. So, we're looking at about \$1,800.00 for those reflectors. The reason he went ahead and asked for those prices is that they use these on their bridges and if we do order reflectors for St. Joe, they would like to order some with us jointly -- because they are missing reflectors on Oakhill Rd. Bridge and First Avenue. Since we're up there in the \$500 and above price range, they could get them at a cheaper price.

Commissioner Willner said that, personally, he would like to do this. But we first need to arrange financing. Commissioner Cox asked if we have any money left in the St. Joe account, or has that money been completely cleaned out. Mr. Jeffers said he believes we have plenty of time to check this out, as the manufacturer recommends that these be set at an average of 50 degrees Fahrenheit or above. We're probably going to be out ofCommissioner Cox asked if the heater can be used on it? Mr. Jeffers said, "No, you have to heat the concrete. Mrs. Cox asked how long it takes to set? Mr. Jeffers said he believes it sets up in something like 24 hours. These are the same kind of reflectors that we have on First Avenue bridge, if the Commissioners would like to see exactly what he is talking about. Mrs. Cox said that while we didn't have anything to do with it, the City did get around to installing lights on the Ray Becker Parkway and this is a great help. Those reflectors didn't do a thing for the Ray Becker Parkway.

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Mr. Jeffers said the problem with reflectors is that when vehicles throw dirt up on the curbing, that hides them anyway. Mrs. Cox said it probably wouldn't hurt to put some reflective paint out there on St. Joe Avenue, also. Commissioner Willner said they did that. It has to be painted yellow because they are inside. White would probably do the job, but that is against the code. So it's got to be delineators or nothing. President Willner requested that Mr. Jeffers put the delineators for St. Joe Avenue on the "wish list". Mr. Jeffers said he will do this. The manufacturer to whom he was talking did not indicate whether or not he would come down on the price if the delineators were bid competitively. He will check this out. Commissioner Willner said he would appreciate it.

RE: BUILDING COMMISSION - Roger Lehman

Mr. Lehman said he has a request letter from Elmer Buchta to move a house, as follows:

November 4, 1985

Building Commissioner
City-County Bldg.
Evansville, IN 47737

Dear Sir:

Elmer Buchta Moving Engineers request a permit to move a house located at 2007 Audubon, Tax #49362, to 3226 Fickas, Tax #179416.

We will be traveling from 2007 Audubon, going south on Audubon to Pollack, west on Pollack to Riverside, south on Riverside to Fickas, and west on Fickas to 3226 Fickas, new location. Comair Escort Service will be providing the escorts needed for this move.

The house is owned by Earl Embry.

Sincerely,

Jim Brace

Mr. Lehman said there is some question about the route to be used. The Safety Board has approved the move, pending verification concerning the route (which he has not obtained as of yet). But if it is the Board's pleasure, he would appreciate their approving this house move, pending verification, then he would not have to bring the request back before the Board. By way of explanation, Mr. Lehman said the request indicates south on Riverside, but he thinks they probably mean Vann Avenue. There is already a house at 3226 Fickas, so the house will go on one side or other of the house at this address. The fellow who owns the house being moved also owns the house at 3226 Fickas, so this is probably why they have shown this address. Commissioner Willner asked Mr. Lehman that, subject to verification, it is his recommendation that the move be approved? Mr. Lehman responded in the affirmative. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - DAVID L. JONES

Inter-Governmental Joint Agreements: Attorney Jones said that apparently members of the Council got interested in one of the agreements and chose not to take up the other.... that being Weights & Measures, letting Legal Aid go by the board. As to why they are more interested in one, he does not know.

The other thing they did was that they tampered with it, and we were trying to bring all these joint agreements between the City and the County to same terminology, with the exception of the funding arrangements. Most of these agreements were all the same; we have the same termination provisions; we have the same appraisal provisions; we are trying to get them uniform and now they are all out of sync, because different people have jumped in there and tinkered with them. We were attempting to work with the City Attorneys trying to get them all in line. He said he doesn't care -- it is the Commissioners' policy decision. If the Board wants them all different and all hodge-podge, fine. His job is to point out the fact that they are not in line. The two which the Commissioners have before them now have divergences, such as the amount of money transferred by the City in one agreement comes in all up front in January and the other comes in quarters. We have one agreement which says that we must have a Joint Committee of the City Council and the County Council to consider the budget for Weights & Measures.

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But, we don't have a mandatory committee for Joint Legal Aid. The Good Lord only knows what we have in the rest of them! Thus, he is just telling the Commissioners that we do not have them all in line and he sees no reason why they shouldn't all be the same and treated the same. And, for goodness sake, at budget time, if we're going to meet on one -- it makes no sense that we don't meet on them all. He intended to slip across the hall to see what the Controller had to say about the status of the rest of these agreements. They have sent him correspondence indicating they would like to meet on same. He advised the County Council that he thought it proper that the Legislative arm of County Government take up these agreements rather than the County Council. The County Council has no legislative authority; notwithstanding their attempts to do so. They simply rubber-stamp this agreement because it involves expenditures of part. They have no other input in these agreements whatsoever....how ever many agreements they authorize him to draft. They are not involved -- even though they want to be involved. This (the Commissioners) is the body that legislates for the county. County Council's only function is to approve monetary ordinances. They do not approve anything else unless it has to do with money. That's the only reason they have to pass any of these agreements. The actual terms of the agreements are up to the Commissioners, as the legislative body. So, it is his understanding that the City would like to have some discussions with the County in an attempt to get all of these agreements on line and keep them similar. The termination provisions, for instance, probably should all be the same. If there is a falling out over one, then there will probably be a falling out across-the-board on all of them. If you have the same provisions in all of the agreements, it would be easier to keep track of and manage. He is not speaking of the funding provision, but all the other provisions.

He has had no response on the Legal Aid agreement, although the City Attorneys were pushing pretty hard for it at one point because they wanted something done on it. Now it seems to have fallen by the wayside.

Commissioner Willner said he did not contemplate calling for the question today on these two agreements. He has not had a chance to go through them thoroughly himself. He asked if the other members of the Board wanted Attorney Jones to contact the City Attorneys and

Commissioner Cox said she thinks the point made by Attorney Jones concerning the review of the budgets of these joint-funded departments makes all the sense in the world. There is no sense in saying that everybody's job is nobody's job. In the one agreement it reads that "may be reviewed by the City Council with Common Council or by a group"--- so it should be one way or the other....to have some continuity here and so that everyone knows. These agreements slip by us and have not been reviewed as they should and she thinks it is because they are all written in such different forms and she would like to see them get into some semblance of continuity here. The other question she has -- and perhaps Attorney Jones can explain to her -- concerns the Joint Department of Legal Aid. She has reviewed the agreement. The specific portion she is addressing concerns "Financing", which is on Page 4. It talks about how the department will be funded and it says that the City shall contribute 50% and the County shall contribute 50% and the United Way may continue to contribute to the operation of this department as it has in the past, and such contributions shall not cause any reduction of the amount theretofore budgeted by the City and County. Can he explain that the City kicks in \$40,000 and the County kicks in \$40,000 for a total budget of \$80,000 -- what if United Way comes along and pledges \$20,000 for that department? Do they add the \$20,000 onto the \$80,000?

Attorney Jones said, "Not for purposes of this agreement, because otherwise you'd see County Council trying to repeal that \$20,000 back into the General Fund...and they have no way to do that because that is not governmental money. Those monies are coming in as a charitable contribution to a governmental entity and is on top of -- the old agreement had it that it would be altered, whatever they got in. It was never done. The United Way monies would come in and at the end of the year or beginning of the year after the budgets of the two were set, so you couldn't go back and adjust it. So we had an agreement that was not being enforced anyway. Secondly, that penalized charitable contributions to the entity. If the units of government found out that some of the public contributed, they'd go back and reduce that amount and we'd not have anybody wanting to contribute. The units of government set in a basic minimum operative budget to provide the minimum level of service they want. If the public and charitable agencies want to increase the capability of this agency that deliver services to the community, then they overweigh that with something on top of that and he thinks that is the primary spirit of intent. The other major thing about legal aid was that the old agreement which came into existence about 1972, again was cast like all the others. The Mayor appointed so many, the County appointed so many, you created another Board and the Board oversaw it.

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Well, that thing never really existed. What is happening out there is that a not-for-profit corporation of the Legal Aid Society of Evansville or Vanderburgh County (whichever it is) is actually the overseeing body of the Legal Aid office without benefit of an agreement plugging them in there. However, they are doing a pretty good job. They, as a quasar legal entity staff of primarily attorneys are much better able to determine operation, setting up legal protocol, etc., So this agreement basically scraps what we weren't doing anyway and eliminates this committee thing. It merely says that the City and the County have jointly entered into an agreement with a not-for-profit agency and doesn't even require that it be the Legal Aid Society, although we obviously contemplate that it would be, and that they would oversee the operations of the Legal Aid Office. It remains a County office to which the City contributes, much in the fashion of the Weights and Measures Department as it is now contemplated -- only on a different funding portion. The City puts their money into the County. The employees become County employees. The budget has to be accounted for as a governmental budget. We also attempted to address some of the problems in the handling of the financing that were raised by the State Board of Accounts, because this has been incorporated into the agreement, which is another reason we say that United Way monies or other monies from outside of government are put into a separate account. They are accounted for but they are not subject to unit of government.....you can't repeal that money to the General Fund because it was not tax monies to begin with.

Commissioner Cox said that this then explains it. Any money coming in from a charitable organization is, so to speak, icing on the cake. The budgets are already in and they cannot be reduced. She thanked Attorney Jones for his explanation of this matter.

With regard to the changeover in Weights & Measures, Attorney Jones said this probably needs to occur on January 1, 1986 in order to make a nice clean break of it. He is not arguing to delay this. If we change it, then we're going to have to go back and change a bunch of them. In terms of approving the substance of this agreement, it is all pretty much plain brown wrapper, with the exception of the funding provision. As long as we agree with that, there is nothing controversial in the agreement. The only thing he is saying is that, at some point, we need to consciously sit down with the City and try to bring them all in line.....whatever that is, they ought to have uniform provisions. But that is no reason that we cannot go ahead or that we should defer Weights and Measures. He believes City has had input on this, they have seen it and basically approve it. He has nothing back on Legal Aid whatsoever.....he doesn't know what their thinking is on that or whether they are accepting that or not. Possibly Weights and Measures can be considered and the other one deferred until we can get together with the City and discuss the rest of the them (Purchasing, Economic Development, etc., etc.). He did discuss the Weights & Measures agreement with Leslie Blenner (when he stepped out of the meeting for a few minutes) and as far as she is concerned it can be approved. But she cannot anticipate what the City Council will do; although it is his understanding that this is something the City had given tacet approval to at the time it was drawn up (the Commissioners may want to check with Loretta Townsend on this).

Commissioner Willner said the Board can proceed with agreement concerning Weights & Measures next week. If nothing is forthcoming on the other agreements, then we can leave it go at that. But if there is something on them, we'll meet and work it out.

Loretta Townsend stood and was recognized by the Chair. President Willner requested that she approach the podium so she can be heard. Mrs. Townsend said that we are already in November. She doesn't have anyone else to do the bookkeeping; she doesn't have anyone else to send over here or this or that.....and what is going to have to be done she will have to do herself. She feels that it would be for the betterment of the department (and the State Law, as she is certain Attorney Jones has reviewed same) if the department were under the County. She spoke of previous years whereas it was previously under the City and the County saw fit to come in. Almost 99% of the W&M departments in the State of Indiana fall under the County Commissioners and then if the City sees fit to come in.... the only reason she is pushing this and has showed up at all the meetings, is because this is her main interest. They have to do their inspections; they have bonding to take care of; the Auditor has told her she needs to come in and talk with them; these things have to be changed and we are half way through November.

Commissioner Willner advised Mrs. Townsend that the Commissioners will keep this in mind. He asked that Attorney Jones contact the City Attorneys concerning the several joint agreements to see what we can do to bring them into uniformity.

(continued)

COUNTY COMMISSIONERS
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RE: ELECTION TABULATION EQUIPMENT AGREEMENT

Commissioner Willner stated that Attorney Jones and Mr. Higgins of Thornber Election Systems have now completed necessary modifications and the agreement is ready to be signed by both parties. Schedule III (Lease/Purchase over 3 Years) has been indicated. The following language under "Termination" has been added:

"TERMINATION:

Customer may terminate this Agreement at the end of the one (1) year without additional cost or penalty. Customer may terminate this Agreement at the end of two (2) years without any additional cost or penalty."

"OFFICIAL BID VANDERBURGH COUNTY
INCLUDING EQUIPMENT AND SERVICES
DATED: NOVEMBER 12, 1985"

It was noted that a motion to approve agreement, subject to inclusion of termination conditions, had already been approved.

Commissioner Borries said the only other thing that we should be certain is on record is that we will have the equipment by January 1, 1986 and a technical person from their office on hand for all three years of the contract during elections when the machine is in use. Commissioner Willner said we stipulated this previously and Mr. Higgins assured us earlier in today's meeting that we will have the equipment by January 1, 1986. He said the official contract also now reads "INCLUDING EQUIPMENT AND SERVICES". Messrs. Willner and Higgins proceeded to execute the contract.

RE: RESOLUTION - UNIVERSITY OF EVANSVILLE

President Willner proceeded by reading the following Resolution congratulating the University of Evansville Soccer Team:

RESOLUTION OF CONGRATULATIONS TO THE
UNIVERSITY OF EVANSVILLE'S SOCCER TEAM

WHEREAS the Soccer Team of the University of Evansville, Indiana, has distinguished itself in being ranked the Number one Soccer Team in the nation and whereas that achievement resulted from high dedication and long hours of practice and concentration on the part of the coaching staff as well as the players and whereas the Board of County Commissioners of Vanderburgh County, Indiana is eager to congratulate the achievements of the coaches and players.

BE IT RESOLVED, that the Board of County Commissioners of Vanderburgh County, Indiana, conveys to the University of Evansville's Soccer Team its heartiest and warmest congratulations for achieving this accomplishment.

BE IT FURTHER RESOLVED that in honor of the achievement of the University of Evansville's Soccer Team, this week of November 3rd through November 9th, 1985, it is declared to be Number One in the nation.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the University of Evansville and its coaching staff of the nation's Number One Soccer Team.

DATED this 12th day of November, 1985

The Board of Commissioners of
Vanderburgh County, Indiana

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

The Chair entertained a motion. Motion was made by Commissioner Borries that the Resolution be signed and forwarded to the University of Evansville, with a second from Commissioner Cox. So ordered.

(continued)

COUNTY COMMISSIONERS
November 12, 1985

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RE: RESOLUTION/POLYCHLORINATED BI-PHENYL DISPOSAL FACILITY/HENDERSON COUNTY, KENTUCKY

President Willner said that last week the Board approved the drafting of a Resolution concerning a Polychlorinated Bi-Phenyl Disposal Plant in Henderson County, Kentucky -- similar to the one passed by the Town Board of Newburgh. The Common Council of the City of Evansville has also passed a Resolution, which is being forwarded to Henderson City officials. The Commissioners' Resolution reads, as follows:

A RESOLUTION REGARDING A POLYCHLORINATED BI-PHENYL
DISPOSAL PLANT IN HENDERSON COUNTY, KENTUCKY

WHEREAS, the County of Vanderburgh lies but a short distance from Henderson County, Kentucky, and

WHEREAS, the Vanderburgh County Commissioners understand that there is a proposal to build a polychlorinated bi-phenyl disposal and/or separating and/or processing plant near the Ohio River in Henderson County, Kentucky, and

WHEREAS, the people of Vanderburgh County have no forum to express their opinion regarding such plant except through the elected officials of the County, and

WHEREAS, polychlorinated bi-phenyls have been determined, by the United States, to be a health hazard and the production of such substances has been banned by federal law, and

WHEREAS, in addition to air and water transportation of any escaping PCB's from the proposed disposal and/or separating and/or processing plant, there is a potential risk of spillage of PCB contaminated substances if such are transported to the plant by motor carrier over and along roads and highways in the State of Indiana and Warrick County, and

WHEREAS, while the disposal of PCB's is both commendable and necessary, adequate consideration and study for safe disposal of such substances must be paramount to all other bases for the decision to allow such plant to be built.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF VANDERBURGH, IN INDIANA:

SECTION 1. No permits to build a PCB disposal and/or separating and/or processing facility in Henderson County, Kentucky, should be issued by any federal, state or local agency until the owner of such plant has established by clear and convincing proof that such plant does not present a significant risk to the residents of the tri-state, and their property.

SECTION 2. That all federal, state and local agencies so empowered, should require the developer of such plant to provide for the cost of training and maintenance of monitors and response to teams in Indiana and Kentucky to monitor for and immediately contain and eliminate any spill of PCB's into the environment from the plant or any transport carrying contaminated fluids to the plant.

SECTION 3. The Vanderburgh County Commissioners encourage the Federal Government to conduct an in-depth study of the plant being sought in Henderson County, Kentucky, which may or may not affect Vanderburgh County and its residents, to be studied to the best of their ability and to keep the County Commissioners informed as to their findings.

ADOPTED THIS 12th day of November, 1985.

THE BOARD OF COMMISSIONERS OF THE
COUNTY OF VANDERBURGH, STATE OF
INDIANA

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

ATTEST:

Alice McBride
County Auditor

(continued)

COUNTY COMMISSIONERS
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The Chair entertained a motion. Motion to sign Resolution and forward same was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. President Willner said that Mr. Dale Sights is in a meeting in the Mayor's office on another matter, but he thinks he would be interested in having a copy of the Resolution immediately, as he believes there is a Henderson County Board Meeting tonight. He asked that Mr. Lindenschmidt take a copy to the Mayor's office immediately.

President Willner said the Commissioners also received a letter from Margaret Kyle of Burdette Avenue in Evansville, relating to the proposed PCB facility, as follows:

November 7, 1985

The Vanderburgh County Commissioners
City-County Building
Evansville, Indiana 47708

Dear Sirs:

It was wonderful to read in the Evansville Courier on November 5th that you had passed a resolution "calling for a clean bill of health from the federal government before a PCB-removal plant can be built across the Ohio River in Henderson, KY."

I believe it has been thanks to such actions that we have succeeded in getting the attention of our congressmen who, in turn, have alerted the EPA and DOT to our worries concerning the safety of our residents.

There are still so many people who are not aware of the possibility of danger to their environment. We need all the backing we can get to have an airing of the entire question.

Thank you so very much for your part in bringing this forcefully to the attention of the communities of the Tri-State which could be affected.

Sincerely,

Margaret Kyle
(1257 Burdette Avenue
Evansville, IN 47714)

RE: ACCEPTANCE OF CHECK FROM EVANSVILLE CABLE T-V

The meeting continued with President Willner presenting the following letter and check:

November 6, 1985

Mr. Robert Willner, President
Vanderburgh County Board of Commissioners
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

Enclosed you will find our check in the amount of \$9,244.84 which represents payment for the third quarter of 1985. This check represents a good increase over the second quarter of 1985 in the amount of \$8,383.51, and a considerable increase over the third quarter of last year in the amount of \$8,027.19.

At the present time, we are in the process of building an area which is from Browning Road, then out Old State Road to Baseline Road from Busler's Enterprizes on Highway 41 and taking in the Hornet's Nest area. This area will add 8.6 miles of construction and an additional 292 homes.

We at Evansville Cable again would like to thank the County Commissioners for giving Evansville Cable the pleasure of serving residents in the county with cable TV service. If the Commissioners have any questions, please feel free to call me at any time.

Thank you, and

Best regards,
Robert D. Ossenberg
Vice President & General Mgr.

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COUNTY COMMISSIONERS
November 12, 1985

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Motion to approve acceptance of check for deposit into the general fund was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. (Letter of acknowledgment to be sent.)

RE: CERTIFICATE OF INSURANCE

A Certificate of Insurance from Citizen's Realty Insurance for Dick Melvin Promotions (Bobby "Blue" Bland concert) was presented.....received and filed.

RE: OLD BUSINESS

Rejection of Office Equipment Bids: President Willner said he was reminded that the Board inadvertently forgot to reject all of the office equipment bids officially during their last meeting. Since that needs to be done at this time, he entertains a motion. Motion was made by Commissioner Borries that the Commissioners reject all of the office equipment bids received and repeal the money back to the general fund, with a second from Commissioner Cox. So ordered.

RE: APPOINTMENT TO COUNTY BOARD OF PUBLIC WELFARE

President Willner read the following letter:

October 30, 1985

Richard J. Borries, County Commissioner
5112 Graham Avenue
Evansville, IN 47715

Dear Commissioner Borries:

I hereby submit my resignation from the Vanderburgh County Department of Public Welfare Board, effective at the conclusion of the October 30, 1985 DPW Board meeting.

I appreciate your vigorous and devoted support of my decisions while serving this county in the capacity of a DPW Board member. Again, thank you, and good luck in your future endeavors.

Respectfully yours,

William A. Kessler

Commissioner Willner said he would like for the Board to consider the name of Michael H. Roberts of 416 Red Bud Lane as a replacement for the remainder of Mr. Kessler's term. Mr. Roberts is a teacher at Central High School and has been Past President of the Evansville Teachers' Association. Motion was made by Commissioner Borries that the Board appoint Mr. Roberts to the Board of the County Department of Public Welfare, with a second from Commissioner Cox. So ordered.

RE: SCHEDULED MEETINGS

Monday 11/12 4:00 p.m. Vanderburgh Auditorium Advisory Board Meeting

RE: CLAIMS

David L. Jones: Claim in the amount of \$1,477.97 for legal services on current cases. Commissioner Willner has reviewed the claim and finds it to be in order. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Helfrich Insurance Agency: Claim in the amount of \$3,186.00 for coverage of six (6) 1985 Ford Crown Victorias for the Sheriff's Department. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Pulse Systems, Inc.: Claim in the amount of \$80,331.33 for Data Processing Services for the 1st Quarter - 1986. Commissioner Willner said this cannot be paid until 1986; but they do like to have their money immediately after the first of the year. Commissioner Cox asked if we have a contract with Pulse Systems for 1986 at a set amount? Mr. Willner

(continued)

said we do have an agreement, which changes from time to time if we ask for any additional services, etc. But insofar as this claim is concerned, it is correct. He then entertained a motion to approve the claim and hold it for payment in early 1986. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Ashby-Rauscher Agency, Inc.: Claim in the amount of \$88.00 for \$25,000 bond for the Clerk of the Circuit Court for period 1/1/86 - 12/31/86. Motion to approve claim and hold it for payment in 1986 was made by Commissioner Cox, with a second by Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Superior Court

Michelle A. Link
Thomas Lockyear

Court Admin. \$34,344/Yr. Eff: 11/7/85
Pub. Def. \$12,342/Yr. Eff: 11/11/85

County Board of Review

Casper Hudson 2501 N. Governor
Fred Stocker Martin Rd.
Janice Rickard 1631 E. Franklin
Eurana Ridgers 1414 S. E. 2nd

Bd. Member \$45.00/Day Eff: 10/19/85
" " 10/19/85
Clerk \$35.00/Day 10/31/85
" " 10/31/85

Burdette Park

Laural Martin 3655 Jackson Ct.
Corey Brunck 7201 Upper Mt. Vernon
Scot Winstead 3321 Wildeman Rd.
Jeff Craft 2834 Pennsylvania

Receptionist \$4.00/Hr. Eff: 11/2/85
Union Empl. 7.18/Hr. 10/23/85
Ext. Guard 3.50/Hr. 10/1/85
PTGC 4.00/Hr. 10/1/85

Co-Op Extension Service

Allen E. Boger Oak Hill Rd.

Ext. Agent \$11,128/Yr. Eff: 11/8/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Superior Court

Barton A. Bates
Debra M. Settle
Dennis Brinkmeyer

(Small Claims)

Court Admin. \$34,344/Yr. Eff: 11/8/85
Secretary \$14,491/Yr. Eff: 11/4/85
Pub. Def. \$12,342/Yr. Eff: 11/12/85

Burdette Park

Jeffery Craft 2834 Pennsylvania

PTGC \$4.00/Hr. Eff: 10/26/85

Co-Op Extension Service

Nancy V. Hasting 525 Locust St.

P.T. \$27.00/Day Eff: 11/11/85

Commissioner Cox said she had a request from Steve Craig out at the County Highway Garage that if an opening came up at Burdette that he would like to be transferred back out there. He left Burdette to go to the County Highway. He worked out there a long time. Commissioner Willner said if an opening occurs it will be put on the bulletin board and he may apply.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

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COUNTY COMMISSIONERS
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PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY HIGHWAY

Bill Bethel

COUNTY SURVEYOR

Bill Jeffers, Chief
Deputy

BUILDING COMMISSION

Roger Lehman

VANDEBURGH AUDITORIUM

Kim Bitz

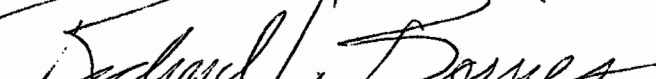
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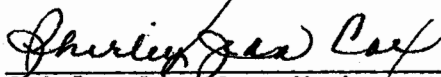
Carl A. Heldt, Atty. re Vacation/Public Road
William Higgins/Thornber Election Systems
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 18, 1985

Subject	Page No.
ACCEPTANCE OF CHECKS	
Paul Neville (N. Greenriver Rd. Sewer)---\$13,121.00 -----App'd. -----	9
Moving Media (Knauff Consultants)--\$121.53 for 7/22 thru 11/30---App'd.-----	13
AGREEMENTS	
Inter-Local Governmental Agreement re Joint Dept. of Weights & Measures...	
App'd. by Commissioners; Needs City & County Councils' approval-----	
Agreement w/Thornber re Election Tabulation Equipment/ESPAC -----	5
Union Contracts for Burdette, County Highway & Auditorium---Approved -----	5-6
Extra Work Agreements/Zayre Storm Sewer Project -----Approved -----	10-11
APPROVAL OF MINUTES -----	1
CERTIFICATES OF INSURANCE -----	14
CLAIMS	
B.M.B., Inc.----\$2,448.00-----Approved -----	10
Evelyn Lannert ----\$16,56 -----Approved -----	14
CLERK OF THE CIRCUIT COURT/MONTHLY REPORT -----	13
COUNTY ATTORNEY - DAVID V. MILLER/AGREEMENTS -----	4-5
COUNTY ENGINEER - ANDY EASLEY	
Acceptance of Check f/Paul Neville (\$13,121) on N. Greenriver Rd. Sewer--App'd....	9
Drainage Problem/North Greenriver Rd.---Easley to contact Neville -----	9
Claim/B.M.B. ----See "CLAIMS" above -----	10
Reflectors for St. Joe Avenue----A. Easley authorized to order; estimated cost is \$1,628.00 (covers reflectors & apoxy) -----	10
Zayre Storm Sewer Project/Extra Work Agreements #1, #2 & #3-----Approved -----	10-11
Railroad Inventory Study by IDOH -----Approved -----	11-12
Congratulations to Easley re Grandson -----	1
Street Plans for Greenbriar Hills Sub, Section II -----Approved -----	12-1
(A. Easley to bring Drainage Plan Milar for signatures on 11/25)	
COUNTY HIGHWAY - BILL BETHEL	
Weekly Absentee Report, Work Report & Work Schedule -----	7
Allen's Lane (Paving) -----	7
1985 Road Repair List----Bethel to prepare list and submit 11/25; to invite County Council & News Media to view all roads repaired -----	7
COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY	
Weekly Bridge & Guardrail Repair Report -----	7
Montgomery Road Bridge/Surveyor estimates cost at \$12,000 for materials and labor; has asked T. Dorsey to obtain formal price quotes -----	7-8
Drainage Problems/S.E. Browning Rd.---Jeffers to continue investigation -----	8-9
EMPLOYMENT CHANGES -----	14
OLD BUSINESS -----Ltr. of Appreciation to be written to Old National Bank re instructional materials concerning County Government Week -----	14
PETITION TO VACATE A PORTION OF N. GREENRIVER ROAD---To be advertised 11/22/85 Public Hearing scheduled 12/2/85 at 2:30 p.m. -----	1-2
REQUESTS TO GO ON COUNCIL CALL	
Supt. of Buildings re Repeal of \$2,500 back to Council -----App'd. -----	
Commissioners/Appropriation of \$15,398.64 for School Transfer Tuition--App'd.---	
REZONINGS	
VC-21-85-----Approved on 1st Reading for forwarding to APC -----	1
VC-22-85-----Approved on 1st Reading for forwarding to APC -----	1
VC-16-85-----Approved on 3rd Reading w/Stipulated Site Plan -----	2-3
VC-19-85-----Approved on 3rd Reading -----	3-4
TRAVEL REQUESTS	
Pigeon Assessor, Knight Assessor, County Assessor & Recorder----Approved -----	13
*Subject to availability of funds	
SCHEDULED MEETINGS -----	14

MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 18, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, November 18, 1985, in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order at 7:30 p.m., with President Willner subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Tuesday, November 12th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was made by Commissioner Cox. So ordered.

RE: REZONINGS

VC-21-85/Petitioners, James W. & Jeanette Kendall: Commissioner Willner said the owner of record is same as Petitioner, with the exception that Kendall Drilling Co. is included. Petitioners are requesting change from Agricultural and Single-Family Residence to C-1. The proposed land use is Storage & Office Building with living quarters. The common known address is 7237 N. Green River Road, somewhere in the same vicinity as the waterpark.. ...between Millersburg and Heckel Roads. President Willner then entertained questions from the other Commissioners.

Commissioner Cox said she knows that probably no one is present tonight in conjunction with this petition, but perhaps Area Plan staff can answer -- where it says "Sanitary sewer available", does that mean that there is no sanitary sewer -- there is a septic system? Mrs. Cunningham said that is correct.

Commissioner Cox then asked that when it refers to "small motor repair".....Mrs. Cunningham interrupted that this was a question they were going to ask when it came to APC. It was her understanding that it was under 10 H.P., but she doesn't know whether it was gas or electric motor repair. Mrs. Cox asked if she will determine this at the APC meeting? Mrs. Cunningham said that she will.

The Chair entertained further questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-21-85 be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

VC-22-85/Petitioner, William Earl Harp: Owner of subject property is Lillian Hirsch and common known address is 1311 N. Green River Road. Mr. Harp is petitioning to have the property rezoned from Agricultural to C-4. Present existing land use is agricultural and proposed land use is commercial. This property is the last remaining non-commercial property on Green River Road from Division to Morgan Avenue. The Commissioners reviewed the site plan and President Willner subsequently entertained questions concerning this petition. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-22-85 be approved on 1st Reading and forwarded to the Area Plan Commission. The motion was seconded by Commissioner Cox. So ordered.

RE: PETITION TO VACATE A PORTION OF N. GREEN RIVER ROAD

The meeting continued with President Willner advising there is a petition to vacate a portion of North Green River Road and Mr. Jim Morley of Morley & Associates, Inc., is present to address this matter.

Mr. Morley said that in 1980, at the time N. Green River Road was asked to improve, there was an easement put in -- shared by Mrs. Hirsch's property (now Earl Harp's) and First Federal on the south. It was dedicated to the County as Public Right-of-Way. It runs straight east 320 ft. Now that Vogel Road is an established fact.....the need for the 320 ft. easement is no longer there. Signature Inn, which is buying a 3-acre parcel from Earl Harp surrounding the new Bob Evans Restaurant, needs to have the easterly 160 ft. of this 320 ft. long easement vacated in order to situate the motel at that site. They have worked out an agreement with the adjoining landowner (First Federal) on the vacation of the 160 ft. and they are now going to share a common entrance on the south side of that big electronic sign out there and give up their proposal of the most northerly entrance. Now both of the firms can use the south entrance and they are going to share the cost.

Commissioner Willner said that if he understands the drawing correctly, it is only to vacate the north half of the easement. Mr. Morley said that is correct. First Federal

(continued)

may also want to vacate the south half for 160 ft., but they will have to file that petition separately.

Commissioner Cox indicated she was looking at the drawing, as she thinks this goes along with a rezoning being discussed. However, Mr. Morley said this is not the case-- the area being vacated is south of the rezoning area being discussed. Continuing, Mr. Morley said that this afternoon he brought by a design drawing for the acceleration deceleration lane into...

Commissioner Willner said he saw it and showed it to the rest of the Commissioners...and let SIGECO use it. They wanted to check it and he let them take the drawing...but they are going to bring it back.

Commissioner Cox said she had a question. Today's agenda says, "A Petition to Vacate a Portion of North Green River Road"....this isn't Green River Road.

Mr. Morley said he knows this.....but the legal description calls this piece that runs 320 ft. east "Right-of-Way for North Green River Road" and that is the way it is stated on the legal description.

Commissioner Willner said this was because there was no proper name for it.

Mr. Morley said this is correct; there was no proper name for it so this is what they called it. We know that that is not really Green River Road, but they called it that in the Deed, hence this was the reason for the terminology.

Commissioner Cox asked, "How did it get named that? It doesn't even run in the same direction."

Mr. Morley laughed and said he doesn't know; but that is what it is called on the Deed, so they called it the same thing in the Vacation Petition (V-2-85).

Following brief discussion, it was noted the Notice of Public Hearing in conjunction with this Petition will be advertised on Friday, November 22nd, with Public Hearing scheduled December 2nd at 2:30 p.m. Mr. Morley stated that his office will get the Certified mail ready to be sent to each abutting landowner and deliver same to Joanne Matthews for forwarding.

In response to query, Attorney Miller advised that the hearing must be held within 30 days from the date it is first received by the Commissioners.

RE: REZONINGS

VC-16-85/Petitioner, Sylverius Elpers, Jr.: Commissioner Willner said the commonly known address is 8229 Reis Lane...and owner of record is Margaret A. Koch. Petitioner is seeking change from Agricultural zoning to C-4. The present land use is agricultural and proposed land use is a cabinet shop. He then recognized Mr. Elpers, who was seated in the audience. Continuing, Commissioner Willner conferred with Area Plan staff, who presented an amended legal description because acreage was amended to 200 by 200 from .367 acres ...which is less than an acre. He then requested that Mr. Elpers tell the Commissioners why he wants to rezone the property.

Mr. Elpers said this all started about four (4) years ago when he was working for a cabinet shop close to the subject property (Fehrenbacher's). He worked for them for about ten (10) years. About four (4) years ago he started building cabinets in one of the houses on the subject property. He owned 6.9 acres....the front part of it is on No. 6 School Road....he owned that part and then he bought this last section on contract from Margaret Koch. There were two (2) houses on the property that he is buying on contract. He has one rented out. The other house was small and not worth fixing up. What he did about four (4) years ago was to start building cabinets in this small house. Business progressed and he needed more area. Hence, he gutted out the inside of the house and made it one (1) big room. About three (3) years ago he quit working at Fehrenbacher's Cabinets and went into business fulltime at the house (cabinet shop). At that time, he had two (2) employees and he was not aware that the business was going to go this well. It was just like a sideline and a couple of the neighbor boys were interested and he got them to work with him. This past year the business really grew and he added a section onto the existing house and completely covered both buildings with metal. After he added the section, he knew that he was violating a law and that he should be zoned. He then hired a couple of more employees. What really alarmed

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him was that the men he hired have families.....and, as far as being the owner, he couldn't give them any stable job -- because he didn't know whether he would get zoned, after he found out that he had to be. No one in the neighborhood complained, it is just that he did not feel right hiring people who had families and not having a stable place to work. Thus, he is up here to try to get the books straight. If there is some fee he has to pay for not having a Building Permit when he added that last section onto the house -- that will not be a problem. Insofar as the outside of the building is concerned, there is a dust collector. The only thing that sits outside the building is a dumpster, which gets dumped once a week. But as far as stuff laying around outside -- there is none.

Commissioner Willner entertained questions.

Commissioner Cox asked Mr. Elpers if he has an amended site plan? She notes an amended legal description with common address 8229 Reis Lane. But she cannot tell actually what part of this 3.67 acres this refers to?

Mr. Elpers asked, "You mean what I am trying to get rezoned?"

Mrs. Cox said he originally petitioned for 3.67 acres and another stated proposed rezoning is 7.009 acres and then she sees an amended petition. However, the exact area is uncertain.....he indicated the original legal description was 3.67 acres. In the APC minutes it says it was indicated that it would be less than an acre of ground. There was brief explanation by Mr. Elpers as he reviewed site plan with the Commissioners. He said that approximately 7 acres in the front belongs to him -- it is paid off. But the section he is petitioning to rezone is being purchased on contract and Mrs. Koch has signed a paper indicating there is no problem on her part concerning the rezoning request.

The Chair entertained further questions.

Commissioner Borries asked if Mr. Elpers would be willing to stipulate on the amended site plan that this rezoning is to be used only for a cabinet shop? Mr. Elpers said he would be willing to do this, because if he ever got too big or the whole thing blows up -- it could go back to agriculture zoning. The cabinet shop is the only thing that is going to be there.

The Chair asked if there are any remonstrants present concerning VC-16-85? There were none and Commissioner Willner asked that the record state that no remonstrators were present. He then entertained a motion. Motion was made by Commissioner Borries that VC-16-85 be approved on 3rd Reading. A second to the motion was made by Commissioner Cox. Commissioner Borries said he would like to amend his motion before vote is taken to include here to stipulate a site plan as has been agreed to here this evening with inclusion of "Cabinet Shop" placed on subject site plan. A second to the motion was made by Commissioner Cox. President Willner said a motion was made and seconded and he will now ask for a roll call vote: Commissioners Borries and Willner voted "yes", with Commissioner Cox casting a "no" vote. President Willner said the motion carried with two (2) affirmative votes.

Continuing, Commissioner Willner told Mr. Elpers he would ask him one thing. This Board normally does not zone a piece of property "commercial" in a "residential" area. He thinks the reason they did this was so that he might better make a living for him and his family and perhaps some of the workers who work for him. Should his business grow to where he outgrows this piece of property, they would like for him to relocate in a commercial establishment and return his zoning to agriculture. Can they depend on him to do that? Sometimes it isn't done; but they would like for him to do it, because they have done him a favor and they would like it returned. Mr. Elpers nodded agreement.

VC-19-85/Petitioner, Jagoe Homes, Inc.: President Willner asked if anyone is present to represent the petitioner?

Mr. James Morley stood and was recognized by the Chair. He said that the Jagoe Homes, Inc. property is currently owned by Eden Investments. It lies along the south of the new Vogel Road 1/4 mile east of Green River Rd. This property is all zoned commercial (C-4) and the petition is to lower that zoning from C-4 to R-3, for the construction of condominiums. There is a plan for 34 condo units on this piece of property, that immediately adjoins on the north side of the existing Eden East Apartments. These are one-story condominiums. The petitioner (Scott Jagoe) is also present today. Vogel Road, along this part of the property, has been built by Eden Investments -- it is a full

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half mile now. This property is about half way back -- but Vogel Rd. is now a full 1/2 mile all the way back. The storm sewers and sanitary sewers are all in -- but they are still waiting on water.

Commissioner Willner said he did hear a gentleman (who was trying to get this road all the way through) say that he lacked one (1) property owner now of having that done. Mr. Morley said he doesn't know for sure. This property comes up against Roy Ryan's property (which was rezoned several years ago) and Mr. Ryan was the very first person that we asked a commitment of to build Vogel Rd. -- and now that this property is up to the 1/2 mile point, it touches Roy's property. He thinks his property goes only 360 ft. wide or something like that -- but he remembers that rezoning and that commitment was made by Mr. Ryan. He is uncertain of the names of the owners east of that point.

Continuing, Mr. Morley said the street is in. There is very quickly going to be a petition for County review and acceptance of the roadway. He has talked with Mr. Easley and he believes there is one remaining thing -- we need the actual document. Since Earl Harp's property is not subdivided, we need an actual document turning over the easement for Vogel Rd. They have the commitment, but not the actual deed of transfer.

The Chair entertained further questions of Mr. Morley.

Commissioner Cox indicated she had a question on the site plan. She notes the 26 ft. entrance, but questioned another area. Mr. Morley said the area to which she is referring is simply a dumpster pad.....but there is no outlet.

The Chair entertained further questions. There were none. President Willner then asked if there are any remonstrators present concerning this petition? There were none. A motion was subsequently entertained. Motion was made by Commissioner Borries that VC-19-85 be approved on 3rd Reading, with a second from Commissioner Cox. The Chair asked for a roll call vote. There were three affirmative votes. President Willner stated that the petition received unanimous approval.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Attorney Miller indicated he has only one item for the Board's attention today, that being the Inter-Local Governmental Agreement concerning Weights & Measures, which is listed on today's Agenda as Item #6.

His office has prepared the subject agreement. It states that the County will contribute 55% of the budget of this department and the City will contribute 45%. Legal Services in connection with the operation of the department will be provided by the County, including appropriate liability insurance. The City and County will share the amounts of any judgments in proportion to their contribution to the budget of the joint department. Attorney Miller said he finds the agreement to be in proper form; it was prepared by Cedric Hustace in conjunction with Attorney David Jones.

The Chair entertained questions.

Commissioner Borries said he notes that "longevity" has been included; that was one of the items discussed. There was concern regarding a person who had been employed by another unit of Government (the City) and how longevity would be recognized, etc. This has been addressed under Item "c" on Page 2, "The parties agree that the County shall recognize prior longevity of all City employees who become County employees as of the effective date of this Agreement".

Commissioner Cox asked for verification of numbers shown on the front of the agreement, as she thought perhaps she had a different version. It was subsequently determined that all of the Commissioners have the same version of the agreement.

Commissioner Cox said there was also question about legal responsibility and she guesses that has been clarified. It was confirmed that this has been included in the agreement.

The Chair entertained further questions. There being none, a motion was entertained. Commissioner Borries moved that the Inter-Local Governmental Agreement concerning Joint Department of Weights and Measures be approved, with a second from Commissioner Cox. So ordered.

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Election Tabulation Equipment Agreement: Attorney Miller said the only other thing he wanted to bring to the Board's attention was in the nature of an inquiry with regard to the Agreement signed with Thornber Election Systems, Inc. concerning the election tabulation equipment. He was out of town during last week's meeting, but he noted in a copy of the executed agreement that the maintenance agreement was not signed (at least not in the copy provided to him). Did the Commission make a conscious decision not to engage the company in the maintenance agreement? Commissioner Willner said the Commissioners chose the 3-year option (lease/purchase) and the repair agreement is included. Attorney Miller said that, as he understands it, it is nevertheless a purchase agreement -- for 3 years -- and if the Commission retains it for the entire three (3) year period.....

Commissioner Willner said the Commission might not do that -- but on the other hand it might.

Attorney Miller said he understands that; but if they retain it the entire 3-year period, they own it....that's a fact. The concern he raised to the Board when they received the bid was that they needed a way out if they wanted to get it. It now has a provision in there that alleviates that by giving them the right to get out at the end of any year without any penalty. Nevertheless, at the end of three (3) years, it is their piece of property. The only question he has, he believes that maybe between now and next week's meeting (there is really no hurry since the equipment is not even here yet and will not be involved in an election until next spring) -- but there is a form of maintenance agreement that provides for \$1,000 per election certain specific services and backups will be provided, which is not set forth in the main part of the agreement.

Commissioner Cox said that the lease/purchase contract covers having a person here election night....without any additional monies to be expended.

Commissioner Willner said that is correct.

Commissioner Borries said if it is not in the agreement, itself, he knows it is in the minutes if Attorney Miller has a copy.

Commissioner Cox said it is also in the minutes of the Commissioners' meeting the week before.

Attorney Miller said it is in the Election Support Package..... the changes are in the copy of the Agreement which he has (they are not initialed, but they are in there).

Following further brief comments, it was determined that the ESPAC Service Agreement is included under the 3-year Lease/Purchase plan.

Commissioner Cox pointed out that the support personnel on election night was discussed at both Commissioners' meetings; this was one of the concerns of the County Clerk (that we have someone here --and that it should be on record that we will have the equipment by January 1, 1985 and a technical person on hand for all three years of the contract when the machine is in use during an election). Mrs. Cox continued by citing a paragraph from the Commissioners' minutes which said the agreement now reads "Including Equipment and Services".....that was Mr. Higgins.

Attorney Miller said that services are listed on the second page of the agreement -- certain services -- which include an on-site person on election night and on-site person for the official public test. In back of this package is what is called an Election Support Package. It not only included an on-site person on election night, it also includes provision for fixing any defective equipment and replacing a defective piece of equipment with an operational piece of equipment during that period -- all at the cost of Thornberg. And, that is not included as he reads this.

Mrs. Cox queried Attorney Miller as to just what "including equipment and services" means? Attorney Miller said it includes the equipment listed on Page 1 of the Proposal and Services can be found on Page 2, which include on-site person --which the Commissioners were concerned about -- and education of County personnel on the operation. He subsequently determined that the ESPAC Service mentioned in the agreement covers what the Commissioners thought it covered.

RE: UNION CONTRACTS FOR BURDETTE, COUNTY HIGHWAY & VANDERBURGH AUDITORIUM

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President Willner said the 1986 Union Contracts for Burdette, County Highway & Auditorium have been prepared and proofread. They are now ready for signatures. A motion was entertained. Motion was made by Commissioner Borries that the contracts be approved, with a second from Commissioner Cox. So ordered. (President Willner said he would ask that the Commissioners stay after the meeting-- before the football game -- to sign 30 copies of each contract.)

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel presented copies of the Weekly Absentee Report for employees at the County Garage for period November 11 thru November 15, 1985.....report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Radio Ave., Laubscher Rd., Mesker Park, Orchard and Darmstadt, Evergreen Rd., Upper Mt. Vernon, Fuquay and Newburgh - Guard Rails.

Paved: Rosenberg, Allen Lane and Folz Lane.

Chip & Seal: Martin Station, Parts of Buente Rd.

Patch: Five Dollar Rd., Rosenberg, Hogue, Pollack and Eichoff.

Oil Roads: Seminary and Happe

Tree Crew: Middle Mt. Vernon, Whetstone and Old Henderson Rds.

Cut Bleeders: North - East - South - West side of Vanderburgh County

Grader: Cypress Dale, Shore Rd. and Schissler Rd.

Commissioner Cox asked Mr. Bethel if they got the Oak Hill Rd. bleeders cut? Mr. Bethel said that they did.

Mrs. Cox said she also wanted to thank Mr. Bethel for Allen Lane. She was out there on Sunday -- what is the best way to clean tar off your car? Mr. Bethel said they are finishing Allen Lane today; what she went over was just the first layer. In response to her query, the best way to clean tar off is to use kerosene. Incidentally, the rain gave them a lot of trouble insofar as getting that work accomplished.

Commissioner Willner asked Mr. Bethel if they are through with road-paving machine for the year? Mr. Bethel said they are.

Commissioner Willner requested that Mr. Bethel prepare of list of roads that he has repaired this year and see that the Commissioners, County Council and the news media get an invitation to take a look at these roads. Mr. Bethel said he will have the list next Monday.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period November 11 thru November 15, 1985.....report received and filed. (He said he'd left a copy with each of the Commissioners, because was uncertain as to whether he would be present at today's meeting.)

Mr. Jeffers said he had one item to add to the aforementioned report. On Thursday, part of the bridge crew went to Oak Hill Bridge and trenched what Mr. Bethel calls the "bleeder". they trenched from a spillout back towards the creek, because that bridge was holding water -- and that work was not included when the report was prepared.

Montgomery Road Bridge: With regard to the bridge on Montgomery Road which they are contemplating replacing with an aluminum pipe arch, Mr. Jeffers said he sent a letter to Tom Dorsey, Purchasing Agent -- a copy of which he also left with each of the Commissioners -- so that he can obtain some prices that were not part of the aluminum pipe bid (that particular type structure). The surveyor's office still stands by their

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informal estimate of \$7,500 for the pipe arch and the other material (concrete, steel and rock) at approximately \$2,500, for a total of \$10,000.00 in materials. They would like to accomplish this project with their own labor. The entire project should be less than \$12,000.

Drainage Problems/S.E. Browning Rd.: With regard to Mrs. Cox's request that he go out and talk with Mr. Stearne, a resident of S.E. Browning Rd., he talked with Mr. T. J. Stearne today (he doesn't have the address, but it is in the last meeting's minutes). He gave Mr. Jeffers a walk-through of the area in question and showed him the clay-tile which carries the affluent from their various septic systems along the east side of Browning Rd. to a certain point somewhat north of his house and then across the road, where it travels north of the west side of the road to a 24 inch corrugated metal culvert, which passes under S.E. Browning Rd. and carries all the ground water, surface water and sewage affluent down to the creek. The sewer line is made of clay-tile with bell end joints and over a period of time those joints have separated, because they don't have a gasket in them -- and about every 10 ft. there is a blow-out where all the water that gets into it, including surface water, has just blown holes in these people's yards about every 10 ft. As the Commissioners know, the surveyor's department can't do anything for them, because it is not a culvert crossing a roadway. He doesn't think the Highway Department can do anything for them because it really is not side ditch drainage. Therefore, he told Mr. Stearne he would bring this information to the Commissioners and, hopefully, they can find a department that can help them -- such as the Health Department. The only other thing he would say at this time is that, according to Mr. Stearne, back in 1959 the County did require the contractor building those homes to install that clay-tile to pick up all the sewer affluent and he assures me that we can find record of that and, in fact, the Health Department has a letter to that effect in their file. He doesn't know how that binds us to do anything on private property -- but he did promise Mr. Stearne that he'd bring this information to the Commissioners and we'd look at it from there. Mr. Jeffers then asked if Commissioner Cox has any further questions about this matter?

Commissioner Cox said the Health Department told Mr. Stearne to call the County Commissioners regarding this problem. So, she doesn't know what kind of help the Health Department could give to these residents. She talked with Mr. Angle and they don't consider the drainage coming out of there as anything that would affect the health and welfare of individuals.

Mr. Jeffers asked, "Even though there is drainage sludge?"

Mrs. Cox said, "Hey, you let rainwater stand long enough in the leaves and it is going to turn black and sludgy-looking. Anyway, supposedly, there is no health problem there."

Mr. Jeffers said he only knows that he stuck his head down in the pipe and there is a familiar odor which he also notices when he mows his grass way down behind his sandtrap.

Commissioner Cox said her second question is, is the tile on private property? It is not in our easement? She understood Mr. Stearne to say that it is within the road right-of-way.

Mr. Jeffers said it is in the right-of-way for S.E. Browning Rd.

Mrs. Cox asked why would it not be a County Highway responsibility?

Mr. Jeffers said because, if properly designed and in good condition, it would not constitute storm drainage. The only reason it is presently carrying any storm drainage is because the tile has separated and it is picking up surface water through the holes that it created itself...by its separation.

Commissioner Cox said that someone made the statement that we didn't have any sewers out in the county -- but we may very well have one.

Mr. Jeffers conceded that Mrs. Cox is right; we may very well have one.....a sanitary sewer not a storm sewer.

Mrs. Cox said this was her big question -- to determine the right-of-way. Mr. Jeffers said the majority of it is within the right-of-way. However, certain portions of it are not.

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Commissioner Cox said that it certainly is a mess for the people out in that area.

Mr. Jeffers acknowledged that it certainly is. He told Mr. Stearne that we will continue to investigate as to whether we could do something for him.

Commissioner Cox asked if Mr. Jeffers has any suggestions as to how we will continue to investigate?

Mr. Jeffers said he would like to look at the minutes of the 1959 meetings for May thru August, to see if any county officials obligated themselves in any way when they insisted that this be installed. In other words, he would like to see if there is any obligation on the part of any County departments reflected in those minutes.

Commissioner Cox asked if Mr. Jeffers had a chance to check the plat? Or, was a plat filed with Area Plan?

Mr. Jeffers said he is certain that a plat was filed, but he has not yet pulled it out to check it. If it is a recorded subdivision, it would be in the permanent records in the County Recorder's office.

Mrs. Cox said the name of it is "Abel's" subdivision.

The Chair entertained further questions. There were none and Commissioner Willner thanked Mr. Jeffers for his report.

Commissioner Cox thanked Mr. Jeffers for looking into the matter and for continuing to look into it. It may mean that the Commissioners may need to meet with the Health Department.....

Mr. Jeffers said he just talked to a fellow that has been living there since 1959 and he knew where everything way -- so there is no question about what it is -- and how it happened.

RE: COUNTY ENGINEER - ANDY EASLEY

N. Green River Rd. Storm Sewer: Mr. Easley said the Board of Commissioners has received a check in the amount of \$13,121.00 from Mr. Paul Neville for Sugar Mill Creek Townhomes' share of the cost of the storm sewer constructed on North Green River Rd., as per letter of agreement dated August 19, 1985. Since this is reimbursing the County, he guesses that money will have to go into general cash account and in order to get it back into the N. Green River Rd. account that it will have to be appropriated? It was subsequently determined that this is not the case, and that the check should be deposited into Acct. #4910. The Chair entertained a motion. Motion was made by Commissioner Borries that the check be accepted, endorsed and deposited to Acct. #4910 (N. Green River account). A second to the motion was made by Commissioner Cox. So ordered.

Drainage Problems/N. Green River Rd.: In response to query from Commissioner Willner, Mr. Easley said he talked with Dorothy Joest, as well as J. H. Rudolph (who did the grading on the project) and to Mr. Morley (who designed the grading plans) and when Rudolph left it, there was a ditch cut into the most southerly drainage basin and the landscape man sort of messed up the ditch and it needs to be cleaned out. Apparently it has the equivalent of 2 ft. of fill in it -- and he thinks they are in the process of trying to get that straightened out.

In response to Mr. Willner's query as to where the money came from for this work, Mr. Easley said it came from the N. Green River Road widening project account.

Commissioner Willner asked Chief Deputy Sam Humphrey if the Board can put this money right back into the account? Mr. Humphrey said he thinks so. Mr. Easley said that if they can do this, that is the easiest thing to do. It was again noted that the money will be deposited in Acct. #4910.

Commissioner Cox made reference to letter which indicated that these are serious drainage problems -- the water in the field has no place to drain and is standing under the house. The party talked to Mr. Neville two (2) weeks ago and he said it would be taken care of. They talked with him again this past Saturday and it still is not rectified.

Mr. Easley said he has been unable to contact Mr. Neville. He either gets a busy signal or nobody answers the number he is calling.

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The number he has been calling was given to him by J. H. Rudolph. He will attempt to obtain another number where he might reach Mr. Neville. Perhaps the Commissioners can help him run him down tomorrow.

Commissioner Borries said he has an office on S. Green River Rd. across from his market at the intersection of Pollack and Green River.

Mrs. Cox noted that the check sent had the address of 2100 S. Greenriver Rd., and was signed by Elvira Neville.

Commissioner Willner indicated the Board will attempt to help Mr. Easley reach Mr. Neville.

Claim/B.M.B., Inc./Green River Rd. Project: Continuing, Mr. Easley present a claim in the amount of \$2,448.00. He has checked the cut and it has been patched and seems to be satisfactory. It is his recommendation that the claim be approved for payment. This also comes out of account #4910.

Commissioner Cox asked if this pays B.M.B. in full then?

Mr. Easley said, "No, I think there's one more coming.

Mrs. Cox said "we still have retainage?"

Mr. Easley said that we do.

Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Reflectors for St. Joseph Avenue: Mr. Easley submitted sample reflectors to the Board for their viewing, indicating that one item is a 2-way reflector and the other is a one-way reflector. He recommends using a combination; put some two-ways when the median is only 4 ft. wide, so the traffic coming -- if the headlights are shining on a 4-ft. median, if they are not in the left-turn lane they will perhaps get reflection from two reflectors. It will take 500 of the one-way reflectors at \$1.90 each and 300 of the two-ways at \$2.26 each, for a total of \$1,628.00. It will require \$212.00 worth of apoxy resin. The total estimated purchase order would be \$1,840.00.

Mr. Easley said he had a conversation with Mr. Harris Howerton of the Work Release Department and he is going to get back to Mr. Easley on their ability to do this work, if the Commissioners want to do it that way. He said that sometimes they like to have some money for this; do the Commissioners know anything about that? Mrs. Cox said that last week Mrs. McBride told her we still had "x" amount of dollars in the St. Joe account -- so the money is there. Mr. Easley verified this. President Willner entertained a motion. Motion was made by Commissioner Borries that Mr. Easley purchase the reflectors for use on St. Joseph Avenue. (As indicated, Mrs. Cox said that funds may be available in the St. Joe account.) Mrs. Cox interrupted by asking if Mr. Easley's estimate includes materials and installation? Mr. Easley responded that this estimate of \$1,840 includes materials only. It will take some wire brushes and some spatulas to mix the apoxy. Mrs. Cox said that someone indicated they had to have 60° temperature in order for the apoxy to adequately set up. Mr. Easley said that ideally, 50°, to get a fairly quick set; otherwise, if it's down to 40°, it might take 20 minutes to set up. They are going to be installed on top of the curb, where nobody would be bumping them -- so they said it wasn't too critical. The Chair said a motion had been made to purchase the reflectors, could he have a second to the motion? Commissioner Cox provided a second. So ordered. Commissioner Willner asked that Mr. Easley deal with purchasing, and he indicated that he would.

Zayre Storm Sewer/Extra Work Agreements: Mr. Easley said that on the Zayre storm sewer, for which the County is acting as the Contracting Agency (the City Engineer's office is the Construction Administration Agency) we have three (3) Extra Work Agreements that require approval.....

Commissioner Cox asked if this is a request for extra work, or has it been done?

Mr. Easley said he has three (3) requests -- and the work possibly may have even started. The weather has been such that they had to keep working on the days.....and their construction inspection staff has been on top of this and know exactly what is taking

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place. It involves an extra 40 ft. of 96-inch pipe and it involves an extra 7 ft. of 72-inch pipe and some additional rip-rap (about 6 tons @ \$20.00 per ton). This covers Extra Work Agreement #1.

Work Agreement #2 covers installation of a 96-inch 30° bend in the 96-inch pipe at a unit price of \$6,600 and because of the foundation conditions, they had to put in 541 tons of #5 rock bedding at \$16.80 per ton, for a total of \$9,095.00. The total for this extra work is \$15,695.52.

Work Agreement #3 covers connection of 72-inch pipe into the Zayre line at a cost of \$2,190.00.

The City Engineer's office has signed off on these work agreements, as has he. These three (3) Extra Work Agreements require the Commissioners' approval and it is his recommendation that they be approved.

Commissioner Willner stated that this is no cost to Vanderburgh County -- and Mr. Easley echoed his statement. President Willner entertained a motion.

Commissioner Cox queried Mr. Easley concerning the statement on Work Agreement #1, which says, "Owner requested contractor to provide No. 5 stone bedding...." Who is the owner?

Mr. Easley said that if this form were being used by the City, the City would be the "owner". The County is the contracting authorities because, for some reason, this started out in the County. He believes the funds have actually been given to the County Auditor --

Commissioner Cox asked if Mr. Easley made the request?

Mr. Easley said he did not make the request. The request was made by the City's construction administration people. They are administering the contract.

Commissioner Cox said she just wanted to find out what "owner" meant. Among those involved were Dick Eiffler, Fred Blumenauer, Andy Easley, etc., etc., -- and for this to come through as something the "owner" requested, she didn't know whether it meant "Zayre" or what.

Mr. Easley said that in this instance he thinks it means "City"....the way this is functioning. If this had been properly structured, the City should have gotten the money and they should have been "administrator"....

Commissioner Cox said they couldn't, because Zayre was in Vanderburgh County and not in the City, so it had to go through the County....

Commissioner Cox asked if Dick Eiffler made the request that this be done, then?

Mr. Easley said that is correct.

Commissioner Willner stated that it is now in the City, but the County has to finish their commitment.

Motion to approve the three (3) Extra Work Agreements was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: PROPOSED RAILROAD INVENTORY STUDY OF ALL CROSSINGS UNDER LOCAL GOVERNMENT JURISDICTION.

Mr. Easley said the next item for the Board's attention is a letter received today from the IDOH, requesting permission for the IDOH to come into the county and make a survey of the railroad crossings. This will be done at no cost to the county -- so we can thoroughly analyze the crossings and take the worst 20% (those that are most hazardous) which are eligible to be upgraded and have signals installed. Mr. Easley said he believes it is in the public's interest, as well as ours, to have this done.

Commissioner Willner said this is the letter that Mr. Calvin Evans mentioned when he addressed this matter during a Commissioners' meeting several weeks ago. This is a free service, federally funded, to check all the railroad crossings in Vanderburgh County. Commissioner Willner entertained a motion.

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Mr. Bill Jeffers, who was seated in the audience, queried Commissioner Willner as to whether this includes only grade crossings? Or, would it include the bridge crossings over our roads?

Commissioner Willner said that grade crossings only --where either signals or arms could be in place -- would be included.

Motion to grant permission to the IDOH to conduct the study was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

The letter from the IDOH read as follows:

November 13, 1985

TO: All Local Public Agencies

FROM: John P. Isenbarger/Director

SUBJECT: Proposed Railroad Inventory Study for Local Public Agencies Statewide

The Indiana Department of Highways is in the process of performing a railroad inventory study statewide for the purpose of aiding all Local Public Agencies that request such service to complete the "Railroad Questionnaire" for all crossings under local government jurisdiction. The completion of questionnaires is vital in securing federal-aid funds on all crossings which require flashing lights and gates in conjunction with crossing surfaces. Federal funds are available, but cannot be used until the questionnaires are completed and the crossings are ranked from most to least hazardous. Only the top 20% of the most hazardous crossings so ranked within a local government jurisdiction is eligible to receive federal funds. These funds are 90% Federal and 10% Local Match.

We request your assistance and cooperation at the time our District's personnel will contact you with questions such as the number of accidents per crossing, number of school busses, hazardous vehicles, and pedestrian traffic that may go through a crossing including vehicular speeds. We also request your cooperation in providing us with a 24 hour vehicular traffic count at all railroad crossings. This is a very important and essential item to have in order for us to complete the questionnaires. We request that Local Officials sign a form letter which will be provided upon completion of all railroad questionnaires under their jurisdiction acknowledging the contents. The Indiana Department of Highways is anticipating beginning the inventory statewide by December 1, 1985, with a projected completion date of April 1, 1986. Be advised that the railroad crossing inventory shall be funded with HPR funds as 85% Federal and 15% State at no cost to Local Agencies.

If you concur with the above and allow our District personnel to inventory all crossings under your jurisdiction, please signify by signing below and return to the Indiana Department of Highways, Division of Local Assistance, 100 N. Senate Ave., Room 1203, Indianapolis, IN 46204-2249, by no later than November 22, 1985.

Your cooperation on this request is appreciated.

Concur-Date

Robert L. Willner
President/Board of Vanderburgh County
Commissioners

RE: CONGRATULATIONS - ANDY EASLEY

Commissioner Willner asked Mr. Easley if his understanding is correct in that Mr. Easley became a Grandfather overnight? Mr. Easley said this is true -- he aged overnight. Mr. Willner offered his congratulations. Commissioners Cox and Borries also extended their congratulations. Commissioner Cox said that if he wants to take his little grandson to the Shrine Circus, she has some discount tickets!

RE: APPROVAL OF STREET PLANS FOR GREENBRIAR HILLS - SECTION II

Mr. Easley said he has the street plans for Greenbriar Hills, Section II, which need to be approved. They are hoping to get some of this constructed yet this fall. He

(continued)

has checked the plans. The Greenbriar project is at the bend in Old Petersburg Rd. Mr. Morley has also pointed out that although the drainage plans were approved in April, the milar was never signed. He will bring it to the Drainage Board Meeting next Monday for signatures.

Again, he has checked the street plans.....these are concrete streets with rolled curbs and gutters. There was some question as to whether or not the requirement for sidewalks had been waived. Mr. Easley said he will check on this....they haven't yet come in for bonding on this and he can catch that before the plat is recorded. Commissioner Willner pointed out that this is going to be a thru street, so it will probably need sidewalks.

The Chair entertained a motion to approve street plans. Motion to approve street plans in Greenbriar Subdivision, Section II, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK - MOVING MEDIA

Commissioner Willner presented check in the amount of \$121.53 from Moving Media (Knauff Consultants) for lease income for electronic sign at the Auditorium for period July 22nd thru November 30th. Motion to approve acceptance of check and endorse same was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Check to be deposited into the County General Fund.)

RE: REQUEST FOR REPEAL OF FUNDS - COUNCIL CALL

President Willner said he has a request to go on Council Call for Superintendent of County Buildings. He is going to repeal \$2,500.00 back to the County Council. The Chair entertained a motion. Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR APPROPRIATION - COUNTY COMMISSIONERS

President Willner said he also has a request for the County Commissioners to go on Council Call for \$15,398.64 for School Transfer Tuition. Motion to approve request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

The Monthly Report for period ending October 31, 1985 from the Clerk of the Circuit Court was submitted.....report received and filed.

RE: TRAVEL REQUESTS

It was noted by President Willner that he has requests to travel from Pigeon Township Assessor, Knight Township Assessor, the Vanderburgh County Assessor and the Vanderburgh County Recorder -- all to the State Board of Tax Commissioners meeting -- and they are requested to attend. The Township Assessors and County Assessor can bring two (2) deputies. With the exception of the meeting of the Recorder's Association the meetings are on January 20, 21 and 22 -- 1986. The Recorder's Association Meeting will be held on November 25, 1985 at the Radisson Plaza Hotel in Indianapolis, IN. The Annual Assessors' Conference will be held at the Marriott.

President Willner noted that the County Assessor is also request two (2) mileages -- one for himself and one for his deputies.

Commissioner Cox noted that we may have to request more money. We only had \$1,000.00 in the account.

President Willner noted that Mr. Steele's meeting is this year. The other three (3) requests deal with meetings to be held next year.

Commissioner Cox asked why are they requesting it now?

Commissioner Willner said he isn't certain -- but they probably need to send in their reservations. A motion was entertained. Motion was made by Commissioner Borries that, subject to availability of funds, the requests be granted. A second was provided by Commissioner Cox. So ordered.

(continued)

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RE: CERTIFICATES OF INSURANCE

Greene & Greene Agency, Inc.: Certificate for Keller Crescent Social Club's Christmas Party on December 14, 1985.

Helfrich Insurance Agency, Inc.: Certificate for Arts & Crafts Christmas Bazaar to be held at the Auditorium on November 23-24, 1985.

RE: OLD BUSINESS

The Chair entertained items of old business.

Commissioner Borries said this is COUNTY GOVERNMENT WEEK; this was recently recognized through an ordinance. He would also like to say that through the courtesy of Old National Bank (a member of the Indiana Bankers' Association) -- they have paid for instructional materials to go into the high schools regarding Indiana Counties. Thus, he would like to move that the Commissioners send a letter of appreciation for doing so. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered. (Commissioner Willner asked Commissioner Borries if he wanted to write the letter? Or, should Commissioner Willner do it? Commissioner Borries said he would be glad to write the letter.)

RE: SCHEDULED MEETINGS

Wednesday	11/20	County Council Special Session (re appropriation of funds for repairs of swimming pool deck, etc., at Burdette)
Monday	11/25	Drainage Board

RE: CLAIM

Evelyn Lannert/Mileage Claim: Claim presented in the amount of \$16.56 (in conjunction with review of real estate for Board of Review. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Circuit Court

Kenneth Roy, Jr.	8423 Yellowstone Dr.	P.T. Intern	\$4.00/Hr.	11/3/85
Wm. B. Wallace III	Ft. Branch, IN	P.D. Invest.	\$4.00/Hr.	11/3/85

There being no further business to come before the Board at this time, President Willner declared the session adjourned at 9:15 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley J. Cox

COUNTY AUDITOR

Sam Humphrey,
Deputy Auditor

COUNTY ATTORNEY

David V. Miller

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers, Chief
Deputy

(continued)

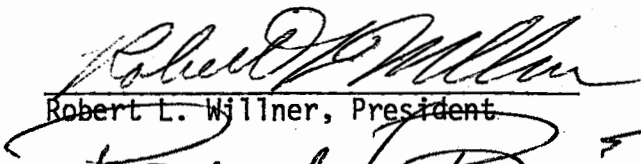
COUNTY COMMISSIONERS
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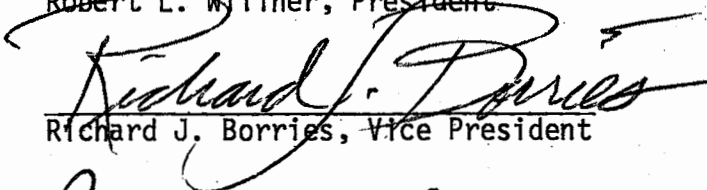
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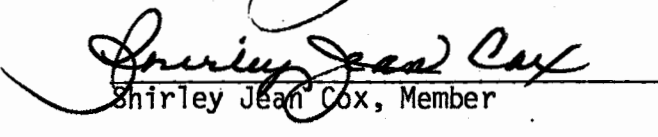
OTHER

James Morley
Scott Jagoe
Silverius Elpers
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 25, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, November 25, 1985, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order at 2:40 p.m., with President Willner subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, November 18, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: POOR RELIEF APPEAL/CENTER TOWNSHIP

President Willner said there is a Poor Relief Appeal (assistance with schoolbook rental) from Center Township today and asked if Donna Wainman is present. He called Donna Wainman's name three (3) times, but there was no response. President Willner asked that the record reflect that no one answered to that roll call.

RE: DRAINAGE PROBLEMS/GREEN RIVER ROAD

It was noted by President Willner that there are some individuals present in the audience today in relation to a drainage matter on Green River Road. The Commissioners talked with Andy Easley (County Highway Engineer) this morning and he will probably have something new on this matter when he comes into the meeting. Therefore, if agreeable to those who are present concerning this matter, he will wait to hear from them when Mr. Easley arrives.

RE: AMENDMENTS TO ZONING ORDINANCE - BARBARA CUNNINGHAM

Mrs. Cunningham stated that she is presenting two (2) Ordinances for 1st Reading today, with regard to amendments to the Zoning Ordinance, as follows:

153.032 HOUSE CARS, TRAILERS AND MOBILE HOMES, ETC.

This is being amended for clarification of wordage and the new ordinance should better satisfy the intent of the Commissioners.

Following brief comments, President Willner entertained a motion. Motion was made by Commissioner Borries that the amended ordinance be approved on 1st Reading and advertised, with a second from Commissioner Cox. So ordered.

TITLE XV, Land Usage, Chapter 153

Mrs. Cunningham said the following sections are hereby amended:

<u>153.041</u>	Agricultural District
<u>153.141</u>	Limitations on Special Uses
<u>153.150</u>	Use Groups by District
<u>153.170</u>	Use Group 18

Continuing, Mrs. Cunningham said there was a contradiction in the ordinance in this instance that Special Use designation says that Special Use 25 --all uses of Use Group 18 must have a special use. It did not have an "x" in the agricultural column and that is where there was a conflict between part of the wordage.....this was just an omission at the time. So this is clarification that anything in Use Group 18 in all these other zones (C-4, W-R, M-1, M-2, A, and Air 2 and 3 districts) all need a Special Use.

The Chair entertained questions. There being none a motion was entertained. Motion was made by Commissioner Borries that the amended ordinance be approved on 1st Reading and advertised, with a second from Commissioner Cox. So ordered.

President Willner stated that the two (2) ordinances will come back before the Commissioners in two (2) weeks for final hearing.

(continued)

RE: 1985 COMPREHENSIVE PLAN ADOPTION RESOLUTION

Mrs. Cunningham said that today she would just like to give the Commissioners a little background type information. As the Board is aware, they have had public meetings on this and it is now time for the Legislative Body to adopt the Resolution if they so wish. She will give a rundown, and if the Commissioners have questions she will be glad to answer same.

The 1985 Comprehensive Plan is an update of the 1983 plan. But in this plan the goals and policies have remained the same. The existing conditions, the land use plans, the transportation plan, the community facilities plan and the implementation sections have been updated. The land use acreage is new in the back of the Comprehensive Plan. Mr. Borries has attended two (2) public meetings on this (the pre-Plan Commission meeting and the Plan Commission meeting). The land use acreage has been changed completely in the data base. As the Board will recall, they field-surveyed every piece of property in 1984, so they do have more accurate information and it has been updated for 1985. As with all Comprehensive Plans, the plan is the community's plan. They circulate draft copies to those agencies and departments that are interested in the Comprehensive Plan. They had a total of thirteen (13) Public Hearings to receive community input. They hope the plan will be adopted by the publicly elected legislative body. The primary function of the Comprehensive Plan is a policy guide outlining goals and policies for sound development. It is comprehensive in nature and covers all geographic areas. It covers all functional components of land use development, transportation, utilities, etc. It is primarily a development plan of how, why, when and where development shall occur. The Comprehensive Plan is longrange in nature and identifies what is necessary to reach those goals. It is a guide for growth and development. It is not a zoning plan. It establishes a series of policies to guide zoning decisions and zoning is one method of implementing the Comprehensive Plan. Their plan is to emphasize the goals and policies, particularly on the staff field sheets given the Commissioners in the application of the comprehensive plan as opposed to the land use. The plan must be interpreted as a whole and the land use map is not intended to be used alone. The plan is to be used as a whole plan. The Commissioners have had a copy of the plan for about a month or two for review, and she is here to answer any questions the Board might have.

Section I was the introduction, which explained the purpose and need of the Comprehensive Plan and it outlines the remainder of the plan.

Section II is a brief history of Evansville and Vanderburgh County emphasizing economic development.

Section III contains the goal statements, providing goals to guide growth and development and is arranged in six (6) categories.

Section IV is the plan policy -- and policies are more specific measures to implement goals. They had a two-tier approach in the policies; they had the area-wide policies and specific policies for each development zone. Section IV was an inventory of existing conditions covering population, housing, employment etc.

Section V was the land use plan, analyzing current and projected land use and the factors affecting development. A summary of growth trends was included in this section, which included such trends as the proposed industrial development along U.S. 41 corridor, etc. They addressed mixed industrial warehousing and wholesale as is seen on Boonville Highway, St. Joe Avenue and Walnut Centre; commercial services on Green River Rd., First Avenue, State Road 62, Division Street and central business district; and, residential as you see the growth on the far eastside and Oak Hill and Green River Rd. corridors and in the north sections of the city along Darmstadt Rd., Old State Rd., and First Avenue.

Section VII was the transportation plan which identified highway transportation projects through the year 2000, as well as transit and airport plans -- and they did expand on the airport in this comprehensive plan.

Section VIII was the community facilities plan that discussed water, sanitary sewer drainage, parks and recreation, etc.

Section X was the implementation section that was a survey of available housing programs and regulatory financing and planning techniques, etc.

(continued)

Mrs. Cunningham said there was a summary of the public hearings in draft copy. The Board received those comments and recommended changes in the draft. Most of the comments are already in the plan. They did not add the comments on or historic preservation. They did not feel that this was the place for that; but that there are other areas where these could be addressed. Mrs. Cunningham entertained questions. She said that field staff is here. They worked very hard on the plan and are available to answer questions.

Commissioner Cox said she has a comment for clarification. This Comprehensive Plan -- even though at this time we use figures that project up near the year 2000, and it also points out that this plan is subject to a bi-annual review by the Area Plan Commission and recommendations as to any changes....

Mrs. Cunningham said she really thinks this adds to the strength, because if all the data base is current, then she thinks we have a much better chance of having people use the plan. If the Commissioners have any changes within the 2-year period, it gives APC a chance to reflect those changes very quickly.

Commissioner Willner asked if there was any input on the eastside to Vogel and Virginia-- when they held the eastside hearing? Was there anyone who spoke to that?

Mrs. Cunningham said they did have a comment that developers were being asked to firm those road extensions when they develop property frontage on the planned road -- and she thinks that is very good that we have this reflected in the plan so that the developers can see up front that this seems to be the Plan Commission's and County Commissioners' view....

Commissioner Willner asked if that was accepted by the people in that area?

Mrs. Cunningham said that, as she recalls, when they talked about it they accepted it if it was part of the plan. There were not many people at the meetings; but she recalls one gentleman saying he didn't think that was necessarily a bad idea. He just wanted that up front so they would know that that was a part of what they were expected to do.

The Chair entertained further questions. There being none, a motion was entertained. Motion was made by Commissioner Borries to accept the recommendation made by the Area Plan Commission and adopt the Resolution with regard to the 1985 Comprehensive Plan, with a second from Commissioner Cox. Commissioner Willner said that, for clarification purposes, he would ask for a roll call vote. There were three (3) affirmative votes. So ordered.

The Resolution read, as follows:

1985 COMPREHENSIVE PLAN ADOPTION RESOLUTION

RESOLUTION ADOPTING THE 1985 COMPREHENSIVE PLAN FOR EVANSVILLE AND VANDERBURGH COUNTY.

BE IT RESOLVED by the Vanderburgh County Commissioners as follows:

WHEREAS, the Area Plan Commission of Evansville and Vanderburgh County was established on the tenth day of April, Nineteen Hundred and Sixty-eight, by action of the City Council of the City of Evansville, by ORDINANCE 6-68-9 and by action of the Vanderburgh County Commissioners by Ordinance #1152, under the authority of the State of Indiana Code 36-7-4; and

WHEREAS, Indiana code 36-7-4 Section 501 states "For the promotion of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of development, the Plan Commission shall prepare a comprehensive plan...;" and

WHEREAS, the Area Plan Commission has from time to time reviewed and adopted certain segments of the Comprehensive Plan as part of a continuous planning process, and

WHEREAS, the Area Plan Commission has given notice and held public hearing on the Comprehensive Plan in each township within the county and in the Town of Darmstadt and the City of Evansville and has public input and comment; and

(continued)

WHEREAS, the Comprehensive Plan contains comprehensive policies which should serve as a guide and be given due consideration as the general policy for the pattern of physical development in the City of Evansville, the Town of Darmstadt, and Vanderburgh County; and

WHEREAS, the County Commissioners find that the Comprehensive Plan constitutes a suitable, logical, reasonably balanced, and timely plan for the physical development of the City of Evansville and Vanderburgh County over the foreseeable future.

NOW, THEREFORE, be it resolved by the County Commissioners that the document consisting of text, maps, and charts entitled "The Comprehensive Plan for Evansville and Vanderburgh County" and dated 1985, is hereby adopted as the Comprehensive Plan of Vanderburgh County.

RESOLVED, FURTHER, that in order that the Comprehensive Plan shall at all times be current with the needs of the City of Evansville, the Town of Darmstadt, and Vanderburgh County, and shall represent the best thinking of the City Council, Mayor, County Commissioners, Area Plan Commission, Darmstadt Town Board, and boards, commissions, and departments of the City and County in light of changing conditions, the Area Plan Commission shall bi-annually review the Comprehensive Plan and recommend to the County, Town Board, and Commissioners extensions, changes, or additions to the Plan which the Commission considers necessary.

RESOLVED, FURTHER, that the Comprehensive Plan shall be the policy guide for decision making that affects the physical development of Vanderburgh County.

RESOLVED, FURTHER, that all matters affecting physical development of the City and County submitted to the Area Plan Commission shall be reviewed and a report shall be prepared to the City Council, Darmstadt Town Board, and County Commissioners as to consistency with the Comprehensive Plan.

Passed by the Board of Commissioners of the County of Vanderburgh on the 25th day of November, 1985, and upon said day signed and executed by the members of said Board and attested to by the Vanderburgh County Auditor.

THE BOARD OF COMMISSION OF THE
COUNTY OF VANDERBURGH

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

ATTEST:
Alice McBride, Auditor

President Willner expressed appreciation to Mrs. Cunningham and her staff for their work.

RE: TRAVEL REQUEST

The meeting proceeded with President Willner reading the following travel request letter:

November 26, 1985

County Commissioners:

I would like to attend a meeting of the Coroners' Association Legislative Committee on December 7, 1985. This meeting is to be held at the Indiana Med Center in Indianapolis, IN. I'm requesting expenses for one night's lodging, meals and gasoline.

Charles R. Althaus
Coroner/Vanderburgh County

Motion was made by Commissioner Cox that the request be granted, subject to the availability of funds, with a second from Commissioner Borries. So ordered.

(continued)

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RE: COUNTY ATTORNEY - DAVID L. JONES

Inter-Local Governmental Agreement re Legal Aid: Attorney Jones said he wants to advise the Commissioners that the directions have been changed, with respect to the Joint Department of Legal Aid by virtue of discussion with members of the Legal Aid Society. The draft that he originally forwarded contemplated a joint City-County department. The draft which he prepared over the weekend contemplates something similar to what we did with Data Processing, and that is we simply grant monies and farm the whole thing out. We give the Legal Aid Society autonomy. We get rid of the employees and they would become Legal Aid Society employees. The agreement would contemplate, as far as practical, any seniority or benefits would also be transferred. He does not believe we have anyone with longstandinghe understands there has been quite a turnover in that office. The secretaries and attorneys in Legal Aid have a couple of years or less. So we are not jeopardizing anyone's retirement. The new draft will have to be circulated for comments. He assumes that when Legal Aid Society gets to the point where they will accept the agreement, he will then bring it back into the Commissioners and we'll run it thru the City and see what happens.

RE: COUNTY-OWNED VEHICLES

President Willner said he has a copy of letter to be sent to all department heads with respect to county owned vehicles. He asked Chief Deputy Auditor Sam Humphrey if he would like to explain the letter. Mr. Humphrey stated that he has not yet seen the letter.

Continuing, Commissioner Willner said the 1985 Tax Reform Act made the following a mandatory County policy. All County employees with take-home vehicles are required to complete a form. There are certain rules and regulations authorizing the vehicles, such as clearly marked cars. The Coroner's car needs to be marked. Vehicles driven by employees who are on call for 24 hours per day are included, as are vehicles carrying County equipment and vehicles authorized by the County Commissioners for County business.

The above vehicles are not considered to be a benefit which is taxable. All other vehicles fall under the 1984 Tax Reform Act. For all those employees who drive a vehicles which does not fall under the above, there will be a \$3.00 per day added to their gross income, excluding days off. This additional money will be reported on their W-2s and is subject to Federal, State, Social Security and local taxes. The Social Security will be withheld on the last paycheck of the year. It will be the responsibility of the employee to report this additional income on his/her Federal, State, and Local taxes. This is a federal regulation which applies to everyone. If anyone feels that this additional money requires them to pay more taxes when they file their returns, they may come to the Payroll Department and talk to Cindy Mayo about changing their W-4 to have more taxes taken out during the year.

This noncash benefit will apply to the period between January 2 and December 1. The month of December will be applied to the 1986 income. The forms are to be completed and given back to the Auditor's Office by Friday, December 13, 1985.

In response to query from Commissioner Willner, Mr. Jim Lindenschmidt said that Janet Watson in Bookkeeping supposedly has a list of everyone driving County vehicles and will distribute the memo accordingly. Since it is mandatory that everyone get these forms back in, this is why the Commissioners were asked to run this through their meeting.

Commissioner Willner asked that the minutes reflect that this notice was made a part of the Commissioners' minutes and the letter will be distributed to all department heads.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel presented copies of the Weekly Absentee Report for employees at the County Garage for period 11/18 thru 11/22.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

(continued)

Gradall: Little Schaefer, Old Princeton Rd., Mesker Park and Fairfield Dr.

Tree Crew: Old Henderson Rd. and Middle Mt. Vernon Rd.

Paved: Allen Lane, Mesker Park - Sections and Larch Lane

Chip & Seal: Buente (Sections)

Patch: Eichoff, Oak Hill, Marx, Darmstadt, Mesker Park, Evergreen Rd., Mt. Pleasant, Shore, Holly Hill and Greenbriar Ct.

Grader: Buente - West, Burkhardt, Oakgrove, County Line East and Folz Rds.

Oil Road: Darmstadt

Pollack Avenue/Chuckhole: Commissioner Borries advised that there is a chuckhole on Pollack Avenue (just past Calf Lane, in the eastbound lane on the guardrail side) which needs attention. If Mr. Bethel can get the patch crew out there, he will appreciate it.

Darmstadt Rd./Highland School Area: Commissioner Willner said that in Mr. Bethel's dealings with the waterworks, he understands that Mr. Bethel has fixed those holes in front of the Highland School on Darmstadt Rd. three or four times -- we do have a water leak. He asked that Mr. Bethel ask the waterworks to fix the leak out there. Mr. Bethel said he will be glad to do this. Commissioner Willner said there is a leak somewhere in the water main.

Problems on Green River Rd.: Mr. Bethel said he's had a lot of complaints with regard to problems on Green River Rd. (north of the City Limits) in that they have gone out and covered up the ditch and requests that he find some way to get the water away from there. He talked with Commissioner Willner today, as well as with Mr. Easley, concerning the problem -- so he will let them take over.

RE: DRAINAGE PROBLEMS/NORTH GREEN RIVER RD.

President Willner asked that before the Board gets into discussion concerning the drainage problem on North Green River Rd., is there anyone in the audience who wishes to speak concerning the problem.

Mr. John Hirsch stood and was recognized. President Willner asked that he approach the podium and state his name and address.

Mr. Hirsch introduced himself and stated that he lives across from the Sugar Mill Creek complex on North Green River Rd. He has part interest in 38 acres just south of the new complex. The natural water drainage is to the north to a county ditch. The ditch is completely blocked off and the water has nowhere to go. Mr. Neville has done all the landscaping all the way out to the road. It is all sodded down; trees are planted and there are shrubs and signs. He questioned him on the holding pond, which is on the 45 ft. of county right-of-way, which the County purchased on 1970. He told Mr. Hirsch that the county said he could do that. Mr. Hirsch said he wanted to know who the person(s) was who had that kind of authority to give special treatment on a county right-of-way. He wants to know if anyone here today has any answers of what is to be done or how it can be done? With regard to the widening, does anyone have any definite plans as to how soon the widening is going to take place? All of that landscaping is going to have to be torn up if it is done within the next 6 months to 1 year. So all of that has to be re-done anyway.

Commissioner Willner said the Commissioners will try to answer all of Mr. Hirsch's questions before the day is over. The widening of Green River Road is now set for 1987, so that's two (2) years off at the least. He knows nothing of anyone giving permission to Mr. Neville with regard to the right-of-way.

The Chair recognized Mr. James Morley of Morley & Associates, who had entered the meeting.

Mr. Morley said that, by way of explanation, what the Commissioners are viewing is a drainage plan and if they are looking for details on a right-of-way, they will not find it. They showed absolutely no work being done on the 45 ft. right-of-way. But in completing the landscaping, the owner has gone in and filled the ditch on the right-of-way.

(continued)

COUNTY COMMISSIONERS
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They did not show a pipe underneath the drive entrance, which they have the original contours in the 1/4 mile frontage off that property there was about three-tenths. John is right; it did not flow well but the land to the north is about 3/10 lower than the land to the south. So you 'd have to say the drainage was to the north; it certainly was not to the south. It doesn't drain very well. He didn't know what was going on, because he knew they hadn't worked up a plan to re-grade the right-of-way. He went out there Friday and he sees what they are talking about. The ditch is not completely filled -- there is a bit of a swale -- but there are two alternatives to solve the problem:

- 1) Re-open the ditch exactly like it was; but this still would not create good drainage because it is relatively flat.
- 2) The second thing which could be done (which he had assumed would be done) would be to take the pipes south of there and route it into the lake, because the lake is about 1½ ft. deeper than the ditch. You could actually improve the drainage from the south if you routed it through the lake, because it drains south of that bigger pipe on the north.

Mr. Morley said he has been with the City Engineer's office (who is doing the design on all that) and they have not yet completed all their drainage plans. They do have it completed along there and they are using a big 36 inch or 42 inch storm sewer on the west side of the road coming down through there and putting stubs across -- they have the drains on the east side. The Nevilles had indicated to him that they didn't want any permanent solution of a route through the lake, because if that property to the south is developed, their lake is designed for them and existing conditions -- not them and development conditions. Therefore, the technically better solution is to open that ditch into the lake and let it go through the lake, because you could improve the drainage to the south. The less technically not-as-good solution is to re-open that ditch just like it was and put a 12 inch pipe underneath their drain -- their entrance drive just like it was and then whenever the project goes, that won't be needed anymore and they can do with it whatever.

Commissioner Willner asked if there were supposed to be two holding ponds on that property? Mr. Morley said there are a series of about six (6) of them -- just interconnected -- they are all there.

Mr. Easley said he has to agree with Jim Morley that this interim solution is to cut the ditch that is trying to drain to the north into the southern-most holding pond and then the water will be flowing into the series of ponds and go out at the northwest corner of the property into the new pipe that Mr. Neville participated in with the City. Now, at such time as we widen Green River Road, the new storm sewer can then pick up the drainage along the east side of the road.

Mr. Hirsch interrupted that the holding pond (or at least part of it) is on the County right-of-way.

Mr. Easley said if they have excavated -- he has not measured it.

Mr. Hirsch said that part of the holding pond is on County right-of-way. Mr. Morley proceeded to point to designated area on map and advised the Commissioners that, unless there has been an error, it is not on County right-of-way, but it is on the set-back.

Commissioner Willner asked Mr. Hirsch if he has any photos? Mr. Hirsch showed photos to Commissioner Willner and said he stepped off the area. It is about two car lengths from the centerline.

Mr. Morley said that no excavation was to take place within the 45 ft. If it has occurred then it needs to be fixed.

Commissioner Willner said the Board will ask Andy Easley to go out and check this out.

Mr. Easley remarked that they should have cut the ditch in there earlier. But Rudolph told him that when they left the rough grading that the ditch was cut into the drainage pond... then the man doing the landscaping filled it up. One week ago tomorrow Mr. Easley asked Mr. Neville to please, please open it up and he said he would do it a week ago this coming Wednesday. He said he would open it up last Wednesday and it didn't get opened up last Wednesday.

(continued)

Mr. Hirsch said that originally on the prints it didn't show anything for drainage through there. According to existing conditions, both culverts (underneath the church's drive and Roebuck's drive) go to the south -- as it is there now.

After further brief comments by Mr. Hirsch (which were not clearly audible) Commissioner Willner said that if we have to, the County will put a red tag on the project -- but the drainage problem must be taken care of. He has said that he has done it this afternoon -- the Commissioners will send Mr. Easley out tomorrow to measure it to see if the holding pond is on his right-of-way and not the county right-of-way. He then asked Mr. Hirsch what else the Commissioners can do?

Mr. Hirsch said he has a question. They are saying that this will hold the water as it is nowbut what if he develops that acreage?

Commissioner Willner said the overall drainage problem that the Commissioners had on the east side was solved by saying, "All property shall put no more water onto the system than presently goes." So, if that thirty (30) or forty (40) acres is developed, Mr. Hirsch will have to come to the Commissioners with a drainage plan that says, "We will not put anymore water on than is presently going". That will be Mr. Hirsch's holding pond and his site plan. This one is Mr. Neville's. As he has to be responsible for his, Mr. Hirsch will have to be responsible for his.

Mr. Easley said they may have to go offside if they develop ahead of the Green River Road storm sewer.

Mr. Hirsch said, then, that actually if he wanted to develop just on the west side of the apartments and he wanted to put in a holding pond and drainage, then he could drain straight out to the road?

Mr. Easley said, "Yes, if he could get it to flow into the road."

Mr. Morley said that is why Mr. Neville had to put in a deeper pipe, because it wasn't deep enough to drain right out to the road.

Commissioner Willner said that Mr. Neville's drainage project cost about \$13,000 -- to get that pipe over. So, that was at his expense -- not the county's.

Mr. Morley said it will be extremely difficult for Mr. Hirsch to develop his property until the Green River Road project goes. This project is coming through with a sewer about 3 ft. deeper in the ground. Until then, it is just going to be very difficult to get out of a holding pond. The existing lake is almost 3 ft. below the ditch along this road. With regard to Mr. Neville's project, it is better to put the water into the lake than to just re-open the ditch. There will be better drainage if you go through the lake. Neville's don't want it to be that way.....

Commissioner Willner interrupted that it is Mr. Neville's responsibility from now on to make it drain. He said the Commissioners need to get on with their agenda, and asked that Mr. Easley give them a report tomorrow on the status of Mr. Neville's project.

Mr. Hirsch raised question about the sign put up by Mr. Neville's projectand Mr. Easley will also check this out.

Commissioner Willner expressed appreciation to those in the audience who attended today's meeting concerning this matter.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period 11-18-85 thru 11-22-85.....report received and filed. Since winter is coming on, Mr. Jeffers said they will start to split this crew into three parts, and by December they will probably have a report on each of the three (3) groups. They will continue to put in culverts as the weather permits and they will be doing other bridge-related work with a split crew. They still have a culvert inspection crew which is using one or two laborers per day as flagmen, and they are completing the Center Township culvert inspection. All the busier roads require flagmen, such as Green River, Oakhill, etc. On Wednesday, Thursday and Friday, the crew installed guardrail on the new bridge at County Lin. & Ruston Lane. On Thursday, they opened the bridge to traffic and began cleaning the ditches and right-of-way and various

(continued)

log jams in the ditch and the creek -- which they did not include in the Bridge #106 contract with Deig Bros., in order to save money. So they will be doing some of the finish work on this themselves.

As mentioned, the bridge is open to traffic. We have an agreement with Deig Bros. not to pave the approaching roadway, as it is too late in the season to put the asphalt down without interrupting other road work, which would more than likely be deemed more important. The agreement with Mr. Dick Hartman of Deig Bros. includes that he will hold his price for the hot asphalt surface of the price he quoted, and after winter's wear on that roadway he will repair the approaching roadway. The county will supply rock to him if he needs it. He will grade the road and get it ready for paving next spring if we want to pave it that way. If not, we will pave it with our own forces. With that agreement, then, the surveyor's office is recommending that we pay the claim from Deig (which is going to present) in the amount of \$65,187.81. We are retaining \$7,243.09, which is 10%. They will present a claim for the retainage after the work has been completely finished.

Claim/Deig Bros.: Claim presented in the amount of \$65,187.81 on County Line Road-Bluegrass Creek Project (at Ruston Lane). Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/Rogers Group, Inc.: Mr. Jeffers submitted three (3) claims as follows:

- \$1,261.57 - Paving of unnumbered culvert on Big Schaefer Rd. north of Mohr Rd.
- \$5,488.05 - Paving of unnumbered bridge on Mill Rd. & Henze Rd.
- \$6,054.84 - Paving of Bridge #44 at Petersburg Rd. & Baseline Rds.

Since he does not have a lien waiver from the Rogers Group, Inc., he has retained 5% of each bid -- until such time as he does get a lien waiver from them -- and that is the minimal amount we can retain. Therefore, the claim amounts now are as follows:

- \$1,198.49 - Schaefer Rd.
- \$5,213.64 - Mill Rd.
- \$5,752.10 - Petersburg Rd. & Baseline

Motion to approve claims, as corrected, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Browning Rd./Cuts: Mr. Jeffers said that the Circuit Court Jobs Program finished the road cuts on Browning Rd. and S.E. Browning last week.

Commissioner Willner said he was over S.E. Browning today; it was pretty nice.

Mr. Jeffers said if the Commissioners have no questions, he will see them at the Drainage Board Meeting.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Peyronnin Construction Co., Inc.: Claim in the amount of \$15,400.82 was presented for payment request #2 for construction of storm drainage system for Zayre Corp. contract. The claim has been checked by both the City Engineer and County Engineer and they have signed the claim. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Claim/Peyronnin Construction Co., Inc.: Claim in the amount of \$61,198.20 was presented for payment request #3 for construction of the same project. The quantities have been checked by the City Engineer's office and Mr. Easley has signed the claim.

Commissioner Willner asked if we have funds from the state for reimbursement yet? Mr. Easley said he believes we have something like \$200,000.00. This is a special Grant Account. While he believes there is money available in the account to pay both of the claims to Peyronnin, Mr. Easley suggested the motion be entertained that the claims be paid, subject to sufficient funds being available in the account. Commissioner Willner entertained a motion to this effect. Motion was made by Commissioner Cox that the claims be paid, subject to availability of funds in the Grant Account, with a second from Commissioner Borries. So ordered.

(continued)

COUNTY COMMISSIONERS
November 25, 1985

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Change Orders/Burkhardt Rd. Project: Mr. Easley said his next item of business concerns two (2) Change Orders on the Burkhardt Rd. Project, which he just received today, as follows:

November 18, 1985

Vanderburgh County Commissioners
Room 305 - Civic Center Complex
Evansville, IN 47708

Re: Burkhardt Road Improvements - IDOH Contract #R-15023; Our Project #81-468-5

Dear Board Members:

Enclosed is Change Order #13 (I.C. 115) for the removal of a 40-inch diameter maple tree located on Mr. Euler's property at the southeast corner of Burkhardt Road and Division Street. This tree was located outside of the original right-of-way and had to be removed when the Crawford-Brandeis ditch was lowered in elevation and the box culvert beneath Division Street replaced with an 84-inch diameter pipe at a lower elevation. This work was performed within an easement secured by the County during negotiations with the Contractor for the above described work.

Also made a part of this change order is the cost to change the Class I driveway at the southeast corner of Lincoln Avenue and Burkhardt Road from bituminous composition to a concrete driveway at the insistence of the homeowner. The quantities of bituminous materials which were to be placed for the driveway will be deleted from the contract.

Grinding of the concrete gutters to facilitate drainage across the driveway was also necessary.

As always, should you have any questions, please feel free to contact us.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer

Mr. Easley said they had not planned to take the tree down in Mr. Euler's yard, but after they got the huge Crawford-Brandeis ditch graded it had to come out. Cost was \$475.00. The work on the driveway at the southeast corner of Burkhardt and Lincoln cost \$1,326.00. They also had to do some grinding and sealing of concrete gutter; cost was \$2,000.00. The total of Change Order #13 is \$3,801.00. It is Jim Morley's recommendation that the change order be approved and Mr. Easley said he would have to second Mr. Morley's recommendation.

Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that the change order be allowed. Commissioner Cox asked if the work has already been done? Mr. Easley said he believes the work has been performed -- he knows the tree is gone. Commissioner Cox said she has a question. When these changes are going to come about, she thinks it is only common courtesy to bring them up -- unless they are of an emergency nature to the Board of Commissioners for review and approval before they go ahead and do something...and then bring it to the Commissioners and ask them to change it.

Mr. Easley said the day-to-day contract administration on a project of this scope -- and he will admit he knew about the tree, but he did not know about the driveway.

Mrs. Cox asked if there is an engineer out there representing the county? Mr. Easley said that we do. Mrs. Cox said we pay him to do this and she thinks it is no more than fair to them, as Commissioners, and to the taxpayers to review these things before they are done. This is her personal opinion and she does not know how the other Commissioners feel.

Commissioner Willner said he agrees with Commissioner Cox. The reason he was smiling is that it sounds to him as though it is exactly the way it was when he sat in that chair and was the "lone" commissioner and said the same thing. Mrs. Cox asked how come he has changed his tune? Commissioner Willner said he hasn't changed his tune; he said he agrees with Commissioner Cox. What he wants to say is that we are only paying 25% of this cost; the State let this contract. We might be paying 25% of it, but it is really a State-oriented Federal Aid project -- and we really don't have as much to say about change orders

(continued)

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as we do when we're paying the entire dollar amount. Some of the things that need to be done as they go along -- if they hold up the project one (1) day, it would be \$38,000.00, not \$3,000.00 -- so he understands both sides. But perhaps the project engineer could call Mr. Easley so he, in turn, could call the Commissioners..just as a matter of common courtesy.

Mr. Easley said that Lee Gallivan's boss insisted that that tree come out -- and he met one morning with Mr. Gallivan and, in fact, was there when Mr. Gallivan had to break the news to Mr. Euler that the tree had to come out. They felt very badly about this, as Mr. Euler's wife was born in that house and lived there all her life and really liked that tree.

Continuing, Mr. Easley presented Change Order #14, as follows:

November 20, 1985

Vanderburgh County Commissioners
Room 305 - Civic Center Complex
Evansville, IN 47708

Re: Burkhardt Road Improvements - IDOH Contract #R-15023
Our Project #81-468-5

Dear Board Members:

Enclosed is Change Order #14 (I.C. 115) for Force Account work performed to change the slopes of the roadside ditches along the west side of Burkhardt Road from the planned 1-1/2:1 slopes to 2-1/2:1 and/or 3:1 slopes as requested by the Federal Highway Administration and the County Engineer in all non-agricultural areas.

This work was estimated to cost \$18,584.87 (see page 17 attached) of which the Contractor's estimated share would be \$7,433.95 and the County's estimated share would be \$11,150.92.

The work has been completed and the final total cost is \$12,366.41, of which the County's share is \$7,419.85. This final figure is \$3,731.07 less than originally estimated.

We would recommend that the Commissioners accept and execute said document.

As always, should you have any questions, please feel free to contact us.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer

Mr. Easley said he's sure the Commissioners know what "force account" means; this is performed on time and material. He told the contractor that he wanted him to get men out there who would hustle and give us a fair shake on this. Sometimes on a situation like that you don't always come out -- but in this case we did. In response to query from Commissioner Cox, Mr. Easley explained that this is Change Order #14 in the amount of \$7,419.85. If the Board will recall, the contractor agreed that he had to do some final dressing anyway on these slopes; we paid for the extra dirt so he could compact it and then he went ahead and did the final dressing. Commissioner Cox said that, basically, this work came to the attention of the Commissioners before, so she moves that the change order be approved. A second to the motion was provided by Commissioner Borries. So ordered. Commissioner Willner asked that the record reflect that the Change Order was approved, signed, and returned to the County Engineer.

Commissioner Willner then again entertained motion on Change Order #13. Motion was again made by Commissioner Borries that Change Order #13 be approved, with a second from Commissioner Cox. So ordered. Commissioner Willner asked that the record reflect that the change order was approved, signed and returned to the County Engineer.

(continued)

Paving Contract: Mr. Easley said he didn't know whether Mr. Bethel reported that work on the paving contract is virtually complete. Mr. Easley was with one of J. H. Rudolph's men this morning and he indicated there is one joint they need to touch up on New Harmony Way. Mr. Easley said he thinks the job looks pretty good and we came out spending just about the amount of money we were supposed to spend. Sometimes --you buy carpet by the square yard and asphalt by the ton -- they had to use 1½ inches of asphalt where they hoped only use 1 inch -- but it seems they were able to control it.

Commissioner Willner said he'd just come from Petersburg Rd. -- and he thinks the County Highway will rock the shoulders and they want to see if they can't get it striped with center and side stripes -- that will look a lot nicer.

Mr. Easley said he left a message Friday for them to do the striping as soon as weather permits.

Commissioner Cox interjected that they did a nice job on New Harmony Rd., also, with the exception of one little bump. She drove it yesterday and this morning.

Commissioner Willner said he believes that one little bump is a sewer inlet and they will have to raise that.

Mr. Easley said that Petersburg Rd. is really a lot quieter; it is amazing what \$30,000 will do!

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

President Willner submitted a monthly report from Alexander Ambulance Service for period ending October 31, 1985.....report received and filed.

RE: BROWNING-FERRIS INDUSTRIES - RATE INCREASE

The following letter from Browning-Ferris Industries concerning rate increase was read by President Willner:

October 11, 1985

LANDFILL CUSTOMERS

Dear County Commissioners:

Like you, we find ourselves constantly combatting the rising cost of doing business. Faced with substantial increase in insurance cost, higher prices for equipment, parts, fuel, and labor, we have struggled to hold our cost down and to stay in compliance with all local, state and federal environmental protection laws and regulations.

It has been three (3) years since we had a rate adjustment at our Laubscher Meadows Landfill. Now, unfortunately, we find we can no longer absorb these higher costs and continue to serve you in the professional manner you have come to expect of us without a modest adjustment in our price structure.

Consequently, you will understand why, effective January 1, 1986, the price for disposal in our landfill will be increased by fifty cents per ton.

Enclosed with this letter is our new disposal information and price schedule. Should you have any questions regarding this adjustment, please contact me at any time.

Sincerely,

Harold Post
District Manager

(continued)

COUNTY COMMISSIONERS
November 25, 1985

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RE: CERTIFICATES OF INSURANCE

Jesse F. Stock Insurance, Inc.: A certificate was presented for Ebony Fashion Fair to be held at the Vanderburgh Auditorium on December 4, 1985. (Alumnae Chap. of Delta Sigma Theta)

Greene & Greene Agency, Inc.: Certificate for Board of Trustees of Welborn Clinic & W.A.N.C. Leasing, Inc. for Christmas Party at Vanderburgh Auditorium on December 21, 1985.

RE: OLD BUSINESS

President Willner asked if there are any items of old business to come before the Board at this time.

Commissioner Cox said she has one item; she doesn't know whether it concerns Drainage Board of County Highway or whom -- but it concerns mud being carried from the construction site right off of Red Bank Road and Hogue Rd. (Valley View Apartments). There is mud and dirt being carried off the site onto Red Bank Rd. by a cut that has been made near the top of the hill before it runs into Hogue Rd. This really has nothing to do with drainage; it is just mud being carried onto the road. There was an accident there this morning a little before 9:00 a.m. A young woman hit the mud and spun and went into a tree. She thinks that maybe a letter from the County Commissioners and possibly the Building Commissioner to the developers at the construction site should be sent saying that the entrance onto Red Bank Rd. must be kept clean daily. In our ordinance it says that this must be done and.....

Commissioner Willner requested that Mr. Easley make certain that this gets to the developer at Red Bank and Hogue Rds. Mr. Easley said he will see that this gets taken care of.

Operation City Beautiful/Litter Redemption Program: Commissioner Borries said he has been contacted by Claudette Branson and Sherry Stanley of USI, both of Operation City Beautiful. They had asked if they could meet with the Commissioners as well as some of the managers of some of the fast food restaurants (they do work with the City -- but they are also very concerned about working with the County) re a litter redemption program. They have tentatively scheduled a meeting on Monday, December 16th late in the afternoon (this is the day of the Commissioners' evening meeting). They want to meet to see how we can improve our county in relation to what they call the litter redemption program..to keep it as positive as they can -- but they see a need there.

Commissioner Willner said he has in his notes that the meeting will be held in Room 307.

RE: HOLIDAY CLOSING - COUNTY OFFICES

President Willner stated that all County offices will be closed on November 28 and 29 in observation of the Thanksgiving holiday.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Superior Court

Thomas Lockyear

Judge \$16,045/Yr. Eff: 11/26/85

RE: GREEN RIVER ROAD/DRAINAGE PROBLEMS

Commissioner Willner asked if there is any further business to come before the Board?

Mr. John Hirsch stood and was recognized by the Chair. He stated that with regard to the 38 acres just south of the Sugar Mill Creek complex adjoining the City, the developer put about 1/2 mile of metal buildings there -- and all the downspouts are coming down right across that 38 acres. He is draining part of his. The water doesn't go anywhere except through Mr. Hirsch's fields, because Neville has built it up about 2 ft. higher than the level of His (Hirsch's) field. That is in the city and Mr. Hirsch said he is about at the high point and the south goes to Morgan Avenue and the 38 acres goes north. But Neville built those buildings on the high point and paved around them with asphalt and now all that water runs around the buildings and straight out to his fields. He is wondering what he can do -- or to whom can he talk about this -- or will he have to take that water off those metal buildings?

(continued)

Commissioner Willner asked Mr. Hirsch, "Your 38 acres aren't in the city but the metal buildings are in the city?" Mr. Hirsch said that is correct. Commissioner Willner said that the city, in their tax rate, has a drainage structure. Anytime there is a problem with drainage in the city, you pay a taxes and a certain portion of your city taxes goes toward eliminating that drainage problem. That is not true in the county. If you have a drainage problem in the county you just pay for it yourself, because none of the taxes go to a drainage fund. Having said that, he guesses that Mr. Hirsch would be responsible for his own drainage problem through a negotiation with the city or with his own legal counsel as to what rights he has. It is not for him (as a Commissioner) to say what Mr. Hirsch's rights are. But the County would not come to his rescue, because they do not have a fund per se for drainage accounts. Mr. Hirsch should contact the City Engineer's office and tell them of his problem and concerns and see if he has a solution. The County cannot speak for the city. If all else fails, he believes that Mr. Hirsch could go to court to get relief, because he believes the law still says that you cannot drain more water on.....

Mr. Hirsch interrupted by saying the first two buildings weren't too bad; but he built more buildings.....so he will contact the City Engineer.

Commissioner Willner asked County Engineer Andy Easley if he has anything to add?

Mr. Easley said he does not; he believes that Commissioner Willner is absolutely correct.

There being no further business to come before the Board at this time, Commissioner Willner declared the session adjourned at 4:05 p.m., with the announcement that a Drainage Board Meeting will be held immediately.

PRESENT:COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey,
Chief Deputy

COUNTY ATTORNEY

David L. Jones

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers, Chief Deputy

AREA PLAN


Barbara Cunningham
Beverly Behme

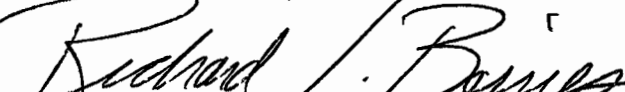
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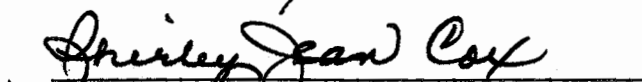
James Morley
John Hirsch
Unidentified Individuals/Drainage Problems
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 2, 1985

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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 2, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, December 2, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

Since it was the first meeting of the month, Sheriff Shepard called the meeting to order, declaring the Board of Commissioners in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Chairman Willner entertained a motion for approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, November 25, 1985, be approved as engrossed by the County Auditor, with the exception of a correction on Page 6. The chuckhole on Pollack Avenue is just past Calf Lane, not Kathleen. A second to the motion was provided by Commissioner Cox. So ordered.

RE: DRUG & ALCOHOL DEFERRAL SERVICE/REQUEST FOR MILEAGE REIMBURSEMENT

President Willner read the following letter from Deborah A. Ransom of the Drug & Alcohol Deferral Service:

November 27, 1985

County Council
Civic Center Complex
Evansville, Indiana

Dear Sir:

This letter is to request mileage reimbursement for the below workshops attended in the month of November 1985. These include:

- 1) "Dual Diagnosis in Mental Illness and Substance Abuse" - Indiana Dept. of Mental Health - November 7, 1985 O Clifty Falls State Park, Madison, IN.
Mileage: See attached Mileage form - 310 mi. round-trip at 21¢ per mile= \$65.10
- 2) "Perspectives on Adolescent Substance Abuse" - Indiana Department of Mental Health November 12-15, 1985 - Alverna House/Indianapolis, IN
Mileage: See attached Mileage Form - 324 mi. round-trip at 21¢ per mile= \$68.01

Total amount of reimbursement for out-of-county travel = \$133.11

The workshops provided by the Department of Mental Health contained material relevant to dealing more effectively with Drug and Alcohol Deferral Service clients in regard to assessment, referral, and appropriate treatment planning. The hours spent in training at these specific workshops are instrumental in updating my certification as an Alcoholism Counselor and Drug Abuse Counselor. Your consideration of my request is greatly appreciated.

Sincerely,

Deborah A. Ransom, C.A.D.A.C.

Commissioner Willner entertained a motion for approval of the request, so that D.A.D.S. can submit a blue claim.

Commissioner Cox asked if the Commissioners approved a request for attendance at these meetings earlier?

Mr. William Campbell was present in the audience and approached the podium. In response to Commissioner Cox's query, Mr. Campbell replied in the negative. He said they have not made a request for out-of-county travel during the past two years. For the most part, they have tried to cut out most of these. But attendance at these workshops is required insofar as certification is concerned. He is here more out of feelings of guilt than as a good administrator. Now that he has learned that one of his staff members had spent this much money out of her own pocket, he was hoping something could be done. Again, this was required for certification, it wasn't just a matter of a weekend outing.

(continued)

Commissioner Cox asked if it was just an oversight that he failed to request reimbursement prior to the workshops?

Mr. Campbell said, that -- and not even realizing if, in fact, money was available. Again, two (2) years ago when he was before the Commissioners, they granted him money in advance for the same sort of thing -- but also said, "Please don't come back, because we don't have enough money." He promised he wouldn't come back, but, again, this is more a matter of conscience this afternoon

Commissioner Willner said that Mr. Campbell is lucky in one respect -- both workshops were in the State of Indiana. There is a moratorium against out-of-state meetings.

Motion was made by Commissioner Cox that the request be approved, with a second from Commissioner Borries. So ordered. Commissioner Willner asked that Mr. Campbell prepare a blue claim and submit same.

RE: PETITION TO VACATE A PORTION OF EAST WALNUT STREET

President Willner said there is a Petition to Vacate a Portion of East Walnut Street, and Carl Heldt is present to address this matter.

Mr. Heldt said he represents Dr. and Mrs. William Houser, who own the real estate immediately adjacent to be vacated. He believes this was discussed when he initially presented the vacation petition. All of the adjoining landowners (the Brills, the Edmonds and the Bartleys, as well as the Housers) have received a copy of the Petition via Certified Mail and it has also been published. Proof of Publication of Legal Advertisement and returned receipt cards have been provided to the Auditor's office. Additionally, all parties have signed the consent and request that the petition be approved. He might say that all of the abutting property owners are in favor of this petition -- and would like to have this portion of East Walnut Street vacated. As previously discussed, the property to be vacated is not now a street, it is just bare dirt. It is adjacent to the Housers and they would like to plant trees, grass and whatever in it. It is a source of trash being dumped currently. The property runs behind the property immediately to the north (behind the backyards of those people). Mrs. Edmond stated that she does not intend to develop property that she owns as long as she lives, and she is very much in favor of this being vacated. It would serve no public use, but would serve public use to vacate it and let the Housers care for the property. Dr. Houser is present today the Commissioners have any questions of him.

Commissioner Willner asked if there are curbs and gutters there? Mr. Heldt said there is a curb that runs along East Mead and also along East Walnut Street. There is no curb along the 50 ft. that is being vacated. Commissioner Willner asked if they intend to run curb and gutter across there? Mr. Heldt responded in the affirmative.

Commissioner Willner asked if anyone is present to remonstrate against the public vacation ordinance concerning portion of East Walnut Street? There was no response. Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that Ordinance No. I-85 (Ordinance to Vacate a Portion of East Walnut Street) be approved.

Commissioner Cox said she had a question for Counsel. Is this an Ordinance? A petition? Counsel responded that it is an Ordinance.

A second to the motion for approval was provided by Commissioner Cox.

Commissioner Willner asked for a roll call vote. There were three (3) affirmative votes. Commissioner Willner stated that he believed the motion was made on the premise that Mr. Houser go ahead and curb and gutter the 50-ft. section. Mr. Heldt indicated that this is agreeable to his clients. Commissioner Willner also requested that the record show that there were eleven (11) names on the petition to approve the vacation. After brief comment, Commissioner Willner asked that the Auditor's office have the Ordinance recorded.

RE: COUNTY TREASURER - MONTHLY REPORT

President Willner presented Treasurer's Report, as follows:

December 2, 1985

(continued)

COUNTY COMMISSIONERS
COUNTY COUNCIL

Reassessment (249) - Invested \$1,000,000.00 Jan. 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is Dec. 26, 1985.

Local Roads & Streets (216) -- Invested \$1,500,000.00 Aug. 7, 1985, at 7.60%. Estimated income at maturity is \$45,916.67. Maturity date is Dec. 30, 1985.

Monies on Deposit - Invested \$500,000.00 (\$100,000.00 with each of the five Savings & Loans) July 5, 1985, at 7.12%. Estimated income at maturity is \$17,317.71. Maturity date is Dec. 27, 1985.

Monies on Deposit -- Invested \$2,000,000.00 July 5, 1985, at 7.15%. Estimated income at maturity is \$70,705.56. Maturity date is Dec. 30, 1985.

Monies on Deposit - Invested \$1,500,000.00 Aug. 7, 1985, at 7.60%. Estimated income at maturity is \$45,916.67. Maturity date is Dec. 30, 1985.

Monies on Deposit - Invested \$1,000,000.00 Oct. 25, 1985, at 7.60%. Estimated income at maturity is \$13,933.33. Maturity date is Dec. 30, 1985.

Monies on Deposit - Invested \$2,000,000.00 Nov. 1, 1985, at 7.45%. Estimated income at maturity is \$24,419.44. Maturity date is Dec. 30, 1985.

Monies on Deposit - Invested \$8,000,000.00 Nov. 5, 1985, at 7.5%. Estimated income at maturity is \$91,666.67. Maturity date is Dec. 30, 1985.

Monies on Deposit - \$4,000,000.00 Nov. 19, 1985, at 7.45%. Due Dec. 13, 1985. Estimated income \$19,866.67.

Monies on Deposit - Invested \$2,000,000.00 Nov. 22, 1985, at 7.40%. Estimated income at maturity is \$11,511.11. Maturity date Dec. 20, 1985.

Monies on Deposit - Invested \$2,000,000.00 Nov. 22, 1985, at 7.40%. Estimated income at maturity is \$15,622.22. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$2,000,000.00 Dec. 2, 1985, at 7.40%. Estimated income at maturity is \$11,511.11. Maturity date is Dec. 30, 1985.

Actual Interest Receipted to Date:	County Revenue	\$ 521,492.93
	Local R & S	45,526.00
	Revenue Sharing	9,834.16
	Cumulative Bridge	<u>84,500.00</u>
	Total	\$ 661,353.09

Projected Revenue: Interest to be receipted when current investments mature:

County Revenue	\$ 322,470.49
Local R & S	45,916.67
Reassessment	<u>86,288.89</u>
Total	\$ 454,676.05

Advances:	City	\$5,600,000.00
	School	<u>5,491,950.00</u>
	Total	\$11,091,950.00

Patrick Tuley

(continued)

COUNTY COMMISSIONERS
December 2, 1985

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RE: COUNTY ATTORNEY - DAVID L. JONES

Underwriter's Adjusting Co. re Lawsuit: Attorney Jones said he received a letter from Underwriter's Adjusting Company re a suit filed naming the County, the City, the City Fire Department and a John Doe fireman. The insurance company for the county rejected defense for the case for the county, because it involved what they deem a medical malpractice claim. Therefore, it has been turned over to the County Attorneys for defense. His investigation reveals that the County is not in any way involved or responsible with the Evansville Fire Department, the ambulances they operate or any of their people. Thus, he thinks we should be able to get out of this case very quickly.

Commissioner Willner expressed appreciation to Attorney Jones for his comments concerning the letter, which read as follows:

November 27, 1985

Commissioners of Vanderburgh County
Civic Center
Evansville, IN

Re: File No. 027 7 R1600
Insured: Commissioners of Vanderburgh
Claimant: Gregory Anderson
D/Loss 11-4-66

Dear Sirs:

As a representative of the Continental Insurance Company, I have been advised of the suit brought against you by Gregory Anderson and Beverly Anderson Aubrey.

Please be advised that a review of the policies of insurance issued to you by the Continental Insurance Company contain an exclusion titled malpractice and professional services. That exclusion provides that the insurance provided to you shall not apply to bodily injury or property damage due to the rendering of or failure to render medical, surgical, dental, x-ray or nursing service or treatment or the furnishing of food or beverage in connection therewith. For your review, I am attaching a copy of that endorsement.

Reviewing the complaint which has been filed against you, it is obvious that this exclusion will be applicable and, therefore, we have no alternative other than to inform you on behalf of the Continental Insurance Company that there is no coverage available to you in this instance. I strongly suggest that you have the County Attorney appear and defend you in this action.

Yours very truly,

Robert E. Breland
Senior Adjuster

cc: The Richardt Insurance Agency

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period November 25 thru November 28, 1980..... report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed.

Attached to the Weekly Work Report was the following Work Schedule:

(continued)

Grada11: Mesker Park, St. Joe Ave., City, Young Rd., Buente Rd., and Little Schmuck.

Oiled Roads: Seminary Rd. and Old Green River Rd.

Rocked: Old Green River Rd., Young, Seven Hills, Hornby, Garrison Ave., Golden Rule, Moffet Lane, Ridgewood, Trapp, Weiss Rd., Marx, Pollack, Peerless and Seminary.

Grader: Old Green River Rd. and Burkhardt Rd.

Rocked Shoulders: N. Green River Rd., Holly Hills, Curbs & Intersections

Patched: Red Bud Blvd., Browning, Old Green River and River Rd.

Tree Crew: Middle Mt. Vernon Rd. and St. Joe Avenue

Trash: Garage, Happe Rd., Bayou Creek, River Rd., Lynn Rd., and Pollack Ave.

In conclusion, Mr. Bethel said they are putting on their snowplows.

Commissioner Willner asked if Mr. Bethel has plenty of salt? That is a topic that is going to come up.

Mr. Bethel said they have sufficient salt for one (1) big snow.

Young Road: Commissioner Willner asked Mr. Bethel if they are cleaning ditches or what on Young Rd. He had a call last week about a vehicle. Mr. Bethel responded that they fixed that yesterday. Someone ran into a ditch out there and stopped it up, etc. It is fixed now, however. Commissioner Willner expressed his appreciation to Mr. Bethel for his attention to this matter.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period of November 25 thru November 28, 1985..... report received and filed. Mr. Jeffers commented that the report doesn't look as though they did much on Wednesday; however, they just ran out of things to do on rainy days!

Claim/Vanderburgh Co. Jobs Program: Claim in the amount of \$4,180.00 for installation of 44 cu. yds. of 3500 PSI concrete, including costs necessary to that operation.

Claim/Vanderburgh Co. Jobs Program: Claim in the amount of \$1,535.00 for various road signs and barricades manufactured by the Jobs Program personnel. This represents a substantial savings over what we would have to pay if they were otherwise manufactured.

The Chair entertained a motion for approval of claims. Motion was made by Commissioner Cox that the claims be approved, as submitted, with a second from Commissioner Borries. So ordered.

Mr. Jeffers said he is not certain how much more concrete work the Jobs Program can do for us; this is dependent upon the weather conditions between now and early spring. However, he would certainly like to thank them for helping them out.

Commissioner Willner entertained questions.

Commissioner Cox asked if the surveyor's crew is working out on Church Road? There was a blue van and a white van out there around 11:00 a.m.

Mr. Jeffers said this sounds as though these were surveyor's vehicles. They have a blue Chevrolet and White GMC.

Mrs. Cox asked if the surveyor is going to be doing some work out there? She received calls from two residents who live in the area. She went out and no one was around.

(continued)

One of the vans had a dead battery and perhaps they had gone to get some help. What are they going to be doing out there? Opening up the ditches?

Mr. Bethel interjected that he can explain this. At the end of Church Rd., there is a big tree there and the water runs out and onto the road. In the winter, it freezes. They are going to put a culvert across that road at an angle and divert the water to the other side of the road and back across and on down into the fields. Today they are just cleaning out the culverts that were stopped up. Just before he came to today's meeting, they called him and said they had everything cleaned out. Tomorrow they will go out and re-evaluate it and see what has to be done to get the water off the roads for the people out there.

Mrs. Cox asked if, after that, he thinks they could grade it and put some rock on there? It is in bad shape.

Mr. Bethel said he wants to take care of the water problem first and then they will. They are very nice people out there and they have been very cooperative.

Commissioner Cox expressed appreciation to Mr. Bethel for his efforts and the explanation.

RE: PETITION TO VACATION PORTION OF GREEN RIVER ROAD

The Chair recognized Mr. James Morley, who was present to speak for the petitioner. He said that in 1979 - 1980 there was an easement for ingress and egress (22 ft. wide and 320 ft. long from the center of Green River Rd. running to the east) dedicated to the county. There was with that a plan for a driveway access at that point and there was also a subsequent dedication to the county of right-of-way on the south side of that from Signature Inn (22 ft. wide and 320 ft. long, which is the width of their property. Signature Inn is proposing a hotel development on part of the land that is now in the name of Earl Harp and their hotel design requires them to occupy an easterly portion of that 22 ft. easement. There currently is no roadway in place at that location. They are requesting that the easterly 160 ft. of the 320 ft. easement be vacated. First Federal has made available to him a drawing indicating a proposed driveway where the two of them could cooperate on a driveway and the proposed driveway out shows a taper on a portion of that 160 ft. that Signature Inn is requesting -- and that taper would in no way cause a problem with the hotel development. Therefore, it would be quite satisfactory to modify the legal to say "vacate the easterly 160 ft., except for a 10 ft. by 30 ft. wedge for a taper on the driveway". In other words, they do not need to vacate the whole 160 ft. That taper would work out fine; it would cause no problem. Signature Inn would have no objection to that at all -- it would not hurt their hotel development. If the vacation is not granted, then that means they would have to go back and redesign their hotel. The designs are completed and they would have to go back and redesign. They can't just plain move it forward -- they'd have to knock off part of one end or something and redesign it. But they need the vacation in order to continue with the shape of the hotel as they have it.

Commissioner Willner asked if Mr. Morley said they could not move it to the north that extra 30 ft.?

Mr. Morley said that they cannot. Right now they are purchasing a 10 ft. by 20 ft. easement from Bob Evans restaurant for the entrance canopy. They are taking a portion of the Bob Evans parking lot for their front entrance canopy. They cannot move the hotel forward; they would have to redesign it. It would be impossible because it is an L-shaped hotel that goes all the way out to Vogel Rd. Their main entrance is on Vogel Rd. In pointing to plans, Mr. Morley said that what this would allow -- it would allow you to decrease the number of cars turning at the lighted intersection; they simply would just drop off on the taper lane. He doesn't think it would hurt Green River Road traffic, because what you gain is a much longer deceleration lane and their entrance, signs, etc., are up at Vogel Rd. That is the main entrance. But if you were from the south, driving north on Green River Rd., you could make a right turn right in and swing in under the canopy without going up and waiting for the light or making a right turn, go around Bob Evans and make a right turn again and coming back in. So it just eliminates part of the traffic movement if they come in off of Green River Rd.

Mrs. Cox asked, "Just come in off of Green River Rd. -- not go out?"

(continued)

Mr. Morley said they could go out into the decel lane; anytime you have an in you could have an out. It would be right turn only, of course. There is a median in Green River Rd. -- there is no cross traffic at all.

Mrs. Cox queried Mr. Morley about the intersection at Vogel Rd. (at the stoplight) with the people coming out of Signature Inn.

Mr. Morley said there would be very few people going out of Signature Inn from that direction. He pointed to the plans and the canopy, check-out area and main lobby of Signature Inn. He said that if you're in the lobby of Signature Inn for a meeting, checkout or whatever -- then you head in a specific direction to Vogel Rd. and come out at the light. You wouldn't turn around, come down thru the parking lot and turn at designated area in order to get out onto Vogel Rd.

In response to Mrs. Cox's query concerning another designated area, Mr. Morley identified this as First Federal's parking lot.

After further comments and discussion concerning designated areas on the plans, Mr. Morley said it is obvious that very few people would be leaving Signature Inn via Green River Rd. Mrs. Cox noted that if they do exit this way, they will probably wind up turning right on Vogel Rd.

Mr. Morley said our subject is the easterly 160 ft. of the easement. But what could happen here is that with the common drive (shared by Signature Inn and First Federal) if a person were to turn left, there is a possibility of making the circle....and he pointed to specific areas on the plans. The proposal for the drive cut (and he doesn't really want to speak too much about that because he is not here today concerning that). He was just in a meeting with the Board of Works, Andy Easley, Mr. Clayton of First Federal, Barbara of Cunningham, etc. -- trying to go over the documents. Plans had already been presented on this back in 1979. They were drawn by Sam Biggerstaff and presented to the Board of Commissioners at the time they accepted the right-of-way. He knows that Mr. Clayton has copies of those maps from Mr. Biggerstaff's files. If there is no curb cut there, there is no need for any easement--they just vacate the whole 320 ft. If that would turn out to be the case, then there would be no easement. But at the current stage, what he is saying is that if that easterly 160 ft. minus the 10 ft. bby 30 ft. wedge were vacated, then Signature could go ahead with their plans to build. If nothing works out on this drive entrance, then they'd probably want to come back and vacate the rest of it. But at this point in time, the request is only for the easterly 160 ft.

Commissioner Willner entertained questions.

Attorney Ed Johnson stood and was recognized by the chair. He approached the podium and said he is appearing in behalf of Mr. Clayton and First Federal. As far as they are concerned, this matter may solve itself on Wednesday. Mr. Vezzoso said the Board of Public Works will take up the matter of the curb cut on Wednesday in their meeting. If the curb cut is granted -- our records show that it was presented and accepted in 1979 -- as they think it will be, then First Federal will drop its objection to the vacation as requested by Signature Inn. However, at this point, he would like for the minutes of this meeting to show that First Federal objects to any vacation of the easement at this time. They would consider it inverse condemnation and they would pursue every legal remedy at their command to keep the easement there. However, he will say again, if the Board of Public Works grants the curb cut, then they very likely would drop the objection to vacating part of that easement. He thinks that is really all that needs to be said today. They voice their objection and ask that no action be taken today. If any action is taken, they will consider this inverse condemnation. If the Commissioners will postpone this until their next meeting after the meeting of the Board of Public Works on Wednesday, the problem may solve itself.

Commissioner Willner entertained questions of Mr. Johnson. He subsequently asked Mr. Johnson if a one-week (1) postponement would bother his client? Mr. Johnson said he believes that both he and his client would like to this arrangement of the driveway worked out.

Commissioner Willner entertained a motion.

Commissioner Borries stated that he would be opposed to any vacation unless both parties agree. He then moved that the matter be postponed for one (1) week, with a

(continued)

COUNTY COMMISSIONERS
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second from Commissioner Cox. So ordered.

RE: LETTERS FROM SIGECO RE VACATION OF PORTIONS OF EAST WALNUT & NORTH GREEN RIVER RD.

President Willner proceeded to read the following letters from SIGECO concerning vacations being petitioned:

November 27, 1985

Mrs. Alice McBride, Auditor
City-County Building
Evansville, IN 47737

Dear Mrs. McBride:

RE: Vacation No. 2-85
1201 North Green River Rd.

Southern Indiana Gas and Electric Company has investigated the area proposed for vacation.

We have no gas or electric facilities involved, nor do we need the area for access to other facilities. Therefore, pursuant to IC 36-7-3-16, Southern Indiana Gas and Electric Company hereby files its written consent in the vacation proceedings and waives its rights to use all or part of the area to be vacated now before the Board of Commissioners of Vanderburgh County.

Sincerely,

Jean Ashby, Buyer
Right-of-Way Department

November 27, 1985

Mrs. Alice McBride, Auditor
City-County Building
Evansville, IN 47737

Dear Mrs. McBride:

RE: Vacation of A Portion of East Walnut Street
Vacation No. 1-85

Southern Indiana Gas and Electric Company has investigated the area proposed for vacation.

We have no gas or electric facilities involved, nor do we need the area for access to other facilities. Therefore, pursuant to IC 36-7-3-16, Southern Indiana Gas and Electric Company hereby files its written consent in the vacation proceedings and waives its rights to use all or part of the area to be vacated now before the Board of Commissioners of Vanderburgh County.

Sincerely,

Jean Ashby, Buyer
Right-of-Way Department

Attorney Johnson stated that he will communicate with the Commissioners subsequent to the meeting of the Board of Public Works on Wednesday.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Morley & Associates: A claim in the amount of \$27,906.72 for construction engineering for Burkhardt Rd. Project project. Mr. Easley said there is about \$4,000.00 worth of overtime included. Mr. Morley interjected that they are still

(continued)

under budget. (They have been going home when it rains, etc.) At one time they thought it would run over budget -- but they are now actually under budget.

Commissioner Willner asked Mr. Morley that while he is present, can he tell the Commissioners just what percentage is finished and what percentage will have to be held until next year, etc.?

Mr. Morley said he can't give the Commissioners percentage figures because he doesn't have the numbers in front of him. However, he believes that the shoulders along the ditch are soft and at this point in time he doubts they will be able to get all of paved shoulders. It appears that they will get all the pavement on the main driving lanes finished this year. They may wind up going through the winter with barricades on the shoulders -- because of the drop-off -- so people won't go off. But the roadway should be at the stage within the next two (2) weeks to where it is very passable. The rains have softened the sub-grades so much that each time they get on it it starts to soften up. Thus, he doesn't think they will be able to finish the shoulders. As of last week, they were still planning on it. But he thinks what we will see is that we will have most of the driving surface finished (the ditch work has been done and sodded) -- but he believes we will reach the stage where they will have to shut down because of the cold weather and have to wait until spring (as soon as they can open the plant, which will probably be in March). In spite of the rains, the progress during the past month has been very good.

President Willner entertained a motion concerning approval of the claim. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Request for Time Extension/Gohmann: Mr. Easley asked Mr. Morley if we need to act on Gohmann's request of some time ago concerning a time extension. Mr. Morley said he thinks that before the Board acts on a request for a time extension, a meeting should probably be held between Dale Lucas, Lee McClellan, Mr. Morley, the Commissioners, etc., to discuss implications of extension of time. He would think that just a round table discussion would be in order so the county could learn the pros and cons. He does not think the request should be acted on at this time.

Swimming Pool Filter System/Burdette Park: Mr. Easley said he spent about six (6) hours on Tuesday with a man at Burdette Park concerning the swimming pool filter system. They tried to come up with a master plan. The hot-dip galvanized piping around the pool is about 25 years old and we are in the process of replacing that. They discussed the pros and cons of how to do it. He had a very informative meeting with Mr. Tuley and the gentleman concerning this piping. A contractor is working on the erosion control

Commissioner Willner asked if we've ever received funds from the waterslide company yet?

Mr. Easley said that, to his knowledge, we have not. He will stay in touch with Attorney David Miller on this, because it has to be handled properly.

Commissioner Willner entertained questions. Commissioner Cox asked if the invoice for construction engineering was for October? Mr. Easley said that is correct.

RE: APPOINTMENT OF HEALTH OFFICER/VANDEBURGH COUNTY

President Willner read the following letter received from the State Board of Health:

November 19, 1985

Jane M. Hoopes, M.D.
Health Officer
Evansville-Vanderburgh County
Board of Health
Room 127, Administration Bldg.
Civic Center Complex
Evansville, IN 47708

Dear Dr. Hoopes:

The Executive Board of the Indiana State Board of Health, at its regular meeting on November 13, 1985, reviewed the credentials enclosed herein

(continued)

COUNTY COMMISSIONERS
December 2, 1985

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in regard to your appointment to serve as Health Officer of Evansville-Vanderburgh County.

We are pleased to inform you that the Executive Board has approved your appointment for a term as shown on the enclosed "Certification of Appointment".

The staff of the Indiana State Board of Health wishes you success and pleasure in the fulfillment of your responsibilities and duties in this position. Please feel free to call upon us for assistance and guidance in the handling of health problems in your jurisdiction.

Sincerely,

Woodrow A. Myers, Jr., M.D.
State Health Commissioner
Indiana State Board of Health

cc: Mayor
Auditor/Vanderburgh County
Chairman/Vanderburgh County Board of Health

RE: APPOINTMENT TO LOCAL ALCOHOLIC BEVERAGE BOARD

President Willner stated a letter had been received from the Indiana Alcoholic Beverage Commission concerning appointments to be made to the Local Alcoholic Beverage Board by the Commissioners, the Mayor and the County Council.

Motion was made by Commissioner Borries that Mr. Bert Reed, who is currently the Commissioners' appointee to the Board, be re-appointed, with a second from Commissioner Cox. So ordered. Commissioner Willner asked for a roll call vote and there were three (3) affirmative votes.

RE: CERTIFICATE OF INSURANCE

Aiken Management Corp.: Performance of "42nd Street" at the Auditorium on February 13, 1986.

RE: OLD BUSINESS

Commissioner Willner entertained matters of old business to be discussed at this time. There were none.

RE: SCHEDULED MEETINGS

Tuesday 12/3 4:00 p.m. Auditorium Advisory Board Meeting

President Willner said that while the Auditorium is being discussed, he would ask if the Commissioners have come to any conclusion concerning parking rate at the auditorium. The Board has been asked by several residents of the Civic Center to drop the daytime parking rate at the Auditorium from 75¢ to 50¢. This was taken before the Advisory Board for the Auditorium and they declined to approve that change. However, we are getting only about 20 cars per day when we should be getting 80 or so. Do the Commissioners feel that something should be done at this time concerning the parking rate? The daytime rate is currently 75¢ per day (in tokens) and \$1.00 during evening hours. (Mr. Lindenschmidt said that if anyone uses cash it would be \$1.00 anyway; but they can purchase tokens at the Auditorium for 75¢ -- but they have to buy 10 at a time. What Commissioner Willner is saying is to lower the price of the tokens from 75¢ to 50¢, but people would still have to buy them 10 at a time.

Again, Commissioner Willner said he counted the cars parked at the auditorium just before the meeting and there are only ten (10) cars parked on the lot.

Commissioner Cox asked if they are complaining about the price?

Commissioner Willner said that people who work in the building are complaining about the daytime parking rate. They say that for 50¢ parking fee they would use the lot, rather than park in the back lot.

(continued)

Commissioner Willner said he has been asked to bring the matter before the Board of Commissioners before the cold weather sets in.

Commissioner Cox said they will all have to go in and buy tokens; they can't just put two (2) quarters into the slot.

Motion was made by Commissioner Borries that the parking fee during daytime hours be reduced to 50¢. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Willner said he thinks this is a wise move. He asked that Mr. Lindenschmidt have Margie Meeks call all the officeholders and notify them of the reduced parking rate -- but first, call the Auditorium.

RE: CLAIMS

There were some claims submitted for dues, insurance bond money, etc., but it was subsequently determined that since these claims cannot be paid until 1986 anyway, that they be held and re-submitted at a future meeting.

Jerry D. Stilwell: Claim in the amount of \$300.00 for legal services in the case of Lubbehausen vs. Vanderburgh County et al. Commissioner Willner asked that Attorney Jones review the claim, which he did. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Alan M. Kissinger: Claim in the amount of \$1,508.00 for legal services rendered in connection with Lubbehausen litigation was submitted. Attorney Jones also reviewed this claim. Motion to approve claim was made by Commissioner Borries with a second from Commissioner Cox. So ordered.

Kevin Winterheimer: Claim in the amount of \$105.00 for litigation concerning Larry Weatherford case. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Kevin Winterheimer: Claim in the amount of \$225.00 for litigation concerning Arella Ray case. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Burdette Park

Charles Coleman	645 Jefferson St.	P.T.G.C.	\$4.00/Hr.	Eff:	11/8/85
Arthur Pagett	1407 Howard, Apt. D-23	P.T.G.C.	\$4.00/Hr.	Eff:	11/8/85

County Clerk's Office

Sandra Deutsch	8415 Green Acre	Dep. Clk.	\$11,866/Yr.	Eff:	11/18/85
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Treasurer's Office

Kim Ford	708 E. Chandler	P.T. Clk.	\$35.00/Day	Eff:	11/25/85
Mary Ellen Frank	2424 Negley Place	Clerk	\$11,760/Yr.	Eff:	12/2/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Burdette Park

Charles Coleman	645 Jefferson	Rink Guard	\$4.00/Hr.	Eff:	11/8/85
Arthur Pagett	1407 Howard, Apt. D-23	Rink Guard	\$4.00/Hr.	Eff:	11/8/85

County Clerk's Office

Sharon Yunker	5313 Sherbrooke	Dep. Clk.	\$11,866/Yr.	Eff:	11/18/85
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Treasurer's Office

Kim Ford	708 E. Chandler	Clerk	\$11,760/Yr.	Eff:	12/2/85
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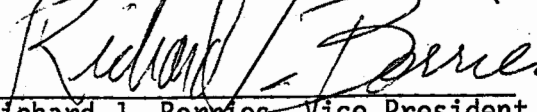
In response to query from Commissioner Cox concerning the Stillwell claim (which had just reached her for her signature) Attorney Jones explained that Alan Kissinger was primarily handling the case after he got out of it. In terms of having to pick a jury, you needed a local attorney. Secondly, when there are simple hearings in court in Princeton, rather than having Alan drive all the way up there, we had Jerry Stillwell who could do it -- which saved time and money. This is why they were allowed to handle it this way.

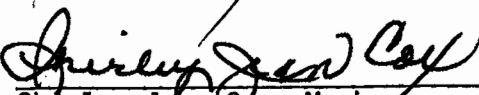
Commissioner Willner asked Attorney Jones if he will endeavor to determine whether this is a final billing in the case. Attorney Jones commented that half the amount shown on the claim is for a transcript.

There being no further business to come before the Board at this time, Commissioner Willner declared the meeting adjourned, with an announcement that the Drainage Board Meeting would be held immediately.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Sam Humphrey, Chief Deputy	David L. Jones
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers, Chief Deputy
	<u>DRUG & ALCOHOL DEFERRAL</u>	<u>OTHER</u>	
	William Campbell	Carl Heltdt, Atty. Dr. William Houser James Morley Ed Johnson, Atty. Rose Zigenfus/EUTS Mr. Clayton/First Federal News Media	
<u>SECRERARY:</u>	Joanne A. Matthews		


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 9, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, December 9, 1985, at 2:50 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on December 2, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: CERTIFICATE OF APPROVAL FOR EVANSVILLE-VANDERBURGH AIRPORT AUTHORITY DISTRICT REVENUE BOND ISSUE - DAVID BUNNER

Commissioner Willner asked County Attorney David Miller if he has had an opportunity to review the certificate and, if so, does he find it in order and in the best interest of Vanderburgh County?

Attorney Miller acknowledged that he has reviewed the certificate and it is fine.

The Chair then recognized City Attorney David Bunner, who is present to obtain approval re the Airport Authority District Revenue Bond Issue. Mr. Werking of the Airport Authority is also present today, should the Board have any questions of him.

Attorney Bunner said he represents the Airport Authority Board. He and Mr. Werking, Assistant Manager of the Airport, are present today asking that a document approving \$12,000,000.00 revenue funding bond be issued for improvements at the Airport. He has four (4) Certificates, all which need executing.

Attorney Bunner said the project will include a new Passenger Terminal Complex, Aircraft Parking Ramps, new Taxiways, new Terminal Access Roads, Public Parking Facilities and various ancillary and accessory projects, along with these new items. The estimated cost of the entire project is approximately \$21,000,000.00. \$10,000,000.00 is to be funded through grants from the Federal Aviation Administration. \$12,000,000.00 is to be funded through the Revenue Bond Issue and approximately \$1,000,000.00 would be included for the overall project from the Cumulative Building Fund of the Airport. The bonds will be sold through a negotiated sale to the four (4) local banks (as opposed to a public sale). This is new procedure for the Airport Authority that is allowed by recent amendments to the Airport Legislation. The bonds will first be maturing in 1990, with final bonds maturing in 2005. The interest rate will be 70% of prime and that will be a floating rate with the low end cap of 7½% per year and a high cap of 10%, which is, of course, very important with this length of a bond issue to have the upper end cap 10%. The bond issue is a Revenue Fund Bond Issue that, basically, is that it will only be paid out of operating revenues generated by the Airport Authority. The facilities of the Airport and its operating revenues are the security of the bond issue and bonds. Vanderburgh County and the City of Evansville, although both are being asked to sign this document, are in no way obligated nor are any tax dollars or any taxpayers' property tax dollars obligated on this bond issue. It is strictly repaid out of operating revenues generated. These payments of principle and interest will approximate the yearly operating revenue generated by the Airport Authority. For this reason, the Legislature did adopt and allow the County Council to impose the 1% food and beverage tax which was done early this year. That will replace on a monthly basis the operating revenues that go to retire the bond. It may seem a kind of backward way of doing it, but to maintain the aspect of a revenue bond issue, it cannot be tax dollars. It must be from operating revenues. There are a number of safeguards included in the bond issue and the bond ordinance. One of those is the debt service reserve account and that will be funded alternately with \$1.3 million, which is an approximation of the estimated annual debt service for one (1) year. That way we will have money available if the operations fell short at the Airport...to go ahead and cover one year's principle and interest and then the Airport would have to adjust its rates to replenish that account. That is another of the safeguards included in the bond ordinance -- is that the Airport Authority must maintain charges and rates equal to 110% of the anticipated debt service. Additionally, the Airport Authority is required to employ a financial advisor who will, on a yearly basis, review the budget and anticipated operating revenues and compute that against the anticipated outlay for debt service and assure us that we do meet the revenue requirements. With your execution of this document--as you can see, the Mayor has already signed it -- we will then be proceeding on Wednesday to the County

(continued)

Council. They will be signing a different document -- if they should so approve -- and those will be all the steps necessary for approving this bond issue and we would then proceed with the sale of the bonds yet this year. Mr. Bunner said he has a schematic design for the Terminal Complex and some preliminary drawings showing the proposed terminal area. He proceeded to point to the new Terminal Building, the ramps and taxiways and parking area, with ingress and egress roads. Another view of the terminal was shown, depicting how the terminal would look as you drive in and pull up in front of the area. Again, these are preliminary drawings. An aerial view of the entire facility was shown, which included the concourse, baggage, etc., for the airlines. This project has been debated and planned for several years and the members of the Commission, as well as other public officials, have all had a substantial amount of input as to the planning and the method of financing. They believe they are ready to proceed and request that the Commissioners execute the Certificate submitted for approval.

The Chair entertained questions of either Attorney Bunner or Attorney Miller.

Commissioner Cox raised a question concerning Redemption of Bonds.....

Attorney Bunner said it is initially anticipated that the first principle payments on the bond will be made in January, 1990 and then for a 15-year period following that. However, because we only had estimates from the State of Indiana as to what the revenues from the food and beverage tax would be, and with some anticipation that they would exceed what the estimates were, we have a provision in the bond issue that we may retire the bonds early and the State Legislation on the Food and Beverage Tax required that any excess food and beverage receipts on a yearly basis go directly to retire bonds. So we feel that the bonds will be retired early, although it will not be set out that way in the bond issue.

Mrs. Cox said her other question is, "Do you have a projected cost -- even though it is going to be principle and interest up to 1990 -- the amount that is necessary each year to address this bond issue?"

Attorney Bunner said it will depend upon the interest rate. We are looking at he believes \$900,000.00 to \$1.5 million yearly, depending upon the interest rate. Initially that would depend on when and how much of the principle we were paying as the schedule sets out in the bond ordinance.

Mrs. Cox asked if we have any projected income from the food and beverage tax on an annual basis?

Attorney Bunner said that to date we have received for a 3-month period approximately \$84,000.00 per month from the food and beverage tax; although, checking with the State today it appears that it could exceed \$100,000.00 per month for those three (3) months. We are looking at somewhere between \$900,000.00 and \$1.3 million on a yearly basis. This, of course, he would assume would increase over the years simply through inflationary activity on the cost of the food and beverage.

Mrs. Cox said, "So, we are not then really putting any of this on the tax rate?"

Attorney Bunner said, "Oh, no! This may not be put on the tax rate. To maintain its status as a revenue funding it cannot go on the tax rate. And, as a revenue funded bond issue it, of course, does not attach regarding the 2% debt limitation for general obligation bonds. Again, the food and beverage tax replenishes the operating revenues that the Airport will be paying out monthly on principle and interest of the bonds.

The Chair entertained further questions. There were none. President Willner then entertained a motion.

Motion was made by Commissioner Borries that the Certificate of Approval regarding the Airport Revenue Bonds be approved, with a second from Commissioner Cox. So ordered. President Willner then asked for a roll call vote. There were three (3) affirmative votes

RE: APPROVAL OF SPECIFICATIONS TO ADVERTISE FOR BIDS ON GUARDRAILS, POSTS, ETC., XEROGRAPHIC PAPER, CALCIUM CHLORIDE AND LIQUID ASPHALT

President Willner stated that the Commissioners have received copies of the bid specs for subject items for their perusal. He entertained a motion concerning approval of the specs, with specs to be advertised on December 11th and 18th and bid opening

(continued)

scheduled at 2:30 p.m. on Monday, December 30, 1985. Motion to approve specs, as submitted, for advertising was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: PETITION TO VACATION PORTION OF NORTH GREEN RIVER RD.

Attorney Ed Johnson, Sr., was recognized by the Chair and stepped to the podium. He said he and his clients are not the "movers" for that petition; they are here in response thereto, and they have an agreement which, if Signature Inn will sign, First Federal will withdraw their objection to the vacation. First Federal doesn't care whether or not a motel goes in there or not. They'd just as soon have it as not have it, providing they get an agreement for the improvement of the roadway back half and half -- First Federal will do its half and

Commissioner Willner said he believed that last week we were waiting for the Board of Public Works to make up their minds as to whether there was going to be a curb cut.

Attorney Johnson said that Jim Halbig and John Vezzoso both told him that they will grant the curb cut. They said they will take it up in meeting Wednesday and handle it officially. With that in mind, he has been assured by two of the three members that they will give them the curb cut. They are here today to obtain approval of a simple agreement that says that First Federal will improve its half of the roadway at its expense and it says that Signature Inn should improve their half of the roadway at their expense --to be completed on or before August 15, 1986. Again, they are not the movers for the vacation and thus they cannot do more until such time as the petitioners are present.

Commissioner Willner asked that the secretary check to see if Mr. James Morley of Morley & Associates is on his way to the meeting. This was subsequently verified. President Willner said he will proceed with the next item on the agenda until such time as Mr. Morley arrives.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel presented copies of the Absentee Report for employees at the County Garage for period December 2 thru December 6, 1985.....report received and filed.

Weekly Work Report: Also presented for the same period were copies of the Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: St. Joseph Ave., City, Fairfield, Old Princeton

Grader: Burkhardt Rd., Voight, Denzer, County Line West, Ridgewood, Booker and Swope

Patch: Heinlein, Harmony Way, Theater Drive, Mohr Rd., Boonville-New Harmony, Voight Rd., St. George, Heinlein, Old Boonville Hwy., Mimosa Lane, Newburgh Rd., Saratoga, Whetdtone, Oak Hill, Green River Rd., and Orchard Rd.

Tree Crew: Middle Mt. Vernon, Hobart, Baseline Rd. West, and Seminary Rd.

Barricades: Union Township, S. Weinbach, Lynn Rd., and River Rd.

Trash: St. Joe Ave., Lynn Rd., River Rd., Mill Rd., and Neubling Rd.

Washed and polished equipment and installed snow plows on five (5) trucks.

ROAD REPORT - 1985: Mr. Bethel submitted a report outlining total miles paved by the Vanderburgh County Highway Department in 1985 (45.4) and total miles paved by J. H. Rudolph & Co. in 1985 (5.2) for a total of miles paved of 50.6. (Copy of report attached and made a part of these minutes as "SUPPLEMENT I".)

(continued)

The Chair entertained questions concerning the roads.

Commissioner Borries asked if the roads paved by J. H. Rudolph are now finished?

Mr. Bethel said they are finished -- but they are not yet striped.

Mann Rd. Problems: Commissioner Cox said she received a telephone call from Mr. Adler of Mann Rd. She tried to check with both the County Surveyor and the County Engineer, but both had left their office by the time she called. She does, however, have a letter dated October 28th to Mr. Shively (who represents Mr. Adler) and Andy Easley, indicating that Mr. Bethel has said the Gradall would be out on Mann Rd. on or about November 1, 1985, to complete the excavation of the ditch -- weather permitting. Mrs. Cox said she knows we've had some rain, but we really need to get out there and get that done before the spring rains come.

Mr. Bethel said that Mr. Adler also called him last week. Mr. Bethel has been checking that road almost every day and said it is absolutely impossible to get in there right now. He told Mr. Adler this and Mr. Adler got a little bit excited, because he wanted to get it finished.

Mrs. Cox noted that it is the first part of December and if the spring rains come and that doesn't work, then it is going to flood Mr. Adler out. She will give Mr. Adler credit; he did not plant near up to the area, he left quite a bit of that vacant so we could get in. Mr. Bethel said they will get in there as soon as they possibly can. If it freezes, it won't hurt them; in fact, it probably would be better if it did.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers presented copies of the Weekly Bridge & Guardrail Repair Report for period of December 2 thru December 6, 1985.....report received and filed.

Mr. Jeffers said that on Monday, they performed some work on Church Rd. at the request of Bill Bethel and they cleaned out a culvert on Allen's Lane.

On Tuesday, they repaired guardrail at several locations.

On Wednesday, they installed a 12 inch culvert on Five Dollar Rd.

On Thursday, they installed an 18 inch culvert on Korressel Rd.

On Friday, they were back out on Five Dollar Rd., where they installed an 18 inch culvert. They still have two (2) culverts to install on Five Dollar Rd., and then they will probably move to a different part of the county.

Mr. Jeffers then entertained questions concerning the Bridge & Guardrail Report. There were none.

S. E. Browning Rd.: At the request of Commissioner Cox, they searched the records of the County Commissioners from April 1958 through February 1961, and could find no record whatever concerning the sewer on Southeast Browning Rd. The only mention he found of either S.E. Browning Rd. or Abel's Subdivision was that S.E. Browning Rd. was accepted in its entirety from Kansas Rd. to Old Petersburg Rd. in 1959 (Commissioners' Record "G", Page 194). He said he could research the records prior to April 1958, and he will do so later in the day. The only other tip he could give the Board is that once a month during that year the Health Department filed a report with the Commissioners, but the minutes only stated that the report was accepted and filed and the report is not given in detail -- so it may be in some of the old records which may still be in the basement.

The only other item of interest he found while researching those records is found in Commissioners Record "G", Page 355, when on August 20, 1959, there apparently was an agreement entered into between Warrick & Vanderburgh County that split the maintenance of County Line Rd., with Vanderburgh County agreeing to maintain from Boonville-New Harmony to Baseline and Warrick County agreeing to maintain the rest, which would be from Kansas Rd. south to Heckel. Mr. Jeffers said he only bring this up because after the completion of I-164, the Board will note that the only people using that portion of the road would be Warrick County residents -- and we may be able to save some money in that regard.

(continued)

COUNTY COMMISSIONERS
December 9, 1985

Page 5

He also noted in the record that in 1958, the Commissioners okayed the purchase of a 1958 Edsel Station Wagon for the County Surveyor's office at a cost of \$1,299.00 -- and they'd like to have that car back, because he is sure it worth a lot more than that now.

Commissioner Borries said he has a 1959 Edsel.

Mr. Jeffers asked if he'd sell it for \$1,299.00?

Commissioner Borries said, "No! It has a little body cancer, but it's altogether!"

Commissioner Cox indicated she has a question. Would the acceptance of Southeast Browning Rd. in 1959 include that sewer along the right-of-way? Did they have plans? Did they.....?

Mr. Jeffers said that at that time -- and this is reflected by the records -- when the County Commissioners accepted roads they stated the exact width of the road and the type of material they were accepting. In this case he believes it was 26 ft. wide and it stated that it was an aggregate base with an asphalt surface. Otherwise, possibly the Area Plan Commission or the Commissioners -- when they accept a plat -- accept a dedicated right-of-way which, in the case of Abel's Sub, a 50-ft. strip of right-of-way was dedicated to the county. He supposes that when you accept a plat you accept the entire right-of-way within the subdivision at the same time. It didn't so state it in the record; it only stated that they accepted the aggregate base and the asphalt surface.... 26 ft. wide and 3,000 ft. long.

Commissioner Cox said that with regard to the maintenance of County Line Rd. east, somewhere along the line (she can't remember the exact date) the Legislature did pass a law that spoke to who was supposed to maintain the County Line Rd., because everybody's job was nobody's job -- and there was something about the east boundary was maintained by the west county or something like that.

Mr. Jeffers said that law says that we maintain the east and south boundaries. If it came after 1959, it would negate this agreement.

Mrs. Cox said she is certain it came after 1959.

Commissioner Willner noted that we take care of our east boundary and we don't have a south boundary. It's a waterway, not a roadway!

RE: COUNTY ENGINEER - ANDY EASLEY

Burkhardt Rd. Progress Report: Mr. Easley said the first item he has which the Board may be interested in reviewing is the Monthly Progress Report on Burkhardt Rd. As of the end of November, it has various percentages of completion on the major items, such as the paving, the sodding, etc. Lee McClellan's estimate (the project engineer) of the overall contract completion is 77.9%. The ditch work and the structures are over 99% complete and the aggregate base is 96% completed. The surface is 58% completed and sodding is 72% completed. The report precipitation 21 days out of the 30 days for the month of November, which was not very good.

Claim/Morley & Associates: Mr. Easley presented claim in the amount of \$16,702.67 for construction engineering on Burkhardt Rd. for the month of November. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Change Order #15/Burkhardt Rd. Project: Mr. Easley presented the following letter from Morley & Associates:

November 26, 1985

Vanderburgh County Commissioners
Room 305/City-County Administration Bldg.
Evansville, IN 47708

Re: Burkhardt Rd. Improvements - IDOH Contract R-15023
Our Project #81-468-5

Dear Board Members:

(continued)

Enclosed is Change Order #15 (I.C. 626) to change the Class II driveways at Station 40+55 RT and 75+15 RT from a width of 15' to 13' respectively to a Class V drive (field entrance) which has a width of 24'.

The pipe culverts originally installed will have to be extended to provide for the wider drive width and fill slope from the driveway to the pipe of approximately 2:1. Concrete anchors will also need to be placed on both the upstream and downstream ends of the pipe extensions.

We have reviewed this situation in the field with Mr. Dale Lucas, Area Engineer for the IDOH, and he insists that this has to be accomplished to be in conformance with state standards.

As always, please feel free to contact us should you have any questions.

Sincerely,

Lee A. McClellan
Project Engineer

Mr. Easley stated that as the letter from Morley & Associates says, this change order changes two driveways originally classified as Class II driveways to what the State calls a Class V driveway. Mr. Lucas feels that the large farm implements going in and out of the two driveways --they overlooked the fact that the driveways should have the wider width. And, apparently, the farmers requested same. Both driveways have large culvert pipe under them and the pipe will need to be extended and the bottom line cost of the additional work is \$19,622.40.

The Chair entertained questions.

Commissioner Cox said it is her understanding from the cover letter that Mr. Dale Lucas, area engineer for the IDOH, insists that this has to be accomplished to be in conformance with state standards.

Mr. Easley said that this is correct.

Mrs. Cox asked, "This hasn't been done yet?"

Mr. Easley confirmed that this has not yet been done.

The Chair entertained a motion. Motion was made by Commissioner Borries that the Change Order be approved, with a second from Commissioner Cox. So ordered.

RE: PROPOSAL ON FORCE ACCOUNT WORK/SLOPE FAILURES ALONG CRAWFORD-BRANDEIS DITCH

Mr. Easley said the next item is a proposal that the IDOH, through our Construction Engineer on Burkhardt Rd., has requested our concurrence with the corrective repair work to be done on the slopes of the Crawford-Brandeis Ditch. There are some 16 pages, and he will summarize it for the Board.

When it is wet, apparently the bottom of the ditch doesn't have enough stability to hold the sod that has been placed. Messrs. Lucas, McClellan and Easley agree that about the only thing that is going to stay there is a rip-rap that's been towed into the bottom of the ditch. They have talked to the contractor and he is willing to do it on Force Account (like we did on the slopes on the west side along the people's front yards). The total estimated cost for this force account work is \$40,315.05. The sod has slidden into the bottom of the ditch and he doesn't really know any other way to repair it. The soil loses all its cohesiveness when it becomes saturated. It is sand that has a moderate amount of sticky stuff in it and when it gets wet it just will not stick together. He recommends that in order to complete the project that it be approved. We concur with this; this work has not been done and they want us to write a letter that we approve of this work being done by force account. As the Board knows, our obligation is 25% of this cost.

President Willner entertained questions of either Mr. Easley or Mr. James Morley.

Commissioner Borries said he has questions. It seems like we've just had these Change Orders....he can't understand what happens in the original situation. How does it happen that we now discover that we have soil that won't hold....?

(continued)

Mr. Morley stood and was recognized by the Chair.

Mr. Morley said the area of the ditch that is presenting problems -- that area where we chose to deepen it and made a decision with the County Surveyor's office? You dig a ditch and over the years the sides will sluff off and it comes to a relatively stable position. Moisture comes through and you dig it and it sluffs off. We went in that with a decision that we were going to improve drainage on the east side different from the plans shown, and we said we were going to leave the bank just as steep -- just the same -- and cut on down three (3) more feet. If you go out to the job, what is happening now that we've cut on down three more feet out there, the lower part of that is not as stable as what has been exposed to the air previously and half way down the bank on the lower part of it, it is curving off and there are slides occurring down on that bottom part where we cut into this virgin soil (if you want to call it that, because it is soil that has never been cut before) and now it is sluffing off. A decision was made that we do want to do what we can to improve that drainage and the answer, of course, had we started off and said we're going to go that deep -- we should have gone ahead and purchased more right-of-way and instead of the 2:1 slopes we should have made 3:1 slopes.....but we didn't do that and we cut it 3 ft. deeper and the bank is caving off and the bottom is wet, so we can't go in there and pack more dirt on it. Really we don't have any choice. It's a Federal Aid project and we can't let it go. When the county dredges a ditch, we let it go because we just go back and dip it out the next time. If it falls in we don't go back to repair work, we just dip it out. Now that this is a Federal Aid project and the State is involved, they won't let us go off and leave a ditch where the bank sluffs off -- we've got to fix it some way. The only way he knows is to put rip-rap along it. But that is the explanation of what occurred and why it is occurring -- and if the Board will go out there and look at it, they will see that it is only where we deepened the ditch. That decision was made and it has some side problems that have occurred.

The Chair entertained further questions.

Commissioner Cox said she can't find where his report reflects any of this problem. She did see where they checked Williamsburg Sanitary Sewer Cave-in, but she doesn't see where any of the inspections indicated there was a problem with the banks sluffing away.

Mr. Morley said that was first reported a couple of months ago.

Mr. Easley said he has the daily inspection reports in his office, and he was called out there as soon as it started happening. It happened during the first big rain; it was on a Friday when the ditch flowed nearly half full and then when it quit raining and the water passed, we had a relatively rapid draw-down -- and this was when the first major failure occurred. He believes this was in September. Mr. Morley verified this and said it was reported at that time.

Commissioner Borries asked if what we're doing here is going to hold?

Mr. Easley said he believes it will hold. It may occur in other places before it is over with. Where the roots of the sod got a good growth, he doesn't think it will happen.

Mr. Morley said it is a little hard to explain why it has happened as it has. There will be a strip 300 - 400 ft. long and then nothing and then there's another strip. There is always the possibility that some of the places that haven't failed yet -- will. But he doesn't think that at the cost of rip-rap that we want to rip-rap every place that it might fail. But we don't have much choice but to fix the places that have failed.

The Chair entertained further questions of Messrs. Easley and Morley.

Commissioner Cox said then that this just covers the places that have slipped presently? And we have no assurance that it won't slip other places?

Messrs. Easley and Morley acknowledged that this is correct.

Commissioner Borries asked if this is the cheaper way to go? Or do we look at going back and regrading that slope?

Commissioner Willner said that then we'd have to buy more right-of-way.

Mr. Easley said they would have to purchase more right-of-way, take up the sod.....that type of soil in soil laboratories is stable on that slope. At the bottom, water is

(continued)

running out of those fields through the pipes. There are field drains. That area has silts that, when they get wet (and he doesn't know why this wasn't discovered -- there were soils worked up on the project -- nothing showed that the criteria of the slope should be changed).

Mr. Morley interjected that were it not a Federal Aid project we probably wouldn't really worry about it. We'd just let it sluff off and wouldn't worry about the east slope. We'd just dig it out with a dragline the next time we cleaned the ditch. That is the way we normally handle it when we have a minimum of dollars and we're trying to get by on cleaning the ditch.

Commissioner Cox asked what will happen to the rip-rap the next time we do clean the ditch out with a dragline?

Mr. Morley said we should not have to touch the rip-rap.

Mrs. Cox said if it's not a continuous thing we're going to have to get in there to clean the ditch out anyway.

Mr. Morley said we shouldn't have to mess with any of the slopes -- just clean the bottom of the ditch where it is silted in.

Commissioner Cox said we'll have to mess with mowing the slopes or something -- those that aren't rip-rapped. That may affect the remainder of the ditch. This was her point.

Mr. Easley said the rip-rap is really the bottom 3-4 ft.

Mr. Morley reiterated that he doesn't believe the rip-rap will create any problems insofar as maintenance contract on ditches.

Commissioner Cox asked, "Then you, as engineers, wouldn't recommend going ahead and rip-rapping to correct the entire problem, rather than to wait and see? It would seem that it would be cheaper to go ahead and do it all -- rather than as a wait-see and come back in and do it on a piecemeal basis.

Mr. Easley said they discussed that and he thinks the consensus of opinion from Mr. Dale Lucas was that they would like to let it go through the winter -- and we might have to do some more of this next spring.

Mr. Morley said if we were to rip-rap all of it, we'd spend an awful lot of money. The \$40,315.05 doesn't cover half the slopes by any means. We'd be talking well over twice that amount. Does Mr. Easley have an estimate to re-do the entire area? He raised the question about doing it all?

Mr. Easley said he doesn't think he ever heard. He was figuring on the amount of rock required, the cost to replace the rock, and the length of it. But it would be quite a figure.

Mr. Morley said that he is certain that obtaining additional right-of-way to lay the slope back would involve litigation. We had that last round with the Hirsches and they'd even give an easement to encroach on it, but they weren't going to budge insofar as the amount of land they were willing to sell. Our negotiations to try to get them to let us trespass on it were something.

Commissioner Cox said the Board has agreed to all of these changes along Burkhardt Rd. for the most part to enhance the drainage situation out there. And this is what we have to be assured that what we're doing now is going to improve this drainage. \$60,000 is no big amount of money -- but it is quite a bit.

Mr. Easley said this little bottom 3 ft. has sluffed off and if it isn't repaired, then everything above it -- what's above it is being supported by air -- and it will sluff off and the whole bank will go. It has stood up pretty well where the sod had several weeks to get the root growing. Spring will come and if we don't have tremendously hard rains that fill it up -- that keep taking it up and down and up and down -- we're a little at the mercy of the weather. If that sod can get a root structure in the bank, he thinks it will help strengthen the silt -- just like you put reinforcing steel in concrete. He will prepare a letter for the Commissioners' signatures, if they concur with this repair work.

(continued)

Do the Commissioners need to make a motion to that effect?

Commissioner Willner said they need to have an opinion from the majority of the Commissioners. He then entertained further questions? There being none, a motion was entertained.

Commissioner Borries moved that the proposal be approved, with a second from Commissioner Cox. So ordered. Commissioner Willner asked that Mr. Easley proceed to prepare the letter.

Commissioner Cox said she does have a question, however. What would be the danger of just waiting and seeing how much more of this sluffing is going to happen before we go on with this?

Mr. Morley said the problem will keep growing. Right now it is at the bottom. But it will just keep working up that bank -- and we'll wind up with the whole bank down in there if we don't do something about it as it occurs.

Mrs. Cox asked, "But you think that that sod, above the area where it has eroded now, is stable enough that it is going to hold? Even with rip-rap underneath it, when that ditch builds up and the pressure of that water isn't going to take that top layer of that ditch? It's all the same soil, isn't it?"

Mr. Morley said it isn't being washed away.....

Mrs. Cox interrupted, saying, "The height of that water in the ditch hasn't been that high yet, Jim. It's going to get high, because it runs high out there."

Mr. Morley said the reason for the force account is so that they don't do anymore than they have to do.

Commissioner Willner instructed County Engineer Andy Easley to prepare the letter and the Commissioners will go back and take a look. They still have to face the telephone pole crisis...or, rather, lightpoles.....so they'll need to do that, also.

Claims/Peyronnin Construction: Mr. Easley said he believes that (2) weeks ago the Commissioners approved Payment Requests #2 and #3 to Peyronnin Construction on the Zayre Storm Sewer. Mr. Mike Robling, Deputy Director-DMD (who is administering the contract) did not see those payment requests. They were approved by the City Engineer's office and passed along to Mr. Easley. Mr. Easley said he has never seen the contract. Apparently, they are not supposed to release the final 20% until Zayre has approved the project in writing. Thus, Mr. Robling has requested that the Commissioners approve the revised claims (which have been reduced slightly, so the retainage is in order) and Mr. Easley asks that the Commissioners re-approve these today. If this will make everyone in DMD happy, he will be happy...and he hopes the Commissioners will be happy.

Commissioner Willner entertained a motion to rescind the November 25, 1985 approval of the original claims to Peyronnin and approve the revised claims dated December 9, 1985.

Commissioner Cox said that according to letter received from the Auditor's office, we only have \$68.00 in the account, so she doesn't think the Commissioners can approve the claims.....

Mr. Easley said Mike Robling is expecting to have sufficient funds when we receive the next transmittal from the State....whatever they do. Thus, subject to those funds being in the account, he would request the claims be approved and held until such time as the Auditor has sufficient funds to disburse.

Motion was made by Commissioner Borries that the November 25, 1985 approval of subject claims to Peyronnin be rescinded, with a second from Commissioner Cox. So ordered.

Motion was made by Commissioner Borries that the revised claims be approved, as follows (Request #2 in the amount of \$17,792.82 and Request #3 in the amount of \$58,806.20.) subject to availability of funds to pay same. A second to the motion was provided by Commissioner Cox. So ordered.

RE: LEGAL AID - SURPLUS EQUIPMENT

President Willner advised that Legal Aid has two (2) new Canon Typewriters and two (2)

(continued)

old IBM Electronic II Typewriters that they no longer need and they want to put these on the list to be auctioned off by the County. He requested that these be picked up and taken to the Highway Department, having been declared surplus.

Commissioner Cox asked if these typewriters are any good at all?

Commissioner Willner said he does not know -- he'd have to take a look at the equipment.

Commissioner Borries said he thought the equipment should come to the Commissioners' office; but Commissioner Willner suggested the Auditorium.

Commissioner Cox said she thought a letter should go to the County officeholders to ascertain whether any of them have an interest in that equipment.

Commissioner Willner said, "Exactly . If Benny will pick them up from Legal Aid, the Commissioners will take a look at them prior to sending out the letter."

RE: REQUEST TO VACATE A PORTION OF NORTH GREEN RIVER ROAD

The Chair recognized Mr. James Morley of Morley & Associates, who was present to represent Signature Inn (the Petitioner). He said this was a request to vacate a portion of the easterly 160 ft. of right-of-way that was dedicated in 1979, and he would like to amend the vacation request to delete a 30 ft. by 10 ft. portion and insert the new legal description -- the reason is to accommodate a driveway continuation for First Federal.

Commissioner Willner interrupted by asking Attorney Miller whether this has to be advertised again and set another meeting?

Attorney Miller said that since the portion to be vacated is being reduced, the Board can proceed and it will not be necessary to advertise the new legal description and hold another meeting.

Continuing, Mr. Morley said they are reducing it from the whole 160 ft. toand he pointed to map.

Mr. Ed Johnson, Sr., approached the Commissioners' table and presented a copy of Agreement for Improvement of Curb Cut and Deceleration Lane and Roadway, signed by Robert L. Clayton of First Federal Savings and Loan Association, and requested that subject Agreement be included as part of the permanent records, together with legal description and map -- so that the entire transaction is a matter of permanent record.

President Willner asked that the record so state that he has an Agreement for the Curb Cut and Deceleration Lane and Roadway signed by Mr. Robert L. Clayton of First Federal and he also has been signed by James Morley for Signature Inn. He requested that Attorney Miller review the agreement.

In reviewing the document, Attorney Miller noted that the County apparently has no enforcement rights. They could get half way through the project--and somebody quits --

Commissioner Willner asked if Attorney Miller wants to get Attorney Johnson back in the meeting (he had just exited the meeting room).

Mr. Johnson again entered the meeting room and Attorney Miller advised him that the only question he has is, "Is there some way that the County can be assured --the county has no rights to enforce this-- it says that either party can enforce the agreement, but it does not give the County any enforcement rights. If the parties get half way through the project and decide to scrap it....."

Attorney Johnson interrupted by stating that First Federal isn't going to scrap it. They've been fighting for it during the past few months. He thinks that Attorney Miller probably has a technical point; however, First Federal desperately needs the curb cut, etc. They would probably go ahead with their half and be suing everybodythey've got to have it. So he doesn't think there is any "scintilla" of a chance that First Federal will not make the curb cut and improve the road.

The Chair entertained a motion to vacate portion of Green River Rd., according to revised plat.

(continued)

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

President Willner asked that the minutes so state that the agreement was signed by both First Federal and Signature Inn.

Commissioner Cox asked if this agreement is for the improvement of the curb cut and deceleration lane? That is what it says.

Mr. Morley said the Agreement between the two parties covers how they will share the cost of the curb cut and deceleration lane.

Commissioner Cox asked, "Then what we voted on was simply the vacation itself?"

Mr. Morley said that is absolutely correct.

RE: TAX CERTIFICATES TO BE HELD FOR ONE (1) YEAR

President Willner presented the Tax Certificates (to be held for One Year by the County) on the following properties:

11-10-21-81-2	902 S.E. 8th Street
11-10-21-81-9	903-905 Judson
11-11-22-16-17	30-32 Jefferson
11-12-22-22-9	330-332 Madison
11-33-25-11-13	20 E. Iowa

Commissioner Willner requested that the record reflect that subject Tax Certificates were handed to the County Auditor's office to hold for the one (1) year period.

RE: TAX TITLE DEEDS

Continuing, Commissioner Willner said he has Tax Title Deeds to County on the following properties:

9-29-13-42-12	1319 E. Sycamore
11-7-21-57-17	703 S. Governor
11-8-21-60-14	775-777 S. Elliott
11-9-21-73-20	809 Line Street
11-9-11-76-8	913 Elliott Street
11-10-21-90-3	920 S. Governor
11-21-23-52-7	1219 S. Grand

President Willner entertained a motion that the County Assessor be authorized to make appraisals of these properties, after the deeds have been recorded. A motion to this effect was made by Commissioner Borries, with a second by Commissioner Cox. So ordered.

RE: BUILDING COMMISSION - Roger Lehman

The Chair recognized Mr. Roger Lehman of the Building Commission and ask that he approach the podium. Mr. Lehman apologized for not getting on the agenda. He did not complete October's report completed in time to make certain he wanted to be on the agenda for today's meeting. However, he would like to report that in the County, they have issued some 500 more permits than they had at the end of October last year. That will add some additional \$30,000 to the county's coffers.

Commissioner Willner entertained questions from the Board. There were none. He then asked Mr. Lehman if we are up to date on housing condemnations? Mr. Lehman said that so far they are. Incidentally, the Building Commission does have a new secretary, who started working last Wednesday.

RE: TRAVEL REQUEST - WEIGHTS & MEASURES

The meeting continued with President Willner reading the following memo:

December 3, 1985

(continued)

COUNTY COMMISSIONERS
December 9, 1985

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To: Vanderburgh County Commissioners
From: Loretta Townsend/Weights & Measures
Subject: Training School

On January 8 - January 10, 1986, the Indiana Department of Weights and Measures with the National Bureau of Standards will conduct a training school for all Indiana Inspectors of Weights and Measures. This is a very thorough training school and is very important to both of us. I am not able to furnish a copy of the program at this time, but will do so when one is available. But from past attendance, I can assure you that it will be on changing of laws concerning Weights & Measures, a class on moduls prepared by the National Bureau of Standards and taught by them, sessions on testing of equipment and commodities. This has proven to be one of the most important things that the state has to offer the county inspectors and is very beneficial to us in doing our job.

The cost will be \$34.65 per person per night at the Canyon Inn, Spencer, IN (a State facility) plus meals. We will take the department's van, which will eliminate the need for mileage. There may be a registration fee but that amount I do not yet have. But it is always very low and the meals are usually very reasonable due to the fact that they are served there. We have the money in our transportation budget to cover this.

Although we are not officially in the county, it is necessary that I ask your permission now due to the early dates of the conference and I must send in the deposit to cover the rooms.

President Willner entertained a motion. Motion was made by Commissioner Borries that the request be granted subject to availability of funds, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK

Commissioner Willner presented a check in the amount of \$1,513.97, together with the following letter:

December 3, 1985

Vanderburgh County Commissioners
305 Administration Building
Evansville, IN 47708

Re: Rhonda A. Miles vs. Ronald Eugene Dalton
Gibson Circuit Court Cause No. C-85-77

Dear Commissioners:

Enclosed please find a check in the sum of One Thousand Five Hundred Thirteen Dollars and Ninety-seven Cents (\$1,513.97) for reimbursement of legal services paid by The Home Insurance Company for the above-captioned lawsuit. If you have questions, please contact me.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER

David L. Jones/County Attorney

A motion was entertained. Motion to approve check, endorse same and deposit into County General Fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK - MARK TULEY

President Willner presented the following Financial Report from Burdette Park for period ending November 30, 1985:

(continued)

1985 STARTING BUDGET

1985 Budgeted	\$ 485,881.00
1984 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	14,445.01
1985 Additional Appropriation	241,400.00
	748,045.44
Total 1985 Budget	
Repealed back to Council	- 10,037.22
Remaining 1985 Budget	\$ 738,008.22

EXPENDITURES & BALANCE 1/1/85 to 11/30/85

Total Expenditures	\$ 675,062.19
Total Balance	\$ 62,946.03

INCOME 1/1/85 to 11/30/85

Pool	\$ 106,848.34
Rink	33,922.02
Rentals	63,109.92
Miscellaneous	32,198.83
Total	\$ 236,079.11

11-30-85

Total Expenditures	\$ 675,062.19
Total Income	236,079.11
Total Deficit	438,983.08
Less Long Term Capital Improvements	- 212,574.91
Total Deficit	\$ 226,408.17

Waterslide Situation: In response to request from Commissioner Willner, Mr. Tuley gave a report on the situation with the waterslide. He said that between Attorney Miller, County Engineer Andy Easley and himself, he guesses they are finally bringing this thing to a close insofar as the dispute with Albertsson-Hunter is concerned.

Attorney Miller interjected that he thought he previously mailed to all the Commissioners a copy of letter he sent out on October 30, 1985, to Albertsson-Hunter (but he discovers he only sent a copy to President Willner) setting forth the demands of Vanderburgh County for a final settlement in respect to their responsibility insofar as the waterslide at Burdette Park is concerned. Essentially, the problem was that they left us with a job that was in some respects undone -- mostly, it's final touches -- but there were some very important aspects of the final grooving that contributed to drainage problems and, more than that, erosion problems. There were also a substantial number of sub-contractors who were unpaid and they were beginning to become unhappy not only with Albertsson-Hunter, but with Vanderburgh County, as well. We have in our authorized funds for this project \$17,490.00 which are owed to Albertsson-Hunter as the final payment on the project. And we have been withholding final payment to Albertsson-Hunter because they had not finish their work and done the proper things. In addition to that, we are holding a bid bond (certified check) in the amount of \$8,745.00. And those two amounts constituted our substantial leverage against Albertsson-Hunter in our negotiations. What we have done is that we have entered into an agreement, which is now presented for the Commissioners' final approval, with Albertsson-Hunter that contemplates that the County will retain the \$17,490.00. The County will retain the \$8,745.00 that constitutes the bid bond. And, in addition, Albertsson-Hunter was to pay to the County a final settlement of its responsibility in the sum of \$8,500.00 additional dollars and the County was to take all that money and apply it first to the satisfaction of sub-contractors' claims and then to the expenses of completing the work on the waterslide. During the course of the negotiations, we received several lists which were supposedly the amounts due the sub-contractors; they changed from time to time, because for some indiscernable reason Albertsson-Hunter paid some meager amounts here and there to some of these folks. We

(continued)

finally received the agreement back from them, along with a notarized list of unpaid sub-contractors. The interesting thing about this unnotarized list is that it has the signature of a Notary Public on it, but it has nobody's signature who is being notarized. So, when they sent us this notarized, but unsigned, list -- Mark went to work confirming verbally with all the sub-contractors exactly what was owed. Instead of spending the \$8,500 as agreed to in this agreement, Albertsson-Hunter sent us \$5,006.63. The reason they did that was between the time the negotiations were concluded and the time that they signed this agreement, they paid another approximately \$2,009.00 or \$3,400.00. In any event, after we received this check and the signed agreement, Mark Tuley contacted all the sub-contractors, found out the amounts owed, and we are satisfied that this \$5,006.63 (which is the amount of the settlement check sent by Albertsson-Hunter) is within \$100.00 to \$150.00 of the correct amount. Mark has contacted Albertsson-Hunter and a couple of the sub-contractors again and found out that the reason that this check is \$100 or so off is because of a couple of small invoices and so it is his recommendation that in order to finalize this and get this money where it ought to be, the Commissioners should go ahead and approve this settlement, endorse the check and deposit it into the General Fund and get on Counsel call to get this money moved over from the General Fund to the Burdette Park account so we can pay off our sub-contractors and pay for the expenses and then we're finished with this thing. If we can't get the other \$100 or so, we'll do a lot of screaming and yelling, but I don't think we'll do anything else. We're close enough.

Commissioner Cox asked if we still have some retainage money from them?

Attorney Miller said we have the \$17,490 plus their bid bond of \$8,745, which is \$26,235 plus the \$5,006.63 which makes \$31,241.63. The total not paid to sub-contractors is \$24,856.85, which leaves us \$6,384.78 to finish the project.

Commissioner Willner said he has no problem with that. But can we not put monies received back into the Burdette Park account without going through Council?

Mr. Tuley said that County Auditor Alice McBride is checking on that, being that this might be considered the same as an insurance policy....

Commissioner Willner said, "I think so....."

Continuing, Mr. Tuley said, "If not, he would also ask temporary approval to be on Council Call for the January meeting in the amount of \$12,751.63."

Commissioner Willner entertained questions of Attorney Miller.

Commissioner Cox asked if Commissioner Willner does not think it would be better for the Auditor to dispense the checks to the sub-contractors, rather than Burdette Park?

Commissioner Willner said that is where the checks would come from anyway; they'd have to come from the Auditor.

Commissioner Cox said, "We're not finished with this yet. We've intervened on behalf of the sub-contractors. Ordinarily, if a person hasn't paid a bill it is up to them she doesn't think this belongs in Burdette Park account's money."

Mr. Tuley said, then what Mrs. Cox is saying is that we take the \$17,490 and take it out of Burdette and put it in the Auditor's account? It's six of one and a half dozen of another.....

Commissioner Willner said that is retainage. Council already has given us that money.

Attorney Miller said the \$17,490 is already.....

Commissioner Cox said, "O.K., it's just going to look like you took in more money and spent more money"

Mr. Tuley said they will be able to distinguish this on their Financial Report.

Mr. Tuley said that if Council would like, they can move it out of Burdette's account into the Commissioners' account.....

Commissioner Willner said these sub-contractors need to be paid; they don't want to wait two more months.....

(continued)

Attorney Miller said that as close as can be determined, about \$24,000 is owed to sub-contractors and we have some \$31,000 altogether. But we only have \$17,490 that Mark can authorize payment on to the sub-contractors. And he is just trying to think of the quickest way for all of the sub-contractors to get paid. They did all their work and it was satisfactory. We have no argument with the sub-contractors.

Commissioner Cox asked if the Auditor's office can't take that money there and re-authorize her to disburse it to the proper parties?

Attorney Miller said there will be some money left.....

Commissioner Cox interrupted, "You're not going to have any money left -- in fact, you're going to be some \$100 - \$150 short!"

Mr. Tuley asked, "What you'd like for me to do is to keep the \$6,384.78 and leave that in there and repeal back the rest of the money to the Auditor's office and then the Commissioners will go in January and get the money.....

Commissioner Willner said this money has already been approved by the Council....-

Mrs. Cox said what she is saying is for Mr. Tuley to go ahead and pay the contractors the money he has -- this money we put in the General Fund.....oh, it has to be appropriated anyway, doesn't it?

Commissioner Willner said, "That's right."

Mr. Tuley said that Mrs. McBride is talking to the State Board of Accounts about the possibility of this money being put directly back into Burdette's accounts.

Commissioner Cox said the contractor should have paid their bills and kept us out of it

Mr. Tuley said it is to our advantage to see that the sub-contractors are paid, as some of them have filed liens against Burdette Park.

Commissioner Willner called for order and entertained a motion.

Commissioner Cox said that what she is saying in essence here is that it is going to look like the waterslide cost more than it really did, by putting money that the contractor should have paid into Burdette Park accounts.

Mr. Tuley said, "That's true, and I understand that."

Mrs. Cox said that we have paid them their money and out of the money we paid them they should have paid the sub-contractors and they have not done it.

Mr. Tuley said we have \$17,490 and there is an amount of \$24,000 owed. Do we want to pay those with liens first?

Commissioner Willner said that it will be done in whatever manner the State Board of Accounts and the Auditor advise. He then entertained a motion.

Motion was made by Commissioner Borries that the agreement with Albertsson-Hunter Corp. as set forth in letter by Attorney David Miller dated October 30th and received by the County on November 4, 1985, be approved. A second to the motion was provided by Commissioner Cox. So ordered.

Motion was also made by Commissioner Borries that the bid bond and settlement check from Albertsson-Hunter in the amounts of \$8,745.00 and \$5,006.63, respectively, be approved, endorsed and deposited into the General Fund. A second to the motion was made by Commissioner Cox. So ordered.

Mr. Tuley then asked, "Suppose that the State says that money has to go back before Council for appropriation, does that mean that these people have to wait until February to get paid?"

Commissioner Willner said that is correct....and he doesn't want this to happen. He asked Deputy Auditor Sam Humphrey for his comments.

(continued)

Mr. Humphrey advised that the checks will have to be quietused into one of two accounts -- either County General (in which we'll have to pay the sub-contractors by blue claims) --

Commissioner Willner interrupted, asking what is the fastest way these people can be paid?

Mr. Humphrey said this is something he doesn't know, because he doesn't know what the State's attitude is going to be. According to what the State says, the checks will be deposited into either the Burdette Park account or into County General.

Commissioner Willner said we need those checks deposited into the Burdette Park account, if possible, period. If the State will not permit this, we'll have to go the other way. We only have two choices.

The Chair entertained questions of Mr. Tuley. There were none.

Commissioner Borries commented that the Commissioners had noted that Burdette's total revenues are at an all-time high, and he isn't finished yet. Revenues through November 30th stand at \$236,079.11. The previous high was \$203,000.

RE: ROAD STUDY

President Willner said that back in June or July, County Council asked the Commissioners to have a road study done. At that time, he asked four (4) companies to bid on a contract with the County to conduct a comprehensive road study. Companies invited to submit bids were as follows:

Ohio Valley Engineers
United Consulting Engineers
Kemper Group (w/David Savage)
Fink-Roberts-Petrie (the firm doing the walkway)

Commissioner Cox asked if Lochmueller & Associates were asked to submit a bid. President Willner said they were not.

To date, we have two quotes (he asked the others and they do not wish to quote at this time -- Savage, because he took the job with the City; and the job was not big enough for Fink-Roberts-Petrie). In any event, we have received the following quotes:

Ohio Valley Engineers	\$24,500.00	(500 mi. County Road Study)
United Consulting Engineers	\$28,000.00	

In order to get that road study for next year's paving time, we need to act now -- as they say it will take 3-4 months to complete the study.

Commissioner Cox asked if Commissioner Willner can explain just what he asked them to include in the road study? Will it show ditches, as necessary? Culverting, as necessary? Preparation of bases that are necessary?

Commissioner Willner said it will cover everything mentioned by Commissioner Cox, with the exception of culverts.

Commissioner Cox asked if it will show a culvert location study?

Commissioner Willner said a culvert location study is being done now, which is three-quarters completed.

Commissioner Cox asked if the study will recommend where they feel culverts need to be?

Commissioner Willner said that it will, but it will not cover drainage problems.

Commissioner Cox asked if he has anything in writing? Did he not put this proposal to them in writing?

Commissioner Willner said that he did not, because the firms need to go to individual Council members to determine if there is anything they want, that he did not have in the agreement.

Commissioner Borries asked if Council approved funds for this Road Study in the 1986 Budget. Commissioner Willner said they did....he believes it was \$25,000.00. A subsequent check revealed that Council approved \$20,000.00 for the road study.

(continued)

Commissioner Cox said her next question is a legal question. Do we have to advertise for bids for this?

Commissioner Willner said, "No, because this is a service and not a product!"

Attorney Miller agreed to check this out.

Commissioner Cox said she thinks the cost of a road study has gone up about \$10,000 to \$12,000 in the last three to four years, because when she checked last it was between \$10,000 - \$12,000 to conduct a study. She's been talking about this.....

Commissioner Willner asked to whom she talked?

Commissioner Cox said, "Somebody you didn't talk to! That's why she asked him if he asked Lochmueller & Associates.....they do all of this. They are doing it for other counties. (There was subsequent conversation between Commissioners Cox and Willner, but it was not audible.)

RE: JOINT MEETING WITH COUNTY COUNCIL - CAPITAL IMPROVEMENTS

President Willner proceeded with the meeting by announcing that the Commissioners do have a joint meeting with County Council at 5:00 p.m. today to discuss Capital Improvements.

RE: SCHEDULED MEETINGS

December 16 4:00 p.m. Mtg. w/Operation City Beautiful (Room 307)

December 12 Civil Defense Mtg. @ USI (Training Meeting & Discussion re Earthquakes)

RE: CLAIMS

Bob Steele: Mileage Claim in the amount of \$86.40 (Indianapolis trip) was presented for approval. Motion was made by Commissioner Borries that the claim be approved, subject to availability of funding. A second was provided by Commissioner Cox. So ordered.

Bob Steele: Claim in the amount of \$156.00 for registration and lodging (Indianapolis meeting) was presented for approval. Motion to approve claim, subject to availability of funding, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

James Angermeier: Claim in the amount of \$296.50 for mileage (Indianapolis-Return) hotel reservations, meals for three days and registration fees was submitted for approval. Commissioner Willner noted that this was a State-called meeting, and entertained a motion. Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

Bowers, Harrison, Kent & Miller: A claim for litigation expense in the amount of \$1,713.13 was submitted for approval. Commissioner Willner said he has reviewed the claim and finds it to be in order; he subsequently entertained a motion. Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Co-Op Extension Service

Joseph Bruce Symons Part-Time \$30.00/Day Eff: 11/20/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Co-Op Extension Service

Robert Calvin Kimbrough 429 Adams Ave. Part-Time \$30.00/Day Eff: 12/2/85

(continued)

Circuit Court

David Eugene Roy 7308 Everglades Dr. P/T Intern \$4.00/Hr. Eff: 11/21/85

Knight Assessor

Susan J. Behme 837 Taylor Ave. Per Diem \$35.00/Day Eff: 12/9/85
Deputy

RE: ROAD STUDY

Attorney Miller returned to the meeting and confirmed that the Commissioners do not have to advertise for bids on the Road Study project.

Commissioner Willner then entertained a motion to award bid to one of the two bidders for the Road Study, subject to availability of funds.

Motion was made by Commissioner Borries that the Road Study project be awarded to Ohio Valley Engineers in the sum of \$24,500.00 (the low bidder).

Commissioner Willner said the only other thing he wanted to add, which he did not want to do until the motion had been made, is that Ohio Valley Engineers have said that our roads should be computerized and at the end of their job they will have a disc containing road information which can be put on the computer, if we so wish to computerize the Highway Department -- they will have a running start....for whatever it is worth. They have also said it will cost the Highway Department one (1) extra employee to keep this up to date.

During the meeting in Indianapolis of the Indiana Counties Association, it was noted that some of the larger counties are going to computers for their highways.

Sam Humphrey, Deputy Auditor, confirmed that Council did approve \$20,000 for the Road Study in the 1986 Budget.

Commissioner Willner asked Mr. Bethel that, if necessary, can he come up with an extra \$4,000 out of his budget?

County Engineer Andy Easley asked if this can be delayed one (1) week until such time as we can determine from whence the additional \$4,500 will come?

Commissioner Willner said that they could, but if we're going to have the Road Study completed by spring of 1986 we need to do it now.

Commissioner Cox said the Commissioners can always ask for \$4,500 out of the Local Option Income Tax money. She would just like to have seen the Commissioners prepare a written list for the bidders to make their proposal on, because there are two different things in those two different proposals.

Commissioner Willner said that Commissioner Borries had moved that the bid be awarded to Ohio Valley Engineers, subject to availability of funds. Commissioner Cox provided a second to the motion. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:55 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride Sam Humphrey, Chief Deputy	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers

(continued)

COUNTY COMMISSIONERS
December 9, 1985

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BUILDING COMMISSION

Roger Lehman

EUTS

Rose Zigenfus

BURDETTE PARK

Mark Tuley

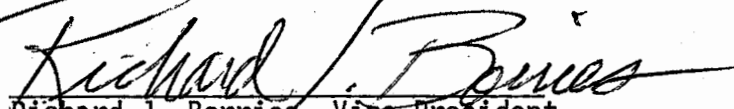
OTHER

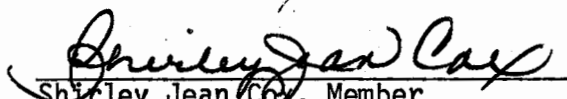
David Bunner/City Attorney
James Morley
Ed Johnson, Attorney
Robert L. Clayton/First
Federal
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

VANDERBURGH COUNTY
HIGHWAY GARAGE

TOTAL MILES PAVED BY THE VANDERBURGH COUNTY HWY. DEPT.
in 1985 45.4

TONS MATERIAL USED TO PAVE ROADS IN 198528,753.4

RUDOLPH & CO.

TOTAL MILES PAVED BY RUDOLPHS IN 1985 5.2

TONS
HOT ASPHALT CONCRETE 5,227.3
PATCH 153.3
STONE 57.4

12-2-85

ROADS PAVED AND CAPPED WITH COLD MIX BY VANDERBURGH COUNTY HWY. DEPT.

	<u>MILES</u>	<u>TONS</u>
Tanglewood	.2	68
Hedden	1.1	718
Barton	2.3	1,568
Volkman Road	1.4	1,743
Camelia Dr.	.2	173
Sharon Place	.2	128
Allen Lane	.2	314
Foltz Lane	.2	108
Mesker Park Dr.	.8	436
Baseline Rd.	1.4	1,382
Lynn Rd.	1.6	2,898
Schroeder Rd.	2.5	2,696
Clover	.1	78
Ridge Wood	.1	20
Volkman	2.9	2,986
Mill Rd. (Cap & Seal)	.7	292
Kansas Rd. (Cap & Seal)	.1	142
Rosenburg (Cap & Seal)	.1	344
Browning Road (Cap & Seal)	.1	270
Millersburg (Cap & Seal)	.1	40
	<u>16.3</u>	<u>164.04</u>

ROADS THAT HAVE BEEN CHIPPED AND SEALED

<u>ROADS</u>		<u>MILES</u>	<u>TONS</u>
River Rd.	(Complete)	.8	486
Duesner Rd.	(Complete)	2.0	2,262
Happe Rd.	(Complete)	2.1	2,972
Pleasant Rd.	(Complete)	2.0	2,368
Bayou Creek Rd.	(Partial)	3.6	2,380
Schroeder Rd.	(Partial)	1.2	880
Volkman Rd.	(Partial)	.8	472
Peerless Rd.	(Complete)	1.0	794
Nisbet Sta. Rd.	(Partial)	.8	390
Newman Rd.	(Partial)	.4	292
Adler Rd. (W)	(Partial)	.5	388
Darmstadt Rd.	(Complete)	.6	736
Martin Sta. Rd.	(Partial)	1.4	820
Buente Rd. (W)	(Partial)	1.2	958
Hedden Rd.	(Partial)	1.2	852
		<u>19.6</u>	<u>17,050</u>

The following roads have been wedged or chipped and sealed only. Some completely and some partially.

#3 School Road	2.3	2,989
#6 School Road	2.7	3,708
Hillview Road	1.4	820
Frontage	2.0	2,262
Harmony Way	1.1	880
	<u>9.5</u>	<u>11,539</u>

12-2-85

ROADS PAVED BY J.H. RUDOLPH & CO.

<u>ROAD</u>	<u>MILES</u>	<u>TONS</u>	
Allen Lane	0.6	609.5	Hot Asphalt Concrete
		55.1	Stone
		57.4	Patch
Harmony Way	1.2	1,327.15	Hot Asphalt Concrete
Old Patersburgh Rd.	1.7	963.12	Hot Asphalt Concrete
St. Joe Ave.	1.7	2,327.55	Hot Asphalt Concrete
		95.89	Patch

MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 16, 1985

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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 16, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, December 16, 1985, at 7:30 p.m. in the Commissioners' Hearing Room.

President Willner called the meeting to order and subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, December 9th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REZONING PETITIONS

VC-23-85/Petitioner, Mark Maurer(1st Reading): President Willner said the subject property is located at 3718 N. St. Joseph Avenue and currently is zoned Agricultural. Requested change is to M-1 zoning. Present land use is salvage yard and proposed use is salvage yard. Petitioner is trying to bring property into conformance with the zoning code. Owner of property is Edward Baughn of 2013 S. New York Avenue. Mr. Maurer resides at 3718 N. St. Joseph Avenue. (Operation is under name of Triple A Salvage.) Petitioner has also filed required special use petition for a salvage yard. Property is located in an area of mixed zonings along the St. Joe corridor. The east side of St. Joe has residential, industrial parks and commercial businesses. Property immediately to the north was re-zoned for a salvage yard in January, 1983. Directly south of the property is a mobile home park and further to the north are single family residences. The St. Joe corridor is appropriate for light industrial, warehousing and wholesale uses, so long as the integrity, character and stability of existing neighborhoods is preserved and protected. Increased densities are appropriate when provisions are made for buffering and high quality site design.

President Willner entertained questions from the Board. There being none, a motion was entertained.

Commissioner Cox moved that VC-23-85 be approved on 1st Reading and referred to Area Plan. A second to the motion was provided by Commissioner Borries. So ordered.

President Willner then asked for a roll call vote. There were three (3) affirmative votes.

VC-24-85/Petitioner, Citizen's National Bank (1st Reading): President Willner said that Citizen's is the Trustee for William Frank Richardson. Subject property is located at 6050 Wedeking. It currently is zoned M-3 and requested change is to M-1. Land is currently vacant and proposed land use is for a warehouse. Property is located in an industrial subdivision on Wedeking Avenue west of Burkhardt Rd. Property is surrounded by industrial zoning with acetelene plant to the west (Hoprich Welding); Industrial Supply to the east and WGBF Radio Station tower to the south and a vacant lot to the north. Attorney for the petitioner has been notified that the site plan does not show the required 10 ft. green area in front. Petitioner will have to apply for a variance to submit a revised site plan. This area has been designated in the 1985 Comprehensive Plan as industrial. The Chair then entertained questions.

Commissioner Cox asked if they couldn't do their warehouse in an M-3? Ms. Behme of the APC said, "No, it is too high; the required zoning is either C-4 or M-1.

Commissioner Willner said it has always been his understanding that you could operate a lower zoning. The meeting continued with the Commissioners viewing the site plan and discussing the property among themselves.

Commissioner Borries said he guesses his question is, "If we approve this, do you have to rezone it?

Ms. Behme said that may be something we can ask the Planning Commission.....because we do have some warehouses in M-3.

Commissioner Willner asked if the petitioner has an attorney?

Commissioner Cox said that documents indicate Robert Becker is attorney for the petitioner.

Ms. Behme said she would see if Barbara Cunningham can come to the meeting momentarily. (She is in the City Council meeting.)

(continued)

Commissioner Willner asked Attorney David Jones if you can use M-1 zoning requirement in M-3 zoning? He thought you could use lower category without having a change.

Attorney Jones said he believes that is right.....but the Commissioners better take it under advisement until it can be checked.....

Mrs. Cunningham entered the meeting and explained that the reason it has to be downgraded from M-3 to M-1 is because prior to 1980 we had what was called "pyramid-type zoning", where anything that could go in an M-3 could go on lower classifications. The ordinance was changed in 1980 andnow it is specifically listedand that is why we don't have the pyramid effect anymore. Since it is specifically listed, you have to go to the zoning classification called for.

Commissioner Borries asked if Mrs. Cunningham is saying that someone who wanted to operate an M-1 activity cannot operate it in an M-3?

Mrs. Cunningham said that is correct, because where the activity they are wishing to operate is specifically listed up to M-1 and is not included in M-2 and M-3, since it is not included with the ordinance change, this is what happens. It used to be that they had what was called pyramid zoning -- but with the change of the code we do not have that anymore. She believes it was adopted in 1980 -- perhaps in 1979.

Commissioner Borries asked Mrs. Cunningham if she is saying that if someone went ahead and constructed a warehouse here that, according to the current code, they could not operate?

Mrs. Cunningham said, "No, they could not get permission to build it because it is specifically listed that it can only go in M-1 zone.....and all they can do is deal with the code -- what they have in front of them. It also gives clear title to financial institutions, also. When they are making loans on property, they require that it be specifically listed.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-24-85 be approved on 1st Reading and forwarded to Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Willner then asked for a roll call vote. There were three (3) affirmative votes.

VC-21-85/Petitioners, James & Jeanette Kendall (3rd Reading): President Willner recognized Attorney Thomas Terrell, who was present to represent the Kendalls. He said his clients are requesting the rezoning --a parcel of land approximately 1/4 acre--on N. Green River Rd. The address is 7237 N. Green River Rd. The location of this property is about 1/4 mi. south of the intersection of Millersburg Rd. and Green River Rd. It lies to the east of Green River Rd. The property that they are requesting to be rezoned lies about 1/4 mi. off Green River Rd. and to the east his clients own a 100 acre tract of land, and he has a small sketch of the property so the Commissioners will have some idea of just what he is talking about. The sketch shows their entire tract and the property to be rezoned is in the back part of the tract. There is an existing house and barn located several hundred feet off Green River Rd., but they are visible from Green River Rd. The property they are seeking to have rezoned is not visible from Green River Rd. The present use of the property is agricultural and proposed use is to construct a building approximately 100 ft. long and 50 ft. wide. Half of the building would remain in the agricultural area and would house and store farm equipment, which is presently stored in the existing barn. The other half would be an office for the use of Kendall Drilling Co., and a single-family living quarters would be constructed above that office. The office has five employees (Mr. & Mrs. Kendall and their son, Craig plus two other employees). The Drilling company office is currently located on Lincoln Avenue about three blocks east of the University of Evansville. It is in a highly dense residential area at the present time. Their operation is primarily a bookkeeping operation. They have computers. They don't sell anything. Originally there was some thought on their part that since they had farm machinery out there and they would be working on that farm machinery that the property required a C zoning. This petition was thusly filed as a C-1. He thinks that perhaps there were some misconceptions along the way that the Kendalls were going to work on small drilling motors, drill pumps or oil drilling equipment. But they do not have that intention. For the most part that is diesel-type equipment that requires diesel mechanics to work on it.

(continued)

Continuing, Mr. Terrell said the Kendalls do not work on any equipment at their office now and they do not intend to work on it at the new location.

As the Commissioners are aware, the general area is agricultural and residential. The subject property is across the street (Green River Rd.) from the Waterpark....but the area is a developing area. In his opinion and that of his clients, the requested change to R-0 zoning will have practically no impact on traffic, utilities, or anything else. For that matter, his clients have just constructed a rather large lake back there and Fred Kendall intends to build his home there. So, they are not looking to commercialize the area at all. It is just a matter of moving the office to where they will have a little more room. They have outgrown their space on Lincoln Avenue. Thus, the requested change from agricultural to R-0 zoning.

The Chair entertained questions.

Commissioner Cox said that, for purposes of clarification, this petition is being submitted tonight as a requested zoning for R-0?

Mr. Terrell confirmed that this is correct.

Commissioner Cox asked if Attorney Terrell knows how wide the driveway is?

Mr. Terrell said it is 25 ft. wide and at Green River Rd. it is wider than that. He is not certain exactly how wide. But he was out there the other day and three (3) cars can park across that driveway. He doesn't think there would be any problem with a car waiting to get onto Green River Rd. And if someone wanted to turn in, there is plenty of room. The road is two (2) cars wide all the way up.... the in and out traffic will be minimal -- he wouldn't expect it to be much more than a residence. There obviously will be a little more with the two (2) employees who work there.

Commissioner Cox then asked, "And Mr. & Mrs. Kendall plan to live in part of the proposed building?"

Mr. Terrell confirmed that this is correct.

Mrs. Cox asked if he is asking for 70 ft. width? Mr. Terrell said the building will be 50 ft. wide and the actual ground is 70 ft. wide and 330 ft. long (the portion being rezoned).

Mr. Terrell said that his clients contacted every adjoining property owner. With the exception of one property owner (who has expressed to them that he did not want to take a position; he wasn't necessarily opposed but he wasn't necessarily for it either) they all signed the petition he is presenting at this time. As the Commissioners will note, some of the addresses are R.R.#3, Chandler, IN.....those are Heckel Rd. mailing addresses. They are adjoining property owners, but their mailing address is Chandler, IN.

Mrs. Cox asked if the existing barn and shed are going to be demolished? Mr. Terrell confirmed that this is correct -- if it doesn't fall down on its own first! Mrs. Cox then asked if the designated area (pointing to plan) is now farmed by tenants? Mr. Terrell confirmed that this is correct.

Mrs. Cox asked if the Kendalls will no longer use the falling down barn/shed for storage of farm machinery? He will use portion of proposed building? Mr. Terrell confirmed that this is correct.

The Chair entertained further questions. There being none, President Willner said he does have a recommendation from EUTS which he doesn't quite understand. It says, "North Green River Rd. is a major north-south corridor that carries approximately 5,600 vehicles per day. Green River Rd. is scheduled to be widened between Morgan and Heckel during 1987. The proposed project will construct a 4-lane facility. North of Heckel the road will taper back to a 2-lane facility. The proposed rezoning site will ingreee/egress at the 2-lane portion of the corridor. The proposed use is a low traffic generator. EUTS recommends a deceleration lane to permit smooth ingress for northbound vehicles and a passing blister to permit left turns without interruption to traffic flow of southbound vehicles. EUTS also recommends a 24-ft. curb cut.

President Willner said what he doesn't understand how you can permit left turn lanes without interruption of traffic flow for southbound vehicles...when you have to cross

(continued)

a line of traffic. This doesn't make sense to him.

Commissioner Cox interrupted that her main concern is that the driveway width is wide enough to allow the cars coming out -- to allow a car to turn in off of Green River and not have to stop or back up traffic on Green River Rd.

Mr. Terrell said there will be no problem with that due to the width of the driveway.

President Willner asked if there are any remonstrants present concerning VC-21-85 at 7237 N.Green River Rd.?

Mr. Ed Grammer approached the podium and stated that he lives at the northwest corner of Green River Rd. and Millersburg Rd. (4760 Millersburg Rd.). He is also Chairman of the North Green River Neighborhood Association which involves about 150 of the neighbors out in that area. They got together earlier this year to try to watch out for themselves. They have asked him to come to the meeting to let the Commissioners at least hear what they think about this petition. Obviously, they all moved out there -- so they are not objecting to progress. But they would like the progress to conform to the nicest kind of area they now have. They have a lovely neighborhood; it is set up in the Master Plan to remain as agricultural and light residential. Almost all of the property owners in the area are on at least 1-acre lots...and they have grown to love it out there in the neighborhood. The Master Plan is, it seems to them, something they paid for with their taxes and is something that has been established for the Commissioners, as their civic leaders, to make wise decisions and for them, as taxpayers, to make their decisions....and it is information to work from. Many of them moved out there thinking that this would remain as a residential and agricultural neighborhood. Really, they are not objecting to progress. They do not mind if they build a new barn to repair the farm machinery in. That is what that property is for...and they certainly would welcome the Kendalls if they want to move out there...they'd like to have them as neighbors. But they get very concerned when there is a precedent set and an isolated piece of ground has all of a sudden has totally different zoning -- something that does not conform to the area at all. It may be for their purposes today; but there are thousands of pieces of property in this town that are no longer being used for the one specific use that they were rezoned for at the time. They feel that this is one small plot in their area that, once rezoned is rezoned -- and it really does set a precedent. He may come to the Commissioners a year from now and say, "You did this across the road; now I want to open a real estate office at my house. And the next door neighbor (Steber) may come in and say he wants to open a hardware store out here because I live out here. And Earl Harp may come in and want to open a fish market. But it doesn't conform to the area -- and this is what they are trying to keep from happening. They really would like to see it remain much as it is. They feel that perhaps sometimes the EUTS report is right (which was incorrect) and there are 5,600,000 cars on Green River Rd. right now. Yet, we know that that isn't true. But they do see problems -- especially this time of year and particularly on Saturday and Sunday -- it's a real mess. There are parts of that road with no shoulder. They heard EUTS say that this road would be widened in 1986. But now we find out that the funding was rejected; they have reapplied for 1987 -- but they have reapplied for the same thing that has already been rejected -- so they don't even know --this may be a "maybe" situation at best. He is one of the people who moved out there with one (1) acre of ground and a septic system and paid for it. He then paid for sewers because the septic system wasn't good for one (1) house. If we get into commercial zoning, etc., if there are no sewers available for those people then we have more problems. So they just would like to see it stay with the same type of atmosphere that it's had in the past. It has lots of room for growth and the Master Plan says this is what they should have. They'd really like to be able to raise their families and enjoy the neighborhood, according to the Master Plan as it was developed and kept in mind as they moved out there.

Commissioner Willner said he is certain there will be questions for Mr. Grammer, so he will just start it off. Where did Mr. Grammer get his information that the North Green River Road expansion was rejected?

Mr. Grammer said that, for one thing, it was in the newspapers -- when they rejected its being built in 1986.

Commissioner Willner said he believes there is a little difference of opinion. He does not know which article Mr. Grammer was talking about which he saw in the paper. But the funds have never been rejected for Green River Rd. In fact, the county purchased the property some 10-12 years ago and they own that property. They have funds for

(continued)

engineering. EUTS will be doing the environmental impact study. The City is doing the design.....it might have been delayed for a year (which happens quite frequently) -- but never has it been rejected. And he would think that it would not be so. He does not know for what reason that would ever happen. "Rejected" is probably not the right word. Had Mr. Grammer said "prolonged" or something, he might be correct. But it has never been "rejected" and he wouldn't see any problem with it ever being that way. Commissioner Willner then entertained further questions.

Continuing, Commissioner said he agrees with Mr. Grammer. He talked with Mr. Kendall prior to tonight's meeting -- and he told him he wished he'd never made application for rezoning, but just gone ahead and operated his office in his home. Because there are many, many offices in the county in private homes. Mr. Kendall tells him they are not going to advertise; they are not going to do business from that office -- they are going to do bookkeeping. You can do that in your home now. It is being done -- and he is certain this is what the neighbors have in mind -- they don't mind the Kendalls living there; they don't mind them running their office out of their home -- they just don't want it rezoned.

Mr. Grammer acknowledged that this is correct.

President Willner then recognized an individual in the audience. She approached the podium and identified herself as Harriet Hartig and stated that she resides 8023 N. Green River Rd. The only thing she wants to do is bring to the attention of the Commissioners (if they are not aware of it) that the building to be built will be half on agricultural and the other half will be on R-0 area -- if approved. She doesn't know whether the Commissioners are aware of the fact that the entire building will have to be built in accordance with Administrative Building Council codes, even though part of it will be used for agricultural and the other portions for office and living quarters. This may affect their decision as to whether or not they wish to proceed --because of the more stringent building code. Additionally, there will have to be a 2-hour fire separation between the two sections of the building. This is information she received from the Building Commission office.

President Willner asked that if petition is approved, as presented (half of building to be built on agricultural zoning area and another portion built on R-0 zoning) that it will have to be built according to Administrative Council codes? Is she saying this would outlaw a pole-barn or metal building?

Mrs. Hartig said it would not outlaw it; it would have to be built to conform to the code.

Commissioner Willner asked how that code is more restrictive for the R-0 zoning? In what areas?

Mrs. Hartig said she is sorry, but she is not qualified to tell the Commissioners this. They would have to talk with the Building Commissioner.

Mrs. Barbara Cunningham said that perhaps she can answer that. That R-0 is considered a commercial building, so the building would have to meet commercial standards. Additionally, offices may be in the home under "home occupation" but you may not have employees -- and she understood that there would be five (5) employees.

Chairman Willner entertained further questions. There being none, he asked if the attorney for the clients has any reservations re the deceleration or acceleration lanes?

Mr. Terrell said they obviously have no problem with it -- it's a matter of economics. They tried to get some idea of what it would cost. The ditch on the east side of Green River Rd. at the entrance is a rather large ditch. He assumes that it would either have to be filled or re-routed. From looking at it (and he is not an engineer) it appears to him that we're talking about a substantial expense to build a deceleration lane on the east side of Green River Road of any length. That, obviously, is their concern. Very few cars would be coming in/out. Heckel Rd. and Millersburg Rd. do not have any sort of deceleration lane and there are hundreds and hundreds of cars turning left and coming out of both of those roads every day. He said that perhaps Mr. Easley, the County Engineer, could give them some idea as to....

Mr. Easley interrupted by saying that he thinks the request for a left turn lane and deceleration lane is not really required. There is a church just north of the area

(continued)

that doesn't have that, and he is sure the church went in there under a Special Use Permit. There would far more traffic movement there then there would be for the Kendall office -- so he would not make that a requirement -- he thinks that is excessive.

Commissioner Willner asked, "This would not require them to buy additional land then?"

Mr. Easley said, "No. The ditch is sort of a high fill there. He helped them size the culvert when they put that in there.

Commissioner Cox asked if the road width at the drive entrance 24 ft. or more? EUTS does recommend a 24 ft. curb cut.

Mr. Easley said they could obtain that. He thinks they have filled it -- but it looks as though it wouldn't be hard to make it 24 ft.

Mrs. Cox said she agrees on the blister and turn lanes and all that -- but her concern is that the driveway be wide enough so that if a car is coming out and one wants to go in that traffic on Green River Rd. will not stop.

Mr. Terrell said he thinks it is that wide now.

President Willner entertained further questions from the remonstrants or the petitioner? There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-21-85 be approved, as amended, to an R-0 zone with an amended site plan.

Commissioner Cox asked if this includes a 24 ft. curb cut?

Commissioner Borries responded in the affirmative.

A second to the motion was made by Commissioner Cox. So ordered.

President Willner called for a roll call vote, with three (3) affirmative votes being cast. President Willner declared the petition approved.

Continuing, President Willner said he believes there should be something in the Zoning Ordinance that lets the Commissioners have some prerogative as to whether we should have a "Home Occupation" zone, even though we do have some employees... he thinks they really need to think about changing that....they really do. It has just been happening on the average of 5-6 times a year that they wind up zoning some property that even he doesn't want to do and he thinks they should do something about it. He asked if the other Commissioners agreed or disagreed?

Commissioner Borries said that as he understands it, the Kendalls have no immediate plans -- this area will remain agricultural at this point -- is that correct? Are there future plans?

Mr. Terrell said family members will be building homes.

Commissioner Borries said it is a difficult situation. Here are some people who will make good neighbors in the area and who certainly will not disturb those people around them.... and there will be others living there, soo. So they do not intend to develop this area commercially.

Commissioner Willner said that from what Mr. Grammer is saying, he would welcome these people -- he is willing and glad to see them come; yet, he doesn't want the possibility of a corridor happening and he agrees with that and thinks the Commissioners should do something about it. He doesn't know what the legal term should be, but he thinks the Board should look into the fact that a change is needed. He then asked Commissioner Cox if she feels the same way?

Commissioner Cox said she thinks that what Mr. Grammer expressed is that he might want to come in for some type of office in his home, someone else might want another kind of office. So what Commissioner Willner is saying is that the Commissioners should amend this to allow the people to have offices in their homes, but not have to have a rezoning.

Commissioner Willner said that is correct. We have a "home occupation" now under certain

(continued)

guidelines, which are probably too stringent. The Commissioners need to modify those a bit so that they have some leeway, because he doesn't want these zonings to happen.

Commissioner Cox said that if Mr. Grammer did hear Mr. Borries' motion, he limited it to the site plan that was stipulated there, which means that no other kind of an office can go in there, except what they say is going in there -- so that is some protection. It is not just a blanket R-0 rezoning that is being passed. She agrees, because she has had people on Area Plan come up to her before and say what they are going to do and the neighbors don't object at all. And then something happens or the family breaks up or they sell that property and that zoning is there and things go in that are very upsetting. But this is stipulated to the site plan for an office as was presented -- and no other kind of an office in the area.

Commissioner Borries said that this is something they can do in the county.

Mrs. Cunningham said the home occupation section can always be amended to however the Commissioners wish. They can ask their attorney; she does think it should come from the legal staff.

Commissioner Willner said, "Barbara, I think this is about the fifth or sixth time this year that I've been unhappy with that section."

Mrs. Cunningham said all they do is what it says in the ordinance. But there is nothing that says the ordinance cannot be changed.

Commissioner Willner said he is going to pursue it, because this is the straw that broke the camel's back. If we had such a thing in our ordinance, he can guarantee that the Commissioners would approve of this office going in in agricultural zoning. He just feels they would. But this zoning is passed with the site plan stipulated and we need a curb cut -- and the ordinance signed. The Commissioners signed the ordinance. (3 copies).

VC-22-85/Petitioner, Wm. Earl Harp: Mr. Morley was recognized by the Chair and approached the podium. He stated that Mr. Harp is also present this evening. Mr. Morley stated that Mr. Harp has a piece of property immediately north of where he has his establishment on Green River Rd. right now. It formerly was the Lillian Hirsch property. It is 296 ft. wide and 1,718 ft. long. On the north, this piece of property is surrounded by M-2 zoning, on the south by C-4 and on the east by R-4. It is the last piece of remaining agricultural ground on Green River Rd. -- need he say more?

President Willner entertained questions of Mr. Morley? There were none. Mr. Willner then asked if there are any remonstrators concerning VC-22-85?

Mr. Jeffers interjected that he thought it should be declared an historical site!

Commissioner Cox indicated she had a question. She asked Mr. Willner if he is going to read the EUTS recommendation? He replied in the affirmative.

President Willner again asked if there are any remonstrators for VC-22-85? There were none. Continuing, Mr. Willner said that 1311 N. Green River Rd. is a major north-south corridor that carries AADT 30,000 vehicles. He was reading from the EUTS report and said he needs to know what AADT is.

Mrs. Cunningham said she doesn't know what the first "A" stands for, but the "ADT" is "Average Daily Traffic".

Continuing, Mr. Willner read, "The traffic generation is unpredictable at this time. The Green River Rd. corridor is a heavy commercial strip with access to commercial facilities thru frontage and local roads only. Curb cuts have been limited intentionally on Green River Rd. to provide free flow of traffic and to minimize vehicular accidents. EUTS recommends that the property described in the petition has access thru a service off Vogel Rd. that it can ultimately be extended to provide adequate internal circulation for future development. An effective transportation network design would provide multiple ingress/egress points at Cullen, Burkhardt and Green River Rd. initially and as development occurs, an additional access point would be available. The internal network will provide controlled growth and efficient traffic circulation. EUTS recommends rezoning approval but does not recommend curb cut access to Green River Rd.

Mr. Morley approached the podium and said they had shown on the sketch map of the site this development plan that was with it--a possible extension into the site on the north

(continued)

line of the property next to the bakery. At that location there is a pump station and apparently some previous records indicate -- perhaps Mr. Harp can elaborate on it further -- a cut -- a driveway right there (Tennessee Street) and he thinks what we're talking about here is not a new cut somewhere on the property, but the possibility of improving that drive entrance there -- and that is about all the further he can go into the matter. Perhaps Mr. Harp might be aware of something on that. But he guesses their response is that they don't anticipate the cut in the middle of the property, but there had been master planning and concept of a street; there is a lift-station right there but as you get to the property immediately next to it, it's even platted -- Tennessee Street. There is a curb cut in Green River Rd., there is a wide drive there now which the bakery uses, etc. Actually, there are two (2) cuts; one is for the house (there is a private drive) but he believes there is stuff in the master plan about Tennessee St. at that location.

Commissioner Willner said he doesn't think EUTS is speaking to Tennessee St., however. He thinks they're speaking

Mr. Morley said he will let Mr. Harp, himself, speak concerning this. But if the EUTS recommendation is interpreted that they're not speaking about Tennessee St., then that is exactly what he's shown on the plan. He's shown where Tennessee is at the north end of the property. If they're saying nothing but that, then that's not a problem. If their statement is that and absolutely nothing at all and forget about Tennessee Street, then there is a problem.

Commissioner Willner asked Mr. Harp if he would like to speak?

Mr. Harp approached the podium and identified himself. He said he doesn't have information on Tennessee St. yet. He's asked Jim to check into that. In speaking to Dick Rheinhardt, who is a realtor in that area, he seemed to indicate that it has always appeared in the Master Plan that Tennessee St. (at one time) before the skating rink was built -- they were going to run Tennessee St. to Burkhardt Rd. He asked Mrs. Cunningham if that is correct?

Mrs. Cunningham said that is correct, but she recalls something else. About a year or so ago, when the Industrial Park cut half way through between Green River Rd. and Burkhardt, Tennessee was vacated -- the bottom of the commercial part was vacated by the Commissioners. She doesn't know whether the Board remembers that. But there was a vacation of part of Tennessee at the lower part of the Industrial Park.

Commissioner Willner said that Mr. Morley has the Industrial Park drawn in. Mrs. Cunningham pointed to designated area on plans and said that is the portion vacated by the Commissioners at that time. It is her understanding that when the EUTS report was done, she doesn't believe that Mrs. Zigenfus was aware of this ----- Mrs. Cunningham pointed to the bakery cut and said this is what they're doing. If Mr. Harp has access to that, if he has part of that cut, that would make a difference -- plus he was also talking about doing an internal road over to Vogel. Mr. Harp is the one who did this nice Vogel Rd. for the County.

Commissioner Willner asked then if they're stipulating that the existing curb cut would be sufficient? Mr. Harp said as they have it now.

The Chair entertained questions.

Commissioner Cox queried Mrs. Cunningham and members of the Board concerning the internal hook-up.....and there was discussion among those involved.

In response to query, Mr. Morley said that Mr. Harp does not own the property on the easterly portion -- that is the Eden Place Subdivision. So he making an assumption there that no exchange of property takes place and showing how Cullen could be extended through. One of the options -- as narrow as the property is -- is simply to add this on to his own and simply have pure frontage on Vogel Rd. and nothing internal. And he thinks the EUTS report spoke to that. If you're going to divide it up, then divide it

Mrs. Cox asked how he will get onto Vogel Rd.?

Mr. Morley pointed out all the area owned by Mr. Harp, and Mrs. Cox indicated she didn't understand that....that makes a difference. She expressed appreciation to Mr. Morley for clarifying the matter.

Mr. Easley queried Mr. Morley concerning Tennessee St., but the conversation was inaudible.
(continued)

.....returning to the matter of a pump station, Mr. Morley said a similar situation exists down on Riverside Drive. There is a pump station in the median island (there is a divided entry) and there is a drive that comes in there to service the pump station.

Mr. Easley said he is under the impression that it is very adversely located on the property.....the balance of what Mr. Easley said was inaudible.

Mr. Morley said he guesses that what they probably would really like to have here is the zoning approved without prejudice on the particular design of this entrance and be allowed to work that out as an issue by itself with the County Commissioners, Board of Works, Site Review Committee, etc., as they learn more about it. There may no need to even come in there at all, depending upon how it develops. But rather than hash out detailsit could be that all these properties will develop and there won't be any reason for it....but he doesn't know.....

President Willner entertained further questions from the Commissioners.

Commissioner Cox indicated she did not hear Commissioner Willner asked if any remonstrators were present. He said he thought he did, but he will again ask if there are any remonstrators concerning VC-22-85? There were none and a motion was entertained.

Motion was made by Commissioner Cox that VC-22-85 be approved on 3rd Reading, with a second from Commissioner Borries. So ordered.

President Willner then asked for a roll call vote. There were three (3) affirmative votes and Commissioner Willner declared the motion was passed.

RE: REQUEST FOR LICENSE/REFLEXOLOGIST

President Willner announced that Shirley Lyle has given the Commissioners a letter concerning license to practice in the county, which all the Commissioners have seen. They will take this matter under advisement for a period of one (1) week prior to making a determination concerning the matter.

RE: COUNTY ATTORNEY - DAVID JONES

Attorney Jones said he had received a Second Notice from Browning-Ferris concerning the Laubscher Meadows Landfill. They are apparently giving notice to all users of subject landfill that effective immediately the facility will not receive for storage, treatment or disposal anything that is identified as a hazardous waste. The term "hazardous waste" is any solid or liquid gaseous waste, regardless of the amount, which is defined to be hazardous under any applicable Federal, State or Local law, rule, regulation, permit --judicial or administrative decision. They have asked the county (and this is a form letter, so he assumes that everyone else who uses the facility) to sign and acknowledge receipt and agree never to transport the above identified in any quantities of any unauthorized hazardous waste to the facility. Since they have shot-gunned this thing and covered every conceivable definition of "hazardous waste" under any type of law, rule or regulation, and do not identify every conceivable law or regulation, he doubts whether anybody in the county (including anybody in that company) knows what it is they are prohibiting from their facility. Before we sign and acknowledge this notice, he thinks we need to do two (2) things:

- 1) Does any county department, entity, office dump anything at Laubscher Meadows Landfill? If the county sends nothing out there, then we don't have to worry about it.

Commissioner Willner said that we do.

- 2) Secondly, if anybody in the County sends anything to the said landfill, then we had better figure out what "hazardous waste" is and see if we send anything before we clarify that we don't. Because, he can't tell the Commissioners right now what is "hazardous waste" under every definition under every administration decision, federal, state, local law, rule regulation permit.

Commissioner Willner said the County Garage goes along the roadway and picks up trash and then hauls it to the landfill. How do they know (even if they were told) what is hazardous waste. He received the first notice and refused to sign it and thought it would go away. Attorney Jones said he got the second notice.

(continued)

Commissioner Willner said he still refuses to sign it, because he cannot control what they pick up and haul to the landfill and neither can they.

Attorney Jones asked that, other than what they pick up alongside the road, does any other county office other than the County Highway Department ---

Commissioner Cox said the bridge crew does -- they haul tree limbs, etc.

Commissioner Willner said he thinks the Building Commissioner does, Benny from the Auditorium.....

Attorney Jones said that failure to reply may subject him to criminal and civil penalties, so he is not going to sign it.

Commissioner Cox asked if the landfill can refuse to accept our vehicles if we don't sign the notice?

Attorney Jones said he is not certain. But if he were advising them, he would tell them not to accept anyone who did not sign, because they are going to be subjected he is sure.

Commissioner Cox asked if the document says, "to the best of our knowledge...."

Commissioner Willner asked Bill Bethel of the County Highway Department if he would sign the notice? Mr. Bethel responded in the negative.

Commissioner Borries said he would suggest that one of the Commissioners contact Mr. Post, who is the Operations Manager there, and get some clarification.

Attorney Jones said if they can give us a comprehensive listing of what is defined as "hazardous waste", then we can distribute it to the County Highway so they will know whether they can or cannot dump....the problem is that we have this unidentified term "hazardous waste" and they shot-gun it and say "if it's defined in any federal, state, local law --all that jazz-- there are different sets of definitions. He doesn't carry those around in his head and he doubts that there is a lawyer anywhere in this state who can tell you off the top of his head what's "hazardous waste" under those definitions. So, unless you know what "hazardous waste" is and we can identify it, he doesn't see how we can say whether we do or don't dump. Then if we're going to put the County Highway under the gun, at least let the County Highway know what it is that they can't dump. Then when we get that, we'd sign off -- and if it gets in there it is an accident.

Commissioner Willner asked Commissioner Borries if he would contact Mr. Post and see if we can have the listing of "hazardous waste" by next week.

Commissioner Cox asked if the crew ever picks up anything that they question? She can't believe they're going to be dumping hazardous stuff out there after all we went through with the chemicals at the garage and getting them disposed of properly. It would have been easy just to have taken them to the dump. She doesn't think that our crews are dumping anything like that out there.

Mr. Bethel pointed out that they are picking up wayside trash -- and he doesn't know what is in those bags. They go by, pick up the bags and throw them into the truck and then take them to the dump and dump them. They don't know what is in there -- it's hard to say -- but mostly trash.

Commissioner Borries said he thinks it's a case of "mutual protection" -- and if we work with them--they've indicated that they would welcome the opportunity to assist you via the services of their affiliated company -- so he thinks we just need to clarify.

Commissioner Willner requested that Commissioner Borries let the Board know next week what Mr. Post has to say.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period of December 9 - 12, 1985-----report received and filed.

(continued)

COUNTY HIGHWAY
December 16, 1985

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Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed.

Attached to the Work Report was the following Work Schedule:

Gradall: Old Princeton Rd., Mesker Park Dr., City

Grader: Old Henderson Rd., Green River Rd., Water Works, Weinbach, River Rd., Green River Rd. and Seib Rd.

Patched: Oak Hill, Voight, Old Boonville Hwy. (shoulders), Upper Mt. Vernon Rd., Schutte Rd., Calf Lane, Pollack Ave., Old Henderson (Mail box approach), Green River Rd., Harmony Way (rock shoulders)

Tree Crew: Baseline East

Snow

Removal: Friday and Saturday (8 trucks and 2 graders)

President Willner said he's had nothing but good reports about snow removal; everything must have gone pretty well. You can tell they put a lot of salt on it, because the roads are white (he believes they'll be sufficient for the next snow, as long as it doesn't rain). Mr. Bethel said it did get a little rough on them for a while; the snow froze and became ice, rather than snow.

Commissioner Borries interrupted by citing the following to Mr. Bethel:

"Roses are red,
Violets are blue--
I'm going to go home soon
and watch the Miami game,
And so are you!"

RE: COUNTY SURVEYOR - BILL JEFFERS

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period December 9 - December 13, 1985.....report received and filed.

Mr. Jeffers said that on Monday and Tuesday they installed two more culverts on Five Dollar Rd. (a 12 inch and an 18 inch). On Wednesday they retrieved their equipment from Work Release, which they had used for the past six month, and included it in their inventory with all bridge equipment. They also inventoried their tool bin at the garage. On Thursday, they began work on a damaged 30" concrete culvert on Clover Drive (1 block west of Oakhill). On Friday, they continued subject culvert repairs. He has a note that the project will require at least four more days of weather with temperatures above 25° so they can complete the concrete work. Thus, this project may extend into next year.

Claim/Floyd E. Burroughs & Associates, Inc.: Claim submitted in the amount of \$3,240.00 which indicates that they are approximately 85% complete with the bridge inventory. The claim has been signed by County Surveyor Robert Brenner. As of 4:00 p.m. this afternoon, they were uncertain as to which account this work is being paid for by the County Auditor. Thus, he hasn't written an account number on the back of the claim, and would ask that the secretary fill in this information. (Subsequent check revealed that this work is being paid out of Account #203-352. Claim in the amount of \$4,320.00 was paid on 10/11/85 and claim in the amount of \$1,620.00 was also paid on 11/5/85. Total amount approved for payment to Floyd Burroughs to date on bridge inspection is \$9,180.00). Mr. Jeffers said he was encouraged by Mr. Easley to go ahead and process this claim and he would ask the Commissioners to approve same.

Commissioner Willner said this is a federal project; has money come down for that yet?

Mr. Easley said we are submitting a claim everytime we get one from Burroughs -- then we send one to the State.....we get 90% of it.

Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

(continued)

COUNTY COMMISSIONERS
December 16, 1985

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Fox Pointe Subdivision: Mr. Jeffers said that at the last Drainage Board Meeting (held on Monday, December 2nd) a proposal called "Fox Pointe" came before the Commissioners. This proposed project is located at the intersection of Oakhill & Lynch Rds. He believes the Commissioners expressed a desire to see how the proposed Lynch Road Extension may affect that development. At the request of County Engineer Andy Easley, Draftsman Charlie Davis in the Surveyor's office prepared a drawing with overlay of right-of-way onto the development. At this time, he is simply submitting a tracing of that drawing to the Commissioners for their review. The original drawing is in Mr. Easley's possession. Identical tracings have been given to Area Plan Commission and EUTS for their information.

Mr. Easley interjected that he met with Don Blume of Guthrie May on Friday, and he was unaware that it would affect the subdivision that much. He said he would get with his engineers and they will see what they can do to cut the lots down, etc.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said all he wants to do today is to present copies of some correspondence that he wants the Commissioners to have. If they subsequently have questions, he will be glad to answer same. Correspondence was as follows:

December 12, 1985

Mr. Lee A. McClellan, P.E.
Morley & Associates, Inc.
605 S.E. Seventh Street
Evansville, IN 47713

Re: Burkhardt Road Improvements
IDOH #MAM-M-E 100(1)
Contract #R-15023
Change Order No. 15

Dear Lee,

The Board of Commissioners, upon recommendation of the County Highway Engineer, have approved Change Order No. 15.

We are enclosing the "original" of the Change Order which has been signed by the Board of Commissioners.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

* * * *

December 12, 1985

Mr. Lee A. McClellan, P.E.
Morley & Associates, Inc.
605 S.E. Seventh Street
Evansville, IN 47713

Re: Burkhardt Road Improvements IDOH
#MAM-M-E 100(1) Contract #R-15023
Force Account Work on Rip Rap for Ditch

Dear Mr. McClellan:

This is to advise your office that the Vanderburgh County Board of Commissioners, at their regular weekly meeting on December 9, 1985, reviewed and discussed the proposed force account work for the placement of the rip-rap required for the repair of the slopes on the sides of the Crawford Brandeis Ditch.

The Board of Commissioners, upon recommendation of the County Highway Engineer, have approved the proposal to accomplish the rip-rap work by force account using the contractor's personnel and equipment at an estimated cost of \$40,315.05.

(continued)

We are enclosing the 'original' documentation for this force account work.

Sincerely,

The Board of Commissioners of
Vanderburgh County, Indiana

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

Mr. Easley said he has nothing else to bring before the Commissioners tonight.

The Chair entertained questions of Mr. Easley.

Commissioner Cox said that she has noticed along the sites of these banks and under bridges or highway overpasses -- rather than using rip-rap, they are using slabs of concrete. It looks like they fit in there like a puzzle....she saw this down in the southern area. In response to query from Mr. Easley concerning the size of the slabs, Mrs. Cox said they would be around 6 ft. x 6 ft.

Mr. Easley said they are probably poured in place. Does Mrs. Cox think they are pre-cast?

Mrs. Cox said she thinks they are pre-cast. She certainly thinks this would probably be cheaper than the rip-rap.

Mr. Easley said that on the Burkhardt Rd. project, the toe of the slope.....

Mrs. Cox interrupted by saying that the decision on this is over and done with. But she was just inquiring about this. The right-of-way along the road for drainage ditches have slopes and they will use this concrete along the sides -- it's not a continuous pour; it's irregular pieces that have been put in there to hold the edge of the slope that the dug out for the bridge, rather than the rip-rap.

Mr. Easley said he doesn't recall pre-cast type of panel used in that fashion. He usually keeps his eyes open when driving the interstate.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Mr. Jeffers again approached the podium, apologizing because he'd neglected to mention one item. Mr. Brenner had asked that he notify the Commissioners that they have turned over the drawings for the right-of-way and proposed road, which would be known as Heerdink Lane (north from Heckel to connect with the State's planned frontage road along I-164) which would carry traffic from the east side of Blue Grass Creek on Heckel Rd. north to Millersburg, for that period of time that it will be required to decide either to build a bridge at Heckel for Blue Grass or to drop that plan. The bridge engineer, Dan Hartman, who recently returned from Russia, has spent the last week formulating a design for Heckel Rd. Bridge over Blue Grass Creek. That is in the works and the Surveyor wanted the Commissioners to know that this is what they are working on. Mr. Easley has those drawings in his files.

With regard to the comments made by Mrs. Cox, what she is talking about is called "reinforced earth". It is approved by the Federal Government for interstate construction. It consists of pre-cast panels that are strapped with cold rolled steel bands, and then the backfill is actually compacted very tightly against this reinforcing band and they are actually building bridges right on top of the dirt fill...with no pilings; just a floating slab, and it does greatly reduce the cost of bridge building and it also reduces the cost of right-of-way purchase, because you have zero side slopes. You simply have reinforced earth backfill with the panels holding it in place. There is information on file in the Surveyor's office if someone would like to take a look at it.

Commissioner Willner expressed appreciation to Mr. Jeffers for his comments.

RE: RULING REQUESTED RE COUNTY INSURANCE

President Willner said that he has a request from the County Auditor's office to make a ruling on whether two (2) county employees from the same family can apply for health insurance. He asked if we're talking about man and wife? Not two (2) separate families? Deputy Auditor Sam Humphrey acknowledged that this is correct.

(continued)

Mr. Humphrey continued by saying, that as he understands it, one wanted Blue Cross and the other wanted to take Physician's Health Insurance.

Commissioner Cox asked if there are any dependents in this family?

Mr. Humphrey said he does not know.

Commissioner Willner said he imagined not, or they would have asked to take the "family" plan. The request was for two (2) single plans. If there are no children involved and no dependents, the cost to the County would be about the same for two (2) single plans.... it would be within a few cents of the same price, so what does the county care?

Commissioner Borries said that if the employees were on two different plans, and we had to enroll each employee in two different plans, that would mean that the county would pay more -- as the county pays the share not paid by the employees. In other words, we'd end up with two separate insurance plans with two different companies. Whereas, if there were a family plan (or single plus 1 plan)

Commissioner Willner asked about two single plans?

Mr. James Lindenschmidt interjected that two single plans would cost the county less. One plan is \$69.90, one is \$7.86 and one is \$75.00. If you doubled, the cheapest you could get would be \$195.00. Two single plans of the most expensive is \$150.00 and a family plan of the cheapest is \$195.00.

Mr. Sam Humphrey said he thinks there is a legal issue here if you get down to it. He doesn't know how you could exclude two employees, regardless of the relationship, from taking whichever plan they wanted.

Commissioner Willner said he agrees...he was just trying to find out which is cheaper.

Commissioner Cox asked, "They both want a single plan? I think we could definitely could exclude it if they both wanted....."

Commissioner Willner asked what would be the advantage of having two single plans?

Mr. Lindenschmidt said that one advantage would be that single only has to pay \$8.00 and a family plan is \$20.00. Two singles would be \$16.00 and if they have a family plan they'd pay \$20.00, so they'd save \$4.00 per month. But the county would save money by letting them do it.

Mr. Humphrey said he really doesn't know who the parties are, and doesn't really know the issue of it.

Mr. Lindenschmidt said he doesn't think the county could let each have a family plan.

Commissioner Cox said she doesn't think one could have a single plan and one a family plan.

Commissioner Borries said that if there were dependents, that is where we'd

Mr. Humphrey said he doesn't think we could exclude them, regardless of the plan.....

Commissioner Cox said she thinks we could, because we're talking dollars and cents here.

Mr. Humphrey said they are "employees" regardless of whether they are man and wife.

Commissioner Borries said that is not the issue. The issue is whether or not we are providing the health insurance plan for an employee. Yes we are, but he doesn't think we're required to duplicate. If there are dependents involved here -- you have a family of four people -- and one chooses one plan and one wants the other -- what is going to happen to the dependents. He doesn't think we're obligated in the county to have one single plan and one family plan.

Mr. Humphrey said the Physicians Health plan is not necessarily a single plan....

Commissioner Willner said it is the same as Maxicare -- there are three (3) different levels.

Commissioner Borries said he has no objections as long as there are no dependents involved.

(continued)

Commissioner Willner asked Commissioner Borries if he would put that in the form of a motion?

Commissioner Borries moved

Commissioner Cox interrupted saying, "Wait just a minute here. Say the man and the wife want to take a single Blue Cross plan, rather than take the family membership. Can they legally do that?"

Commissioner Willner said that if they are both employed by Vanderburgh County, he believes they can do this.

Mrs. Cox asked, "Each of them can take a single plan -- even though they are married?"

Commissioner Willner said, "Yes. In fact, he believes there is a federal law that says you cannot discriminate against the individual regardless."

Attorney Jones re-entered the meeting, having left briefly. Commissioner Willner explained the request to him and asked for his comments.

Attorney Jones said, "Let them get a divorce and get two (2) single plans -- they can't get two (2) family plans."

Commissioner Willner said, "As long as they are two (2) employees without children --but when you have dependents, then you have a problem."

Attorney Jones said that when children are involved, then they go with one plan or the other. One could get a single plan and one a family plan -- but you don't pick up the other spouse as a dependent.

Commissioner Cox said they wouldn't want to do that.

Attorney Jones said it is not a question of a County ordinance; it is a question of what the insurance companies will or will not do. It is not a question of what the County will allow. One company may have their eligibility written as such that it would exclude it. The companies have things called "other insurance clauses" -- if the other spouse is eligible for family plan, then this policy is null and void. But if they don't have anything like that -- it's two single policies, one single and one family that excludes the spouse that has the single policy.

Deputy Auditor Sam Humphrey said he has Blue Cross at USI and he has Maxicare -- and both cover the whole family.

Mr. Lindenschmidt said he is not talking about the same employee --

Mr. Humphrey said he is not talking about the same employer, but he is talking about the same principle.

Mr. Lindenschmidt said his wife works and has insurance and he can apply here and get a family plan, too.....

Attorney Jones said if they want to test it, send a note to each insurance company telling each that you have the other one and see what happens....Mr. Humphrey is riding along because they haven't caught it. If he sends a letter to the other one telling them that you have that set-up and see what happens.

Mr. Humphrey said he had Blue Cross at Whirlpool and Etna at the same time for 10 years. Blue Cross was the primary carrier of Indiana....what Blue Cross didn't pay, Etna picked up.

Attorney Jones said that happens the way those two dance together. But what he is saying is that some policies don't jive.....

Commissioner Cox said that now most of the insurance companies are questioning that they bill you; you pay the bill and the insurance check comes to you. They no longer participate via sending it to the doctor. If you have two insurance companies, you can double claim very easily, which is wrong.

Attorney Jones said, "This is not the county's business; that is my answer to that. You

(continued)

don't make that ruling. It is up to the two health insurance companies to make the ruling. They define eligibility; they define coverage. The County sets the table and it is up to them to eat or not eat period. You don't have to make the ruling. It is up to the health insurance company."

Commissioner Cox asked, "But what if those two people come up and say they have four children and one wants to take a family plan with two children on it? And one wants a family plan with the other company with the other children?"

Attorney Jones said, "If they're going to split up and go two different ways, one gets the family plan and one gets the single plan."

Commissioner Willner said the county is then paying for two insurance policies.

Attorney Jones said, "You have two (2) employees; you can't discriminate. You have two (2) separate employees, two (2) separate sets of benefits and two (2) sets of rights."

Commissioner Willner said, "I agree. They have their rights and their choice."

Commissioner Cox asked, "Can they take family plans?"

Attorney Jones said, "They split up and one says he takes one kid and the other says he will take the other kid. If they took a hike and got a divorce, that is what the county would have."

Commissioner Willner said, "As long as they are a family as defined by the dictionary, they could not take two family plans."

Attorney Jones said he doesn't know that they have to be married to be a family. Again, it is up to the insurance company. If he understands the real question here, the real question to the county is, "What does the county agree to pay for?"

Commissioner Willner said that is correct.

Attorney Jones said that as it stands now, the county pays for whatever the employee elects.

Commissioner Willner said we would pay for two singles.

Attorney Jones said they should be able to have at least one (1) family plan if they have a family.

Commissioner Willner said we don't know that they do have a family.

Commissioner Borries asked how one family could end up having two family plans -- that would be the question.

Commissioner Cox noted that the county will double pay premiums.

Mr. Lindenschmidt pointed out that the employees will be double paying, also.

Commissioner Cox said they want HMO because you get all the prescriptions you want for \$2.00 per prescription.

Attorney Jones said he thinks they are trying to cover all bases.

Mr. Lindenschmidt asked how many man-wife teams we have working for the county.

Commissioner Willner said there are quite a few.

Attorney Jones said he thinks what they are doing is going to the Physician's plan, as they want their own choice of physicians. And at Welborn, you get \$2.00 prescriptions.

Commissioner Willner requested Deputy Auditor Sam Humphrey to investigate and see what the exact family set-up is there?

Commissioner Borries said he would like to defer this matter for one week and have Jim Lindenschmidt look at it in relation to

Attorney Jones said that he would think that they would have to designate that the
(continued)

dependents are covered under which plan. You can't double cover. The county will not pay to put that one spouse under two plans anymore than it would take one dependent under two plans. If they split their family, put one kid under one plan and one kid under the other plan -- then you have two family plans with two separate adults. If you put the two kids on one family plan with one adult, that leaves the other adult with a single plan. But they cannot put one dependent under two different plans. It is where they disburse their kids that decides which they get.

Commissioner Willner requested that Deputy Auditor Sam Humphrey provide the Commissioners with additional information next week.

RE: ORDINANCE/VACATION FOR PORTION OF NORTH GREEN RIVER RD.

President Willner said that at last week's meeting, the Commissioners had approved the vacation of a portion of North Green River Rd. However, the ordinance was not available for signatures. He entertained a motion that the ordinance be signed. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Commissioner Willner submitted the monthly report for period ending November 28, 1985, from the Clerk of the Circuit Court.....report received and filed.

RE: APPOINTMENTS

It was announced by President Willner that there are a number of appointments to be made prior to year's end.....and the Commissioners will probably make those next week.

RE: OLD BUSINESS

Commissioner Borries said that the meeting scheduled with Operation City Beautiful officials has been postponed until Tuesday, January 21st, at 4:00 p.m., at which time it will be held in the Commissioners' Hearing Room.

RE: EMPLOYMENT CHANGES - RELEASES

Burdette Park

Greg Bruce	9800-A New Harmony Rd.	PTGC	\$4.00/Hr.	Eff: 11/28/85
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Burdette Park

Greg Bruce	9800-A New Harmony Rd.	PTRG	\$4.00/Hr.	Eff: 11/29/85
Laurel Martin	3655 Jackson Ct.	Recept.	\$4.00/Hr.	Eff: 12/10/85

Circuit Court

Michael Danks	1518 E. Illinois	Intern	\$3.35/Hr.	Eff: 12/16/85
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RE: CONDOLENCE LETTER

Commissioner Borries said he was wondering if the Commissioners would want to send a letter of condolence to the family of William C. Arvin, Jr. (an Evansville resident) who was killed in the airplane tragedy in Newfoundland as members of the 101st Airborne Division were returning to Ft. Campbell, Kentucky, for the holidays. The Board unanimously agreed that the letter should be sent.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:20 p.m.

(continued)

COUNTY COMMISSIONERS
December 16, 1985

Page 18

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY HIGHWAY

Bill Bethel

AREA PLAN

Barbara Cunningham
Beverly Behme

SECRETARY:

Joanne A. Matthews

COUNTY AUDITOR

Sam Humphrey,
Deputy Auditor

COUNTY ENGINEER

Andy Easley

OTHER

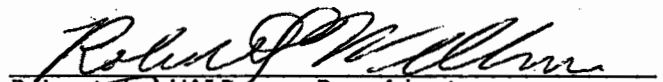
Thomas Terrell, Atty.
Ed Grammer/Remonstrant
Harriet Hartig
James Morley
Earl Harp
News Media

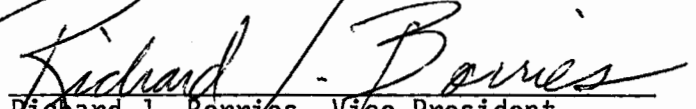
COUNTY ATTORNEY

David L. Jones

COUNTY SURVEYOR

Bill Jeffers, Chief Deputy


Robert L. Willner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 23, 1985

Subject

Page No.

AGREEMENTS

Amendment to Agreement/Adult Protective Services-----Approved ----- 1

APPOINTMENTS ----- 9-10

City-County Health Dept.	Dr. Gregg Gormley	4 Yrs.
Area Plan Commission	Rick Borries	1 Yr.
Co. Hospital Bldg. Authority	Robert Hart	4 Yrs.
County Board of Public Welfare	Carl Lyles	4 Yrs.
Library Board	LaNelle Brenner	4 Yrs.
Convention & Visitor's Bureau	Robert Green	1 Yr.
	Ira Neal	1 Yr.
Data Processing Review Board	Ernest Nolan	2 Yrs.
	William A. Jones	2 Yrs.
County Board of Review	Fred Stocker	1 Yr.
	Casper Hudson	1 Yr.
Voter's Registration	Paul Bitz	1 Yr.
	Susan Kirk	1 Yr.
Tax Adjustment Board	Patsy A. Bell	1 Yr.
	Paul V. Batts	1 Yr.
	Jean Marie Baker	1 Yr.
	Byron Wright	1 Yr.
Legal Aid	Robert Saunders	3 Yrs.
	Jane Beckham	3 Yrs.

APPROVAL OF MINUTES ----- 1

CLAIMS ----- 6

City of Evansville	\$272,355.37	Home Insurance Co.	\$ 1,321.00
Continental Insurance Co.	\$ 5,492.00	" " "	\$ 42.00
Home Insurance Co.	\$ 34,712.00	" " "	\$ 299.00
" " "	\$ 4,118.00	" " "	\$ 6,393.00
" " "	\$ 146.00	" " "	\$ 6,986.00
" " "	\$ 2,062.00	" " "	\$ 3,196.00
" " "	\$ 2,662.00	" " "	\$ 751.00
" " "	\$ 917.00	" " "	\$ 140.00

COUNTY ATTORNEY

Lawsuit/Hollingsworth vs. Vanderburgh County, etc. -----Curt John appointed to
represent Vanderburgh County ----- 6

COUNTY ENGINEER - ANDY EASLEY

Ltr. to State requesting reimbursement for Co. Bridge Inspection Expense -----7-8
Right-of-Way Easement for Lindauer Lane Subdivision -----Approved ----- 8

COUNTY HIGHWAY - BILL BETHEL -----6-7

COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY ----- 7

EMPLOYMENT CHANGES -----10

E.U.T.S. - ROSE ZIGENFUS

Claim/County Portion of Covert Avenue Extension Construction Costs;
County to reimburse City of Evansville in amount of \$272,355.37-----Approved ----- 3

INSURANCE - JOHN HODGE/AGENT OF RECORD

Extension of Insurance Coverages Approved; Proposed Plan to be presented
in January to take effect February 1, 1986 -----3-5

OLD BUSINESS ----- 10

ORDINANCES

Final Hearing/Amendments to Code of Ordinances -----Approved ----- 2

POOR RELIEF APPEAL - KNIGHT TOWNSHIP

Beth Sultan-----Denied/Failure to Comply w/Requirements; Commissioners/County
Attorney to handle School Book Assistance -----1-2

RESOLUTIONS

Inducement Resolution/Mid-America Student Housing, Inc.-----Approved ----- 8

SCHEDULED MEETINGS ----- 10

SURPLUS EQUIPMENT - WELFARE DEPARTMENT ----- 8-9
J. Lindenschmidt to send letter to County Officeholders to determine need
prior to disposing of equipment.

TRAVEL REQUEST - PERRY TOWNSHIP ASSESSOR ----- Approved ----- 9

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 23, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 23, 1985, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, December 16th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: AMENDMENT TO AGREEMENT/ADULT PROTECTIVE SERVICES

President Willner announced that Sandy Millard from the County Prosecutor's office is present today and has one item for the Commissioners' attention.

Ms. Millard said she has an Amendment to the Agreement previously signed on the Council on Aging Adult Protective Services. This being the end of the year, they have found that they could give us \$5,000.00 additional if we wanted it. Therefore, the agreement needs to be signed.

Commissioner Borries said the Commissioners will be happy to sign the amendment. Anytime, in fact, that we can get extra money from the State of Indiana. It is his understanding that the Adult Protective Services program is working very well and he appreciates Ms. Millard giving up vacation time today to bring this down to the Commissioners for their signatures, so it can be forwarded to the State. Commissioner Borries then moved that the amendment to the agreement regarding Adult Protective Services (#X85A-79) be approved. A second to the motion was provided by Commissioner Willner. So ordered.

RE: POOR RELIEF APPEAL - KNIGHT TOWNSHIP

Beth Sultan, 454 Shamrock Court: President Willner asked that poor relief applicant approach the podium. Ms. Sultan is asking for \$61.25 school book assistance. Trustee had denied assistance because of failure to bring proof of income by mail, as requested.

President Willner asked Ms. Sultan if she provided proof of income by mail?

Ms. Sultan said she was not notified that she needed to send it. They told her they sent her a letter, but she never received a letter to this effect....or she would have sent same to the Trustee.

President Willner asked Ms. Sultan how many people there are in her household?

Ms. Sultan said there are three (3). She has a daughter (13), a son (10) and she is age 33.

President Willner asked Ms. Sultan if she is divorced? She responded in the affirmative. President Willner asked if the father is still living in the State of Indiana? Ms. Sultan said that he is not. President Willner asked if he is paying any support? Ms. Sultan said that he is not. President Willner asked if the Prosecutor has been notified and is he working on the case? Ms. Sultan said that the father is out of the country and the Prosecutor can do nothing. President Willner entertained questions. There were none.

President Willner then called upon Emarie West, representative from the Knight Township Trustee's office, for her comments.

Mrs. West said that Ms. Sultan first made application for school book assistance for 1985, showing her address as being 454 Shamrock Court. On November 12, 1985, letters were mailed from the Trustee's office for all school book applications received, requesting that the applicant bring proof of income to the Trustee's office for their records. The deadline for providing that information was November 26, 1985. Denials were mailed on December 17th to those people who did not come into the office or mail information concerning proof of income. Two hundred twenty (220) people brought in proof of income for the applications and one hundred nine (109) did not bring in this information. In checking her records, Mrs. West said that school books were paid for last year for Ms. Sultan (at the Shamrock Court address). The Trustee's office checked into sending letters via registered or certified mail; due to the expense, their budget could not handle that.

(continued)

Thus, they forward the letters via First Class mail. She has no proof that Ms. Sultan received the letter. However, she has proof that she did not receive the letter back. The Trustee's office did receive a few back in the mail -- but, not many. She cannot prove that Ms. Sultan did receive the letter. Ms. Sultan came into the Trustee's office on December 19th, stating that she did not receive the letter. In doing some checking, the Trustee's office found that Ms. Sultan stated on the application that her income was \$197.00, but the source of this income was not stated. They have found out that it was from her AFDC. She receives Section #8 housing (they pay \$385.00 on the rent, which is the total rent -- she pays nothing toward her rent). She also receives a \$22.00 utility allowance. She has been on Section #8 since April, 1981. With the \$22.00 utility allowance per month, her SIGECO bill from October 2 to October 31 was \$36.19. From October 31 to December 2 it was \$47.43. The water and sewer utilities are included with the rent. Ms. Sultan also receives \$190.00 in food stamps. Thus, Ms. Sultan is definitely income eligible. However, there is some income there that is left from the AFDC, and as to where that money goes she does not know. Mrs. West then entertained questions from the Board.

Attorney Miller asked if Mrs. West is saying that if Ms. Sultan had brought her proof of income to the Trustee's office in time that she would have been eligible for the entire \$61.25 amount? Mrs. West responded in the affirmative, saying that the Trustee's office is given a deadline by the State.

Attorney Miller said the only problem is that Ms. Sultan did not bring the proof to the Trustee in time so the Trustee couldn't give it to her because of the State rule, but the Board of Commissioners still can?

Mrs. West said the Trustee's office has to notify the School Corporation within 21 days of receipt of the application.

Attorney Miller said then, that the Trustee is functioning under a deadline and the Commissioners are not?

Mrs. West said that with her appeal, then she'd have to pay this amount out of the 1986 budget. But the letter of denial was received at the address where they

President Willner interrupted, asking if the Trustee sent a letter of notice to bring in employment /income statement via United States mail?

Mrs. West responded in the affirmative.

President Willner asked if Mrs. West has a copy of same or a record of the date that it was sent out? Mrs. West said she has no copy, but all the letters were mailed at the same time on November 12th.

President Willner said that Ms. Sultan is saying that she never received it? Not that it was late, but that she never received the letter? Mrs. West said that is correct. Yet, Ms. Sultan received the letter of denial -- and both pieces of correspondence were mailed to the same address.

Following a brief conference with Attorney Miller and Commissioner Borries, President Willner advised Ms. Sultan that her request was denied by the Trustee because she did not comply with the requirements within the specified time limit. However, the Commissioners will take care of the school book assistance. He asked that she speak with Attorney Miller outside the meeting room.

RE: FINAL HEARING - AMENDMENTS TO CODE OF ORDINANCES

President Willner stated that these amendments are just a clarification of the ordinance, where we lost a couple of court cases because the english was not clear, etc. The ordinance was advertised on December 2 and 11, and today is the final hearing. Motion was made by Commissioner Borries that the amendments to the Code of Ordinances of 1982 be adopted, with a second from Commissioner Willner. So ordered. President Willner then asked for a roll call vote. There were two (2) affirmative votes from Commissioners Willner and Borries.

COUNTY COMMISSIONERS
December 23, 1985

Page 3

RE: E.U.T.S./COUNTY PORTION OF COVERT AVENUE EXTENSION CONSTRUCTION COSTS

The Chair recognized Rose Zigenfus, Director of E.U.T.S., who presented the following letter and claim:

TO: Rose Zigenfus
FROM: Chris Schletzer, Accountant/EUTS
SUBJECT: County Portion of Covert Avenue Extension Construction Costs
DATE: December 12, 1985

Please present attached claim to the Vanderburgh County Commissioners at their next meeting.

The Indiana Department of Highways recently invoiced the City 90% of the total Local Share of \$672,482.39 or \$605,234.15 for construction costs for Project ME 220 (1), Contract R-15545. The City of Evansville responded immediately with payment in order that the notice to proceed could be issued.

As you are aware, this cost is to be shared by Vanderburgh County. It appears that the shared ratios are as follows:

City	55%
County	45%

This invoice is to reimburse the City for the County's portion of the recently paid invoice, copy of receipt attached.

If there are any questions, please contact me at 426-5468.

Continuing, Mrs. Zigenfus said the County's share amounts to \$272,355.37. The project should commence in the spring, as soon as the weather breaks. The contracts have all been let.

Commissioner Borries asked if Mrs. Zigenfus knows how they will proceed? Will they start at Green River Rd.?

Mrs. Zigenfus said she suspects they will start at Green River Rd., but she has had no report from the State Department of Highways concerning their plans.

Commissioner Borries asked if Warrick County had a small portion of this?

Mrs. Zigenfus said they did have a small portion. It is her understanding, however, that they were not included in this contract.

Commissioner Borries said that it seems to him that Warrick County was going to maintain a part of a highway -- they were going to take that over; and, in return, the State was going to pay their portion.

President Willner entertained a motion for approval of the claim in the amount of \$272,365.37. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: INSURANCE - JOHN HODGE, AGENT OF RECORD

President Willner recognized Mr. John Hodge, the county's agent of record for the County insurance program. Mr. Hodge had forwarded the following letter to the Board:

December 23, 1985

Board of Commissioners/County of Vanderburgh
305 Administration Building
Civic Center Complex
Evansville, IN 47708

(continued)

COUNTY COMMISSIONERS
December 23, 1985

Page 4

Dear Commissioners,

As we have discussed, the international insurance market situation has changed dramatically in the last twelve months. The "soft" market of 1983 and 1984 has turned into a very difficult market. This is affecting all lines of commercial insurance, and governmental entities are one of the classes that has been affected very drastically.

The rising costs to defend claims and to pay court judgments against governmental units has created a serious deficiency in Insurance Companies that are willing to provide liability insurance for medium to large governmental bodies. We have been fortunate for the last few years in our ability to obtain high limits of insurance coverage for Vanderburgh County at a reasonable price. The situation has changed drastically.

Our search of the worldwide insurance markets indicates that no insurance company is willing to provide a full liability program for Vanderburgh County effective January 1, 1986.

For the past six months, we have been working in contemplation of the possibility of this situation. We have developed a program of partial self-funding for Vanderburgh County with a stop loss feature to prevent disaster for the County. The program is nearly complete, but the full stop-loss insurance is not 100% confirmed right now. The entire program should be in place by February 1, 1986, and we will present the entire plan to you in January. If administered correctly, this program should result in a substantial savings to the County over the next five to ten years, and could also result in immediate savings over a fully insured program.

In order to allow Vanderburgh County to have time to fully implement the new program, Home Insurance Company has agreed to provide an extension of the present coverages from January 1, 1986, to February 1, 1986. The company has agreed to provide General Liability, Automobile Liability and Worker's Compensation insurance coverages at least until February. Enclosed is a synopsis of the coverage including the limits of liability, the appropriate deductible amounts, and the premiums applicable.

Enclosed, also, are invoices for Property, Inland Marine, Bond, and Crime Insurance coverages that will be placed in standard insurance markets at least until the new plan is fully implemented.

The Public Official Liability and the Police Professional Liability policies of 1985 are being extended through 1986 subject to your approval after confirmation of policy provisions and premiums soon after the first of the year. The final premiums have not been confirmed as yet.

Be assured that we are continuing to search the worldwide insurance markets for the programs that are most advantageous to the citizens and administration of Vanderburgh County. We will continue to provide the best in professional risk management under the restraints of the ever changing insurance market.

I ask your approval of the extension of the coverages as outlined until we can get a better alternative.

Our staff is available to meet with any appropriate official to discuss any insurance matter at any time.

Very truly yours,

HELFRICH INSURANCE AGENCY

John D. Hodge

p.s. We have discussed the tentative insurance plan with the Indiana Association of Counties and they endorse the program. It is currently in force in St. Joseph County, Indiana.

* * * * *

Insurance Program Effective 1-1-86

(continued)

COUNTY COMMISSIONERS
December 23, 1985

Page 5

		<u>Premium</u>
Comprehensive General Liability \$150,000. Occurrence Limit Home Insurance Company	1-1-86 to 2-1-86 \$10,000/claim deductible	\$17,466
Business Auto Policy \$150,000. Occurrence Limit No Comprehensive or Collision Coverage Home Insurance Company	1-1-86 to 2-1-86 -0- deductible	6,326
Worker's Compensation Full statutory coverage Home Insurance Company	1-1-86 to 2-1-86	5,241
Property Insurance Per Statement of Values on file \$14,510,688. Indiana Insurance Company	1-1-86 to 1-1-87 \$250 deductible	27,638
Inland Marine Insurance Per Schedules on file \$644,765. Indiana Insurance Company	1-1-86 to 1-1-87 \$250 deductible	7,074
Public Officials Liability \$300,000. Policy Limit Imperial Casualty Company	1-1-86 to 2-1-86 \$10,000 deductible	Premium to be determined
Law Enforcement Professional Liability \$300,000. Policy Limit National Casualty Company	Full Coverage	Premium to be determined
Public Employees Blanket Bond Money and Securities Coverage \$100,000. Limit of Liability Continental Insurance Company	1-1-86 to 1-1-87 \$2,500 deductible	5,492

Commissioner Borries said he appreciates the work that Mr. Hodge has done on this. He knows it has been a difficult thing. There have been numerous reports about this crisis. He read one in "Newsweek" magazine this past summer and there have been several articles in the local paper regarding the situation. He knows that Mr. Hodge has spent a lot of time contacting various offices in other counties. What are some of the other counties doing to combat this, of which Mr. Hodge is aware?

Mr. Hodge said he did speak with several counties, as well as the Executive Director of the Indiana Association of Counties in Indianapolis. The proposed program is endorsed by the Indiana Association of Counties. As noted, it is already in effect in St. Joseph County (they started it on November 1st). They were the first county in the state to come on as a partially self-funded program, where the county has an opportunity to reduce their cost by reducing their claims. He believes Vanderburgh County can profit from this insurance because of the cooperation of the County Officeholders. Lake County has not been able to obtain insurance quotes for 1986 to this point and they have a problem. Marion County is quite a bit larger and, of course, they are in a different situation, as they work with the City of Indianapolis on a self-funded program. They basically handle this with a complete staff of claims attorneys. Allen County has been able to continue their insurance up to this time at a very substantial premium....approximate twice the amount paid by Vanderburgh County last year. Terre Haute had the proposed program put in in February and presented to them, but because of the re-insurance problems that occurred at the end of November, the offer was rescinded and they are now re-negotiating the whole thing for January 1st again. The City of Madison, Indiana was required to close their swimming pools early this year because they couldn't maintain insurance. A little town in California had to close the town because they didn't have any insurance. They are making emergency police runs and that is all. It is a situation that is going to resolve itself in a little bit just because of the international insurance marketplace. Also, there is a lot of action within the State Legislature to reduce the liability exposure for municipalities and governmental entities -- and the Indiana Association of Counties is working diligently on this. It should get better -- but not very soon.

(continued)

Commissioner Borries said that, in talking to a few of the local legislators, there may be a rather lukewarm kind of reception on the part of some, because they think that although citizens have a right to exercise their grievances or further their own rights ...but it is causing a hardship, he thinks, in the municipalities.

Mr. Hodge said that despite the size of the population of Vanderburgh County, the County is doing an excellent job on maintaining loss control. Again, if they can get the extension for the month of January, then the whole program will be presented to them. in January.

Motion was made by Commissioner Borries that the extension with Home Insurance Company for the month of January, 1986, be approved, with a second from Commissioner Willner. So ordered.

With regard to the claims covering premiums for one-month extensions, Commissioner Willner asked if Commissioner Borries thinks the claims should be approved en masse, or should they approve them separately?

Commissioner Borries said he thinks that since they are all extension for 1-month period that they should be approved en masse, and he made a motion to this effect. A second to the motion was provided by Commissioner Willner. So ordered. (It was noted that some of the claims are for the 1-month period and others are for the entire year.) The following claims were approved:

Continental Insurance Co.	1-1-86 to 1-1-87	\$5,492.00
Indiana Insurance Co.	1-1-86 to 1-1-87	\$34,712.00
PENCO-Home Insurance Co.	1-1-86 to 1-1-87	\$ 4,118.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 146.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 2,062.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 2,662.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 917.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 1,321.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 42.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 299.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 6,393.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 6,986.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 3,196.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 751.00
PENCO-Home Insurance Co.	1-1-86 to 2-1-86	\$ 140.00

RE: COUNTY ATTORNEY - DAVID V. MILLER

Attorney Miller said that, speaking of lawsuits and people suing the county -- somebody did that last week. We were served with a complaint for personal injuries filed by Louis Hollingsworth, Shirley Hollingsworth and Louis Hollingsworth, Jr. We were sued, along with the L&N Railroad Company and Seaboard Railroad Systems. This grows out of a railroad crossing accident. Attorney Miller said that as the Commissioners know, his lawfirm represents the L&N Railroad Company and Seaboard Railroad Systems, as well as the county. Thus, they are in a situation where they cannot, as a law firm, represent the county in this matter and he would ask that the Commissioners direct him to obtain alternate counsel and advise him concerning their choice.

President Willner asked Attorney Miller to see if Attorney Curt John will handle this matter for the county.

Attorney Miller said he is certain that Attorney John will do a fine job. He will transmit the file, together with letter, to Attorney John.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period December 16th- December 20th..... report received and filed.

COUNTY COMMISSIONERS
December 23, 1985

Page 7

Weekly Work Report: Also submitted for the same period was the Weekly Work Report..... report received and filed.

Attached to the Work Report was the following Work Schedule:

Gradall: Drive-Way tile Schenk Rd., Bronn Rd., Boonville-New Harmony Rd., Oak Grove Rd., Cypress-Dale Rd., Baseline Rd., East, and Ruston Lane.

Grader: Wallenmeyer Rd., Bixler Rd., Maasberg Rd., Ar, strong Rd., and Baehl Rd.

Patched: Boonville-New Harmony Rd., Old State Rd., Darmstadt Rd., Streuh-Hendricks Rd., McDowell Rd., Hogue Rd., Upper Mt. Vernon Rd., Westmore Drive, Diefenbach Rd., Mt. Vernon Rd., Koring Rd., and Middle Mt. Vernon Rd.

Rock Shoulders: Harmony-Way

Tree Crew: Baseline Rd.

Snow Removal: Friday, December 19th - 8 trucks and 1 Grader

President Willner said the Commissioners received good report on the snow removal during the past week -- keep it up! President Willner then entertained questions. There were none.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period December 16 thru December 20, 1985...report received and filed. He then entertained questions concerning the report.

President Willner asked if the water is completely off Waterworks Road currently?

Mr. Jeffers said it was last week. The culvert that was installed on Tuesday was about 300 ft. west of the concrete bridge which was installed in 1982. They are preparing to install one more culvert several hundred feet west of that; however, they do not yet have it in the ground. The culvert will be between that bridge and The Barge.

President Willner entertained questions concerning the guardrail repair report. There were none.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Mr. Easley presented a copy of the following letter:

December 17, 1985

Indiana Department of Highways
Vincennes District - P. O. Box 376
Vincennes, Indiana 47591

ATTN: Mr. Marston Fowler, Jr.

Re: Vanderburgh County Bridge Inspection
Project BRZ-9982(6), BR-NBIS(024)
Claim No. 3 for Bridge Inspection

Gentlemen:

Enclosed is a claim in the amount of \$2,592.00 for Bridge Inspection Work on subject project for the period of October 1, 1985 to December 12, 1985.

We are enclosing three (3) copies of the following invoice from Floyd E. Burroughs & Associates, Inc.

<u>Date</u>	<u>Amount</u>
December 12, 1985	\$3,240.00

(continued)

COUNTY COMMISSIONERS
December 23, 1985

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If any additional information is required, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

Mr. Easley explained that this covers the claim that we paid last week -- and now we are submitting this for reimbursement by the State.

Lindauer Lane Subdivision: Mr. Easley said the only other item he has for the Commissioners' attention concerns a subdivision called Lindauer Lane, where they modified the location of the road. They got the street on a couple of lots and at his suggestion they have drawn up an easement deed, granting the County an easement. He and Bill Bethel inspected this last spring, he believes, and the County has already accepted this road. He pointed out that they need to get this right-of-way for us -- and he has a signed easement deed. He also has a map and will explain to the Board that when they recorded this plat, they knew they were going to clip the corner of this lot and they clipped it more than they realized. They also put a turnaround on Lot 15. When they surveyed the lot it showed up -- or this was detected -- and when they surveyed another lot, they detected another problem. The legal descriptions on the easement are correct. He has signed it and Attorney Miller has reviewed it. It is his recommendation that the Commissioners approve the right-of-way easement for Lindauer Lane as he believes they are going to sell one of the involved lots on Friday.

President Willner entertained a motion. Motion was made by Commissioner Borries that the right-of-way easement for Lindauer Lane be approved, with a second from Commissioner Willner. So ordered.

President Willner asked Mr. Easley when does he submit the extra mileage to the State?

Mr. Easley said they send him a piece of paper -- either every year or every two years. He has a file in which he maintains everything. We've added several miles in the last....

President Willner interrupted, asking that Mr. Easley make certain that this gets on there.

RE: INDUCEMENT RESOLUTION/MID-AMERICA STUDENT HOUSING, INC.

President Willner presented an Inducement Resolution concerning Mid-America Student Housing, Inc. He said this was approved by County Council last week at their meeting and, if there are no questions, he would ask for approval by the Board of Commissioners. The instrument authorizes the City of Evansville to authorize and sell a bond issue for the financing and development of the facility, including acquisition, renovation, construction, etc., either directly or by loan to Mid-America Student Housing, Inc., and such facilities to be owned, leased by or sold to Mid-America Student Housing, Inc. Commissioner Borries commented that Council has approved the resolution and the County Attorney has reviewed same.

President Willner entertained a motion. Motion was made by Commissioner Borries that the Inducement Resolution for Mid-America Student Housing, Inc. be approved, with a second from Commissioner Willner. So ordered. President Willner then asked for a roll call vote. There were two (2) affirmative votes from Commissioners Willner and Borries.

RE: DEPARTMENT OF PUBLIC WELFARE - SURPLUS EQUIPMENT

President Willner read the following letter:

James Lindenschmidt
County Building Superintendent
c/o Vanderburgh County Commissioners
Civic Center Complex
Evansville, Indiana 47708

Re: Surplus Property

Dear Mr. Lindenschmidt:

The Vanderburgh County Department of Public Welfare is declaring the below

(continued)

listed adding machines and calculators as surplus equipment:

<u>Serial No.</u>	<u>Model</u>
5641688	Citizens 215427
116750	Adler Mark 12
5409355	Citizens
J98938D	Burroughs J-218

These may be used by other County offices or disposed of as any other County surplus equipment.

Respectfully,

John M. Schroder
Assistant Director

Mr. Lindenschmidt said these units are already in his possession.

President Willner asked if Mr. Lindenschmidt will send a letter listing this equipment, as well as other surplus equipment, to the Officeholders to determine if anyone in the County needs any of the surplus equipment. Mr. Lindenschmidt said he doesn't believe anyone will want the equipment as all of it is old.

RE: TRAVEL REQUEST - PERRY TOWNSHIP ASSESSOR

President Willner presented the following travel request:

December 17, 1985

Vanderburgh County Commissioners
Room 305
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

I respectfully request your permission for myself and Chief Deputy, Glen Koob, to attend the State Board of Tax Commissioners Annual Assessors' Conference. The conference will be held in Indianapolis, IN, on January 20, 21 and 22, 1986.

The State Board of Tax Commissioners will certify per diem, mileage and actual lodging expense as per enclosed memorandum.

Sincerely,

Harry A. Tornatta
Perry Township Assessor

Motion to approve travel request was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: APPOINTMENTS

At the request of President Willner, Commissioner Borries presented the following list of County Appointments to be approved and said he moves that said appointments be made

City-County Health Department	Dr. Gregg Gormley	4 Yrs. (Eff: 1/1/86)
Area Plan Commission	Rick Borries	1 Yr.
County Hospital Building Authority	Robert Hart	4 Yrs.
County Board of Public Welfare	Carl Lyles	4 Yrs.
Library Board	LaNelle Brenner	4 Yrs.
Convention & Visitors Bureau	Robert Green	1 Yr.
	Ira Neal	1 Yr.
Data Processing Review Board	Ernest Nolan	2 Yrs.
	William A. Jones	2 Yrs.
County Board of Review	Fred Stocker	1 Yr.
	Casper Hudson	1 Yr.

(continued)

1 Yr.

1 Yr.

1 Yr.

1 Yr.

1 Yr.

1 Yr.

3 Yrs.

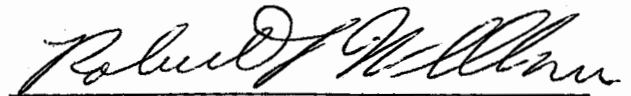
3 Yrs.

SECRETARY: Taped by James Lindenschmidt
Transcribed by Joanne A. Matthews

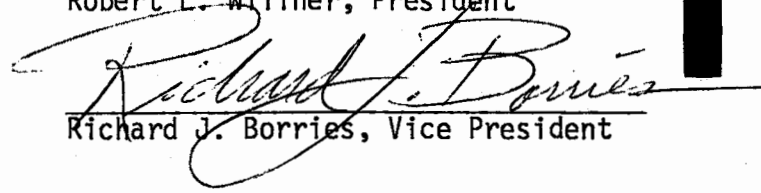
140.

COUNTY COMMISSIONERS
December 23, 1985

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Robert L. Willner, President



Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 30, 1985

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Pulse Systems, Inc. -----\$2,985.00	
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Helfrich Insurance Co. -----\$ 350.00	
Helfrich Insurance Co. -----\$ 200.00	
Helfrich Insurance Co. -----\$1,758.00	
Helfrich Insurance Co. -----\$1,500.00	
Pulse Systems, Inc. -----\$ 200.00	
Assoc. of Indiana Counties--\$3,500.00	
Building Authority -----\$580,018.00	
National City Bank -----\$336,674.00	
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COUNTY HIGHWAY - BILL BETHEL -----	2-3
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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 30, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, December 30, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:40 p.m., with President Willner subsequently entertaining motion concerning approval of minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on December 23rd be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: NORTH AMERICAN INSURANCE COMPANY

President Willner recognized Mr. Jon Dauble, representative of North American Insurance Company. Mr. Dauble (Elliott Sabel & Assoc. of Evansville) advised that he received the following letter from North American Insurance Co. concerning the County group life insurance plan. For the second straight year, the county's rates remain unchanged.

December 17, 1985

Mr. Jon Dauble
Elliott Sabel & Associates
1 Mulberry Place
P. O. Box 1083
Evansville, IN 47730

Re: Vanderburgh Co. G-061742

Dear Jon,

This letter is to confirm the fact that this group plan was reviewed in September of this year in anticipation of its November 1 renewal, and it was determined that this plan would be renewed at the existing rate.

The experience and census information will once again be re-evaluated in September of next year in order to ascertain the November 1, 1986 renewal rate.

Please contact me if I can be of further assistance.

Sincerely,

Thomas P. Carroll, Director
Group Administration

Mr. Dauble said to recap the events that led up to choosing North American as the carrier, in 1983 they switched carriers, thus eliminating a required reserve fund leading to a one-time payout to the county of approximately \$21,000, lowering the rate approximately 40%. At that time the previous carrier was projecting a 10% to 25% annual increase. Mr. Dauble said that he just wanted to re-emphasize that through the good judgment of the Commissioners, their decision in 1983 has saved the County approximately \$27,000.00. Mr. Dauble expressed his appreciation to the Commissioners for their support over the years and said he hopes to continue servicing the County's account.

President Willner expressed thanks to Mr. Dauble for his confidence....and for the report.

RE: BURDETTE PARK - MARK TULEY

Mr. Tuley presented the following proposed Rate Schedule for 1986 for facilities at Burdette Park. The rates were taken before the Burdette Park Advisory Board last month and were set by them, and he is requesting permission from the Commissioners today to set these 1986 rates in place. Any increases are modest increases. There were no increases in 1985. Several minimal increases were added in 1984. In doing comparative analysis, he believes the Commissioners will find that Burdette's rates are still more than reasonable.

(continued)

1986 RATE SCHEDULE - BURDETTE PARK

<u>Building Name</u>	<u>Old Rate</u>	<u>Proposed New Rate</u>
Pavilion	\$ 175 (300 people) \$ 250 (300-500 people) \$ 400 (500-1000 people)	\$ 200 \$ 275 \$ 425
Bishea	\$ 140 Weekdays \$ 175 Weekends	\$ 160 \$ 190
Lakeside	\$ 50	\$ 60
Clubhouse	\$ 75	\$ 85
Shelter #7	\$ 25	\$ 30
Shelter #11	\$ 30	\$ 35
Shelter #12	\$ 35	\$ 45
Shelter #13	\$ 40	\$ 50
Shelter #14	\$ 25	\$ 30
Shelter #16	\$ 25	\$ 30
Shelter #17	\$ 30	\$ 35
Shelter #18	\$ 100 Weekdays \$ 120 Weekends	\$ 110 \$ 140
Shelter #19	\$ 35	\$ 45
Cottages	\$30/Day (1-2 people) \$4/Day per Additional Person (May 15 - September 15)	\$ 35/Day \$ 5/Day
	\$24/Day (1-2 people) \$ 3/Day per Additional Person (September 16 - May 14)	\$ 27/Day (1-2 people) \$ 3/Day
Campground	\$ 20 per Week, Electric & Water \$ 75 per Month " "	\$ 25 per Week \$ 100 per Month
	\$ 25 per week, Sewage, Electric & Water	\$ 35 per Week
	\$ 90 per Month, Sewage, Electric & Water	\$ 140 per Month

The Chair entertained a motion. Motion was made by Commissioner Borries that the proposed rates be adopted for 1986, with a second from Commissioner Willner. So ordered.

Mr. Tuley said he had one more item for the Commissioners. He understands that the County Council will not take up their Capital Improvement Requests until February, and he requests permission to be placed on the Council agenda for their February meeting with regard to the total Capital Improvement package which they brought before the Council back in December.

Motion was made by Commissioner Borries that Mr. Tuley be placed on February Council Call, with a second from Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for period of December 23 thru December 27, 1985.....report received and filed.

Weekly Work Report: Also submitted for the same period were copies of the Weekly Work Report.....report received and filed.

(continued)

Attached to the Work Report, was the following Work Schedule:

Gradall: Middle Mt. Vernon Rd., Cypress Dale Rd. and Yard.

Grader: Echo Hill and Mann Rd.

Rock Shoulders: Harmony Way

Patched: Meadow Lark Lane, Broadway Ave., Blossom Lane, Middle Mt. Vernon Rd., Eichel Drive, Bayou Creek Rd., Nurrenbern Rd. and Old State Rd.

Tree Crew: Baseline Rd.

Haul Dirt: Smith Diamond Rd. (Wash out)

The Chair entertained questions; there were none.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Bridge & Guardrail Repair Report for period of December 23 thru December 27, 1985.....report received and filed.

Mr. Jeffers noted that they received several requests to remove driftwood and the log jam underneath several bridges along Henderson Rd., after the high water went down. They found one bridge to be totally blocked and they have now worked on that for three days.

Culvert Replacement for 1985: Mr. Jeffers said that accompanying the Bridge & Guardrail Repair Report is a list of culvert replacements for 1985, which were accomplished by the County Bridge Crew. There were 52 culverts, ranging in size from 48" diameter down to 12" diameter, with the locations alongside the dates the culverts were installed. Mr. Jeffers said this, of course, does not encompass all the work the bridge crew did -- simply the new pipes installed during the year 1985. They did a lot of other work, as well. (List of Culvert Replacements for 1985 is attached hereto, denoted as "Supplement A".

RE: COUNTY ENGINEER - ANDY EASLEY

Request to Go Before Council: Mr. Easley said he requests permission to go before Council in February to request that the \$13,000 contribution from Paul Neville be put back into the Green River Road account. He asked if he needs to write a letter, asking that that money be reappropriated. Mr. Neville's check went into the General Fund. All of the bills were paid out of the Green River Road R & S account and we need to get Mr. Neville's contribution back into that account.

The Chair entertained a motion. Motion was made by Commissioner Borries that Mr. Easley be placed on the February Council Call, with a second from Commissioner Willner. So ordered.

Signs/Sugar Creek: Commissioner Borries queried Mr. Easley concerning what we had Mr. Neville do regarding the signs he had placed on the county right-of-way?

Mr. Easley said that Mr. Neville told him he would move the signs. In response to comment by Commissioner Borries, Mr. Easley said that he did not give Mr. Neville a specific time limit.

RE: CERTIFICATE OF INSURANCE

Schultheis Insurance Agency, Inc.: J. H. Rudolph & Co. Xmas Party at Vanderburgh Auditorium.

RE: HOLIDAY OFFICE CLOSING

President Willner announced that all County Offices will be closed on Tuesday, December 31, 1985 and Wednesday, January 1, 1986, in observance of New Year's Eve and New Year's Day.

RE: OLD BUSINESS

The Chair entertained items of old business to be discussed. There were none.

(continued)

COUNTY COMMISSIONERS
December 30, 1985

Page 4

RE: SCHEDULED MEETINGS

Wednesday Jan. 8 County Council Meeting (Council Chambers)

RE: CLAIMS

Allied Specialty Insurance Co.: Claim in the amount of \$122.75 for Donald Tucker, who was hurt at Burdette Park. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Pulse Systems, Inc.: Claim in the amount of \$6,052.42 for annual maintenance agreement. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Pulse Systems, Inc.: Claim in the amount of \$2,985.00 for computer equipment and annual maintenance. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$720.00 for Yacht Policy 1-1-86 to 1-1-87. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$350.00 for Public Official Bonds for County Council members (Betty Hermann, Mildred Ahrens, Robert Lutz, William Taylor, Curt Wortman, Harold Elliott and Mark Owen). Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$200.00 for Public Official Bonds for Robert Willner, Richard J. Borries, Shirley Jean Cox and Robert T. Dorsey. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$1,758.00 for Public Official Bonds for Roy Patrick Tuley, Wayne Pasco, Bob Steele, Richard A. Woods, Charles Althaus and Alice Fox. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$1,500.00 for Accident Insurance Policy premium 11-29-85 to 11-29-86 (Policy #64038609). Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Pulse Systems, Inc.: Claim in the amount of \$200.00 for Screen Changes to accommodate additional Insurance Company. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Association of Indiana Counties, Inc.: Claim in the amount of \$3,500.00 for 1986 Annual Dues for Vanderburgh County. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Evansville-Vanderburgh Building Authority: Claim in the amount of \$580,018.00 for Add'l. rent for first six (6) months of 1986. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

The National City Bank of Evansville: Claim in the amount of \$336,674.00 for Fixed Rental for first six (6) months of 1986 for County of Vanderburgh. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: OPENING OF BIDS - XEROX PAPER, LIQUID ASPHALT, CALCIUM CHLORIDE & GUARDRAILS, ETC.

Attorney David Miller arrived at the meeting and President Willner entertained a motion to authorize Attorney Miller to open the bids received on Xerox Paper, Liquid Asphalt, Calcium Chloride and Guardrails, etc. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

(continued)

RE: COUNTY SHERIFF/AMENDMENT NO. 5 to MANAGEMENT OPERATING AGREEMENT/SZABO FOOD SERVICE

Sheriff Shepard extended Holiday Greetings to the Commissioners and made suggestion that if they go out to celebrate that they make sure they have a designated driver -- "If You Drink, Don't Drive"!

Continuing, Sheriff Shepard said he would have appeared on last week's agenda, but the Food Caterer at the County Jail was ill. He was to have brought the new Food Service Contract to be signed. Sheriff Shepard just received them in the mail today.

Szabo Food Service, Inc. does the catering for the County Jail and has done an excellent job in the past. They have passed all the State and Local qualifications for food service and they also have successfully defended any claims brought against the food service in the jails that they service. We had a contract with them last year and they were able to drop the cost 2¢ per meal. We were paying \$1.18 and we went down to \$1.16 per meal. This year, due to the impact inflation on labor, food, supply cost, etc., and the food away from home index for period of October 1984 thru September 1985, there was an increase of 3.95%. If they apply that to our current price structure, our new price would have been \$1.20 per meal. However, they have modified the menu (a copy of which has been handed to the Commissioners for their perusal). They serve a different meal every meal for four (4) weeks. The meal provides 2,800 calories per day and meets all nutrients required by Federal, State and Local standards. Last year they got a lot of Turkey; in fact, he didn't know they could make turkey in so many ways. They have been able to reduce the turkey by 25% and only increase the cost of the meal by 3¢. With a reduction of 2¢ last year and an increase of 3¢ this year, we've actually only increased our meal cost by 1¢ during the last two years. Sheriff Shepard said Szabo Food Service is good; they are well pleased with it. There have been no complaints whatsoever with regard to the operation.

Commissioner Willner asked Sheriff Shepard what the total cost per meal is? Sheriff Shepard said it is now \$1.19. Commissioner Willner entertained a motion to execute the contract. Motion to approve the contract with Szabo Food Service, Inc. was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

January 8 Council Meeting: Sheriff Shepard said he would also remind the Commissioners of the importance of the January 8 meeting with County Council...because it is imperative that they get the Jail Kitchen equipment. The stove went out today and they had to spend several hundred dollars for installation of a new thermostat. The cooking pot is also out and they spent \$800.00 on a thermostat for that -- so it is on its last leg. Thus, they need the money desperately for the future.

Commissioner Willner said the Commissioners will do everything in their power to see that the Sheriff gets this equipment.

The executed Agreement read as follows:

AMENDMENT NO. 5

TO

MANAGEMENT OPERATING AGREEMENT

THIS AMENDMENT, made and entered into this 1st day of January, 1986, by and between SZABO FOOD SERVICE, INC., a Delaware Corporation, having its principal place of business at 2000 Spring Road, Suite 300, Oak Brook, Illinois 60521, (hereinafter "SZABO"), and Vanderburgh County Board of Commissioners, having its principal place of business at City/County Building, Evansville, Indiana 47708 (hereinafter "VANDERBURGH COUNTY JAIL");

WITNESSETH:

WHEREAS, the parties did on January 1, 1977, enter into a Management Operating Agreement for the management by SZABO of the food service facilities of the VANDERBURGH COUNTY JAIL: and

WHEREAS, the parties desire to amend said Agreement as hereinafter set forth, effective from January 1, 1986;

(continued)

NOW, THEREFORE, in consideration of the foregoing and of the mutual promise in said Management Operating Agreement contained, it is mutually covenanted and agreed as follows:

1) The Amendment to the contract of January 1, 1977 and the supplemental of July 1, 1979, which is by reference made a part hereof, and all the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this Amendment and are made a part of this Amendment as though they were expressly rewritten, incorporated, and included herein.

2) Sub-paragraphs three A (3A) of the January 1, 1977, contract and supplemental agreement dated July 1, 1979, are amended to read as follows:

A. VANDERBURGH COUNTY JAIL shall pay SZABO a sum of ONE DOLLAR AND 19/100 (\$.19) per meal for each meal served to inmates, visitors, and staff.

SZABO shall submit to the VANDERBURGH COUNTY JAIL, within a reasonable time, following the fifteenth (15th) day of each month and the close of each month, an invoice for the meals served inmates requested by and prepared for the VANDERBURGH COUNTY JAIL.

The invoice shall be determined by totaling all meals served inmates per each bi-monthly period, times ONE DOLLAR AND 19/100 (\$.19) per meal. Payment to SZABO will be within thirty (30) days of the date of invoice.

3) Except as hereinabove provided, said Management Operating Agreement, dated January 1, 1977, is hereby in all other respects ratified and confirmed.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 5 to be executed, each by its respective officer thereunto duly authorized, this 1st day of January, 1986.

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS

By: Robert L. Willner

Title: President, Board of Commissioners
Vanderburgh County

Attest: Alice McBride/SH

SZABO FOOD SERVICE, INC.

By: Howard E. Breeden
Vice President & General Manager,
Corrections Division

Attest:

RE: HOLIDAY WISHES

While waiting for Attorney Miller to finish opening of bids, President Willner said he would like to extend a Happy New Year to everyone present and, like the Sheriff said, "If you Drink, Don't Drive".

RE: INTRODUCTION OF GUEST

President Willner also introduced Janet Meeks of Tempe, Arizona (Margie Meeks' daughter) who stopped by to attend a portion of today's session. Janet has been in Evansville for the Holiday Season, visiting with her family.

RE: BIDS ON XEROX PAPER, LIQUID ASPHALT, CALCIUM CHLORIDE & GUARDRAILS, ETC.

Guardrails, Posts, Terminal End Sections, Transition End Sections, etc., Attorney Miller said there is an initial kickup in this bidding procedure, because there is no quantity specified or projected in the bid specs. That made it difficult for the bidders to know what their bid bond should be. The bid bond is supposed to be 5% of the amount bid, but if you don't know what quantities you're talking about then you don't know what to submit. So, there is every variation. People sending in a blank bid bond that says 5% of the bid amount, but there is no maximum bid amount. People sent Cashier's Checks or Certified Checks in estimated amounts. The confusion is understandable, and Attorney Miller said he would suggest to the Commissioners that the way to handle this is to take the bid that they believe is appropriate, subject to the vendor providing the county with a blanket amount to cover all purchases for the year. Then, if they don't comply with that require-

(continued)

ment, the Commissioners can either re-bid it or accept the next lowest bid. On these items, the first bid is from the James H. Drew Corporation of Indianapolis. They have bid on a component basis. There are a large number of components they set out, even more than set forth in the specs. If the Commissioners want him to read all of them, he will; but we're talking about some 25-30 different types and pieces and they give no maximum amount. On guardrail, they have 5-6 different kinds of guardrail, 5-6 different kinds of posts, etc.

President Willner asked if Attorney Miller can give a bid price on 400 or something?

Attorney Miller said that on 10-gauge guardrail 12 ft. long by 6 inches, galvanized, it is \$5.40 per lineal ft. On 10-gauge guardrail, sharp curved, it is \$6.55 per lineal ft. On 12-gauge guardrail (galvanized) it is \$4.55 per lineal ft. 12-gauge guardrail sharp curved is \$5.70 per lineal ft.

Attorney Miller said the second bid is from Willis Fence Company. Just as an example, the bid bond he sends in is a \$39.11 Cashier's check which, obviously, is inadequate to cover 5% of total year's purchases, but that can be remedied. He gives four (4) units that he bids:

Guardrail, 12' 6" galvanized w/nuts & bolts	\$68.82	(Quantity is 4)
4" x 6" x 5' 9" Post	\$32.94	
Terminal End Section Flair	\$38.36	
Transition End Section - 6" diameter	\$48.96	

Attorney Miller said the third bid in this category is from M & W Concrete Pipe & Supply. They bid 12 gauge guardrail for \$4.20 per ft. with nuts & bolts (galvanized). 6" Posts (I-beam type) of 5' 9" length is \$26.25. Terminal end section 1" by 6" dia. is \$26.00. Transition end section is \$28.50. Their bid bond is in the form of a Cashier's Check in the amount of \$1,000.00.

Attorney Miller said these are the only three (3) bids in that category.

With regard to bids on Calcium Chloride, there is only one (1) bid and the bid bond is in order. The bid is from Orbie of Illiana, Inc., Crawfordsville, IN. Their bid is for 40,000 gallons of 32% liquid calcium chloride at 45½¢ per gallon or \$18,200.00. 8,000 gallons of 35% liquid calcium chloride at 48¢ per gallon or \$3,840.00. 8,999 gallons of 38% liquid calcium chloride at 50¢ per gallon or \$4,000.00. Again, the bid is in order.

J. H. Rudolph & Co. is the only bidder on bituminous material. A bond is attached to the bid and it is in order. The bid on liquid asphalt is as follows:

Transport loads of 5,000 gal. minimum, 10,000 gal. maximum, approximately 200,000 gallons @ 88½¢ per gallon. Tank wagonloads of 1,000 gallon minimum, 5000 gallons maximum @ \$1.04 per gallon, approximately 95,000 gallons. Transporting less than 1,000 gallon order (approximately 5,000 gallons) - \$1.15 per gallon. A storage tank will be provided at the County Highway Garage by J. H. Rudolph & Co., free of charge.

The bid acknowledges the price adjustment clause in the Specifications.

Bid bond is in the amount of \$30,000.00, which is more than adequate.

Xerox Paper Bids: With regard to bids received on Xerographic paper, Attorney Miller said he finds it interesting that the only bid he has to disqualify in this group is from the Xerox Corporation. Bids received were as follows:

<u>McMurtry-Martin Papers:</u>	8½ x 11, 20 lb. boxes (200 cartons)	\$5,000.00	\$5.00/M
	8½ x 14, 20 lb. (50 cartons)	\$1,715.00	\$6.86/M
	8½ x 11, White Mead 20# Info Xero	\$5,340.00	\$5.34/M
	8½ x 14, White Mead 20# Info Xero	\$1,697.00	\$6.79/M
	8½ x 11 Color 20# Copyrite	\$6.99/M	
	8½ x 14 Color 20# Copyrite	\$8.89/M	
	11 x 17 - 20# Queen Ann Bond (White)	\$9.96/M	

*Bid bond is in order

Xerox Corporation bid is acknowledged, but "A" (Non-Collusion Affidavid it not notarized and "B, there is no Bid Bond.

(continued)

Atlas Office Supplies & Equipment Co. - The Bid Bond is in order. ✓ Their total bid for 200 cartons of 8½ x 11 White Dual Purpose Xerographic Paper is \$27.95 per carton for a total of \$5,590.00 (200 cartons). Bid on 8½ x 14 is \$34.15 per carton or total of \$7,297.50 (50 cartons approx.). They do not give alternate bids on other quantities.

Butler Paper Company: Bid bond is in order. Bid on 200 cartons of 8½ x 11 is \$20.50 per carton or total of \$4,100.00. On 8½ x 14 paper, cost is \$26.25 per carton or \$1,312.50 for 50 cartons. Terms is 2% - 10th, Net 30 Days. Terms might be important. However, the county has difficulty in paying within 10 days because of the procedures.

President Willner entertained a motion to take all bids under advisement for period of one (1) week. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: DRAINAGE BOARD MEETING

It was announced by President Willner that a Drainage Board Meeting will be held immediately subsequent to the Commissioners' Meeting.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:25 p.m.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries

Shirley Jean Cox
(Absent/Vacation)

COUNTY AUDITOR

Sam Humphrey,
Chief Deputy

COUNTY ATTORNEY

David V. Miller

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers, Chief Deputy

BURDETTE PARK

Mark Tuley

COUNTY SHERIFF

Clarence Shepard

PURCHASING


Tom Dorsey


OTHER

Jon Dauble
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

150.

CULVERT REPLACEMENTS FOR 1985

1-8-85 Upper Mt. Vernon Rd. West of Dieffenbach
Installed 12" CMP.

1-16-85 Fischer Rd. North of Kissel Rd.
Installed 18" CMP.

1-25-85 Browning Rd. .2 mi. North of Schlensker Rd.
Installed 12" CMP.

3-6-85 County Line Rd. Between Kansas & Millersburg
Installed 18" CMP.

3-7-85 Hillview Rd. North of #3 School Rd.
Installed 12" CMP.

3-15-85 Cherry Hill Dr. & Middle Mt. Vernon
Installed 12" CMP.

3-19-85 Hogue Rd. West of Creamery Rd.
Installed 18" CMP.

3-21-85 Cypress/Dale Rd. .25 mi. West of Seminary Rd.
Installed 24" CMP.

3-22-85 Lenn Rd. .5 mi. South of Pollack
Installed 18" CMP.

4-2-85 St. Joe Rd. .25 mi. West of Neu Rd.
Installed 36" CMP.

4-8-85 St. Joe Rd. Between St. Wendel & Hwy 65
Installed 18" CMP.

4-11-85 Hornby Rd. Between Fischer & Greenriver Rd.
Installed 36" CMP.

4-16-85 Korff Rd. Between Baseline & Volkman Rd.
Installed 54" x 34" CMP.

4-26-85 Pollack Ave. .5 mi. East of Greenriver Rd.
Installed 18" CMP.

4-30-85 Mill Rd. & Henze Rd.
Installed 18" CMP.

5-16-85 Baseline Rd. .5 mi. East of St. Joe Ave.
Installed 18" CMP.

6-18-85 Schroeder Rd. .25 mi. East of Hwy 41
Installed 18" CMP.

6-19-85 Seven Hills Rd. & Volkman
Installed 24" CMP.

151.

6-20-85 Baseline Rd. Between Old Princeton & Darmstadt Rd.
Installed 18" CMP.

6-25-85 Goebel Rd. Between County Line & 5 Dollar Rd.
Installed 18" CMP.

6-26-85 Schroeder Rd. 600' West of Old State Rd.
Installed 12" CMP.

7-10-85 Marx Rd. .25 mi. West of Korressel Rd.
Installed 18" CMP.

7-11-85 Mill Rd. .25 mi. East of Mesker Park Rd.
Installed 18" CMP.

7-16-85 Upper Mt. Vernon Rd. Box #75 & Box #22
Installed 12" CMP.

7-17-85 Schroeder Rd. & Old State Rd.
Installed 18" CMP.

7-24-85 Upper Mt. Vernon Rd. Box #32
Installed 12" CMP

7-25-85 10117 Upper Mt. Vernon Rd.
Installed 12" CMP.

7-30-85 Upper Mt. Vernon Rd. Box #73
Installed 18" CMP

8-9-85 Mohr Rd. Between St. Joe Ave. & Schaeffer Rd.
Installed 24" CMP.

8-14-85 Upper Mt. Vernon Rd. Box #2
Installed 12" CMP.

8-15-85 Upper Mt. Vernon Rd. Box #10
Installed 12" CMP.

9-3-85 Volkman Rd. .25 mi. South of Seven Hills Rd.
Installed 12" CMP.

9-11-85 Hoppe Rd. Union Twsp.
Installed 36" RCP.

9-16-85 Hoppe Rd. Union Twsp.
Installed 12" CMP.

10-10-85 7216 Upper Mt. Vernon Rd.
Installed 12" CMP.

10-14-85 Oak Grove Rd. .25 mi. East of Greenriver Rd.
Installed Extention on Pipe

152. 10-17-85 Roesner Rd. .25 mi. South of Hogue Rd.
Installed 18" CMP.

10-18-85 Happe Rd. .25 mi. South of Mill Rd.
Installed 12" CMP.

10-18-85 Happe Rd. .2 mi. North of Kings Rd.
Installed 12" CMP.

10-18-85 Happe Rd. .25 mi. North of Kings Rd.
Installed 12" CMP.

10-18-85 Kings Rd. West of Happe Rd.
Installed 12" CMP.

11-6-85 2227 S.E. Browning Rd.
Installed 15" CMP.

11-13-85 Browning Rd. at Baumgart Rd.
Installed 24" CMP.

11-14-85 10310 Browning Rd.
Installed 18" CMP.

11-15-85 14707 Browning Rd.
Installed 24" CMP.

11-18-85 Kansas Rd. East of Heddon Rd.
Installed 18" CMP.

12-4-85 5 Dollar Rd. .2 mi. North of Upper Mt. Vernon Rd.
Installed 12" CMP.

12-5-85 Korressel Rd. .1 mi. South of Marx Rd.
Installed 18" CMP.

12-6-85 5 Dollar Rd. .3 mi. North of Upper Mt. Vernon Rd.
Installed 18" CMP.

12-9-85 5 Dollar Rd. .5 mi. North of Upper Mt. Vernon Rd.
Installed 12" CMP.

12-10-85 5 Dollar Rd. .6 mi. North of Upper Mt. Vernon Rd.
Installed 18" CMP.

12-16-85 Waterworks Road .1 mi. West of New Bridge
Installed 18" CMP.

12-23-85 Waterworks Road .5 mi. West of New Bridge
Installed 18" CMP.

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 6, 1986

Subject	Page No.
AGREEMENTS/CONTRACTS	
Contract Between County, Bridge Crew & Teamster's Local 215-----	Approved ----- 1
Ltr. of Agreement/Deaconess Hospital Laboratory -----	Approved ----- 5
Ltr. of Agreement/Pramod Carpenter, Pathologist -----	Approved ----- 5
Ltr. of Agreement/Thomas Weber, M.D., Pathologist -----	Approved ----- 5
Ltr. of Agreement/Assoc. Pathologists of Evansville -----	Approved ----- 5
Ltr. of Agreement/Dr. Rodney F. Brown, Forensic Odontologist -----	Approved ----- 5
APPOINTMENTS	
General-----	Majority Made; Remainder will be made in near future ----- 1
County Employees - 1986 -----	1-3
APPROVAL OF MINUTES -----	1 & 6
BIDS/XEROGRAPHIC PAPER, LIQUID ASPHALT, CALCIUM CHLORIDE, GUARDRAILS, ETC.....	
Deferred for One (1) Week -----	5 & 6
CLAIMS	
Evlie.-Vanderburgh Bldg. Authority (Telephones)....\$3,645.00-----	Approved ----- 8
Allied Steel Erectors -----	\$ 715.00 ----- Approved ----- 7
Allied Steel Erectors -----	\$2,800.00 ----- Approved ----- 7
COUNTY CORONER - CHARLES ALTHAUS	
County Refrigeration/Deaconess	
Receipt of Check for Post-Mortem Exams/Aircraft Deaths ----\$900.00; Check	
will be submitted next week	
1986 Agreements (see "AGREEMENTS" above)	
COUNTY ENGINEER - ANDY EASLEY	
Req. for Appropriation of Funds/N. Green River Rd. Construction Acct. -----	6 & 7
Claims----- (see "CLAIMS" above)	
Transfer of Bridge Crew Accomplished	
Maintenance Needs/N. Green River Rd. Bridge over Pigeon Creek	
COUNTY HIGHWAY - BILL BETHEL	
Weekly Absentee Report, Work Report & Work Schedule -----	6
Striping of Harmony Way & Petersburg Rd.----Not yet accomplished pending weather	
EMPLOYMENT CHANGES -----	9-10
E.U.T.S. - ROSE ZIGENFUS	
Ltr. Sent to IDOH re Right-of-Way/Lynch Road Extension, etc. -----	4-5
OLD BUSINESS -----	8
RESOLUTION - COMMISSIONERS' MEETING DATES -----	Approved ----- 3-4
SCHEDULED MEETINGS -----	8
TELEPHONES	
Ltr. re Rate Increase/Directory Assistance to go to All Officeholders -----	9
TRAVEL REQUEST/COUNTY RECORDER -----	Approved ----- 8

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 6, 1986

The Vanderburgh County Board of Commissioners met in session on Monday, January 6, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was opened by Sheriff Shepard, since it was the first meeting of the month. The Sheriff declared the meeting in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, December 30, 1985, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: REORGANIZATION OF THE BOARD OF COMMISSIONERS

Since it is the first meeting of the year, Commissioner Willner noted that the Board needs to reorganize. A motion was entertained.

Motion was made by Commissioner Borries that Commissioner Robert L. Willner serve as President of the Board of Commissioners for calendar year 1986, with a second from Commissioner Cox. So ordered.

Motion was made by Commissioner Willner that Commissioner Richard J. Borries serve as Vice President of the Board of Commissioners for calendar year 1986, with a second from Commissioner Cox. So ordered.

Commissioners Willner and Borries welcomed Commissioner Cox as a Member. President Willner also extended a "welcome back" to Commissioner Cox, who has been on vacation.

RE: APPOINTMENTS

It was noted by President Willner that the Board has made the majority of their County Appointments. Those pending should be made in the near future.

RE: TEAMSTER'S UNION CONTRACT - COUNTY BRIDGE CREW

Skipping to Item #12 on the meeting agenda, President Willner said that Mr. Chuck Whobrey is present today and is anxious to be on his way to another meeting. Thus, a motion was entertained concerning approval of the contract for the Bridge Crew.

Motion was made by Commissioner Borries that the Agreement between the Vanderburgh County Commissioners and the Bridge Crew and the Teamster's Union Local 215 be approved for period January 2, 1986 thru December 31, 1986, with a second from Commissioner Cox.

President Willner asked for a roll call vote. There were three (3) affirmative votes. So ordered. (It was noted by President Willner that the Commissioners need to sign all ten copies of the contract.)

RE: COUNTY EMPLOYEES - 1986

President Willner entertained a motion to approve County Employee Lists for 1986, received to date. Motion to approve County Employee Lists submitted to date was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. Submitted to date were the following:

Commissioners

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
David L. Jones
David V. Miller
Margaret A. Meeks
Rebecca J. Kachanuk
Michael T. Wathen

Auditorium

Kim Patrick Bitz
Geraldine Gass
Ruby Norris
Sylvester Lipson
Walter J. Weston
Bruce L. Cook
Dwight Taylor

Pigeon Assessor

Robert T. Dorsey
Joan M. Dorsey
David Lee Fox
Judith E. Stricker
Mary Ann Eichoff
Betty Jo Radcliff
Mary Joan Payne

Center Assessor

Alvin E. Stucki
Shirley E. Stucki
Brian E. Gates
Rebecca A. Fulkerson
Ramona G. Plassmeyer
Joyce A. Fields
Janet R. Stucki

Perry Assessor

Harry A. Tornatta
Glen E. Koob
Karen J. Gilles
Nancy L. Locke

Union Assessor

Aleen Basham

Auditor

Alice McBride
Sam Humphrey
Gloria Evans
Cindy Mayo
DoLores Gugin
Janet Watson
Anne Virgin
Terri Woodward
Jean Haskins

Joanne A. Matthews
Jo Ann Utley
Peggy Powless
Terri Pace
Georgia Benson
Lena Sherman
Tammy Stephens
Michele Nolan
Shirley Ankenbrand

Donna Reheman
Karen Joest
Dorothy Wilson
Betty Franklin
Kathy Lowe
Vanessa Adams
Martha Calkin
Marian Ellsperman

Drainage Board

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

Election Board

Election Off. Supv.
Ballot Assembly Supv.
Clerical Assistant
Canvass Board Assistant
Deputy Election Commissioners
Absentee Teams, etc.

Voters Registration

Pamela Bailey
Barbara Bogan
Paul J. Bitz
Cathleen M. Gorman
Susan K. Kirk
Virginia Massey
Travis Rayburn
Amelia Tornatta

Drug & Alcohol Deferral

William M. Campbell
Carl A. Miller
Deborah Ransom
Deloris Koch
Sheila M. Short
Sherri L. Page

Supt. of County Bldgs.

James E. Lindenschmidt
Bennie Gossar

Legal Aid

Sue Ann Hartig
James Ethridge, Jr.
Karen G. Paulin
Kathleen Powers

Surveyor

Robert W. Brenner
William Jeffers
Earl Brown
Linda Freeman
Charles Davis
Louise Alice Williams
Thomas Goodman

Cumulative Bridge

Dan Hartman
Anthony Hall
Keith Martin
Jim Carrigan
Daniel Gossman
James Coleman
Danny Gatewood

David Austin
Joe Schapker
Jeff Mitchell
Terry Johnson
William Jeffers

Burdette Park

Mark Tuley
Donald Chambliss
Joyce Moers
Charles Newton
Kim Betts
William Murphy
Steven Craig

Perry Gostley
Dorothy Lindsey
Arthur Pagett
Thomas Goodman
Laural Martin
Charles Coleman
Greg Bruce

Daryl Niemier
Bruce Crider

Convention & Visitor's Bureau

Thomas S. Heaton
Yolanda F. Bowling
Mary A. Schoettlin
Kimberly D. TePool

CouncilmenRobert Lutz
Curt Wortman
William Taylor
Harold ElliottMark Owen
Betty Hermann
Mildred Ahrens
David JonesCoronerCharles R. Althaus
Richard A. Woods
James A. Nelson
Alice C. FoxCounty RecorderBob Steele
Elizabeth A. Bennett
June Rueter
Marjorie Keeney
Debbie Becker
Mary Ruth Dorsett
Patti R. Gullatte
Teresa Ritter
Linda WilsonCounty ClerkHelen L. Kuebler
Jean Ritter
Linda Withrow
Florence Hess
Linda Webster
Paula Gallo
Dorothy Wolf
Frances Gates
Kris Johnson
Suzanne Demsey
Jean Schaefer
Dortha Buente
Doris Cato
Janet Ward
Lee M. Crow
Sharon Green
Cathy DickensBertha Greubel
Doris Schroeder
Doris Parrott
Dorothy Cole
Helen Middleton
Traci Ritter
Darlene Maveety
Virginia Seybold
Amy Burch
Norma Dickens
Angela Delgman
Lorraine Dean
Jacequeline Head
Jean Whicker
Judy Bumpus
Susan HebererAnn Wilson
Betty Burton
Mary Victoria Ohl
Edna Martens
Joan Page
Linda Oldham
Doretta Fairchild
Deborah Hunter
Jeri Warner
Mary L. Rose
Sharon Yunker
Ruth Porter
Rita Ford
Karen Conley
Deborah Mottley
Jane LockyearVeteran's ServiceCarl M. Wallace
Mark D. Acker
Judith A. BeckingPigeon TrusteeDoratheia M. MacGregor
Ethel Bryant
Rachel Altheide
Raymond J. Wilm
Callie M. Rogers
David Shaw
Billie Swain Goff
Bettye Duggins
Ruth E. Anslinger
Mary L. Hall
Mary E. Hart
Mary L. LancasterMargaret Sallee
Nancy B. Walters
Donna S. Jones
Imogene Evans
Billie A. Watxon
June Hallenberger
Margaret Lucille Lambert
Odie Harlan
Michelle Gubler
Virginia LandersUnion Trustee

Aleen Basham

German TrusteeFred L. Happe
Mary Happe
Darl Damm
Art Reedinger
Wayne WeissRE: RESOLUTION - COMMISSIONERS' MEETING DATES

The following Resolution was presented by President Willner, who entertained a motion concerning approval. Motion was made by Commissioner Borries that the Resolution be approved, with a second from Commissioner Cox. So ordered.

R E S O L U T I O NCOMMISSIONERS' MEETING DATES

In accordance with Indiana Code 36-2-2-6, as amended by Acts of 1982, P.L. 17, Section 8, it is amended in Section 6, in that the executive body shall hold a regular meeting at least once each month and at other times as needed to conduct all necessary business, and dates of regular meetings shall be established by resolution at the first meeting in January of each year.

NOW THEREFORE, let it be known that the meetings of the Vanderburgh County Commissioners shall be held on the first, second and fourth Monday of each month at 2:30 p.m. and on the third Monday of each month at 7:30 p.m.. If a holiday falls on Monday, then the meeting will be held on the following business day, unless otherwise stated by the Commissioners in an open meeting.

(continued)

COUNTY COMMISSIONERS
January 6, 1986

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The evening meetings on the third Monday of each month are being held at such time for the convenience of the public, at which time the Rezoning Petitions will be heard.

APPROVED THIS 6th day of January, 1986.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

RE: E.U.T.S.

The Chair recognized Mrs. Rose Zigenfus, Director of E.U.T.S. Mrs. Zigenfus stated that since the last Commissioners' meeting she has contacted the Indiana Department of Highways and spoken with several individuals, including Mr. Steve Dilk. A letter to the I.D.O.H. (directed to Mr. Dilk) was also sent, copy of which was provided to the Commissioners; as follows:

January 3, 1986

Mr. Steve Dilk
Indiana Department of Highways
Local Assistance Division
Room 1203 - State Office Building
Indianapolis, IN 46204

Re: Project M-E 185 (1), RS-6882(), RS-6687()
Lynch Road Extension

Dear Mr. Dilk:

Enclosed please find a subdivision drawing which represents a request for rezoning from the Vanderburgh County Area Plan Commission and is located within the Lynch Road Extension project right-of-way. The yellow highlighted area represents the proposed alignment of the road project as a result of the public hearing comments.

The Vanderburgh County Commissioners are requesting "Notice to Proceed" for early acquisition of property located within proposed project right-of-way.

A draft Environmental Impact Statement (EIS) for Lynch Road Extension was approved by Indiana Department of Highways (IDOH) and Federal Highway Administration (FHWA) and a corridor location public hearing was held February 7, 1985. IDOH issued a Certification of Public Hearing Requirements and Socio-Economic-Ecological-Environmental Evaluation dated March 27, 1985.

According to Lynch Road project consultant Sebree, Craig & McKnight, Inc. of Indianapolis, the final EIS will be submitted for approval to IDOH the week of January 6, 1986.

An estimated cost of the acquisition for the required right-of-way is \$5,000 per acre with approximately 9 acres required totaling \$45,000. Early acquisition will provide necessary right-of-way at the current fair market value for undeveloped land rather than acquiring developed, residential land during the next 18 to 24 months.

Please contact me if additional information is required or if you have any questions.

Rose M. Zigenfus, Director
E.U.T.S.

(continued)

Mrs. Zigenfus said that when Federal funds are involved in a project, there are certain procedures which we must follow. Because Lynch Road is a project that has been on the books for some time and we've had a public corridor location hearing (last February), everyone is well aware of the project and its location. Mrs. Zigenfus said she has also spoken to the consultants (Sebree, Craig & McKnight) with regard to the completion of the environmental document. They indicated that the document will be mailed to the State for approval this week....at least, that is what they are expecting. We will also receive a copy of that. Relevant to all that, she has been advised by the State that we can request "Notice to Proceed" early acquisition of the property commonly known as "Fox Pointe" with regard to the right-of-way that we need for the proposed Lynch Road project. In speaking with Steve Dilk this morning, he indicated that it would probably take about thirty (30) days for the approval and grant us authority to go ahead in an early acquisition. Mrs. Zigenfus entertained questions.

President Willner said his copy of the letter to Steve Dilk is on his desk. He appreciates Mrs. Zigenfus' thoroughness and promptness in getting right on this matter.

Commissioner Willner said he does not believe the Drainage Board will be hearing Fox Pointe in their meeting, as someone has asked that the matter be deferred. Therefore, the Commissioners do not need to make that decision today. The Board did say they would make the decision and he is certain they would have, had a decision been requested today.

RE: COUNTY CORONER - CHARLES ALTHAUS - AGREEMENTS

Refrigeration/Deaconess Hospital: Prior to presenting various agreements for the approval of the Commissioners, Mr. Althaus said he would first like the Board to know that we now have our own refrigeration at Deaconess Hospital. It is a refrigeration that is under lock and key by the County Coroner's office. We can place approximately six (6) bodies in this refrigeration.

Aircraft Deaths: This past year we had two (2) deaths due to aircrafts. We had two (2) post-mortem exams of those bodies. Today, he received a check from the Federal Aviation Administration in the amount of \$900.00. They were more than happy to pay for these post-mortem exams. He did not, however, bring the check today, as he is going before County Council on Wednesday, and he wants to give it to them for a bribe on a new car!

Letter of Agreement/Deaconess Hospital Laboratory: Motion to approve agreement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Copy of Agreement attached to the minutes as Supplement No. 1.)

Letter of Agreement/Pramod Carpenter, Pathologist: Motion to approve agreement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Copy of Agreement attached to the minutes as Supplement No. 2.)

Letter of Agreement/Thomas Weber, M.D., Pathologist: Motion to approve agreement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Copy of Agreement attached to the minutes as Supplement No. 3.)

Letter of Agreement/Associated Pathologists of Evansville, Inc.: Motion to approve agreement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Copy of Agreement attached to the minutes as Supplement No. 4.)

Letter of Agreement/Dr. Rodney F. Brown, Forensic Odontologist: Mr. Althaus noted that on this particular contract with Dr. Brown, fee is \$250.00 per case and service will be provided on 24-hour basis. Every call he makes for us he will not charge. On those where we do find teeth marks and now under the forensic science on child molesting, etc it has been advised by the Forensic Pathologist, Dr. Pless, that we call in Dr. Brown on these cases.

Commissioner Willner noted that this agreement also calls for Dr. Brown's court appearance, if so desired by the Prosecutor. A motion was entertained. Motion to approve agreement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Copy of Agreement attached to the minutes as Supplement No. 5.)

RE: BIDS ON XEROGRAPHIC PAPER, LIQUID ASPHALT, CALCIUM CHLORIDE, GUARDRAILS, ETC.

President Willner noted, after brief discussion with Tom Dorsey/ Purchasing, that the

(continued)

COUNTY COMMISSIONERS
January 6, 1986

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bids will not be awarded today for the Xerographic Paper, Liquid Asphalt, Calcium Chloride and Guardrails, etc., as Mr. Dorsey has not yet had an opportunity to thoroughly check the bids, price extensions, etc.

Commissioner Willner stated that Commissioner Cox had a question earlier concerning the quote from Atlas Office Supplies & Equipment on Xerographic Paper (Page 8, minutes of meeting on December 30th). Deputy Auditor Sam Humphrey clarified the matter. The 8½ x 11 quote was \$27.95 per carton for a total of \$5,590.00 for 200 cartons approximately. On the 8½ x 14 paper, the quote was \$34.15 per carton or total of \$1,107.50. The total price of \$7,297.50 which was read and included in the minutes, was the amount of the total bid on both types of paper.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for Employees at the County Highway Garage for period December 30, 1985 thru January 3, 1986.... report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for Employees at the County Highway Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: #3 School Rd., and S. Weinbach

Grader: S. Weinbach, Church Rd., Harmony Way, County Line East, Huebner, Cypress-Dale, Golden Rule, and Old Henderson Rd.

Rock Shoulders: Harmony Way

Patch: Mt. Pleasant, Harmony Way, Koressel, Old 460, Baseline Rd., Peerless Rd. and St. Wendel.

Tree Crew: Baseline Rd.

Rock Road: Cypress-Dale, Old Henderson, Golden Rule, County Line East and Church Rd.

RE: COUNTY ATTORNEY - DAVID L. JONES

The meeting proceeded with President Willner extending a "welcome back" to Attorney Jones, who has been in the "sunny south".

Surveyor Billings: Attorney Jones said the only item of business he has to bring before the Commissioners today concerns his review of the situation with the County Surveyor's submitting bills to the Commissioners. He finds no provisions in the Statute with regard to the County Surveyor's office billing any other unit of government. Things are set forth in the statute with regard to expenses or reimbursements, and that contemplates for public projects.

President Willner expressed appreciation to Attorney Jones for his report.

RE: COUNTY HIGHWAY - BILL BETHEL

Commissioner Willner asked Mr. Bethel if Harmony Way is striped yet? Mr. Bethel replied in the negative. He said Petersburg Rd. also has not yet been striped. Commissioner Willner asked that Mr. Bethel make another telephone call -- if we get a couple of good weather days. Mr. Bethel said he calls constantly.

RE: COUNTY ENGINEER - ANDY EASLEY

Appropriation of Funds/N. Green River Road Construction Acct.: Mr. Easley submitted copies of the following letter:

January 2, 1986

Mrs. Alice McBride, Auditor
Vanderburgh County
Room 208 - Civic Center
Evansville, IN 47708

(continued)

COUNTY COMMISSIONERS
January 6, 1986

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Re: Appropriation of Funds to North Green River
Road Construction Acct. #216.0-000.0-4910

Dear Mrs. McBride:

Subject account is used for the payment of claims for construction and engineering on the project.

As you may or may not be aware, the Board of Commissioners of Vanderburgh County recently designed and constructed 682 L.F. of concrete pipe storm sewer on North Green River Road, that will be incorporated into the future widening improvements on North Green River Road. This project cost approximately \$20,000 of which \$13,121.00 was to have been paid by the owners of the SUGAR MILL CREEK Apartment project.

In November of 1985, Paul K. Neville, as a General Partner of the Inter Prop Fund III, Ltd. paid the \$13,121.00 to the Board of Commissioners as their share of the project. This payment was deposited in the County General Cash Account. It is requested that the \$13,121.00 be appropriated and placed in the North Green River Road Construction Account, No. 216.0-000.0-4910.

The undersigned has been granted permission by the County Commissioners to appear before the County Council to request this appropriation of funds.

If any additional information is required, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

Mr. Easley said he submitted the letter to Auditor McBride so that the request for appropriation can be advertised, prior to his appearance before Council at their February meeting.

Claim/Allied Steel Erectors, Inc.: Claim in the amount of \$715.00 for rail car door modifications at the Creasey Company Warehouse per proposal of 10/9/84 (extra work). Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/Allied Steel Erectors, Inc.: Claim in the amount of \$2,800.00 for work done on the Creasey Company building as per agreement dated November, 1984. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

It was noted by Mr. Easley that we are receiving reimbursement from the Federal Highway on this.

Commissioner Willner asked Mr. Easley how close we are to wrapping up the complete job?

Mr. Easley said he stopped to talk with the L&N people last week and they are still negotiating with Wetterau, Inc. on the siding agreement and their engineer, Al Beatty, said he would try to get back to Mr. Easley as soon as possible. He is urging them to finalize details so we can get this wrapped up at the earliest possible date. Commissioner Willner suggested that Mr. Easley contact Wetterau again, and tell them we are in dire need.

Transfer of Bridge Crew: Mr. Easley stated that the transfer of the Bridge Crew to the County Highway Garage from the Surveyor's office was made a week ago. He has been out to inspect a couple of the structures. There were a couple of structures mentioned in a letter from Lee Gallivan in October, wherein it was pointed out that some maintenance was needed. Some of that has not been done and Mr. Easley said he is going to take some steps with Mr. Bethel to get this work done as soon as weather permits.

Commissioner Willner said he understands that Mr. Easley did crawl in under the Green River Rd. bridge, which was one of them -- Mr. Gallivan requested that we do some work

(continued)

on this immediately.

Mr. Easley approached the Commissioners' table and showed them an 18 inch piece of rusty steel, which he said came from the top of the bottom flange of the southeast corner of the bridge on Green River Road over Pigeon Creek. In response to query from Commissioner Willner, Mr. Easley said this is one of the three (3) bridges which the Commissioners viewed, together with Mr. Lee Gallivan. Both the structure on St. Joe and the subject bridge were mentioned in Mr. Gallivan's letter, but nothing has been done to correct the deficiencies. Mr. Easley said that while they are not serious, the deficiencies are moderately serious. This needs to be painted. The salt-laden water coming off the roadway is causing the deterioration.

Commissioner Willner said he asked Mr. Easley if the County should put a load limit or something on that bridge and he said, "No, it isn't that serious". However, Commissioner Willner noted that we do need to get on this. He asked Mr. Easley if the Federal Highway or State sent some specs down to us? Mr. Easley said they had a list of recommended work. The deck needs some work and maintenance work on the steel needs to be done.

Commissioner Willner entertained questions. There were none.

RE: TRAVEL REQUEST - COUNTY RECORDER/BOB STEELE

President Willner read the following travel request letter:

January 3, 1986

Robert Willner, President
Vanderburgh County Board of Commissioners
Civic Center Complex

Dear Sir:

This letter is to let you know I am requesting permission to attend a conference of all County Recorders called by the State Board of Accounts, as per letter attached. The Conference is scheduled for Thursda-, January 16, 1986, at the Holiday Inn/Airport, 2501 South High School Road, Indianapolis, IN.

Thank you for your consideration.

Sincerely,

Bob Steele, Recorder
Vanderburgh County

Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

President Willner said today's agenda also includes a travel request from the German Township Assessor. Upon checking with Mr. Jim Lindenschmidt, it was noted that the request has not yet reached the Commissioners' office.

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wednesday	January 6	2:30 p.m.	County Council Meeting
"	"	6:00 p.m.	Area Plan Commission Meeting

RE: CLAIMS

Evansville-Vanderburgh County Bldg. Authority: Claim presented in the amount of \$3,645.90 for K.L.F. Phone Service Agreement, 1st Qtr. 1986 (\$1,215.30 X 3). Mr. Lindenschmidt noted that the Bldg. Authority is going to pay K.L.F. and bill the County on a quarterly basis. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Willner said he has heard nothing about the phones for a while. He asked

(continued)

Mr. Lindenschmidt if complaints have been received? Mr. Lindenschmidt said there were only three (3) minor complaints in December.

In response to query from Commissioner Willner concerning addition of outside line, Mr. Lindenschmidt said this has already been done and it seems to be working out quite well. Commissioner Willner queried Commissioners Borries and Cox concerning any complaints they might have received regarding the telephones. There were none.

Commissioner Borries said he thinks one thing we're seeing at this point is fewer requests for changes. Those used to be numerous and then we were billed \$75.00 to \$80.00 for said changes. The new phones are better from the standpoint that we've reduced the change requests.

Mr. Lindenschmidt noted that Indiana Bell is raising some of their rates. He thinks the Commissioners should send a memo to all County offices noting that anytime you dial Directory Assistance now it is going to cost forty cents (40¢). He doesn't know how we will handle that. Previously we could get five (5) free calls and thereafter such calls cost twenty-five cents (25¢). Now there is a charge of 40¢ from Call No. 1.

Commissioner Borries commented that on some central phone systems you can no longer dial Directory Assistance.

Mr. Lindenschmidt said that, of course, they will know the offices these calls are coming from. He has already notified the Supervisors of the two offices from which the most calls are made that they should inform all the employees concerning this matter. But he thought perhaps the Commissioners would want to send a letter to all the officeholders, requesting that they please ask their people not to call Directory Assistance. He doesn't know how it will be handled because there are only a few offices who pay their own telephone bill.

Commissioner Willner instructed Mr. Lindenschmidt to prepare a letter to go to all officeholders over the Commissioners' signatures and forward same.

Commissioner Borries said he wants to thank Mr. Lindenschmidt for his work on the United Way campaign with the county employees. He believes they will have their luncheon next week. It was noted that until a very short time ago, Vanderburgh County was one of the top 50 in relation to contributors and the increases contributed by county employees this year. He knows Mr. Lindenschmidt worked hard on this and, again, he wants to express appreciation to him for his efforts.

RE: EMPLOYMENT CHANGES - RELEASES

German Township Assessor

Bob Alvey	11 S. Dexter	Field Man	\$30.00/Day	Eff: 12/13/85
Mark Schnur	7630 Old Boonville Hwy.	Field Man	\$30.00/Day	Eff: 12/13/85

Burdette Park

Brenda King	245 Bayer Drive	Rink Guard	\$ 4.00/Hr.	Eff: 1/1/86
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Circuit Court

John R. Mueller	2016 E. Chandler	Prob. Off.	\$19,219/Yr.	Eff: 12/31/85
Larry G. McDowell	5828 Woodgate Circle	ACPO	\$22,302/Yr.	Eff: 12/31/85
Benjamin H. Evans	1369 E. Chandler	Disp. Tech.	\$ 4.50/Hr.	Eff: 12/31/85
Paul N. Aarstad	626 S. Norman	Intern	\$ 4.00/Hr.	Eff: 12/31/85
Terry R. Boesch	Medaryville	P/T Intern	\$3.35/Hr.	Eff: 12/31/85
James Bryan Nicol	West Chester, OH	P/T Intern	\$3.35/Hr.	Eff: 12/31/85
Jerome C. Kissel	1700 Reichman Ave.	P/T Intern	\$4.00/Hr.	Eff: 12/31/85
David E. Roy	7308 Everglades Dr.	P/T Intern	\$4.00/Hr.	Eff: 12/31/85
Patricia Y. Coy	6609 E. Walnut	P/T Intern	\$5.00/Hr.	Eff: 12/31/85
Betty Craig	514 S. Grand	P/T Intern	\$4.50/Hr.	Eff: 12/31/85
Joseph Schaefer	980 Varsity Dr.	P/T Intern	\$3.35/Hr.	Eff: 12/31/85

(continued)

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Surveyor Account #106

Keith Martin 4606 Omer Place Rodman \$16,232/Yr. Eff: 1/1/86

Legal Aid Society of Evansville

Sue Ann Hartig 727 S.E. 1st Street Exec. Dir. \$19,123/Yr. Eff: 1/6/86

County Assessor

Frank A. Papariella 3912 E. Diamond Ave. R/E Dep. \$492/Pay Eff: 1/1/86

Burdette Park

Brenda King 245 Bayer Drive Rink Guard \$4.00/Hr. Eff: 12/31/85
Steven Craig 3027 Edgewood Union \$ 7.68/Hr. Eff: 1/02/86

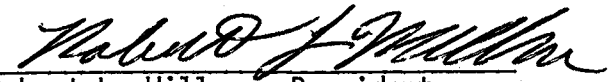
Circuit Court

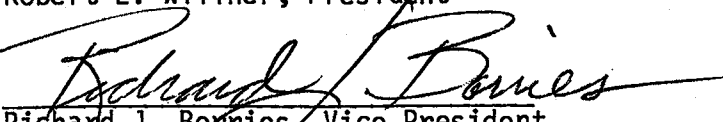
John R. Mueller	2016 E. Chandler	ACPO	\$22,302/Yr.	Eff: 1/2/86
Larry G. McDowell	5828 Woodgate Circle	Prob. Off.	\$19,219/Yr.	Eff: 1/2/86
Benjamin H. Evans	1369 E. Chandler	Disp. Tech.	\$8,500/Yr.	Eff: 1/2/86
Paul N. Aarstad	626 S. Norman	Intern	\$4.00/Hr.	Eff: 1/2/86
Terry R. Boesch	Medaryville	P/T Intern	\$3.35/Hr.	Eff: 1/2/86
James Bryan Nicol	West Chester, OH	P/T Intern	\$3.35/Hr.	Eff: 1/2/86
Jerome C. Kissel	1700 Reichman Ave.	P/T Intern	\$4.00/Hr.	Eff: 1/2/86

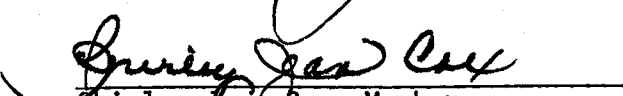
President Willner announced that a Drainage Board Meeting will be held immediately following the Commissioners' Meeting. There being no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Sam Humphrey, Chief Deputy	David L. Jones
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY CORONER</u>
	Andy Easley	Bill Bethel	Charles Althaus
	<u>E.U.T.S.</u>	<u>PURCHASING</u>	<u>OTHER</u>
	Rose Zigenfus	Tom Dorsey	Chuck Whobrey/Teamsters News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

LETTER OF AGREEMENT

The following understandings and agreements have been established between the Vanderburgh County Coroner's Office and Deaconess Hospital Laboratory:

1. Bodies for Coroner case autopsies shall not be stored at Deaconess Hospital beyond the time necessary to complete the autopsy.
2. Autopsies on bodies which produce a foul odor sufficient to be present beyond the morgue room shall not be done at Deaconess Hospital, but shall be conducted elsewhere.
3. Autopsies will be scheduled with Deaconess Pathologists in order to comply (when at all possible) with their work schedules and the schedule of the pathology assistant.
4. Participation in conducting autopsies with the Vanderburgh County Coroner would be a secondary responsibility for the Pathologists at Deaconess Hospital.
5. Overtime for Deaconess Hospital employees due to the conduction of an autopsy for the Vanderburgh County Coroner's Office will be held to an absolute minimum, and then limited to those cases which absolutely could not be postponed until regular work hours for the pathology assistant.
6. The consideration to be paid to Deaconess Hospital shall be paid on a fee for service basis at the rate of One Hundred Fifty Dollars (\$150.00) per case autopsied, plus the normal and usual charges for lab tests for toxicology, x-rays; and other additional testing requested by the Pathologist in order to determine cause and manner of death.
7. In the event that either party shall violate any material provision of this Agreement, the other party may give the violating party written notice of such violation. Either party may terminate the contract with or without cause by providing the breaching party thirty (30) days written notice of termination of this Agreement.
8. The term of this Agreement shall be for a period of one (1) year, commencing effective the first day of January, 1986 and terminating the last day of December, 1986, both dates inclusive. If no mutually satisfactory renegotiation of this Agreement is reached by the County Coroner's Office and the Deaconess Hospital Laboratory, then this Agreement and rights, duties and obligations of the parties hereto shall terminate as of the date of termination as set forth above.
9. In order to induce the Deaconess Hospital Laboratory to enter into this Agreement, the Vanderburgh County Coroner's Office does hereby agree to indemnify and hold harmless the Deaconess Hospital Laboratory, its physicians, and employees, against any claims, damages, or liabilities which the Deaconess Hospital Laboratory may become subject as the result of any act, or failure to act, on the part of the Vanderburgh County Coroner's Office.

DEACONESS HOSPITAL, INC.

BY: Thomas H. Kramer

Thomas H. Kramer, President
Deaconess Hospital, Inc.

Charles R. Althaus
Charles R. Althaus
Coroner, Vanderburgh County Coroner

Lilic M. Burt
Auditor

Approved by the Vanderburgh
County Commissioners:

Robert D. McManis

Richard E. Smith

Donny Lee Cox

Date: Dec 6, 1986

Wm. L. L. Elliott
Approved by the Vanderburgh
County Council

LETTER OF AGREEMENT

THIS LETTER OF AGREEMENT, made and entered into by and between VANDERBURGH COUNTY CORONER, hereinafter referred to as the "CORONER" and PRAMOD CARPENTER hereinafter referred to as the "PATHOLOGIST".

WHEREAS, Indiana Code Section 17 - 3 - 17 - 4 (C) authorizes Coroners in the discharge of their duties, when it is deemed necessary to have an autopsy performed, to employ a physician possessing the education and training that meet the standards established by the American Board of Pathology for certification or a physician holding an unlimited license to practice medicine in Indiana acting under the direction of such qualified physicians to perform such autopsy; and

WHEREAS, the pathologist is a physician possessing the education and training that meet the standards established by the American Board of Pathology for certification; and

NOW THEREFORE, it is agreed by the Coroner and Pathologist as follows:

1. The consideration to be paid to the pathologist shall be paid on a fee for service basis at the rate of Three Hundred Dollars (\$300.00) per case autopsied.
2. The consideration by the pathologist shall be as follows:
 - A. THE PATHOLOGIST SHALL PERFORM AUTOPSIES AT THE REQUEST OF THE CORONER, SUBJECT TO THE PATHOLOGIST'S IN MAKING ARRANGEMENTS WITH THE CHIEF DEPUTY CORONER AS TO THE TIME OF THE PERFORMANCE OF THE AUTOPSY PROCEDURE. WHEN PRACTICAL, THE CORONER OR HIS DEPUTY SHALL ATTEND THE PERFORMANCE OF AUTOPSIES.
 - B. EXPENSES INCURRED FOR SPECIAL EXAMINATION SUCH AS X-RAYS, ANALYSIS OF BODY FLUIDS OR TISSUES, OR ANALYSIS OF MISCELLANEOUS ITEMS OF TRACE EVIDENCE IN ORDER TO DETERMINE THE CAUSE AND MANNER OF DEATH SHALL BE SEPARATELY BILLED TO THE CORONER BY RESPONSIBLE TESTING AGENCY.
 - C. THE HANDLING AND RETENTION OF ITEMS SUCH AS ITEMS OF EVIDENCE AND/OR SPECIMENS SAVED FOR THE ANALYSIS SHALL BE THE RESPONSIBILITY OF THE CORONER.
 - D. THE PATHOLOGIST SHALL PROVIDE ADEQUATE COVERAGE OF THE PATHOLOGIST'S DUTIES ON A MUTUALLY AGREEMENT ROTATION OF DUTY BASIS WITH OTHER PATHOLOGISTS UNDER SIMILAR CONTRACT WITH THE CORONER. THE PATHOLOGIST HEREIN AND OTHER PATHOLOGISTS UNDER SIMILAR CONTRACTS ARE TO SUBMIT A MONTHLY DUTY ROSTER PROVIDING FOR SUCH ADEQUATE COVERAGE ONE (1) MONTH IN ADVANCE.
 - E. THE PATHOLOGIST AGREES TO ATTEND PRETRIAL CONFERENCES AND PROVIDE EXPERT WITNESS TESTIMONY AT THE REQUEST OF THE PROSECUTING ATTORNEY. FEES FOR THESE SERVICES WILL BE PAID BY THE PROSECUTING ATTORNEY'S OFFICE.
3. The Coroner reserves the right to consult with another pathologist in an instance when the Coroner deems it necessary and appropriate.
4. The Pathologist may, at his discretion, request the special consultative services of a Forensic Pathologist and if the Coroner agrees, such Forensic Pathologist shall be retained. In such cases the Pathologist shall not submit a fee for his services and the Coroner will pay the costs of the services of Forensic Pathologist.
5. Either party may terminate this contract by giving the other party notice, in writing, thirty (30) days prior to the date of termination.
6. The effective date of this contract shall be the first day of January, 1986.

Dated this 19th day of December, 1986.

Charles R. Althaus

Charles R. Althaus
Coroner, Vanderburgh County

Pramod Carpenter

Pramod Carpenter, M.D.

Wm. L. Elliott

Approved by the
Vanderburgh County Council

Glenn R. Buehler

Auditor

Approved by the
Vanderburgh County Commissioners

Malcolm J. Williams

Richard J. Bowers

Journe Jan Cox

Date Jan 6, 1986.

LETTER OF AGREEMENT

THIS LETTER OF AGREEMENT, made and entered into by and between VANDERBURGH COUNTY CORONER, hereinafter referred to as the "CORONER" and THOMAS WEBB, M.D. hereinafter referred to as the "PATHOLOGIST".

WHEREAS, Indiana Code Section 17 - 3 - 17 - 4 (C) authorizes Coroners, in the discharge of their duties, when it is deemed necessary to have an autopsy performed, to employ a physician possessing the education and training that meet the standards established by the American Board of Pathology for certification or a physician holding an unlimited license to practice medicine in Indiana acting under the direction of such qualified physicians to perform such autopsies; and

WHEREAS, the pathologist is a physician possessing the education and training that meet the standards established by the American Board of Pathology for certification and

NOW THEREFORE, it is agreed by the Coroner and Pathologist as follows:

1. The consideration to be paid to the pathologist shall be paid on a fee for service basis at the rate of Three Hundred Dollars (\$300.00) per case autopsied.
2. The consideration by the pathologist shall be as follows:
 - A. THE PATHOLOGIST SHALL PERFORM AUTOPSIES AT THE REQUEST OF THE CORONER, SUBJECT TO THE PATHOLOGIST'S IN MAKING ARRANGEMENTS WITH THE CHIEF DEPUTY CORONER AS TO THE TIME OF THE PERFORMANCE OF THE AUTOPSY PROCEDURES. WHEN PRACTICAL, THE CORONER OR HIS DEPUTY SHALL ATTEND THE PERFORMANCE OF AUTOPSIES.
 - B. EXPENSES INCURRED FOR SPECIAL EXAMINATION SUCH AS X-RAYS, ANALYSIS OF BODY FLUIDS OR TISSUES, OR ANALYSIS OF MISCELLANEOUS ITEMS OF TRACE EVIDENCE IN ORDER TO DETERMINE THE CAUSE AND MANNER OF DEATH SHALL BE SEPARATELY BILLED TO THE CORONER BY THE RESPONSIBLE TESTING AGENCY.
 - C. THE HANDLING AND RETENTION OF ITEMS SUCH AS ITEMS OF EVIDENCE AND/OR SPECIMENS SAVED FOR THE ANALYSIS SHALL BE THE RESPONSIBILITY OF THE CORONER.
 - D. THE PATHOLOGIST SHALL PROVIDE ADEQUATE COVERAGE OF THE PATHOLOGIST'S DUTIES ON A MUTUALLY AGREEMENT ROTATION OF DUTY BASIS WITH OTHER PATHOLOGISTS UNDER SIMILAR CONTRACT WITH THE CORONER. THE PATHOLOGIST HEREIN AND OTHER PATHOLOGISTS UNDER SIMILAR CONTRACTS ARE TO SUBMIT A MONTHLY DUTY ROSTER PROVIDING FOR SUCH ADEQUATE COVERAGE ONE (1) MONTH IN ADVANCE.
 - E. THE PATHOLOGIST AGREES TO ATTEND PRETRIAL CONFERENCES AND PROVIDE EXPERT WITNESS TESTIMONY AT THE REQUEST OF THE PROSECUTING ATTORNEY. FEES FOR THESE SERVICES WILL BE PAID BY THE PROSECUTING ATTORNEY'S OFFICE.
3. The Coroner reserves the right to consult with another pathologist in a particular instance when the Coroner deems it necessary and appropriate.
4. The Pathologist may, at his discretion, request the special consultative services of a Forensic Pathologist and if the Coroner agrees, such Forensic Pathologist shall be retained. In such cases the Pathologist shall not submit a fee for his services and the Coroner will pay the costs of the services of the Forensic Pathologist.
5. Either party may terminate this contract by giving the other party notice, in writing, thirty (30) days prior to the date of termination.
6. The effective date of this contract shall be the first day of January, 1986.

Dated this 19th day of December, 1986.

Charles R. Althaus
Charles R. Althaus

Thomas Webb, M.D.
Thomas Webb, M.D.

Harold L. Althaus
Approved by the
Vanderburgh County Council

Alice M. Brink
Auditor

Approved by the
Vanderburgh County Commissioners

Richard J. Barnes
Richard J. Barnes

Shirley Jan Cox
Date Jan 6, 1986

LETTER OF AGREEMENT

THIS LETTER OF AGREEMENT, made and entered into by and between VANDERBURGH COUNTY CORONER, hereinafter referred to as the "CORONER", and ASSOCIATED PATHOLOGISTS OF EVANSVILLE, INC., hereinafter referred to as the "PATHOLOGIST".

WHEREAS, Indiana Code Section 17 - 3 - 17 - 4 (C) authorizes Coroners in the discharge of their duties, when it is deemed necessary to have an autopsy performed, to employ a physician possessing the education and training that meet the standards established by the American Board of Pathology for certification or a physician holding an unlimited license to practice medicine in Indiana, acting under the direction of such qualified physicians to perform such autopsy; and

WHEREAS, the pathologist is a physician possessing the education and training that meet the standards established by the American Board of Pathology for certification; and

NOW THEREFORE, it is agreed by the Coroner and Pathologist as follows:

1. The consideration to be paid to the pathologist shall be paid on a fee for service basis at the rate of Three Hundred Dollars (\$300.00) per case autopsied.
2. The consideration by the pathologist shall be as follows:
 - A. THE PATHOLOGIST SHALL PERFORM AUTOPSIES AT THE REQUEST OF THE CORONER, SUBJECT TO THE PATHOLOGIST'S IN MAKING ARRANGEMENTS WITH THE CHIEF DEPUTY CORONER AS TO THE TIME OF THE PERFORMANCE OF THE AUTOPSY PROCEDURE. WHEN PRACTICAL, THE CORONER OR HIS DEPUTY SHALL ATTEND THE PERFORMANCE OF AUTOPSIES.
 - B. EXPENSES INCURRED FOR SPECIAL EXAMINATION SUCH AS X-RAYS, ANALYSIS OF BODY FLUIDS OR TISSUES, OR ANALYSIS OF MISCELLANEOUS ITEMS OF TRACE EVIDENCE IN ORDER TO DETERMINE THE CAUSE AND MANNER OF DEATH SHALL BE SEPARATELY BILLED TO THE CORONER BY RESPONSIBLE TESTING AGENCY.
 - C. THE HANDLING AND RETENTION OF SUCH ITEMS SUCH AS ITEMS OF EVIDENCE AND/OR SPECIMENS SAVED FOR THE ANALYSIS SHALL BE THE RESPONSIBILITY OF THE CORONER.
 - D. THE PATHOLOGIST SHALL PROVIDE ADEQUATE COVERAGE OF THE PATHOLOGIST'S DUTIES ON A MUTUALLY AGREEMENT ROTATION OF DUTY BASIS WITH OTHER PATHOLOGISTS UNDER SIMILAR CONTRACT WITH THE CORONER. THE PATHOLOGIST HEREIN AND OTHER PATHOLOGISTS UNDER SIMILAR CONTRACTS ARE TO SUBMIT A MONTHLY DUTY ROSTER PROVIDING FOR SUCH ADEQUATE COVERAGE ONE (1) MONTH IN ADVANCE.
 - E. THE PATHOLOGIST AGREES TO ATTEND PRETRIAL CONFERENCES AND PROVIDE EXPERT WITNESS TESTIMONY AT THE REQUEST OF THE PROSECUTING ATTORNEY'S OFFICE.
3. The Coroner reserves the right to consult with another pathologist in a particular instance when the Coroner deems it necessary and appropriate.
4. The Pathologist may, at his discretion, request the special consultative services of a Forensic Pathologist and if the Coroner agrees, such Forensic Pathologist shall be retained. In such cases the Pathologist shall not submit a fee for his services and the Coroner will pay the costs of the services of Forensic Pathologist.
5. Either party may terminate this contract by giving the other party notice in writing, thirty (30) days prior to the date of termination.
6. The effective date of this contract shall be the first day of January, 1986.

Dated this 16 day of December, 1986.

Charles R. Althaus
Charles R. Althaus

James J. Morley, M.D., President
Associated Pathologists of Evansville, Inc.

Hank L. Elbert
Approved by the Vanderburgh
County Council

Alice M. Burke
Auditor

Approved by the Vanderburgh
County Commissioners

Richard Barnes

Robert Miller

Shirley Jean Cox

Date Jan 6, 1986

LETTER OF AGREEMENT

THIS LETTER OF AGREEMENT, made and entered into by and between the Vanderburgh County Coroner, hereinafter referred to as the "Coroner" and Rodney F. Brown, a Board Certified Forensic Odontologist, hereinafter referred to as the "Forensic Odontologist".

WHEREAS, the Coroner, in the discharge of his duties, must make every effort possible to "positively" identify every person whose death is investigated by his office, to employ a Forensic Odontologist possessing the education and training that meets the standards established by the American Board of Forensic Odontology for certification, or a dentist holding an unlimited license to practice dentistry in Indiana, acting under the direction of such qualified Forensic Odontologist to perform forensic dental identification procedures; and

NOW THEREFORE, it is agreed by the Coroner and the Forensic Odontologist as follows:

1. The Forensic Odontologist shall be deputized a Deputy Coroner of Vanderburgh County with the designation of Chief Forensic Odontologist for Vanderburgh County.
2. The consideration to be paid to the Forensic Odontologist shall be paid on a fee service basis at the rate of Two Hundred Fifty Dollars (\$250.00) per case.
3. The consideration by the Forensic Odontologist shall be as follows:
 - a. The Forensic Odontologist shall perform forensic odontology procedures at the request of the Coroner, subject to the Forensic Odontologist's discretion in making arrangements with the Coroner and/or Chief Deputy Coroner as to the time of the performance of these procedures; when practical, the Coroner or his deputy shall be present.
 - b. The Forensic Odontologist shall encode the dental records of all unidentified persons into the Federal Investigation's N.C.I.C. (National Crime Information Center) computer. These dental records shall be collected by law enforcement agencies.
 - c. Expenses incurred for special examinations such as x-rays, impressions and models, photography, aluwax bites, and analysis of trace saliva evidence shall be separately billed to the Coroner.
 - d. The handling and retention of items such as items of evidence and/or specimens saved for analysis shall be the responsibility of the Forensic Odontologist.
 - e. The Forensic Odontologist shall provide 24 hour coverage of the Forensic Odontology duties and when not available provide adequate coverage to the Coroner's Office by an Odontologist (non-forensic)
 - f. The Forensic Odontologist agrees to attend pre-trial conferences and provide expert witness testimony at the request of the prosecuting attorney's office.
 - g. The Forensic Odontologist shall provide consultative service to other Vanderburgh County Agencies in regards to: unidentified living persons, bite mark evidence, and child abuse evidence. Fee for these services shall be paid by the individual agencies on a fee for service base.

4. The Coroner reserves the right to consult with another Forensic Odontologist in a particular instance when the Coroner deems it necessary and appropriate. The Coroner will pay the costs of this consultative service.
5. The Forensic Odontologist may, at his discretion, request the special consultative service of another Forensic Odontologist and if the Coroner agrees, such Forensic Odontologist shall be retained. In such cases the Coroner will pay the costs of this consultative service.
6. Either party may terminate this contract by giving the other party notice, in writing, thirty (30) days prior to the date of termination.
7. The effective date of this contract shall be the 1st day of January, 1986.

DATED this 6 day of January, 1986.

Charles R. Aethaus
Charles R. Aethaus
Coroner, Vanderburgh County

R. F. Brown
Rodney F. Brown, D.D.S.
Forensic Odontologist

Harold Z. Ellinger
Approved by the Vanderburgh
County County Council

Alice M. Brink
Auditor

Approved by the Vanderburgh
County Commissioners

Dated:

Robert J. Miller

Richard J. Barrios Jan. 6, 1986

Shirley Jean Cox Jan 6, 1986

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 13, 1986

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APPOINTMENTS/COUNTY EMPLOYEES - 1986 -----	1 - 4
APPROVAL OF MINUTES -----	1
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Calcium Chloride/Orbie of Illiana (Sole Bidder)-----	Approved ----- 5
Xerographic Paper/Butler Paper Co. (Low Bidder) -----	Approved ----- 5
Liquid Asphalt/J. H. Rudolph (Sole Bidder) -----	Approved ----- 5
Guard Rails, etc./M & W Concrete (Low Bidder) -----	Approved ----- 5
BUILDING COMMISSION/REQUEST TO MOVE (2) HOUSES/ELMER BUCHTA-----	Approved ----- 10-11
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Sebree, Craig & McKnight/Lynch Rd. Environmental-----	Deferred (1) Week ----- 8
Bowers, Harrison, Miller & Kent -----	\$1,669.32-----Approved ----- 13
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COUNTY ATTORNEY - DAVID L. JONES	
Fuel Tax Refunds-----	Auditor to handle filing ----- 6
COUNTY AUDITOR/REQUEST FOR OFFICE AREA RENOVATION-----	Approved ----- 5
COUNTY COMMISSIONERS	
Travel, Lodging & Per Diem Allowance Guidelines-----	Approved ----- 11-13
Per Diem increased from \$18.00 to \$23.00	
Mileage - 25¢ per mile	
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COUNTY ENGINEER - ANDY EASLEY	
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MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 13, 1986

The Vanderburgh County Board of Commissioners met in session on Monday, January 13, 1986 at 2:30 p.m. in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order at 2:40 p.m., with President Willner subsequently entertaining a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, January 6th, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: 1986 COUNTY EMPLOYEES

President Willner submitted the following lists of County Employees for 1986:

Adult Protective Services

Terry Lynn Ruark

Prosecutor

Earl Edward Chandler
Timothy Klingler
Charlie Paul Andrus
Stanley M. Levco
J. Douglas Knight
James E. Rode
Robert E. Zoss, Sr.
Richard D'Amour
Charles A. Spaetti
J. Michael Woods
Steve L. Bohleber
Barbara Williams
Cynthia L. Hansen
Christian Lenn
Sandra L. Millard

John Gurnsey
Susan Johnson
Carol Hustace
Angie Mitchell
Debbie Wallace
Susan G. Mattingly
Peggy Kissel
Nancy Schmitt
Barbara Clark
Doloris Savage

Prosecutor IV-D

Bernice M. Roth
Mary Jo Kingon
Sylvia Y. Reutter
Lesa Conkling
Nancy G. Hankins Long
Benjamin E. Haddox, Jr.
Donna Bennett
Sheryl Weiss

Knight Trustee

Ronald J. Saulman
Emarie S. West
Tara L. Stokes
E. Annette Dickman
Tim Alexander
William Baumeier
Marguerite Benson
Junior Investigator

Perry Trustee

Norman "Red" Mosby
Betty Jean Hempfling
Norma J. Smith
Leo Strange
Lloyd Jost
Jerome Richey
Edward Beal
Jack Cain

County Assessor

James L. Angermeier
Monica E. Mindrup
Zreeta Hardin
Cheryl Lawrence
Evelyn Lannert
Frank A. Papriella
Tosha Pitt
Madge Bunker
Carolyn Garrison
Janice Lindauer

Knight Assessor

Helen Jane Nicholson
Shirley J. Reeder
Jerome Zeller
Rae Longist Oglesby
Lillian N. Tibbals
Tonya Ann Forehand
Helen M. Hammer

Armstrong Assessor

William C. Hepler
Marian L. Hepler
Louise Luigs
Francis Martin

Armstrong Trustee

William C. Hepler
Marian L. Hepler

Scott Assessor

Bob Harris
Gladys Martin
Norm Miller

Scott Trustee

Bob F. Harris
Doris Bailey
Barbara Harris

Co-Op Extension Service

Jack D. Wade
Jane E. Heramb
Lawrence A. Caplan
Susan K. Plank
Gary Randall Brown
Betty M. Bumb
Debra E. Etienne
Ella Mae Sheets
Rosalie M. Mesker

(continued)

Area Plan Commission

Barbara L. Cunningham
Joseph D. Ballard
Chris Erwin Forney
Beverly M. Behme
Brenda K. Hill
Kathryn S. Young
Virginia Mae Wirthwein
Betty Jo Gillis
Donna Marie Holderfield
M. Irene Mastison

German Township Assessor

Gary W. Wagner
Margaret Effinger
Karen Wagner

Hillcrest-Washington

Fred A. Hatton, Jr.
Mary F. Arvin
Gloria J. Brown
Versie M. Burgdorf
Mable L. Carroll
Norma Lee Carroll
Charlotte L. Cole
Jill L. Dale
Sylvia A. Edwards
Dorothy L. Furgerson
Bernice L. Gerbig
Annie E. Hawkins
John Herak, Jr.
Christine Howard
Jenal A. Jones
Carolyn J. Kirby
James E. Matthews
Ernest Merriwether
Jo Ann Mosley
Ruth M. Patrick
Mary E. Sweet
Lois Van Way
Catherine M. Williams
Norman L. Williams
James S. Woodard
Edna G. DeTalente
Diane L. Reheman
Bertie L. Slaton
Edwin H. Zenthoefer
Jeanetta Bacon
Caroline Herak
Dorothy M. Kramer
Myrna M. Krizek
Mary Jo Richardson
Nancy C. Woolsey
Leonard L. Kurtz

Circuit Court

William H. Miller
Linda Sumner
Lucille Smith
Wanda Lea Ringham
John P. Brinson
Terry A. White
Barry L. Standley
Karen Marriott Scott
John Harl, Jr.
Larry G. McDowell
John R. Mueller
Robert L. Saunders, Sr.
Katherine Baird
Connie S. Gard
Leslie J. Freeman
Kenneth A. Henson
Harris R. Howerton
Norman G. Hoskinson
Michael Peeler
Karen J. Destaché
Helen S. Reed
Daniel J. Tuley
Frank Flemming

Benjamin H. Evans
Dennis W. Howard
John W. Voight
Debra K. Hayden
Karen S. Miller
Paul N. Aarstad
Patricia Y. Coy
Betty Craig
Joseph M. Schaefer
Terry L. Brown
David E. Roy
Terry R. Boesch
James Bryan Nicol
Jerome C. Kisse
Gilbert C. Schiff
Michael Mattingly
Roy Weightman
Verner Solomon
Robert L. Hart, Jr.
William Martin
Stephen C. Fuchs
Dennis J. Heathcott
Estelle Moss

County Welfare

Mary Louise Ahles
Gayle A. Angle
Maury Anthony
Shari M. Atkinson
Louann S. Baker
Tracy Barnhill
Kendrick K. Barrett
Ruth A. Baumgartner
James E. Baxter
Peggy S. Blume
Glenda M. Bott
Ronald Boultinghouse
Nan E. Britton
Cynthia E. Brown
Susan B. Carson
Veronica J. Crittenden
Virginia L. Combs
Helen M. Cook
Virginia C. Cox
Mary L. Daniels
Elizabeth Dick
Janet L. Dick
Sue S. Duvall
Ethel A. Elkins
Denise A. Elvestrom
Robert W. Fenwick
Gerald L. Flick
Irene M. Frakes
John A. Fyffe
Carol S. Gainey
Dionna L. Garrison
Jon K. Golding
Amy M. Harbison
Patricia M. Harris
August J. Harris-Blaxton
Robert A. Hay

Michael R. Hazen
Phoebe E. Head
Kurt M. Heise
Phyllis A. Heise
Alan D. Hert
Debra S. Hertweck
Clifford E. Higgason
Ann A. Hood
Shirley S. Hopple
Genie A. Horn
Leanne Hudson
Susan J. Hudson
Mary L. Hudspeth
Kathleen M. Hunt
Frances Hyatt
William M. Igleheart
Edna L. Jarvis
Mary S. Joiner
Walter M. Julian
Mary A. Kayser
Ruth A. Kohl
Zola M. Kramer
Fonnetta A. Lander
Joann Lang
Terry A. Lindsey
Debra F. Lively
Phyllis J. Lloyd
Rubylee Lowe
Jane A. Luttrull
Elbert A. Lynch
Malicia S. McCune
Marilyn McClain
Diane Sue McCool
Betty L. McGlone
Bettye R. McLean
Beth A. Melton

County Welfare (continued)

Ruth A. Metz
Robert C. Mills
Dawn A. Moore
Laurie A. Morgan
Amy E. Mullican
Carolyn W. Nation
Marie A. Nelson
Jean Newman
Cynthia Ohl
Robert D. O'Tain
Louisa F. Paris
Carol S. Parmenter
Debra M. Peckenpaugh
Carolyn A. Platts
Janet A. Preece
Jean M. Puertzer
Patricia A. Rager
Jerilyn M. Raibley
Inez K. Thew
Dorothy J. Thomas
Mary E. Welch
Mary E. Werner
Faye A. Wilson
Samuel G. Wilson
Anna Mae Wolf
Juanita W. Working

Debbie J. Reitmeyer
Mary A. Reitz
Janice F. Reutter
Nancy C. Rhoades
Rene H. Riegler
Daniel L. Riordan
Dawn Ritz
Teresa A. Rizen
Donald R. Roberts
Joan M. Roberts
Dale E. Robertson
Mildred C. Ross
Linda S. Sander
Trina F. Schaeffer
Hilda M. Schatz
Vicky L. Schirmer
Elizabeth G. Schmidt
John M. Schroder
Lonnie L. Thomas
Shirley A. Tyree
Shirley M. Wesner
Peggy L. White
Barbara J. Winterheimer
Karen S. Winterheimer
Willie M. Word
John Yuschak, Jr.

Donald A. Schuldt
Thomas Sergesketter
Bonnie J. Sexton
Beverly A. Sherman
Jeffrey W. Smith
Judy L. Smith
Susan E. Smith
Joyce M. Spayd
Theodore E. Specht
Patsy A. Sproatt
Rebecca A. Starke
Anthony J. Starks
Frank L. Staton
G. Faye Stinson
P. Michael Stofleth
Phyllis E. Stokes
Donalynn Strine
Elizabeth Sutton
Jane E. Van Pell
Susan L. Watson
Thelma M. Williams
Kathi L. Willis
Jane H. Wirth
Timothy B. Wirtz
R. Dale Work

Superior Court

Terry D. Dietsch
Thomas Lockyear
William D. Stephens
Scott R. Bowers
Robert W. Lensing
Maurice C. O'Connor
William J. Brune
Mark A. Foster
Robert P. Carithers
M. Jane Dooley
Gayle Spaulding
Mary J. Stucki
Georgia Williams
Karen Flittner
Deborah L. Ray
Mary M. Clark
Sahah L. Cooper
Sharon J. Boardman
Robert J. Jourdan
Denzil E. Reed
Frank E. Hooper
Edward J. Davine
James E. Cole

Alvis C. Herrenbruck
Frederick E. Althaus
Luuis J. Carnaghi
James T. Barron
Bart F. O'Connor
Eileen Baker
Ronald S. Barron
Gregory W. Combs
Joycelin G. Brinkmeyer
Patricia E. Rischer
Theodore K. Gore
Joseph R. Lutz
Jill L. Hendricks
Daniel J. Wagner
Bernard E. Faraone
Mark G. Dremstedt
Albert C. Folden, Jr.
Mary J. Herdman
Nina L. Lockyear
Tracey L. Statz
Jane L. Schmuck
Laura A. Cunningham
Devonna K. Brown

Rebecca M. Ledbetter
Donna F. Baumeyer
Toni A. Brinson
Rosemary Norbury
Stephen C. Haas
Ralph E. Moore
Ronald J. Freson, Sr.
Dennis Brinkmeyer
David M. Shaw
Mary Lee Hahn
Barton A. Bates
Fred O. Vetter
Gloria J. Fark
Arletta L. Turpin
Mildred Morgan
Brenda L. Robbins
Danna L. Harpole
Virginia N. Lomax
Marilynn F. Hess
Karen A. Haas
Carolyn J. Prior
Debra M. Settle
Paul V. Partington

Commissioners - Jail

Peter Evers
Sandra Funk
Wilma G. Kerner
Kelli Seddon
Clint Fussner
Kent Walker
Kenneth Taylor
Gloria Grant

James R. Basham
Dale Thene
Donald Schnabel
James Oldham
Steve Lockyear
Pamela West
Scott Hurt

Arlita L. Small
Dan Collins
Paula Rodenberg
Mark Russler
Koris Karns
Brian Korn
Irene Reising

Sheriff

Clarence Shepard
S. Lee West
James A. Moers
Michael A. Craddock
Gary O'Risky
Jimmie Tucker
Richard O'Risky
David Ludwig
Clifford Trainer
Robert Beckham
Timothy Lennartz
Soney Banks
John Reutter
Gerald Castrup
Peter Swaim
Terry Hayes
Gary Kassel
John Lancaster
William Roberts
Curtis Sturgeon
Robert Lee Vessels
Roy Perkins
Thomas D. Wallis
Lois Scruggs
Bryan Klaser
Robert Tribble
Paul E. Bice
Bruce Crider
Richard E. Reed
Rodney J. Buchanan
Jerry Ochsner
Fennes B. Shoulders
Roy Burris
Jeffrey Johnson

Steven Ray Schnell
Ketteth Patterson
Stephen Griggs
Michael Daws
Ronald R. Hartmann
Thomas Rademacher
Larry Barchet
Joseph Winfield
James D. Fravel
William Coleman
Thomas Brandsasse
John Crosser
William Droll
Stanley Garrett
Phillip S. Strange
Kenneth Collins
Sandra H. Shuler
Marvin Gary Cooper
Michael L. Mentzel
William C. Roland
John R. Engelbrecht
William W. Pierce
Larry Weatherford
Stuart VanMeter
John Ellsworth
Danny Armstrong
Michael J. Duckworth
Larry W. Craddock
Mark A. Sloat
Dennis E. Daniel
James W. Spence
Oliver W. Hayek
Timothy Heath
Richard Hildebrandt

Eric M. Herrmann
Steven Ray Clark
Richard L. Bennett
Robert M. Carl
Kenneth A. Mitz
Michael K. Jones
David Arnold Weiss
John C. Lavanchy
Billy Clark Denton
Michael W. Forshee
Stephen L. Bequette
Danny Hape
Kent Bruon Todisco
Randall E. Korff
James Truitt
James J. Poston
Robert L. Miller
Stephen F. Moser
Jacqueline Trail
Ronald W. Newman
Michael Austin
Arella Ray
Ronald Aaron Brown
Stephen Woodall
Michael Taylor
David L. Wedding
Michael Kingston
Thomas E. Wedding
Michael A. Higdon
Kevin J. Young
Frank Lutz III
Mary L. Klaser
Michael Hertweck

Center Township Assessor

Wilbur J. Schmitt
Barbara A. Besing
Donna J. Fritts
G. Richard Eykamp
James L. Ritter
Delores O'Risky
P. Michael Mitchell

Cumulative Bridge
(Corrected List)

Dan Hartman
Anthony L. Hall
James W. Coleman
Terry R. Johnson
James R. Carrigan
Daniel V. Gossman
Danny R. Gatewood
David J. Austin
Joseph G. Schapker
Jeffery G. Mitchell

County Highway

William L. Bethel
Cletus J. Muensterman
Mark A. Montgomery
Milton Hayden, Jr.
Susan E. Kirk
Lillian N. Young
Lee R. Stuckey
Ralph A. Easley, Jr.
Donald J. Gartner
Jacke L. Crawford
Thomas L. Waterman
Cecil D. Sills
Dennis Merideth
Freddie R. Blair
James R. Triplett
Gary R. Page
Kirk B. Humphrey
Harold L. Stuckey
Raymond E. Cook
Albert E. Gartner
Larry J. Phillips
Ronald N. Martin
Harold Steckler

Harry W. Woods
John R. Keown
Tracy L. Jones
James D. Smith
Billy W. Downing
William D. Dickinson, Jr.
James Howell
Richard W. Sebree
Roy W. Tuley, Jr.
Robert E. Smith
Terry K. Calkin
Alan E. Groves
William V. Boring
Clayton Jenkins
Darryl Chamberlain
Sidney Brown
Donald W. Williams
Charles A. Sumner
Sam Robinson
Larry J. Babbs
Delbert J. Deig
Thomas J. Schmitz
Andrew S. Wade

RE: AWARDING OF BIDS FOR XEROX PAPER, LIQUID ASPHALT, CALCIUM CHLORIDE, GUARDRAILS, POSTS, ETC.

President Willner said that bids received for Xerox Paper, Liquid Asphalt, Calcium Chloride, Guardrails, Posts, etc., had been taken under advisement and he has the

(continued)

following recommendation letter from Mr. Tom Dorsey of Purchasing:

January 13, 1986

To: County Commissioners
From: Tom Dorsey/Purchasing Dept.
Re: Awarding of Bids

I have reviewed the bids submitted on 12-30-85 and recommendations are as follows:

- 1) Calcium Chloride - Award to Sole Bidder
Orbie of Illiana (Approximately 3.66% increase)
- 2) Xerographic Paper - Award to low bidder, Butler Paper.
(Approximately 20% less than 1985 prices)
- 3) Liquid Asphalt AE-150 - Award to sole Bidder, J. H. Rudolph & Co.
(Approximately 3.66% increase)
- 4) Guard Rails, etc.- Recommend awarding to M & W Concrete, as low bidder.
(1% increase on rails and posts; 8% increase on Terminal end and Transition end sections.)

The meeting proceeded with President Willner entertaining a motion.

Motion was made by Commissioner Borries that the bids be awarded in accordance with recommendations made by Mr. Dorsey, with a second from Commissioner Cox. So ordered.

RE: CONTRACT VENDORS - 1986

President Willner said that Mr. Dorsey has also provided him with a list of Contract Vendors for 1986, as follows:

The City of Evansville-Board of Public Works has awarded the following contracts for 1986. A contract book with vendors, items and prices will be forwarded to the various departments.

Storage Batteries	Busler Enterprises
Rock Salt	Domtar
Sand & Gravel	Evansville Materials
Oil Products	Hahn Oil
Crushed Stone	Mulzer

RE: OFFICE RENOVATION/AUDITOR

It was noted by President Willner that a request for needed office renovation of the First Deputy's area in the Auditor's office has been received. The project would involve labor and material to move a 9-ft. vinyl wall 4 ft. south, relocate light fixture, and patch carpet in Room 208-B at a cost of \$390.00 per the Building Authority. Funds for this project would come from the Auditor's supply account.

Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - DAVID L. JONES

Class Action Suits: Attorney Jones said he had received information concerning two (2) Class Action Lawsuits brought against the State Department of Revenue, in which the State lost. As a result of these two cases, it is possible for units of government

(continued)

and other users to seek from the State of Indiana a refund for fuel taxes. As he understands the results of this decision as it affects the county, by completing the proper forms, we would be able to obtain a refund for all fuel purchased for equipment that has power take-off units (tank trucks, sanitation trucks, dump trucks) -- we get a proportional refund of all taxes paid plus interest of 12% per annum on that amount. It appears that most of our dump trucks would qualify and that we have some other units out there which would also qualify. It may be that county-wide we have vehicles other than those utilized by the County Highway; he doesn't know whether there are vehicles used by the bridge crew or surveyor's crew or anything like that to which this would also apply. Attorney Jones said he will turn the forms over to the County Auditor as she will eventually have to complete the forms.

Mrs. McBride said her office has a list of all the dump trucks, etc. Attorney Jones cautioned, however, that the rule does not apply to "all" dump trucks, only those either plated or capable of being plated. If problems arise, he can get with the Auditor on these.

RE: COUNTY HIGHWAY - BILL BETHEL

Absentee Reports: Mr. Bethel submitted copies of Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for period January 6 thru January 10..... reports received and filed.

Work Report/County Highway: Also submitted were copies of the Weekly Work for employees at the County Highway Garage for period January 6 thru January 10.....report received and filed. Attached to the report was the following Work Schedule:

Gradall: Mann Rd., S. Weinbach

Grader: S. Weinbach, Happe Rd., King Rd., Seminary Rd., Long Rd., Newman Rd., Hickory Ridge, Cypress-Dale, Eisterhold and South Weinbach.

Rock Shoulders: Harmony Way and Petersburg Rd.

Patch: Whispering Hills, St. Wendel Rd., Water Works Rd., Mesker Park Dr., Hitch-Peters, Anthony Dr., 211 Elm St., 2627 Meadow Lark Lane, Caren Dr., Peerless Rd., Middle Mt. Vernon Rd., Hogue Rd., St. Joe Avenue, Campbell, Walnut Rd., Aspen Rd., Pine Creek Dr., Red Bank Rd., and Green River Rd.

Tree Crew: Baseline West, Long Rd., Water Works, Mohr Rd., and Happe Rd.

Rock Crew: Long Rd., King Rd., Old Henderson Rd., S. Weinbach, Seminary, Happe Rd., King Rd., Newman Rd., Hickory Ridge, Eisterhold and Cypress-Dale.

Work Report/Bridge Crew: The Bridge Crew spent the week out on Old Henderson Rd.; they are cleaning up several bridges (removing log jams, etc.). Mr. Terry Johnson, inspector, was on Old Henderson Rd. He also checked rip-rap on Duesner Rd. He also checked the drain pipes on Hogue Rd., Schmuck Rd and Upper Mt. Vernon Rd. The other gentleman spent time in the Commissioners' office, Andy Easley's office and the Highway Department.

Request for Permission to Send Out Bids for (2) Tandem Trucks and (2) Small Rollers: Mr. Bethel said he would at this time request permission to send out bids on two (2) tandem trucks and (2) small rollers. Motion to approve request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Purchasing to prepare specs.)

Request to Go on February Council Call: Mr. Bethel said he also request permission to go before County Council in February to request that the Council appropriate the following:

\$20,000	203-200	Materials
\$10,000	203-221	Gas & Oil
\$10,000	203-223	Garage & Motors

He believes the Commissioners are aware that they cut this out and now he has to go before County Council to obtain these funds. A motion was entertained.

Motion to grant request to appear before Council re Cumulative Bridge Fund was made. by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: MILLERSBURG ROAD BRIDGE

Commissioner Cox said she noted on the Weekly Bridge Report where on Tuesday, it indicated "No work today" on Millersburg Rd. Bridge. She received a call when she was in the office earlier today from a Mr. Hirsch inquiring as to when that bridge work will be completed so the road could be opened. Andy Easley said he was going to check into this. Residents out there are becoming quite concerned, because with Kans Rd. closed and County Line East due to close fairly soon, they will have no way to get in except to go way up to Warrick County and Stephenson Station and come back that way. Mr. Bethel said they will look into this.

Commissioner Willner asked Mr. Easley if he wished to comment on the subject now or later? Mr. Easley said he would wait until later. Commissioner Willner said he knows they were waiting for something -- so they could have some rip-rap at the project or something. Mr. Easley said they are going to haul concrete fill material from the airport.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley handed a letter to Attorney Jones which he wrote, concerning a problem on one of the roads. (Artesian well draining water onto Lexington Avenue.)

Also presented were copies of a letter from Morley & Associates to Mr. Marston Fowler, the District Construction Engineer with the IDOH in Vincennes, concerning a time extension on Burkhardt Rd. The letter read as follows:

January 6, 1986

Indiana Department of Highways
Vincennes District
P. O. Box 376
Vincennes, IN 47591

Attn: Mr. Marston Fowler, Jr., P.E., District Construction Engineer

Re: R-15023 Burkhardt Road Improvements
MAM-M-E 100(1)
Our Project #81-468-5

Dear Mr. Fowler:

Due to inclement weather during the months of November and December 1985, the Contractor (Gohmann Asphalt and Construction, Inc.) was unable to complete the project as they had hoped. Thus, we need to evaluate their request for a time extension.

We have received two written requests for a time extension from the Contractor dated May 9, 1985 and August 29, 1985 which Morley and Associates, Inc. did not wish to evaluate until it was certain that the Contractor was not going to finish on time. A copy of these two said correspondences are attached for your review.

Also enclosed is a three page synopsis of the chronological events for lowering the elevation of the Crawford-Brandeis Ditch (Change Order #4) compiled by Morley and Associates, Inc. As you can see from said listing, the County was contemplating the lowering of the ditch back in February 1985.

After much discussion involving the Contractor, IDOH, FHWA and the County Engineer, the Contractor was given verbal approval to commence work on the ditch excavation on June 19, 1985. During all this time, the ditch configuration was changed three different times with the main parameters being slope stability, right-of-way and costs of excavation.

We have reviewed the length of delay endured by the Contractor and recommend that that the Contractor be given a time extension of 80 consecutive calendar days. The 80 days is the amount of time from April 1, 1985 (Contractor's first productive day on the project) until verbal approval to commence work on Change Order #4 was given on June 19, 1985.

(continued)

The contract completion date is January 21, 1986 of which the Contractor has made the project "open to unrestricted and safe travel" in accordance with paragraph 108.07 of the 1978 Standard Specifications and Supplemental Specifications dated 1-1-84.

We recommend that the contract completion date be changed from January 21, 1986 to June 19, 1986. The 80 consecutive calendar days that the Contractor was prevented from working during 1985, should commence on April 1, 1986 and run through June 19, 1986.

We have reviewed this 80 day time extension with both Mr. Andy Easley (Vanderburgh County Engineer) and Mr. Dale Lucas (I.D.O.H. Area Engineer) and both concur with our recommendation.

As always, should you have any questions, please feel free to contact us.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer

Enclosures: As stated

Mr. Easley said he met with Morley & Associates and they concurred based on the diaries of the chain of events that took place when we elected to lower the Crawford-Brandeis Ditch. Under State Highway Contract Administration procedures or normal operating rules, the contractor would be eligible for an 80 day time extension. And, officially -- in Indiana and this part of the State -- they don't consider that you have good construction weather until April 1st, so they would get another 80 days, which would take them up to a completion date of June 19, 1986. The road is open; it still lacks several hundred tons of asphalt surface; it lacks some guard rail -- but the public is able to use it.

Commissioner Willner entertained questions of Mr. Easley concerning Burkhardt Road improvements and an extension of eighty (80) days.

Mr. Easley said there is no additional cost to the county; it behooves the contractor to complete the project as soon as possible and he has not made claim for any additional cost, other than the fact that we are still negotiating the price of the asphalt on the leveling and contractor is discussing this with our construction engineers -- but that is the only thing probably that is unresolved.

A motion was entertained. Motion was made by Commissioner Borries that the construction period for Burkhardt Road improvements be extended for 80 days, with a second from Commissioner Cox. So ordered.

In response to query from Commissioner Willner, Mr. Easley said no signatures are required -- the minutes will be sufficient.

Claim/Sebree, Craig & McKnight: Mr. Easley said he has a claim to Sebree, Craig & McKnight for engineering environmental services on the Lynch Road project. He said Rose Zigenfus was under the impression that final environmental would be in the hands of the State Highway Department by last Friday, but he guesses it is not going to get there until next Friday -- that is the word she got this morning. This environmental is important on our Lynch Road project -- for us to become completely eligible for this advanced right-of-way acquisition. The amount of the claim is \$4,369.35.

After brief deliberation, it was determined that the claim should be held for one (1) week, until the final environmental is in the hands of the State Highway Department.

Request for Permission to Put Temporary Crossings/Bluegrass Creek: Since there is no Drainage Board Meeting scheduled today, Mr. Easley noted he has a letter from Koester Contracting requesting permission to install temporary crossings/Bluegrass Creek (the Commissioners may/may not have seen this letter yet). The Corps of Engineers gave the contractors permission re similar construction on Pigeon Creek. They are going to put a 6 inch pipe and put large chunk concrete so the water would actually be able to flow through the fill and they'd drive on top the concrete rubble fill -- and it is designed with the stream flood that it will be over top. They said the one on Pigeon Creek has

(continued)

performed very well. However, he guesses the Commissioners will consider this matter as a Drainage Board.

Commissioner Cox asked if a time element is involved here, because the next Drainage Board Meeting is not scheduled until January 29th?

Commissioner Willner commented that he does not believe Bluegrass Creek is a legal drain.

Mr. Easley stated that he sees nothing wrong with the request -- it will not cause any flooding problems.

Commissioner Willner said the only thing that comes to mind -- and which should be in the Commissioners' meeting -- do they intend to use any of our roads? He thinks we need to do some checking here.

Mr. Easley said they have not indicated that; they are going to dig several borrow pits (on property they have purchased) and they are going to be along the route. There are some 1 million yds. of dirt -- and they are going to dig a few 10 ft. borrow pits; the borrow pits are spaced so that in earth-moving terminology the hauls are short.

Commissioner Willner asked, "They are not going to regress on our County roads?"

Mr. Easley said they haven't mentioned it.

Commissioner Willner said he believes it would be worth a telephone call.

Mr. Easley said he will telephone Dennis Weyerbacher and query him. Koester apparently has (2) bridges which he is subbing out to someone and he has all this million dollar earth-moving on the subgrade preparation -- but they will have to bring in concrete trucks to build the bridges, so he will check this out.

In response to query from Commissioner Willner, Mr. Easley said they will be driving across the pipe in the creek. They will fill the channel with rubble concrete and have the flow go through a 6 ft. diameter pipe and they will take it back out of the creek.

Commissioner Willner said he guesses that approval would have to come from the Drainage Board. On second thought, he said it would not -- unless it were a legal drain.

Mr. Easley said he believes the Board of Commissioners could grant permission.

A motion was entertained by Commissioner Willner, after he asked if Mr. Easley will monitor this...and make a phone call to be certain they do not plan to use county roads.

Motion to grant permission to Koester Contracting to install temporary crossings in Bluegrass Creek was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Material Stored at M&W Concrete & Supply: Mr. Easley said he found out the Bridge Crew has material which has been paid for which is being stored at M&W Concrete & Supply. He has given a copy of the Materials List to Mr. Bethel.

RE: ACCEPTANCE OF CHECKS

Meridian Insurance/David Maloney: Check in the amount of \$450.00 for post-mortem exam of Allen Markham (death due to traffic accident.) A motion to endorse check and deposit in County General Fund was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

U.S. Treasury/F.A.A.: Check in the amount of \$900.00 covering post-mortem exams on Raymond A. Reuter and Clarence J. Shular (aircraft deaths). A motion to endorse check and deposit in County General Fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Wells Cable T.V., Inc.: Check in the amount of \$107.25 for 4th qtr. franchise fee/1985. Motion to endorse check for deposit in County General Fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

(continued)

Dumas Bros. of Evansville, Inc.: Check in the amount of \$50.04 for scrap iron. Check in the amount of \$202.30 for scrap aluminum/iron. Commissioner Willner said he doesn't know from whence this came. Mr. Lindenschmidt explained that sometime back, the cabinets in Voter's Registration were declared surplus and Commissioner Willner asked that he check around toward other utilization of same. Mr. Lindenschmidt said he subsequently found out that the good cabinets were used in the County Assessor's office. The remainder had something wrong with them, so he had Bennie dismantle the cabinets and separate the aluminum/metal; by doing this, we got \$202.30 for the cabinets. Motion to endorse checks and deposit into County General Fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Clerk of Vanderburgh Circuit Court: Check in the amount of \$381.00 (via Attorney Miller) which satisfied all but \$31.00 of a judgment obtained by the County against Lisa G. Kirkwood for damage done to a guardrail growing out of an accident which occurred 9/28/84 on Darmstardt Rd., north of Inglefield Rd. Attorney Miller has indicated that it appears the balance of the judgment will be uncollectible because the Defendant is on ADC according to latest available information. Motion to endorse check and deposit same was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: TRAVEL REQUESTS

Center Township Assessor: Request for Assessor and (2) deputies to attend Annual Assessor's Convention in Indianapolis, IN on January 20, 21, and 22, 1986. Lodging on night preceding event, per diem and mileage is requested. No indication is given as to whether the parties will be traveling in (1) automobile.

German Township Assessor: Request for Assessor and (1) deputy to attend Annual Assessor's Convention in Indianapolis on January 20, 21 and 22, 1986. Allowed per diem and mileage is requested.

Motion to approve travel requests was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: OLD BUSINESS

President Willner entertained matters of old business to come before the Board. There were none.

RE: BUILDING COMMISSION/REQUEST TO MOVE (2) HOUSES

President Willner read the following requests from Elmer Buchta, Inc. concerning the moving of two houses:

December 30, 1985

Building Commissioner
City-County Building
Evansville, IN 47737

Dear Sir:

Elmer Buchta Moving Engineers requests a permit to move a house located at 1935 Audubon Drive, Tax #4-93-59, to 3220 Fickas, Tax #17-94-17.

We will be traveling from 1935 Audubon going south on Audubon to Pollack, west on Pollack to Vann, south on Vann to Fickas, and east on Fickas to 3220 Fickas, new location. Comair Escort Service will be providing the escorts needed for this move.

The house is owned by Earl Embry.

Sincerely,

Jim Brace

(continued)

January 3, 1986

Building Commissioner
City-County Bldg.
Evansville, IN 47737

Dear Sir:

Elmer Buchta Moving Engineers requests a permit to move a house located at 2038 Mulberry St. Tax #15-2-15, to 2627 Helmuth, Tax #13-167-13.

We would be traveling from 2038 Mulberry going east on Mulberry to Kelsey, north on Kelsey to Lincoln, east on Lincoln to Vann, south on Vann to Pollack, west on Pollack to Boeke, north on Boeke to Helmuth, east on Helmuth to 2627 Helmuth.

The owner is Charles Elliott. We would like to move the third week in January.

Sincerely,

Jim Kabrick

Commissioner Willner asked if the Board doesn't usually ask the Building Commission for their recommendation? Mr. Lindenschmidt said these requests were in the mailbox over in the Controller's office from the Bldg. Commission -- with nothing on the letters. Commissioner Willner asked if the Board wants to approve the requests or return them to the Building Commissioner for his recommendation. It was decided that a phone call would be made to Roger Lehman to obtain recommendation. It was subsequently noted that the move to Helmuth Avenue involves only City streets. Upon return to the meeting, Mr. Lindenschmidt advised that the Building Commission recommends that the two (2) requests from Mr. Buchta be approved. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: TRAVEL, LODGING & PER DIEM ALLOWANCE

The meeting proceeded with President Willner reading the following memo :

January 7, 1986

TO: All County Elected Officials & Department Heads
FROM: The Vanderburgh County Board of Commissioners
SUBJECT: Travel, Lodging & Per Diem Allowance

The following guidelines are to be followed in reference to 1986 travel expenditures from the County Commissioners' budget.

TRAVEL:

All personnel desiring to travel and who come under the Commissioners' budget must request permission to travel, in writing. This request must be in the Commissioners' office by Friday noon in order to be on the Commissioners' agenda for the following week's meeting.

1. Travel will be restricted to within Indiana only.
2. The purpose of the travel must be mandatory or at the request of the State.
3. Mileage allowed is 25¢ per mile from the County seat to the meeting place and return, to the one County employee who furnishes the conveyance.

LODGING:

1. If occupied by one person - the rate for a single person room is allowed and the bill must show that it is a single room.
 2. If a room is shared with a person who is not a county employee, single
- (continued)

occupancy room rate will be allowed and bill must show the amount of a single room rate.

3. If a room is shared with another County employee, who is also attending the meeting, one-half of the single room rate will be allowed each employee. Receipt must be attached to blue claim.

PER DIEM:

Per Diem in the amount of \$23.00 for each day in attendance of meeting will be allowed for each authorized person. Receipts must be attached to blue claim. This is to pay for meals and other incidentals such as parking.

We are sorry to impose these restrictions but we have no alternative with only the amount of \$5,000 allotted in our budget for travel for the year 1986.

Thank you for your cooperation.

The Board of County Commissioners

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

Commissioner Willner asked County Auditor Alice McBride if the State is allowing \$23.00 per diem? Mrs. McBride said that is correct. The maximum amount allowed by the County to date has been \$18.00.

Commissioner Willner said we then need to increase the per diem from \$18.00 to \$23.00, and the mileage to 25¢ per mile?

Mrs. McBride said it was 24¢ per mile, but the State changed it to 25¢. We really don't have any control over the mileage allowance; that is by State statute. The last time we approved lodging allowance, it was \$30.00 per day. You can hardly get a single room for \$30.00 per day. What the State says is that it will pay the cost of one single room (they do not set a room allowance amount).

Commissioner Willner then called for a motion to approve the guidelines?

Commissioner Cox asked, "What are the guidelines then insofar as lodging amount?"

Mrs. McBride said the amount is whatever the single room cost is for a particular establishment. If the Commissioners want to set an amount, that is fine. She doesn't care as long as we have some sort of guideline to go by. However, what was presented heretofore are the State guidelines.

Commissioner Borries queries Commissioner Willner re single room cost. Commissioner Willner said that, for instance, if you stayed at the Palmer House you'd pay whatever rate they charge for a single room.

Mrs. McBride said that when you attend a State meeting, they usually tell you what hotel to stay in. The county guideline on lodging hasn't changed since 1979; it has been \$30.00 for single room since 1979.

Commissioner Willner then asked, "So we could use these guidelines with a \$40.00 limit if we wanted to?"

Commissioner Cox asked Mrs. McBride if she's been receiving a lot of complaints from people?

Mrs. McBride said that she has. If the Commissioners will notice, they have been approving more than \$30.00 on the claims that have been coming in; what they have paid has been more than \$30.00.

Commissioner Cox said she thought Gloria Evans checked all of that.

Mrs. McBride said she does -- but that is why she sends them up to the Commissioners for approval; people can't get a room for \$30.00. Most of them are around \$42.00 or so.

(continued)

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COUNTY COMMISSIONERS
January 13, 1986

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A motion was entertained concerning lodging allowance. Motion was made by Commissioner Borries that a \$40.00 maximum limit be set on single room allowance, with a second from Commissioner Cox. So ordered. Commissioner Willner asked that the record reflect that the Commissioners were in agreement concerning the \$40.00 limit and the memo directed to All Officeholders be revised to reflect same, prior to distribution of guidelines concerning travel, lodging and per diem allowance.

RE: CLERK OF THE CIRCUIT COURT /MONTHLY REPORT

The monthly report from the Clerk of the Circuit Court for period ending December 31, 1985 was submitted.....report received and filed.

RE: CLAIM

Bowers, Harrison, Miller & Kent: Claim in the amount of \$1,669.32 covering a multitude of legal fees, etc. He has reviewed the claim and finds it to be in accordance with our agreement, thus recommends approval of said claim. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: SCHEDULED MEETINGS

4:00 p.m.	Tuesday	1/14/86	Auditorium Advisory Board
4:00 p.m.	Wednesday	1/15/86	E.U.T.S. Policy Board Meeting
7:30 p.m.	Tuesday	1/21/86	Commissioners' Meeting

RE: HOLIDAY CLOSING

President Willner announced that all City-County Offices will be closed on Monday, January 20th, in observance of Martin Luther King's birthday. Thus, the next regularly scheduled Commissioners' meeting will be held on Tuesday, January 21st at 7:30 p.m.

RE: CLAIM

Charles Althaus/Coroner: Claim in the amount of \$188.44 expenses in conjunction with Indiana Legislative Coroners' Meeting in Indianapolis on December 12th was submitted. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox.

RE: EMPLOYMENT CHANGES - RELEASES

County Surveyor

William Jeffers	6608 Kembell Dr.	Chief Deputy	\$19,433/Yr. Eff: 1/1/86
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Prosecutor's Office

Terry L. Ryark	Rockport, IN	Investigator	\$14,000/Yr. Eff: 1/1/86
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Circuit Court

Robert L. Hart, Jr.	1001 Crossgate Dr.	Dir/Jobs Prog.	\$1,728/Yr. Eff: 1/1/86
Estelle Moss	804 E. Mulberry	Jobs Placement	
*Remainder of Salary comes from Federal Funds		Off.	\$1,680/Yr. Eff: 1/1/86

Knight Township Trustee

Lula Cova Morris	1419 Adams Avenue	Jr. Investigator	\$7,000/Yr. Eff: 1/13/86
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County Surveyor

William Jeffers	6608 Kembell Dr.	Chief Deputy	\$23,953/Yr. Eff: 1/1/86
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(continued)

COUNTY COMMISSIONERS
January 13, 1986

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Prosecutor's Office

Terry L. Ruark

Rockport, IN

Investigator \$16,000/Yr. Eff: 1/1/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:30 p.m.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley


PURCHASING


Kim Schepman

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 21, 1986

Subject	Page No.
APPROVAL OF MINUTES -----January 13, 1986 -----	1
AREA PLAN COMMISSION/REZONING PETITIONS	
VC-25-85 (1st Reading)-----App'd. & Forwarded to APC -----	1
VC-26-85 (1st Reading)-----App'd. & Forwarded to APC -----	1
VC-27-85 (1st Reading)-----App'd. & Forwarded to APC -----	1
VC-23-85 (3rd Reading)-----Approved -----	1
VC-24-85 (3rd Reading)-----Approved -----	1
CLAIMS-----Tri-State Reporting Service---\$172.80-----Approved -----	12
COUNTY ATTORNEY - DAVID V. MILLER	
Acceptance of Check/Satisfaction & Release of Judgment/Haas Homes---Approved -----	2
COUNTY ENGINEER - ANDY EASLEY	
Waterline Extension/Highway 57 ----Check for \$38,042.05 forwarded to Water Dept. by Shell-----	3
Koester Equipment/Request to Install Water Crossings on Bluegrass Creek & Schlensker Ditch (Schlensker Ditch matter to be submitted for approval by Drainage Board on 1/27/86 -----	3
Sugar Mill Creek/Removal of I.D. Signs---Mr. Easley to contact P. Neville re immediate removal of signs -----	3 & 4
Request from KABECO, Inc. to use Frontage Rd./Diamond Ave.-Mesker Park Drive; Mr. Easley to investigate safety factors & report back to Commissioners prior to any permission being given -----	4 & 5
Acceptance of Check from State/Bridge Inspection/\$1,296.00----Approved for deposit into Cumulative Bridge Fund (Acct. #203)-----	5 & 6
Bridge Inspection Report---Printed copies should be available in about (2) Weeks; A. Easley has requested (16) copies -----	6
Millersburg Road Bridge Project-----Should be completed no later than mid-March-- Relinquishment of S.R. 57---A. Easley to do some legwork and advise Board -----	6 & 6
COUNTY HIGHWAY - BILL BETHEL	
Weekly Absentee Reports/Garage Employees & Bridge Crew -----	2
Weekly Work Report/Garage Employees & Bridge Crew -----	2 & 3
EMPLOYMENT CHANGES -----	12
INNKEEPER'S TAX/REQUEST FOR INCREASE - HAROLD ELLIOTT, COUNTY COUNCILMAN	
Letter & Supporting letters forwarded to State Legislators asking them to introduce bill to increase Innkeeper's Tax from 2% to 5%. Council adopted resolution in 1983. Request for Commissioners to adopt resolution endorsing increased tax to be taken under advisement; but Commissioners want to see the written bill the legislators would vote upon-----	11
INTRODUCTION OF GUESTS	
Ron Rose/Student at Washington Middle School -----	2
LETTER OF COMMENDATION/BENNY & BRUCE	
Commissioners to send letter of commendation to Benny & Bruce re recent move of IV-D Support Division (supplementing letter of commendation from the County Prosecutor) -----	11-12
SCHEDULED MEETINGS -----	12
TRAVEL, LODGING & PER DIEM GUIDELINES/COUNTY EMPLOYEES -----	
Commissioners rescinded \$40.00 maximum limit and set \$45.00 maximum limit for single room rate (unless function is State-called meeting and State allows a greater amount). \$23.00 per diem allowance and 25¢ per mile travel allowance remains in effect. -----	7
WEIGHTS & MEASURES/RADIO PAGING EQUIPMENT CONTRACT -----	
Contract will be changed from Anser-Phone, Radio Paging to Southwestern Paging effective February 1, 1986 at cost of \$25.00 per month. (Previous contract was \$26.00 per month.)	7

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 21, 1986

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, January 21, 1986, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, January 13th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REZONING PETITIONS

VC-25-85; Petitioner, Eden Investments (1st Reading): Common known address is 5325 Vogel Rd., and requested change is from C-4 to R-3. Present existing land use is Agricultural and proposed use is apartments. President Willner entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-25-85 be approved on First Reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-26-85; Petitioner, Paul & Sue Wallace (1st Reading): Common known address is 3900 Kuebler Rd., and requested change is from Agricultural to R-3. Present existing land use is vacant agricultural and proposed use is construction of thirty-three (33) 10-unit apartment buildings ranging from 700 to 1200 sq. ft. per unit. President Willner entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-26-85 be approved on First Reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-27-85; Petitioner, Old Petersburg Corp. (1st Reading): Common known address is 630 Old Petersburg Rd., and requested change is from R-1 and R-4 to C-1. Present existing land use is agricultural and proposed land use is neighborhood commercial. The owner of record is Citizen's Realty & Insurance Company. The premises affected are located on the north side of Old Petersburg Rd. just east of Glendale Drive and Old Petersburg Rd. President Willner entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-27-86 be approved on First Reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-23-85; Petitioner, Mark Maurer (3rd Reading): Common known address is 3718 N. St. Joseph Avenue and requested change is from Agricultural to M-1. Present existing land use is salvage yard and proposed land use is salvage yard. President Willner asked if anyone was present to represent the petitioner.

Mr. Dave Lamont approached the podium and said he is appearing in behalf of the petitioner concerning this matter. It is on the Area Plan Commission's report that this is a legal non-conforming use since September, 1972. There will be no changes from its present use. They are simply trying to bring the property into conformance with the zoning code.

President Willner entertained questions. There were none. President Willner then asked Mrs. Cunningham if this passed Area Plan? Mrs. Cunningham replied that it did, 11 to 0. It is an existing operation and they are seeking to bring it into compliance with the zoning code. It was court ordered in 1972.

President Willner then asked if there were any remonstrators present concerning VC-23-85? There were none. A motion for approval was entertained. Motion was made by Commissioner Borries that VC-23-85 be approved on Third Reading, with a second from Commissioner Cox. So ordered. President Willner then asked for a roll call vote. There were three affirmative votes.

VC-24-85; Petitioner, Citizen's National Bank, Trustee/Wm. Frank Richardson (3rd Reading): Common known address is 6050 Wedeking Avenue and requested change is from M-3 (industrial) to M-1 (light industrial). President Willner then asked if anyone is present to speak concerning this petition?

Mr. Bob Decker approached the podium and stated that he represents both Citizen's National Bank (Trustee of the owner of this property) and Mr. Frank Richardson (who is also present at tonight's meeting) who has entered into a lease covering this property. The property involved is located on the north side of Wedeking Avenue, just west of Burkhardt Rd. This land is now vacant and is zoned M-3. Petitioners propose to change zoning classification to M-1, so that a warehouse can be constructed on subject property.

(continued)

Mr. Decker said he would point out after the Area Plan Commission meeting they went before the Board of Zoning Appeals, which approved a variance application which had been submitted, which removed the green space requirement and allows them to develop this property in accordance with the site plan that accompanied the rezoning petition.

President Willner entertained questions. There were none. President Willner then asked if any remonstrators are present concerning VC-24-85?

Mrs. Cunningham stated that she is not a remonstrator, but she does have a comment. At Board of Zoning Appeals they did agree to stipulate to a minimum amount of green space and this is reflected in records on file in her office.

President Willner said the APC vote was 11 affirmative votes and 0 negative votes. He believes Mr. Borries probably abstained, since he would be voting tonight.

Again, President Willner asked if any remonstrators are present concerning VC-24-85? There were none. Questions from the Commissioners were entertained. There being none, a motion for approval was entertained.

Motion was made by Commissioner Borries that VC-24-85 be approved on Third Reading, with a second from Commissioner Cox. President Willner then asked for a roll call vote. There were three (3) affirmative votes. So ordered.

Prior to departing the meeting, Mr. Richardson commented that the warehouse project will consist of a group of thirteen (13) different warehouses (brick structure).

RE: INTRODUCTION OF STUDENT/WASHINGTON MIDDLE SCHOOL

Commissioner Borries introduced Ron Rose, a student at Washington Middle School, who is attending tonight's session in conjunction with a school assignment. The Board welcomed Mr. Rose and encouraged him to attend any future sessions.

President Willner asked if Ron Rose is related to Pete Rose? Commissioner Borries said he doesn't think so, but he is certain he is a Pete Rose fan!

RE: COUNTY ATTORNEY - DAVID V. MILLER

Satisfaction & Release of Judgment/Haas Homes: Attorney Miller submitted a check in the amount of \$50.00 from the Vanderburgh Circuit Court Clerk, together with Satisfaction & Release of Judgment notice. He commented that this was received as the result of a small claims case filed. He has nothing else to report at this time. The check was endorsed by the Commissioners, for deposit into County General Fund.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports/County Garage & Bridge Crew: Mr. Bethel submitted copies of the Weekly Absentee Reports for period January 13 thru January 17, 1986 for employees at the County Garage and the Bridge Crew.....reports received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage. Attached to the Work Report was the following Work Schedule:

Graded & Rocked: Cypress-Dale, Schissler, Lyle Rd., Eichele, Ridgewood, Autumn Ct., Lemay, Summertime, Tree Top, Roesner Rd., Sensmeier, Staub, Kissel, Kirchoff, Seib, County Line East, Hornby, Young, Ruston, Seven Hills and Fisher.

Gradall: Mann Rd. (Mr. Bethel said he is happy to report that the Big Canal out there is now finished.)

Rock Shoulders: Petersburg Rd. and Mill Rd.

Trash Crew: Garage, Bayou Creek, Lynn Rd., S. Weinbach, Mohr, St. Joe Ave., Nurrenbern and Red Bank Rd.

Patch Crew: Peerless Rd., Hogue Rd., Drexel Rd., Agathon Dr., Crestmont, Browning Rd., Baumgart, 8305 Berry Dr., Eissler Rd., Twickingham Ct., Cunningham Dr.,

(continued)

COUNTY COMMISSIONERS
January 21, 1986

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Allen Lane, Grove St., St. Wendel Rd., Diamond Island, Evergreen Rd.,
Kirchoff, Oliva, Chapel Hill, Telephone Rd., and Burkhardt Rd.

Tree Crew: St. Joe Rd. and Mohr Rd.

Worked on: Salt Spreaders, Paver and Pug Mill.

Painted: Barricades

Work Report/Bridge Crew: The Bridge Crew continued work on Old Henderson Rd., removing log jam from bridge. Mr. Anthony Hall worked in office and in the field for Mr. Easley.

RE: COUNTY ENGINEER - ANDY EASLEY

Waterline Extension/Highway 57: Mr. Easley said he would like to report that the Highway 57 Waterline Extension (which the Commissioners encouraged and helped him to promote) has been assured. Shell Mining Co. sent a check last week to the Water Dept., in the amount of \$38,042.05, which was their share and an amount of money necessary to make the 60% of the front footage charges. A copy of the check was submitted for the files. Mr. Easley said he thinks the people out there are very happy and today they asked him when they are going to proceed to lay the pipe. In response to query from President Willner, Mr. Easley said the residents in the area paid their share sometime ago. There were some out there who said they simply couldn't afford it, because they had so much frontage. But it will be there if they ever have a water problem and want to connect to the line.

Koester Equipment/Low Water Crossings Bluegrass Creek: Mr. Easley read the following letter, which he'd written to Koester Equipment, Inc.:

January 14, 1986

Koester Equipment, Inc.
14649 Highway 41 North
Evansville, IN 47711

Re: Low Water Stream Crossings for Bluegrass Creek and
Schlensker Ditch

Gentlemen:

The Vanderburgh County Board of Commissioners, during their regular meeting on January 13, 1986, reviewed your letter of January 13, 1986 requesting permission to construct subject low water crossings.

The County Commissioners have no objections to your company constructing the two stream crossings shown on the sketches attached to your letter.

Bluegrass Creek is not a legal drain, and does not require Drainage Board approval, but the crossing on Schlensker Ditch will be brought before the Vanderburgh County Drainage Board at the next regular meeting on January 27, 1986, for formal approval.

If you have any questions on the above, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr./ P.E.
County Highway Department

cc: Board of Commissioners

Sugar Mill Creek/Request to Remove I.D. Signs: Mr. Easley said he had also written the following letter to Mr. Paul K. Neville:

(continued)

COUNTY COMMISSIONERS
January 21, 1986

Page 4

January 21, 1986

Mr. Paul K. Neville
P. O. Box 5589
Evansville, IN 47715

Re: SUGAR MILL CREEK Townhomes
Evansville, IN

Dear Mr. Neville:

As you are aware, subject project has two (2) wooden project identification signs that have been installed within the right-of-way of Green River Road.

It is requested that your firm remove the signs from the right-of-way and re-install them on your property adjacent to the right-of-way. We would appreciate it if the signs could be relocated within the next 30 days.

If you have any questions on this matter, please contact the undersigned at 426-5211.

Very sincerely,

R. Andrew Easley, Kr., P.E.
County Highway Engineer

cc: Board of Commissioners
Area Plan Commission

Commissioner Willner said that in discussing this matter, it is his understanding that Mr. Neville appeared before the Board of Zoning Appeals and requested that they grant him permission to leave those signs. What is the problem?

Mr. Easley said he thinks Mr. Neville clarified that. He is entitled to one (1) project identification sign per project; but there are really two (2) owners involved and they appealed and asked for two (2) signs. In addition, they are going to have a "theme" sign in the median of their entrance. Apparently, this was approved. But they were told that the signs would have to be moved off the right-of-way -- and he wishes to reiterate that. Mr. Neville was told this some time ago; but maybe the rain has hampered the sign relocation.

Commissioner Willner said we need to contact Mr. Neville and advise him of the importance of moving those signs. First of all, the County insurance carriers are very squeamish of what we do now and on whose property. We need to get them out of there very quickly. Commissioner Willner said he doesn't think we need any additional legal problems with insurance.

Frontage Rd./Diamond Avenue-Mesker Park Drive: Mr. Easley said a question was raised concerning the frontage road at the northeast corner of Diamond Avenue and Mesker Park Drive. He submitted a copy of the following letter concerning the matter:

January 15, 1986

Ms. Charlotte Ramsey, President
KABECO, Inc.
P. O. Box 4039
Evansville, IN 47710

Re: Access to Frontage Road at the N.E. Corner
of Diamond Avenue and Mesker Park Drive

Dear Ms. Ramsey:

This is to advise you that our office has reviewed your request to construct a commercial driveway off of subject frontage road, which is shown in the attached sketch.

(continued)

COUNTY COMMISSIONERS
January 21, 1986

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According to the information furnished to you by the Vincennes District Office of the Indiana Department of Highways, this frontage road was abandoned to Vanderburgh County. We are in the process of verifying when the frontage road was transferred to the County, but the County Garage considers it to be a county-maintained road.

Assuming the County Highway Department does have jurisdiction over the frontage road, we have no objection to your company constructing a commercial driveway off the frontage road in order to provide access to the 38 acre parcel you are proposing to purchase. Prior to starting construction of the driveway it is requested that your contractor or you obtain a Driveway Permit from our office after you have completed your site development plans.

If any additional information is required, please contact the undersigned at 426-5211.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

cc: Board of Commissioners
County Highway Superintendent

Mr. Easley said he has asked Rex King of the IDOH to provide him with copies of data to verify that the road was abandoned to the County (but this has not been received to date). Mr. Bethel's office records reflect that the County has been taking care of this road -- Mr. Easley didn't have any record of it in his office -- but he will see that it gets added to the County mileage. But the State did advise KABECO that it was a County frontage road. He said he cautioned KABECO that there is no left turn haven for eastbound traffic from Diamond Avenue to make left turns. He is sure the State would not like a lot of traffic making left turns if the traffic were eastbound. In order for them to proceed with their planning, KABECO wanted to know if they could use that road for access to their property.

Commissioner Willner asked what line of business KABECO is in?

Mr. Easley said they are affiliated with Fentress Trucking Co.

Commissioner Willner asked how the 38 acres is now zoned?

Mr. Easley said it is zoned C-4. KABECO also has access to Allen's Lane and he thinks this will be a primary access road. He doesn't think they are going to like using Diamond Avenue. He thinks there will probably be cars coming off Diamond, but he doesn't think the big traffic will utilize it.

Commissioner Willner said he is not certain the County should give permission to hook onto that road unless we know how they are going to use it. There could be tractor/trailers and everything else.

Mr. Easley said it is a driveway now and they have frontage on the frontage road now. Can we say that they can't use the frontage road if they front on it? This is the way he was looking at it. It is not a limited access. Nobody acquired the access rights over to the frontage road. It is zoned C-4 and is connected to a State Highway -- the freight road is connected in a proper manner. In response to comment from Commissioner Cox, Mr. Easley said the frontage road does not connect to Mesker Park Drive; it comes off Diamond Avenue. Again, in response to query from Mrs. Cox, Mr. Easley said the frontage road has a hot asphaltic concrete surface.

After further discussion, it was the consensus of the Board that Mr. Easley should look at the intersection and see if the safety standards are acceptable before we grant permission to KABECO to use the road.

Check for Reimbursement of Bridge Inspection Expenses: Mr. Easley submitted a check from the State Auditor in the amount of \$1,296.00, which is reimbursement of progress payment on the Bridge Inspection project. He asked if this could be deposited into the Cumulative Bridge Fund, from which we've been paying the consultant? Mr. Humphrey, Deputy Auditor, said that since it is a reimbursement it can be deposited directly

(continued)

into the Cumulative Bridge account. President Willner concurred since this involves a contract. He entertained a motion. Motion was made by Commissioner Borries that the check be endorsed for deposit into the Cumulative Bridge account, with a second from Commissioner Cox. So ordered.

Bridge Inspection Report: President Willner asked Mr. Easley if he has any idea when the Bridge Inspection Report will be ready? Mr. Easley said they should have it back from the printers in approximately two (2) weeks. There seemed to be a shortage of the 1982 report, so he has ordered 16 copies -- and he hopes to lock up a few copies in safe places, so they don't all disappear. He believes we only received eight (8) copies the last time -- and they wandered off.

Millersburg Rd. Bridge Completion: Mr. Easley submitted the following letter from Deig Bros. concerning completion of Millersburg Rd. Bridge:

January 16, 1986

Mr. Andy Easley
Room 325 - Civic Center Complex
Evansville, IN 47708

Re: Millersburg Rd. Project

Dear Andy:

As requested, we are submitting an approximate schedule for completion of this project, which has been delayed due to weather.

Since receiving approval to use the broken concrete for fill, we have been waiting until the existing sub-grade thawed out so that what we placed will not be on frozen ground. We started hauling the fill on January 15, 1986, and will continue until the proper elevation is reached. If weather permits, we should have this completed in 3 to 4 weeks. We will then place a layer of smaller granular fill over the broken concrete and compacted dirt over the small granular fill until subgrade. Hopefully, the weather will be above freezing by the time we start bringing in the dirt.

After fine grading and proof rolling, #53 stone will be placed, and the road can be opened to traffic until such time as the asphalt plants open (probably about April 1) and the road can be paved. Weather permitting, we think the stone can be in place by the middle of March.

If you have any questions, please advise.

Sincerely yours,

DEIG BROS. LUMBER & CONSTRUCTION, CO., Inc.

Dick Hartmann

Mr. Easley said there have been inquiries from some of the people in the Millersburg Rd. bridge area concerning completion date, and it will probably be the middle of March before it is passable.

Relinquishment of Old S.R. 57: When Rex King of the IDOH was in Evansville last week, he gave Mr. Easley a copy of the following letter:

January 13, 1986

Board of Commissioners/County of Vanderburgh
305 Administration Building - Civic Center Complex
Evansville, IN 47708

Re: of S.R. 57

Ladies and Gentlemen:

In accordance with Indiana Department of Highways policies, the Vincennes District is undertaking the relinquishment of portion of Old S.R. 57 in Vanderburgh County.

(continued)

COUNTY COMMISSIONERS
January 21, 1986

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Attached is a location sketch identifying the portion of roadway to be returned to Vanderburgh County. Would you please sign the attached road transfer memorandum form where indicated under local authority. Keep one (1) copy for county records and return the other to the Vincennes District, P.O. Box 376, Vincennes, Indiana, 47591, attention: Rex W. King.

The official notice to relinquishment will then be forwarded to the County upon passing of the resolution by the Department of Highways.

Very truly yours,

Aden B. Carr
District Engineer

President Willner said that, as pointed out to Mr. Easley, the Commissioners gave its word to Mead Johnson & Company before they built the terminal that we would, upon receipt of this letter, accept that property at least to their terminal. But they would like for Mr. Easley to inspect it and bring it up to county standards before the County accepts it. He believes it is now concrete and it may not need anything; but he does want Mr. Easley to inspect it. Mr. Easley said that he and Mr. Bethel will look at it and if they find something with which they do not agree, they will let the Commissioners know. Commissioner Willner said that as soon as it meets our specs, it will be merely a formality concerning our acceptance of same.

Mr. Easley said he told them that, in his opinion, they could simply write a "station-type" legal description for the relinquishment. It is his understanding that the Commissioners intend to vacate that portion across the airport -- that would become the property of the abutting landowners (the airport). Since that would become public property, he didn't think any major legal description activity was necessary.

In response to query from Commissioner Willner, Mr. Easley said Rex King said they had taped it and it is 1,350 ft. from the fence by Mead Johnson's hanger to the center of the northbound lane on Highway 41. So, we're going to add 1/4 mile of highway mileage to our roads.

After further brief discussion concerning the matter. President Willner advised Mr. Easley that he needs to do some leg work and provide Commissioners with complete report, bringing them up to date. There is a segment which needs to be vacated to the Airport, and this has not been accomplished to date. Again, Mr. Easley was asked to do some legwork and provide the Board with a complete explanation as to what has been done and what needs to be done.

RE: WEIGHTS AND MEASURES/RADIO PAGING EQUIPMENT CONTRACT

President Willner said he had a note from Weights & Measures concerning change of vendors for the radio paging equipment utilized by that department. They will be reducing cost by \$1.00 per month (going from \$26.00 to \$25.00 per month beginning February 1, 1986). The money is allocated in their budget, so he sees no need for official action by the Board concerning this matter. The current vendor is Anser-Phone, Radio-Paging, Inc., and the new vendor will be Southwestern Paging (the same vendor utilized by the Auditorium)

RE: TRAVEL, LODGING & PER DIEM ALLOWANCE

It was noted by President Willner that at last week's meeting, the Commissioners set new guidelines concerning travel, lodging and per diem allowance. Mileage was set at 25¢ per mile from the County seat to the meeting place and return, to the one County employee who furnishes the conveyance. The per diem rate was raised from \$18.00 to \$23.00 per day for each authorized individual to pay for meals and other incidentals, such as parking. A maximum of \$40.00 per day for single room rate was established. Mr. Jim Angermeier was here and said the Board didn't know what they were doing.

Commissioner Willner said he has done some checking since last week and the average cost per single room in Indianapolis is \$42.95. Thus, he would entertain a motion to rescind the \$40.00 limit and set the maximum at \$45.00, unless the function is a State-called meeting and they allow a greater amount (then the Commissioners will approve the rate set by the State). A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

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RE: COUNCILMAN HAROLD ELLIOTT/INNKEEPER'S TAX

County Councilman Harold Elliott was recognized by the Chair and approached the podium. He expressed his appreciation to the Commissioners for the opportunity to appear on tonight's agenda in view of the short notice....but that is the way he generally operates.

Continuing, Mr. Elliott shared the following with the Board while passing out copies of material to be presented. "A few months ago one of our Evansville residents saw an ad in the newspapers that said Summer Ocean Cruises - \$100.00. He couldn't believe what he saw so he tore the ad out and hurried down to the Travel Agency and said, 'Is this true?' He was told, 'Indeed, yes, you can go on a summer ocean cruise for \$100.00.' He plunked down the \$100.00 on the spot, where upon he was struck on the head and pirated into a rowboat and pushed gently out to sea. A few minutes later another citizen came in with the same result. After about three days at sea the two rowboats drifted closely enough together that the occupants could communicate. Citizen #1 shouted to Citizen #2, 'Don't they furnish meals on these cruises?' Citizen #2 shouted back, 'No, no they don't; they didn't last year either.'

In proceeding, Mr. Elliott said he feels like Citizen #2 when he deals with the Indiana State Legislature. He never really expects anything -- but he is always hoping for a complimentary meal! This will be the fourth consecutive year that he has contacted the area legislators and asked them to raise our local innkeeper's tax from 2% to 5%. It's getting so they expect to see him every year. On the way down to tonight's meeting, he stopped at the Post Office and mailed a pack to the seven (7) legislators listed at the top of the following letter. For the record, he would like to read only the first page of the communication -- the other pages are for the Board's edification and enjoyment.

January 21, 1986

Sen. Lindel O. Hume
Sen. Joseph F. O'Day
Sen. Gregory D. Server
Sen. Dennis T. Avery
Rep. Vaneta Becker
Rep. J. Jeff Hays
Rep. Larry E. Lutz

This will be the fourth consecutive year I have contacted area legislators in person or by correspondence, requesting an increase in the Vanderburgh County innkeeper's tax from 2% to 5%, with the additional 3% to be used for major repairs, improvements and expansion of our existing auditorium and convention center. If this tax had been increased we would have collected almost \$1,000,000 in the first three years, and based on projected revenues, would collect almost \$900,000 in the next two years. Over 99% of this would be paid by non-residents.

When the people of Evansville visit most other major cities in Indiana, they pay an innkeeper's tax of 5%, yet when people from these other cities visit our community, we charge them only 2%. I have talked to literally hundreds of these visitors and most of them tell me that they would not object to a 5% rate -- they expect it.

In the past three years we have spent almost \$325,000 on capital items for our local facility, and another \$410,000 is included in the 1986 budget request. If we had the additional 3% tax, we could take care of all necessary capital items without our residents having to contribute a single dollar through the property tax. We could also add to our convention exhibit space of only 13,000 square feet, exclusive of the auditorium, as opposed to South Bend with 46,000 and Gary with 52,700 square feet. Fort Wayne is building a new convention center with its 5% tax, and I'm sure you're all acquainted with the tremendous amount of exhibit space in Indianapolis, which also has a 5% rate.

Enclosed are copies of previous correspondence on this subject, and copies of letters from leaders of our cultural community, pointing out the need for major improvements to our auditorium. I would remind you, too, that in 1983 the Vanderburgh County Council adopted a resolution asking for your support of the 5% tax. In addition, just a little over a year ago, the taxation committee of the Metropolitan Evansville Chamber of Commerce voted 17-3 to endorse my position.

(continued)

I realize this is a short session, but enabling legislation is available, and as I've pointed out before, legislators from other parts of the state would likely give courtesy support, if requested by our area delegation. The taxpayers of Vanderburgh County would be the beneficiaries.

Harold L. Elliott
President/Vanderburgh County Council

Continuing, Mr. Elliott said that over the last three years he has run into some opposition to this tax. The principal objection in 1983-1984 was that our principal competition is from Henderson that had a 0% rate and Clarksville, which had a 2% rate. Henderson now has a 3% rate and Clarksville has a 4% rate. This objection has died on the vine.

Another objection "hotel/motel business is stagnant" -- here's my answer: In 1984, estimated revenues were \$250,000, which translates to 1% (\$25,000). Move the decimal point over two places and that shows room charges of \$12,500,000. Actual revenues were \$277,039 -- so there again, 1% would be \$138,520 and \$13,200,000 in room rent. In 1986 projected revenues on 2% tax (and this came from our very conservative County Auditor) are \$300,000; 1% would be \$150,000; two places over is \$15,000,000 estimated room rent in 1986. Now this \$3,000,000 increase from \$12,500,000 to \$15,000,000 within a three year period does not reflect a stagnant industry. That's a 16% increase in three years.

Another objection "We've got to offer more to get conventions down here, since the north has so much more to offer". He can't imagine a more negative statement from one of our so-called public leaders. Mr. Elliott said he has been in meetings in every major city in the state of Indiana and they can't compare to Evansville for attractions or the friendliness of the people. Evansville is one of the few cities in the whole country where you can walk down the street, look somebody in the eye and say, "Hello, how are you?" with them not wanting to call a policeman because they are afraid they are going to be attacked. Mr. Elliott said he's never been on a cruise on the White River in Indianapolis or on the St. Joe River in South Bend. He thinks the rivers they have up there would be called creeks down here.

Another objection from another well-known public person, "People up north can't find Evansville". His answer to that is, "Anybody who can't find Evansville with a road map, going dual lane all the way, should not have a driver's license.

Another objection mentioned was, "The city is torn up by construction". By the time we collect the additional revenue, most construction downtown will be completed and there will be even more to offer our visitors.

Another objection: "We have a new Convention Center across the street from our building. Mr. Elliott said that Vanderburgh County was in the convention business over 15 years before the new Convention Center was built. If the new center does not pay its way, it will likely be converted to retail offices, showroom lounges and/or hotel rooms. The present owner of the Executive Inn sold it once; and if a proper capital gains deal is involved, being an astute businessman he will probably sell it again. A Convention Center controlled by one hotel is not conducive to open competition and could be detrimental to the possibility of a new hotel locating in the downtown area.

Mr. Elliott said the only reason he came to tonight's meeting was to ask the Board of Commissioners if, after carefully reading the material which he has presented to them, they would possibly consider adopting a Resolution for our area legislators saying that the County Commissioners indeed endorse an increased innkeeper's tax. In conclusion, Mr. Elliott entertained questions.

Commissioner Cox said she has two questions:

- 1) Did Vanderburgh County Council endorse this?

Mr. Elliott responded that they did in 1983. They have not yet seen the letter which he wrote today and presented tonight to the Commissioners.

- 2) Secondly, Mrs. Cox said that Mr. Elliott has put together a very nice packet. She did not see anything from the Convention & Visitor's Bureau; has he had

(continued)

any contact with them at all? What is their feeling?

Mr. Elliott said the main stumbling block is the President of the Convention & Visitor's Bureau. He is the one who brought up most of the objections. Mr. Elliott said he simply cannot accept them, because we are doing a disservice to the taxpayers if we do not get this additional revenue -- get all these expenditures off the property tax -- and get our revenue from other people coming to town and use that money to build facilities for their use. When we go to their towns they charge us 5%. He doesn't think we should any longer be a doormat. Everywhere he goes and everybody he talks to and says, "How about this 5% room tax?" Most of them say, "What tax?" The ones that do know about the tax say, "Why not? If you don't, we're going to have to pay a higher room rent -- because if they have to spend \$1,000,000 and put inside that hotel they have to charge more money!" We don't get anything for free -- not even the meal on the cruise I was talking about earlier.

In proceeding, Mr. Elliott said he would venture to guess that the Convention Center across the street from the Auditorium will not be in business five years from now -- that's just his guess as a business man. And he thinks we should have a convention center available so that we could possibly encourage a new hotel locating in downtown Evansville. If the Marriott or the Hilton decide to come in and they see that we have a beautiful structure like we have now -- an expanded structure -- and they conceive then spending hundreds of thousands of dollars or millions of dollars cost in building new hotel -- he thinks they'd go for it. He is not asking the Commissioners for a decision tonight; but he wishes they would really think about it and try to understand his reasoning.

Commissioner Borries said Mr. Elliott will have a short reply from him, because he isn't feeling too well and he will be making a rather quick exit. However, he will take Mr. Elliott's request under advisement. His arguments are persuasive and he is to be commended for his persistence in this matter. However, as he knows, he does need to get his legislative support lined up.

Mr. Elliott said he already has quite a bit; Commissioner Borries will note the letter from the Philharmonic Orchestra, the Civic Theater, the Dance Theater, etc. He has the resolution from County Council. Further, he has talked people to death regarding this issue and he finds very, very little opposition at the taxpayers' level. The majority say, "Yes -- let's get it off the property tax!" He went to a meeting not long ago and both Representatives Hays and Avery were present. Both said they would support it if there is any evidence at all of local support. He talked to Senator Hume in Indianapolis last month, and he said he would be glad to vote for it.

Commissioner Borries said he has a little different look at it though from a number of other things. Since we would be collecting this tax on a county-wide basis, he thinks there are some public facilities in the city that certainly deserve consideration as well as the Auditorium, and, in particular, he refers to Roberts Stadium and the air-conditioning. It's a money-maker; it generally operates in the black. But air-conditioning would certainly make it a year-round facility and would perhaps encourage more entertainment to come into Evansville. So he thinks these things would also have to be worked out. But, again, he assures Mr. Elliott that he will give the matter every consideration.

Mr. Elliott said that Evansville is part of Vanderburgh County and the City will, of course, benefit more financially from an improved and expanded convention center than the few residents who live outside the city limits. He discussed this with someone out at Roberts Stadium not too long ago and, if necessary, if we can build up our reserves, he wouldn't be adamantly opposed to using part of the money to air-condition Roberts Stadium. He thinks they could take 50¢ of their \$1.00 parking fee and air condition that facility. It should have been done 20 years ago.

Commissioners Borries said he thinks it should have, too. But for whatever reason it wasn't, then he thinks perhaps that there should be some formula looked at toward...

Mr. Elliott interrupted that if we dilute these revenues too much and spread it over too many facilities, then we're back to the band-aid type finance. He thinks we should concentrate the bulk of the money on our convention center.

Commissioner Cox asked, for clarification purposes, if Mr. Elliott said there is a copy of the Resolution in the packet presented to the Commissioners? Mr. Elliott

(continued)

said he did not say a copy of the Resolution is included. What is included are letters in support of improvements to the Auditorium. He couldn't very well get support of his letter today, because he just wrote it this afternoon. In fact, he typed it himself with only one erasure!

Commissioner Willner said that, personally, he agrees with almost everything Mr. Elliott has said. When we were debating the Airport Tax, he wanted to use this basic principle for the airport and he was told that the hotel/motel lobby in the State Legislature was so effective that it would not happen. Being that as it may -- he's a practical man -- and if it's not going to happen then you don't need to worry about it. But he would think that Mr. Elliott needs to get one of these area legislators/representatives to sponsor the bill. And if he gets that sponsored, if he comes back he will help him. Or, he'll help him the other way.

Commissioner Cox asked if it isn't too late to introduce any new bills?

Commissioner Willner said he thought it was, too.

Mr. Elliott said we have one week yet to introduce new bills. After that week has passed, there will be hundreds of bills that have been axed without a prayer of passage and any one of those bills could be used for this.

Mr. Elliott noted that a letter from Governor Orr is included in the packet, also. He supports this.

Commissioner Willner said he thinks what he is trying to say is that he would like to see the written bill that the area legislators could vote upon. He thinks Commissioner Borries has a good point in that we should not only include a county facility -- it should also be a city facility. Along those lines, the Commissioners would want to read the bill to see what Mr. Elliott has helped to put together.

Mr. Elliott said that House Bill 1093 was sponsored by Jeff Hays two (2) years ago and it answers all of these criteria. And, there is an existing law right now that Vanderburgh County can be added to which states any county in the state the Council can levy a tax of at least 5%. That bill is already there -- we just have to add Vanderburgh County.

Commissioner Willner said he is aware of that; but we still need

Mr. Elliott said he will work on this. If he doesn't get it through this year -- he will just keep coming back.

RE: OLD BUSINESS

President Willner entertained discussion concerning matters of old business.

Commissioner Cox said that while it is not a matter of old business, she did find a letter in her mailbox from Prosecutor Pigman commending Benny and Bruce for all their work in relocating the Iv-D Support Division from Main Street to the Community Center. She thinks that anytime our employees are recognized in a favorable way that the Commissioners should also express their thanks via written communication. She knows this was a big move.

Commissioner Willner said he certainly agrees. Benny is one of the greatest employees we have. He's a jack of all trades. He moves equipment; paints, lays flooring, lays tile, lays carpet -- just name it and Benny does it. He is invaluable to us. He appreciates the fact that Commissioner Cox brought this up.

The letter of commendation from the Prosecutor read as follows:

TO: Vanderburgh County Commissioners
FROM: Robert J. Pigman/Vanderburgh County Prosecutor
DATE: January 14, 1986
RE: Benny and Bruce

(continued)

COUNTY COMMISSIONERS
January 21, 1986

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Benny and Bruce have been such a big help to my office that I wanted to let you know how much they are appreciated.

Benny and Bruce moved the IV-D Support Division of my office from 615 Main Street to 100 E. Walnut during the worst weather we have had this year. Benny had done considerable work there prior to the move and the offices looked great.

Recently it was necessary to also do some rearranging in our main offices, we are always trying to find another inch of space to accommodate our staff and make working conditions as pleasant for them as possible and without the help and suggestions of these two it would be impossible to accomplish.

Thank you Benny and Bruce.

RE: SCHEDULED MEETINGS

Saturday Jan. 25 10:00 a.m. Meet Your Legislators

RE: CLAIMS

Tri-State Reporting Services: Claim in the amount of \$172.80 for professional service rendered in connection with the Deposition of Annie Mae McGowan regarding Evans vs. Shepard, et al and Reed vs. Shepard et al (at the request of David Jones). Motion to approve claim was made by Commissioner Borries with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Cooperative Extension Service

Nancy Hastings	525 Locust Street	Part-Time	\$27.00/Day	Eff: 1/17/86
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Cooperative Extension Service

Lawrence A. Caplan	354 S. Rosenberger	Ext. Agt.	\$12,168/Yr.	Eff: 1/20/86
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Circuit Court

Shawn Erin Devoy	1400 S. Grand	Intern	\$3.35/Hr.	Eff: 1/7/86
Gerald Hoskinson	922 Bellemeade	T.O.	\$ 126/Yr.	Eff: 1/1/86
Michael Peeler	812 Harmony Way	T.O.	\$ 720/Yr.	Eff: 1/1/86
Benjamin H. Evans	1369 E. Chandler	Disp. Tech.	\$8,500/Yr.	Eff: 1/1/86
Michael Danks	1518 E. Michigan	Intern	\$ 3.35/Hr.	Eff: 1/1/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 8:50 p.m.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey, Chief
Deputy

COUNTY ATTORNEY

David V. Miller

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

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January 21, 1986

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AREA PLAN COMMISSION

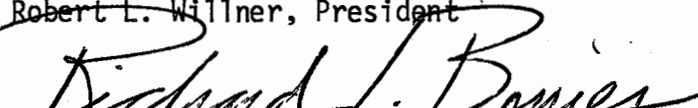
Barbara Cunningham

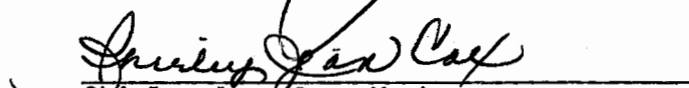
OTHER

Dave Lamont
Bob Decker
W. Frank Richardson
Ron Rose (Student/Washington Middle School)
Councilman Harold Elliott
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 27, 1986

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MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 27, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, January 27, 1986, in the Commissioners' Hearing Room with President Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, January 21, 1986, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

President Willner announced that the Commissioners will try to hold their meeting as quickly as possible, as two other meetings are also scheduled. The Drainage Board Meeting will be held immediately subsequent to the Commissioners' Meeting. There will also be a Joint Session of the County Council and the Board of Commissioners concerning insurance matters. The latter is scheduled at 4:00 p.m.

RE: CHARTER MEDICAL CORPORATION - DAVID TATUM

The Chair recognized Mr. David Tatum of Charter Medical Corporation and indicated that following his presentation individuals from Welborn Hospital also wish to speak.

Mr. Tatum approached the podium, apologizing for his voice today. However, his last trip to Evansville had him take a little piece of the community home with him and it is still with him. He will try to get by without sounding like "Kermit, the Frog".

Charter Medical Corporation came to this community in September 1985 and did a rather extensive survey of what they felt was the need for the type of services that one of their hospitals could provide. Based upon that study, they made application in November 1985 to the Indiana State Board of Health for a determination of need to construct and operate a 58-bed free-standing psychiatric hospital here in Evansville. They intend to locate this facility on the east side of town. They have several sites under consideration. However, since the names are not on the dotted line they do not feel it is appropriate to advise exactly where it will be located until the deal is consummated.

Charter Medical Corporation is a 16 year old hospital management company. It was founded in Macon, Georgia, in 1969. They currently own, operate or have under development 83 hospitals, including two (2) in London, one (1) in Geneva, and they manage one (1) in the Middle East....which is why he is not complaining about the snow -- it's better than being ten minutes from the Iraqi border. He'll take the snow over sand anytime!

In our area they have a little bit of experience. They own Goodman Hill Hospital down in Paducah, Kentucky. They operate a facility in Louisville, Kentucky. Earlier in this state, they obtained approval to build a 65-bed Child & Adolescent Psychiatric Hospital in Ft. Wayne, Indiana. That hospital opened in September of 1985 and last week had 54 patients. Clearly, their cognizance of the need in Ft. Wayne has been borne out. In June 1985, they received approval to build a 40-bed Child & Adolescent hospital at Lafayette, Indiana. That facility is currently under construction and should be open in September of this year. They are also very well aware of the recent application by the Hospital Corporation of America and some of the problems of that company encountered and they do not intend to repeat those. That is one of the reasons he is here today.

They see the need for services in this community as follows: They would like to build this hospital to serve children ages 6 thru 12. Their research has indicated there are absolutely no services for those children currently available in this community, with the exception of the State facility, the Evansville Children's Psychiatric Center. However, that facility is full all the time with a waiting list of 10-12 people at any given time for approximately three (3) months. They also found that there are limited services for adolescents in this area and the physicians in Evansville have indicated that they would like an alternative to the general hospital to house some adult patients.

Mr. Tatum said he has a rendering of the facility which they intend to build. This facility is of a free-standing nature. It is a separate, distinct structure that will be located on 7 to 10 acres of land, with a great deal of outside recreational area so they can involve their patients in activities therapies, which is so crucial to the effective rehabilitative treatment of the type of patient they see -- particularly the kids.

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Charter Medical also has a significant commitment to serving all people in this community. In the application that was filed in November, they committed to take all emergency referral patients regardless of ability to pay. That is something which they have adhered to in Ft. Wayne and will adhere to in Lafayette. In addition, they have budgeted 2½% of their gross patient revenues for indigent care. That is in addition to any bad debts that may be experienced by the hospital and in addition to what is called Medicaid (which we can accept in Indiana and will) and Medicare contractals, where they don't get reimbursed fully for their charges. They believe this type of commitment is consistent with the practice of other facilities in this community, although Charter Medical Corporation is a for-profit corporation and does not receive any public funds or subsidies. Their average daily charge at this facility is projected to be \$403.00 a patient day. That is inclusive. That handles the room, the board, all therapies, all education for the children while they're in school in this facility which they provide. That has no other charge tacked onto it by the hospital. And that's an average projection. For many patients it will be significantly less.

There are many other benefits to this community instead of just serving the need. This facility would be approximately \$5 million in capital that would be infused into the Evansville area. It would provide a number of construction jobs while it is going up. After the facility is open it will create over 115 jobs. They believe these jobs are available. They have read in some literature where the local hospitals have had to lay off personnel. Certainly, they would be interested in talking to those people, perhaps hire them and give them their jobs back. The annual payroll of this facility will be in excess of \$3 million. In addition to these benefits and meeting the need, Charter Medical (he believes) have gone out of their way to involve existing providants in this community in their plans. They have met with representatives of Welborn Hospital early in the process and are well aware of their opposition to this project. They have met with representatives of St. Mary's Hospital and there may be some possibilities of St. Mary's and Charter Medical cooperating in this venture. Those talks are still going on. They have met with representatives of Deaconess Hospital and they have taken no position as of yet. They are very interested in Charter's project; but, publicly, he has not been made aware of any opposition or support on the part of Deaconess Hospital. Charter has also talked to the folks at Southwestern Indiana Mental Health Center. They have indicated interest in their project, as well, and he understands they have formed a committee to study the project. Charter has received a number of letters of support from members of the community. Mr. Tatum said he would like to distribute copies of these letters to the Commissioners at this time.

Mr. Richard Rust of the Catholic Charities Bureau writes that he is very much in support of the facility.

Mr. Raymond Raiser, who is with the Rehabilitation Center on Bellemeade Avenue, has signed an agreement to work with Charter Medical Corporation toward referrals of patients.

The following have all written to confirm their support for this type of facility in Evansville:

Milton H. Anderson, M.D. Medical Arts Building Evansville, IN	Kenneth S. Goldstein, Ph. D. Evansville Psychiatric & Psychological Services Evansville, IN
Clarence S. Shepard, Shepard Vanderburgh County Evansville, IN	John P. Longstaff, M.D. Tri-State Medical Center Evansville, IN
David M. Holajter, M.D. South Hebron Avenue Evansville, IN	Jo Ann Sayle Evansville-Vanderburgh County Department of Health Evansville, IN
Belinda Hubert, Ph. D. Chief Psychologist The Family Stress Clinic Libertyville, IL	-- A former child psychologist with Southwestern Indiana Mental Health Center (1980 to 1983)
J. C. Cabrera, M.D. Evansville Psychiatric & Psychological Services Evansville, IN	

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Mr. Tatum said this concludes what he has to say -- before his voice gives out. He will be happy to answer any questions that the Board might have, however.

President Willner entertained questions of Mr. Tatum.

There being no questions of Mr. Tatum, President Willner asked if a representative of Welborn Hospital wishes to speak at this time.

Tom Kimpel, Attorney with Merrill, Johnson & Kempel, approached the podium and said the firm serves as General Counsel for Welborn Memorial Baptist Hospital. He wasn't certain when the Chair entertained questions of Mr. Tatum following his presentation whether this included them -- but he does have a question of Mr. Tatum. What is he asking for today? For the Commissioners to adopt some sort of resolution? Or, was the presentation merely informative to provide the Board with information concerning Charter Medical's application?

Mr. Tatum said the primary purpose for coming before the Board of Commissioners today was to inform them as to the exact plans of Charter Medical Corporation and to describe their project firsthand. Should they believe that this project is worthwhile and they would like to see it in the community, then a resolution on the part of this body supporting the project would be most welcome.

Continuing, Attorney Kimpel asked if he could ask if a resolution would be forthcoming from this body, what, if anything, would Charter Medical do with that resolution?

Mr. Tatum said that, in addition to the letters of community support that he distributed to the members of the Board, they would support that along with other evidence of community cognizance and support of this project with the Indiana State Board of Health and they would use that in evaluating Charter Medical's project.

Attorney Kimpel said that, based on the statement that if this body is going to consider a resolution, he thinks he is going to make their position known at this time -- that they feel that under the law in Indiana for this body to consider such a resolution is an improper function or activity. As Mr. Tatum has explained, the State of Indiana (through its General Assembly) has adopted legislation statutes and regulations pertaining to the health planning process in the State of Indiana. Attorney Kimpel cited Law 16-1-3.3, saying that under that statute an applicant is to file its application with and go through the procedures prescribed by the State Board of Health of Indiana. It is, therefore, their position under the law in Indiana that since the State Board of Health is that agency to determine need and whether or not a facility such as this should be built in the state, that they have pre-empted from the County Commissioners the ability to rule or act upon their request for resolution here.

Further, under IC-36-1-3-8, the State Legislature enacted expressed prohibitions from local governmental units. In that section it states that the local governmental units shall not have the power to regulate conduct that is regulated by a State Agency, except as expressly granted by statute. The health planning law and regulation are very extensive in Indiana. They prescribe from letters of intent to what should be included in applications to how community support is to be evidenced, public meetings which are to be scheduled and proper notice given for such meetings. The transcript of that public meeting is then sent to the State Board of Health for consideration and action concerning application. The procedure is there under State Law and Regulations for what Mr. Tatum is asking this body to do today. In essence, he would submit that by Charter Medical coming here this afternoon and asking this body to adopt a resolution approving and recommending that this facility be built is circumventing the procedures set forth in the State Law and the requirements of what they have to go through with the State Board of Health.

In conclusion, he would ask that this Board not consider such a resolution for the legal issues that he has raised. Attorney Kimpel said this is all he has to say.

Commissioner Willner entertained questions of Mr. Kimpel.

Commissioner Cox asked, "Mr. Kimpel, are you not stating any position or any comments concerning this facility, other than to advise us legally what we are supposed to do?"

Mr. Kimpel said he wanted to make the record clear at this meeting that it is their position that as a matter of law this body should not consider adopting such a resolution. He has no objections to Mr. Tatum coming here and advising this

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Commission as to what his company intends to do and what it is prosecuting with the State Board of Health. He has no objections to that. But when he says that he would request and ask that a resolution be considered and adopted, he is submitting a legal argument that such a resolution should not be considered and adopted. Now if the Commissioners tell him (Kimpel) that from a legal standpoint the Commission feel they can go forward and consider such a resolution, he would then refer to the Administrative Persons from the hospital (Welborn) and particularly address some issues as to the application.

President Willner said he also finds it pretty hard to swallow that this board would not be able to make a recommendation -- that almost prohibits free speech. He doesn't believe that. He hasn't read the articles, but he guesses we're about to. He asked Attorney David Jones if he has the two articles to which Attorney Kimpel referred? He requested that Attorney Jones pull same and let him read them.

In addressing Attorney Kimpel, Commissioner Cox said she wants to make certain that she understands. He is not stating any position whatsoever or any imput as to how Welborn feels toward this facility.

Attorney Kimpel said, "I personally will not. There are representatives here from the hospital who will do that."

Commissioner Willner thanked Attorney Kimpel and said he thinks we will do that at this time.

Attorney Kimpel then asked, "Are you going to consider whether or not the law says..."

President Willner interrupted, "Please don't put words in my mouth. I don't know what I am going to do. We'll let you know in due time."

Attorney Kimpel said there are persons here from Welborn Hospital who will address certain issues that Mr. Tatum raised.

Mr. Jeff Deiss approached the podium and thanked the Board for the opportunity to address them. He said he is the Group Director at Welborn Hospital and has administrative responsibilities for physiatric services at Mulberry Center. He would propose to the Commissioners that the application Mr. Tatum has discussed with the Board does impact the operation of Mulberry Center in a negative manner. There are duplications of services. You are looking at adolescent and adult services that they currently provide. The application shows 20 adolescent beds and 16 adult beds. Currently -- or when the full complement of services are implemented at Mulberry Center in June of 1986, they will have in operation 36 adolescent beds and 80 adult beds. So there are some areas of direct competition.

Mr. Deiss said he would also like for the Board to take a look at the rates of the two facilities as Charter is proposing and Mulberry Center currently has. The Charter rates (as Mr. Tatum put it) are \$403.00 -- that's broken down at a \$322.00 per diem rate and an \$80.00 ancillary charge rate. The current rates at the Mulberry Center are \$203.00 per diem and average about \$31.00 in ancillary charges. So, we're comparing a \$403.00 average rate to a \$234.00 average rate.

To look at the current payroll of Mulberry Center, including salary and direct benefits, they are providing something over \$1½ million to those staff members. If you take the commonly used community multiplier effect of 7, we're talking about over \$10½ million that goes back into this community.

The issue of indigent care is one that we need to address here. Mr. Tatum was talking about 2.5% of gross patient revenues. Mr. Deiss said he thinks we need to put that into perspective. If you take that figure and using the facility at 100% occupancy, multiply that out, divide it back into their average cost of \$403.00, that really provides enough indigent care to cover less than four (4) adolescents in their extended program for an entire year. In the last five (5) months ending November 30th, Welborn Hospital Mulberry Center provided over 50 people in this community with care at no cost -- indigent people -- that is using an average length stay of 20 days. He thinks we have to consider the negative impact that this is going to have on the operation of Mulberry Center. He thinks that if Charter were

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to get approval and come into this community and be providing those services, he doesn't think it is unreasonable to expect that Mulberry Center would see a decrease in patient days. As we see that decrease in patient days, that obviously means less income, it means higher cost per patient, and probably increased rates to the community. He would urge the Commissioners to allow the State Board of Health's planning process to stand on its own and not to adopt any resolution at this time.

President Willner expressed appreciation to Mr. Deiss for his comments. He then entertained questions of Mr. Deiss.

Commissioner Cox asked, "Mr. Deiss, are you at capacity now in Mulberry Center?"

Mr. Deiss said, "No Ma'm, we are not."

Mrs. Cox said she went to the opening of Mulberry Center. She asked Mr. Deiss that when you go into these 36 and 80 adults, this does not include M-3?

Mr. Deiss said that it does.

The Chair entertained further questions.

Commissioner Cox asked Mr. Deiss, "You have another part of that facility that is not quite yet ready?"

Mr. Deiss said they are scheduled to have everything operational in June of 1986. They will have the 40-bed adult substance abuse program that will open April 16th. They have an adolescent psychiatric unit that will open June 1 of 1986. And that will bring them to fully operational size of 116 beds.

Mrs. Cox asked if Mr. Deiss said the average length of stay was 20 days?

Mr. Deiss said, "No. If you use the 20 days as an average length of stay, that is how many patients that would be cared for -- the average length of stay is actually something less than or in the neighborhood at this point of 17.5 days or something like that....so that the 50 number would actually be escalated.

Mrs. Cox asked if Mulberry Center is set up as a temporary facility until patients can be transferred to another facility? Or are they geared to actually give them the full course of the treatment needed in this facility?

Mr. Deiss said they are geared to give both. Some of their beds are licensed as acute care beds and some beds are licensed as long-term beds. So they really are able to do both.

Mrs. Cox asked if the children's and adult bed areas are separated -- by physical facilities?

Mr. Deiss acknowledged that they are. They are on the same floor -- but separate facilities.

Mrs. Cox asked, "The children are not put in with the adults?"

Mr. Deiss said they are discussing adolescents here. But the adolescents are not put in with the adults. The adolescent unit scheduled to open June 1st is physically separated from the adult unit. The adolescent substance abuse unit is physically separated from the adult unit.

President Willner expressed appreciation to Mr. Deiss for his comments. He then asked if anyone else in the audience wishes to be heard at this time?

Mr. Bob Spear, Executive Director of the Mental Health Center, approached the podium and introduced himself. Since their Board has not met as yet and established a position (they will do so next Tuesday) his comment will be something less than what they may say. In short, it is felt that the additional beds in town will have an adverse financial impact on their operation. As the Commissioners know, they are subsidized in part by the State. They get some of their operational costs from fees. Therefore, if the additional beds come in it is felt that Welborn's costs

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will have to go up and thus will have a negative impact on them. It will also change the insured's quota of insurance mix that they have of paying patients and non-paying patients. So they would view that. His presentation to the Board would be that it would be negative financial impact on their center and the additional beds in town or area are not needed.

Commissioner Willner expressed appreciation to Mr. Spear for his comments and entertained comments from anyone else in the audience who wished to speak.

Mr. Tatum stood and was recognized by the Chair. He said he does not think an action by the Board of Commissioners in any way circumvents the intent of the health planning statute. The public hearing is a mechanism that is identified by that statute. Clearly, the statute does not proscribe this body from making a comment as to whether they desire this facility in their community. The Health Planning Statute grants permission to build it or not. The Commissioners are not granting that permission per se. Should they desire to pass a resolution, they would simply be stating a wish. The ultimate decision is still left to the State Board of Health.

To talk very quickly about some of the things mentioned by the gentleman from Welborn, he does not believe that Charter Medical facility will duplicate those services that are offered at Welborn. Obviously, the length of stay is less than twenty (20) days as you heard the gentleman comment. Charter Medical's length of stay for adolescents is 45 days; adults, 25-50 days and extended care for adolescents can be 120-190 days. Also, they clearly still do not provide any of the needs or services for children ages 6 thru 12. This will be the first and only facility taking some of the occupancy problems off the E.P.P.C. in this area and making up for it. He does not know what the 36 adolescent beds consist of. He heard some were alcohol and drug; he heard some were for psychiatric; he heard some were for eating disorders. Charter Medical intends to provide psychiatric services -- they do not intend to provide addictive disease. As for the adult beds that Welborn has, they serve a purpose. Charter Medical has patients in its hospital slightly longer than the general hospitals. And that is a need that the physicians in this community have made known to him, as evidenced in the letters placed before the Commissioners. They indicate that the people of this area either elect not to seek care or they go to Indianapolis or Chicago or Louisville. With regard to the charges of \$403.00 versus \$234.00, he is not aware of what those ancillaries include. As listed in Charter Medical's application, they spell out what is included. It includes all the psychological testing; it includes the schooling of the children who are in the hospital -- and he has no idea of what services are provided by Welborn. With regard to the comments concerning payroll -- and he is not trying to sound flippant -- but he says he has a \$1½ million payroll and Charter Medical has a \$3 million payroll; if you use the multiplier, he wins; he has \$21 million out in the community. Again, the desire of Charter Medical is not to try to take anything away from an existing provider. They believe they can complement the existing services. They know there are some people who have been laid off in this community from Deaconess Hospital; that was in Modern Health Care magazine in 1985. Hopefully, they can hire some of those people back. Charter Medical does have a significant commitment to indigent care. Mr. Deiss is assuming that they only see 5-6 adolescents if you take the entire extended care program of 6 months each and apply the money to that. That may be correct. But what really happens in essence is that we have some children and adolescents and adults who are in the hospital two weeks; you have some in the hospital four months. The average length of stay they worked out would be 45 days. Mr. Tatum said Charter Medical is very proud of their track record on this. There is a hospital list in the back of the brochure which he presented to the Commissioners. He asked that they please call people in the community where they might know them to find out for themselves. In Ft. Wayne they even went so far as to put the money in escrow and it is dispersed on a case-by-case basis when the child or adolescent comes in.

With regard to Mr. Spear's comments, again, he is waiting for the Board to make its final determination next week. Charter Medical would like to work with the Mental Health Center. He has not been able to quantify the number of paying patients the Mental Health Center has; therefore, he does not know how many paying patients it will be assumed that Charter Medical would take away. The market that they are seeking is to serve those patients that cannot get care in this community and seek it elsewhere. They're trying to keep them in Evansville. Mr. Tatum said this concludes his presentation. He would, however, like to make a statement before this body that regardless of the opposition that they meet during this process that

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Charter Medical Corporation does not hold a grudge. They will be happy to work with Welborn Hospital and the Mental Health Center and anyone else during the planning process who may show opposition. In conclusion, Mr. Tatum expressed his appreciation to the Board.

President Willner asked Attorney Jones if he looked up the pertinent statute?

Attorney Jones said that, first of all, members of his law firm represent Charter Medical and he wants to make that clear for the record...to the extent that that is conceived as any conflict of interest he does not want to speak to the merits of anything that was said here. That being said, he will disclose the record.

President Willner requested that Attorney Jones read 16-1-3.3. Attorney Jones remarked that the other statute (IC-36-1-3-8) is not applicable -- he doesn't even have to look at it, because of government regulation. The Commissioners are not attempting to regulate anything here -- so reference to that statute is out of line.

IC-16-1-3.3 was the statute noted by Commissioners Willner and Cox (as confirmed) during Attorney Kimpel's remarks. However, there seemed to be some discrepancy so the meeting continued, as follows.

President Willner said the Board had heard from both sides. Is there a consensus of the Board of County Commissioners? There are two ways that he sees we can do this. They can do it as a Board; or, they can do it as an individual -- as some of these other persons have done. It doesn't make any difference to him. What is the feeling of the Board?

Commissioner Cox said that upon hearing the presentations and input that the Board has received from the representatives of Welborn, they know that they are working in a dedicated manner on the adolescents. We still have limited facility here for the children's group under age 12 and a documented waiting list of quite a number of days before people are able to get the services that they need. She also knows that some of the facilities have a limit as to how long you can stay, such as the State Hospital and other places and, in many cases, the facilities that we now have are temporary holding until the patients can be placed somewhere else. Her concern is that we don't shuffle these people who need care simply because they fall under a time limit or an age limit for the care they need or the conditions that they have. She guesses this expresses her concerns in the matter. She feels very strongly about the juveniles, adolescents and children who should be separated from the adult facilities and that they have some place to go other than our jails where they do need to be held. We do have a crying need at this time especially for the group up to age 12.

Commissioner Borries expressed his appreciation to both the representatives from Welborn and Charter Medical for their attendance at today's meeting. He said he wanted to compliment both sides for a very effective argument. In fact, so effective that he must say at the outset that he sees himself in a potential conflict from the standpoint in that the many roles they play as county officials that the Commissioners have to look at a lot of different areas and their involvement in a lot of different areas. He has been serving as an officer with the Southwest Indiana Mental Health Association for approximately five (5) years now and found them to be a very effective organization in trying to meet community needs. We are all concerned about patients here and he thinks that is the bottom of line. He has concerns at this time as an individual re endorsing that program until he would meet with the Mental Health Board, hear the other side that might be presented in a public hearing that he thinks might take place on February 20th. So while he has concerns about meeting the need here, he is not sure at this time that he has enough information either as a member of this Commission or as an individual to make a recommendation to the State Board of Health. Therefore, at this time he would not sign any resolution that the Board at this point in time would recommend.

President Willner said that if his information is correct, he would have a few questions. We are talking about a facility that is taxable, both federally and locally. We are talking about a facility that comes into the community for a profit. We are talking about a facility that will come into this community and add workers. Whether it will detract from one facility to the other, it sort of reminds him of

McDonald's; when a new McDonald's comes in, it certainly takes business from the other McDonald's or the other Wendy's. He's not worried about that per se. He guesses the idea that it's a tax-bearing facility seems to be advantageous to him. He is not saying that he or this Board has a sufficient amount of knowledge to say "Yes, we need this facility -- or no, we do not" -- but with the lack of that knowledge, he is certainly willing to say to the proper authorities that, "Yes, I think you should look at this facility very closely, because it is advantageous to our community." So, if there is a motion to recommend a resolution, he is going to go along with that. If there is not a motion, then he will privately give his blessing to a letter that says, "Yes, take a good look at this facility in our community."

Carol McClintock, Public Relations/Welborn Hospital, stood and was recognized by the chair. Ms. McClintock approached the podium and introduced herself. She said she has not been in the health care field for a long period of time, but she has been in it long enough to know that it is very complicated -- with the State laws that govern health care in the State of Indiana, which have been developed to help health care, to help those providers so that they can do the best possible job to provide health care in Evansville, Indiana. She is not going to ask the Commissioners to not make a resolution. But what she will ask the Commissioners to do is to carefully consider that there will be one or two public hearings held in this community on February 13th by Charter Medical and, depending upon the outcome of that, February 20th by Welborn Hospital and Southwestern Indiana Mental Health Center. Those will be long hearings; there will be a lot of information provided by both sides regarding this issue. She would ask that before the Commissioners make a resolution or commitment to make their actions part of the public record in the State of Indiana, that they at least give Welborn an opportunity to be heard in a public forum. Obviously, Welborn has been a little bit 'out-politic'd' here--and they should have done their homework prior to this morning. But she feels very strongly that they need to be given an opportunity to show the other side and she thinks the best way to do that is in a public forum, where the general public has an opportunity to ask questions.

Commissioner Willner expressed appreciation to Ms. McClintock for her comments.

Commissioner Cox asked, "Well, Carolyn, are there any other questions that we have missed here that maybe you can think of that should be addressed?"

Ms. McClintock said, "Well, we're talking about a for-profit organization coming into a community that already has lots and lots of empty beds. There are lots of empty beds in Evansville. Mr. Tatum has referred to layoffs in the hospitals. The reason those folks have been laid off is because we simply don't have the patient load to support full staffs at our current hospitals. We have three very fine health care institutions in this community and Evansville really is honestly blessed to have three such fine institutions. It is very rare that you have ones of those size and quality of health care. We also have supplemental organizations like Southwestern Indiana Mental Health. Deaconess Hospital currently has a psychiatric program. She is not going to quote how many beds they have filled; but she thinks that if the Commissioners talk to someone from Deaconess they may have an opinion about more psychiatric beds in this community. St. Mary's may -- and they would have to agree with Mr. Tatum they don't know exactly what they are going to do. But they have just increased their number of psychiatric beds. So she thinks the Board has to look not only at what Charter Medical is proposing, but what is currently happening in Evansville. The other important thing is, that once the application has been approved and Charter Medical comes to Evansville and builds this 58-bed hospital, those numbers of adolescent, adult and child beds that we're all so carefully looking at now, a patient can change. So, once that is constructed and the application is approved -- she is not saying that Charter Medical is going to do that -- but that is not necessarily set in concrete for the life of the program.

Commissioner Cox asked, "You mean the number of beds in the facility?"

Ms. McClintock said, "The number of beds in the facility. The application is just that."

Commissioner Cox said, "Well, certainly, if they would increase the number of beds this would be as the result of feeling a need for increased beds."

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Ms. McClintock said, "No, within the same 58 beds, Shirley -- that's what I mean. Welborn is operating a psychiatric hospital right over here on Mulberry Street. Mulberry Center is a separate, free-standing institution and Welborn has had a commitment to psychiatric care for many, many years -- when no one else wanted to provide it. We've heard a lot about the tax benefits and the revenue that Charter Medical is going to generate to the county. Welborn has been here for years. They've been downtown for years and, while Charter Medical has hospitals in London and the Middle East, Welborn has been in Evansville. And she thinks that because they have been in Evansville, they deserve at least a chance before the Commissioners put in public record -- because it obviously is very important to these people, but it is important to Welborn, too, that they be given an opportunity to give the Commissioners a transcript of the public hearing so they can hear what the people in Evansville have to say."

Commissioner Cox said, "And you don't see -- what about these children who are under the age of 12?"

Ms. McClintock responded, "Shirley, I said at the beginning that I am a P.R. person -- I'm not a medical staff person. But there is no hurry on this. The State Board of Health is not going to approve that application until after the public hearing. So there is no need for the Commissioners to have to do this today."

Commissioner Cox asked, "Then, in the overall you cannot see a need for a facility of this kind being an ancilliary facility with what is now provided? You cannot see that in any way?"

Ms. McClintock said, "Shirley, I'm not going to comment on that."

President Willner asked if anyone else is present who wishes to speak to these questions? There being none, he asked if anyone would like to make a motion?

Commissioner Cox said, "Well, I feel uncomfortable making a motion when one of the Commissioners has already expressed some concern about not being able to support a resolution at this time -- and I feel it is very important that if we do something as far as a resolution is concerned, that we be united in our thinking and our support for this project. I, personally, have no reservations whatsoever about writing a personal letter of endorsement for this facility. I have done a lot of research; I've done a lot of phoning; and I've got a lot of information built up. I don't know what else might come out of a public hearing unless it is some emotional impact that may or may not be there. But I did serve as our Clerk here for eight (8) years and I do know that a lot of times it is hard to get people in the State Hospital and we have to leave them over at Mental Health longer than necessary. This backlogs their system and they are not able to take any more. I know that funding at the end of the year is sometimes very tight and many people that need hospitalization are treated on an out-patient basis. Now I'm talking from personal experience here. I don't know what else would come out at a public hearing, but I, personally, have no reservations about supporting the concept of this and having it go on to the State for their final. We can't say that we're going to have it or we can't. But I certainly do not say that I don't want them to have a chance to be here. I think they should have an opportunity."

President Willner said he guesses this sums up the decision of the Board that anyone wishing to write a letter to the State either in support or non-support of this project -- should certainly feel free to do so. Again, he expressed his appreciation to both Mr. Tatum of Charter Medical and the representatives of Welborn. He said he thinks this has been a good session and he has certainly learned some things. We'll see how this one comes out.

RE: BUILDING COMMISSION - ROGER LEHMAN

Condemnation of House at 1101 N. Red Bank Rd.: Owners of record according to Tax and Assessors' records are Donald B. Cox and Paul & Robert Hatfield. This old house has been deteriorating for many years. The weeds grow up and he has requested the Commissioners to cut the weeds at this intersection. This house is one of the properties involved there, and the Commissioners/County Highway have taken care of the weeds. In order to protect the safety of the residents of Evansville, the Building Commission feels this house should be torn down immediately. Their office received a call today from Mr. Cox (he believes) stating that he had contracted Pro-Wrecking to tear the house down. They have not issued a permit nor

(continued)

are they aware of that. In fact, their request would be that the Commissioners affirm or justify a condemnation order from the Building Commissioner's office and, along with that, if the razing is not started or a permit obtained within the next fourteen days, authorize the Building Commission to obtain bids for the county to raze the property and place a lien on the property for that amount, and bring said bids back to the Commissioners for purposes of awarding a contract to raze the property.

The Chair entertained a motion. Motion for the Building Commission to obtain bids on razing the property (if the razing is not started or a permit obtained within 14 days) and present bids to the Board was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Request to Move House/Elmer Buchta: Mr. Lehman said he also has the following request from Elmer Buchta, Inc.:

January 8, 1986

Building Commissioner
City-County Building
Evansville, IN 47737

Dear Sir:

Elmer Buchta Moving Engineers request a permit to move a house from 300N and Boonville New Harmony Road in Warrick Co. to 7946 Maple Lane, Tax #2-353-3.

We will be traveling from 300N and Boonville New Harmony Rd. going west to Green River Rd., south on Green River to Millersburg, west on Millersburg to Oak Hill, north on Oak Hill to S.R. 57. Comair Escort Service will be providing the escorts needed for this move.

The house is owned by Vicky Zehner. We would like to move as soon as possible.

Sincerely,

Jim Brace

It is the recommendation of the Building Commission that the request be approved. Motion to approve request made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Monthly Report/Year End Report: Mr. Lehman presented copies of the monthly report for period ending December 31, 1986 and the Year End Report. It was noted by Mr. Lehman that the fees have increased from \$118,840.23 to over \$152,826.74 in 1985. The majority of these permits are due to residential construction, which is up some \$5 million over last year, as well as apartment projects, which have also increased. There were approximately 600 more permits issued in the county than there were in 1984....to reflect that the Building Commission has been busy.

The Chair entertained questions of Mr. Lehman.

Commissioner Cox said she has a question concerning Little Schaeffer Rd. and the Modlin property.

Mr. Lehman said he received a call from Shirley James of the Westside Improvement Association yesterday. In investigating the files of the Building Commission, Mr. Lehman said he finds they have no current file on that property. He is personally aware of a couple of inspections that were made and some letters that were sent -- but he couldn't put his hands on them prior to today's meeting. He told Ms. James he would provide her with a written response.

Commissioner Cox said she spoke with Donna (Area Plan Commission) and she said that she has referred complaints on the dumping, etc., to the Building Commission.

Mr. Lehman said they have investigated them at least once or twice in the past year.

Commissioner Cox asked, "At what point are we in the investigation?"

(continued)

Mr. Lehman said that since he couldn't find the file prior to today's meeting, he is uncertain.

Commissioner Cox requested that Mr. Lehman provide the Commissioners with a report at next week's meeting.

RE: COUNTY TREASURER - MONTHLY REPORTS

President Willner presented copies of the Treasurer's Interest Report for January, 1986, which had been submitted by Mr. Pat Tuley. The report read as follows:

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

RE: INTEREST REPORT FOR JANUARY - 1986

Money on Deposit--Invested \$500,000.00 (\$100,000.00 each with each of the 5 Savings & Loan) Dec. 27, 1985, at 7.65%. Estimated income at maturity is \$38,145.21. Maturity date is Dec. 26, 1986.

Money on Deposit--Invested \$3,000,000.00, Jan. 6, 1986, at 7.35%. Estimated income at maturity is \$17,150.00. Maturity date is Feb. 3, 1986.

Local Roads & Streets (216)--Invest \$1,400,000.00 Jan 8, 1986, at 7.40%. Estimated income at maturity is \$48,922.22. Maturity date is June 27, 1986.

Revenue Sharing (506)--Invested \$300,000.00 Jan. 10, 1986, at 7.6%. Estimated income at maturity is \$10,640.00. Maturity date is June 27, 1986.

Reassessment (249)--Invested \$1,300,000.00 Jan. 14, 1986, at 7.9%. Estimated income at maturity is \$99,561.94. Maturity date is Dec. 29, 1986.

Cumulative Bridge (203)--Invested \$2,000,000.00 Jan. 21, 1986, at 7.475%. Estimated income at maturity is \$65,198.61. Maturity date is June 27, 1986.

Interest Receipted to date:	County Revenue	\$10,893.06
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Interest to be Receipted when current Investments mature:

County Revenue	\$55,295.21
Local Roads & Streets	48,922.22
Revenue Sharing	10,640.00
Reassessment	<u>99,561.94</u>
	\$214,419.37
Cumulative Bridge	<u>65,198.61</u>
	\$279,617.98

Patrick Tuley
Treasurer/Vanderburgh County

Also submitted were copies of the County Treasurer's Monthly Report, as required by IC 17-3-34-1 and IC 5-12-1.

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Final Financial Summary - 1985: Mr. Bitz submitted a Final Financial Summary for Fiscal Year 1985, as follows:

	1985	1984	1983
STARTING BUDGET	\$ 411,163.53	\$ 434,357.00	\$
FINAL BUDGET	457,007.53	470,042.00	
EXPENDED	447,702.22	461,078.04	360,685.11
REVENUE	164,465.80	139,683.06	153,374.03
DEFICIT	\$ 283,236.42	\$ 321,394.98	\$ 207,311.08
ENCUMBERED	8,815.44		
REPEALED	489.87		
<hr/>			
ACTUAL DEFICIT	\$ 283,236.42	\$ 321,394.98	\$ 207,311.08
CAPITAL IMPROVEMENTS	-68,677.04	-166,029.00	
H.V.A.C. CONT.	-52,280.00		-50,000.00
SOCIAL SECUTIRY	- 8,644.41	- 8,294.42	
RETIREMENT	- 7,376.74	- 6,574.09	
INSURANCE	- 7,938.79		
<hr/>			
ADJUSTED DEFICIT	\$ 138,319.44	\$ 139,497.47	\$ 157,311.08
UTILITY ADJUSTMENT	-28,311.39		
	\$ 110,008.05		

Mr. Bitz reported that the Auditorium had a starting budget in 1985 of \$411,163.53. They ended the year budget-wise with \$457,007.53, of which they spent \$447,702.22. \$8,815.44 remaining was encumbered and \$489.87 was repealed back to the General Fund.

The Revenue for 1985 was \$164,465.80. He pointed out that they knocked the heck out of 1984 and 1983 with an all-time revenue high for the Auditorium. They previously beat that by \$11,000.00. Via taking into account what was spent and the 1985 revenue, the deficit was \$283,236.42, as compared to \$321,394.98 in 1984.

Also included on the report is a 3-year comparison concerning basic operating expenses for the facility. The figures with "negatives" in front were items that were not included in all three of those years. Some might have been in two and some in just one. But what this does do is give an idea of what the operating expenses minus capital improvements and some of these other added items in 1984 and 1985 (but which were not there in 1983) -- when those are deleted, it gives an idea of what they're up against moneywise. Also included is a utility adjustment. In 1983 and 1984, the monies they received from Council pretty well matched up dollar for dollar what they had in utility charges that year. However, in 1985, they received a little more money to help compensate for this carry-over that started back in 1980 and \$128,311.39 of what they received in utility monies this year actually went towards making up that deficit that they'd been holding year after year over into the utility account. He believes the report will present a better idea of what the actual expenses were for the facility this year....what it cost them to run the Auditorium this year.....not for what they've been pulling since 1980.

Attached to the financial report was a breakdown of revenues for years 1983 - 1985. In 1983, the Auditorium enjoyed an all-time high of rent coming into the facility. In 1985 they beat that figure by some \$12,500.00. They likewise brought in more via set-up, Indiana Sales Tax (this is placed in separate account and paid back to the State); they are starting to pick up on parking revenues again -- this includes only approximately three (3) months' parking revenue of \$5,736.33 total. Coat check revenues was down a bit, but this is something that depends upon the weather. In the area of commissions, they have steadily increased over the 3-year period. Miscellaneous has decreased between \$600 - \$700.

In conclusion, Mr. Bitz said he should be back in a couple of weeks with a pretty promising Booking Report for 1986, for purposes of comparing to 1984-1985 figures.

The Chair entertained questions.

Commissioner Cox asked if the H.V.A.C. listed on the financial report is the heating, ventilation, air-conditioning contract? Mr. Bitz said that it is.

Commissioner Cox asked if we're sending taxes to State or what? Mr. Bitz said they pay no -- they do not pay any taxes themselves out of their accounts. The tax money taken in from people (when they charge them sales tax) is returned to

(continued)

the State. This is mainly the only tax with which they deal.

Commissioner Cox asked, "Then what is indicated is that we have spent \$68,000 on capital improvements? And the heating/air conditioning, social security and retirement -- and the deficit is then \$110,008.05, with all those other things aside?"

Mr. Bitz pointed out that in 1983 Social Security, Retirement and Insurance were not included, as they were not budgeted at that time. In 1984, the \$50,000 that was paid in 1983 for that contract covered 1984.

President Willner entertained further questions. There being none, he expressed appreciation to Mr. Bitz for his report and said the year-end report looks pretty good. Commissioner Borries echoed agreement.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports: Mr. Bethel submitted copies of Absentee Reports for employees at the County Garage and the Bridge Crew for period January 20 - January 24, 1986.....reports received and filed.

Work Report/County Garage: Also submitted for the same period was the Work Report for employees at the County Garage. Attached to the report was the following Work Schedule:

Gradall: County Line Rd., East and S. Weinbach.

Grader: St. Joe Ave., Hornby, Fisher, Young, Moffett Lane, Swope Rd., Old Boonville Hwy., Neubling, Sensmeier, County Line East, Heerdink, Hump on Green River Rd., Pollack Avenue, Lyle Lane and Outer Darmstadt.

Patch: St. Wendel, Burgdolt, Burkhardt, Olmstead, Fuquay, Pollack, Green River Rd., Old Boonville Hwy., Olmstead, Mt. Pleasant (rip-rap), and Millersburg Rd.

Tree Crew: Mohr Rd., St. Joe Rd., and Schlensker.
Clean Pug Mill - Belt Loader.

Rock Shoulders: St. Joe Avenue and Pollack Avenue (cold mix)

Roller: Pollack and Old Boonville Highway

Work Report/Bridge Crew: Mr. Bethel submitted Bridge Crew's report for period January 20 - January 24, 1986, as follows:

Cleaned under bridges on Old Henderson Rd.

Repaired culvert on Buente Rd.

Cleaned out drain holes on bridges on Mill Rd., St. Joe Ave., Green River Rd., First Avenue, Stringtown Rd., Pfeiffer, Darmstadt and Old State Rd.

Joe Schapker worked in the office.

Anthony L. Hall worked in County Engineer's office and inspected culvert at the intersection of Marx and Koressel Rds.

Shady Valley Rd./Schlensker: Commissioner Borries said he had a call from a resident concerning a hole off the side -- near the Schlensker exit into that subdivision. He believes we accepted that road a year or two ago. If Mr. Bethel can send a patch crew to see about this he'd appreciate it.

Schlensker Rd./McCutchan Rd./Fallen Tree: While Mr. Bethel is checking out the foregoing, Commissioner Willner said he understands a tree has fallen down and it's held up by another tree -- this is at the bridge section of McCutchan and Schlensker Rd

(continued)

COUNTY COMMISSIONERS

January 27, 1986

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He asked that Mr. Bethel see if this can be pulled out before it falls on someone.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Sebree, Craig & McKnight: Claim in the amount of \$4,369.35 for work done on environmental on Lynch Rd. east of Oak Hill. Mr. Easley said it is ready for approval by the Board. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Right-of-Way Easement/Marathon Oil Co./Lynch Rd. & Oak Hill Rds.: Mr. Easley said we have now received the right-of-way easement from Marathon Oil Co. on Lynch & Oak Hill Rds. The following cover letter was received from Marathon:

January 22, 1986

Robert L. Willner, President
Board of Commissioners/Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Re: Lynch Rd. & Oak Hill Rd.
Evansville, IN

Dear Mr. Willner:

In connection with Lynch Road improvements inadvertently constructed on our above-referenced property, enclosed for your further handling are two duplicate original Easement documents which have now been signed by Marathon Petroleum Company. I have also included our standard corporate resolution, evidencing authority of those officers signing the Easement.

As stated in your December 5, 1985 letter, these easements are being granted in exchange for Vanderburgh County Commissioners' promises to construct concrete bases for Marathon signs and remove the concrete base of the existing sign.

You will note we have made some modification to the documents you submitted; I have highlighted in yellow these changes on the photostatic copy also enclosed. I will look forward to the return of one fully executed copy of the Easement indicating acceptance by the various County officials. In addition, if this document is recorded I would appreciate your advising the recording reference.

Thank you for your patience in this matter. Please feel free to contact us should there be any questions.

Very truly yours,

Karen I. Mays
Real Estate Coordinator

KIM:cls
Enclosures

cc: J. A. Ruey
Q. H. Wood

Mr. Easley said that President Willner will recall that in exchange for the right-of-way easement we agreed to construct two (2) sign bases and Marathon has accepted our offer. He also has (3) copies of the easement which he would like for the Commissioners to sign.

Commissioner Willner said this is the result of the State Highway's insistence that we clean up the little odd things on Lynch Rd. so they might accept same -- and we still have the railroad track.

(continued)

Commissioner Willner said that, through the grapevine, he understands now that the people who are buying Creasey & Company do want the switch -- so we need to get that verified. But we are running short on time. He asked Mr. Easley how we're doing on signs? Mr. Easley responded they're all ready. Commissioner Willner said we now have one problem and that's the railroad tracks. He will certainly be glad for the day when we can say that project is finished. Mr. Easley commented that it won't be much longer. Commissioner Willner entertained a motion concerning approval of the right-of-way easement from Marathon in exchange for two (2) new concrete bases for their signs. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Burkhardt Rd.: With regard to Burkhardt Rd. project, Commissioner Willner asked Mr. Easley to stay on top of this when Gohmann again commences work. He then asked if Mr. Easley saw the telephone pole right-of-way adjustment of \$55,000.00? Mr. Easley said he has a meeting with SIGECO on Friday toward finding a cheaper solution. He will keep the Commissioners posted on the results of said meeting.

The Chair then entertained questions of Mr. Easley. There were none. Commissioner Willner said that Mr. Easley is going to continue to work on Burkhardt Rd. and has a meeting scheduled with SIGECO this coming week. He will give the Commissioners a progress report later.

RE: E.U.T.S. - Rose Zigenfus

Mrs. Zigenfus said she has the long-awaited Environmental Impact Statement on the Lynch Road Project. For the record, she would like to read just what they describe as project termini:

"The Vanderburgh and Warrick County Commissioners propose the extension on the new alignment of Lynch Road located northeast of Evansville, Indiana.

The project termini has been established at the Lynch Rd. and Oak Hill Rd. intersection on the west at a point of 2,000 ft. east of the Telephone Rd. and S.R. 62 intersection on the east. The new roadway will be extended as a minor arterial and will be access controlled. The typical right-of-way width for those segments on the new alignment will be up to 150 ft., which will include four (4) twelve ft. (12 ft.) wide driving lanes bordered by eleven ft. (11 ft.) wide improved shoulders."

They go on to describe the project a little bit more. The new alignment is as we thought -- on the other drawings they submitted two months ago. And it is in the proposed project of Fox Pointe. A copy has been forwarded to I.D.O.H. and they are reviewing it and we expect to hear from them within the 30-day time limit.

President Willner said he wasn't quite clear on the easterly termini. Mrs. Zigenfus said it was 2,000 ft. east of Telephone Rd. Commissioner Willner said, "In other words, that is going into Telephone Rd. 2,000 ft.?" Mrs. Zigenfus confirmed that this is correct.

President Willner asked if we should begin at this time to purchase right-of-way?

Mrs. Zigenfus said we need to wait for the State to give us approval, once they have looked at this and she expects that this will happen within the next 30 days.

Commissioner Willner asked if there was any mention of the access at I-164?

Mrs. Zigenfus said that there was: "This 4-lane typical cross-section will extend from Oak Hill Rd. through the I-164 interchange. East of this interchange, Lynch Rd. will be built initially with 2-lanes, while the design will accommodate expansion to 4-lanes in the future. Nowhere is it mentioned how this will be funded.

Commissioner Willner said at least they are talking about it.

RE: CERTIFICATES OF INSURANCE

Aiken Management Corp: Theatrical performance of "42nd Street" at Vanderburgh Auditorium on February 13, 1986.

No-Ruz Grotto: Annual Country & Western Show on March 22, 1986.

(continued)

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

President Willner presented Monthly Report from Alexander Ambulance Service for period ending December 31, 1985.....report received and filed.

RE: SCHEDULED MEETINGS

Mon.	1/27/86	4:00 p.m.	Joint Session of County Commissioners & County Council re
Mon.	1/27/86	-	Immediately subsequent to Commissioners Meeting

RE: OLD BUSINESS

The Chair entertained discussion concerning matters of Old Business.

Mr. Charles Leucke of 2361 Schutte Rd. was recognized by the Chair and approached the podium. He said he would like to address the Commissioners with an idea.

A few weeks ago they noticed where the Veterans Administration was looking for someone to build a building at the Walnut Centre. He would suggest that possibly the County could remodel the exhibition portion of the Vanderburgh Auditorium and approach the Veteran's Administration concerning leasing that portion. They could turn it into a 2-story office structure and turn that asset/liability into a revenue-producing asset. He believes it would consolidate government offices in that area and also thinks it would bring in additional county revenues, depending upon what it could cost to remodel the structure. It would lend itself very easily right now to a 2-story office structure....just the part that is exhibition -- not the auditorium part. And it would also free the county from being in a competition position with the private sector, since there is a lot of the same type exhibition space available in Vanderburgh County already. This is the suggestion which he brings to the Commissioners. In conclusion, Mr. Leucke expressed appreciation to the Commissioners for allowing him to speak.

Mr. Willner thanked Mr. Luecke for his comments, saying that the Coliseum is presently leased to the veterans.

RE: CLAIMS

Indiana Association of County Commissioners: Claim presented in the amount of \$600.00 for annual membership dues for 1986 as per PL 209, Acts 1977. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Soil & Water Conservation District: Claim in the amount of \$1,250.00 for our half year settlement and it is the county's portion for their 1986 budget. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - APPOINTMENTCenter Township Assessor's Office

Michael David Moers	1776 S. Norman Ave.	P.T. Deputy	\$35.00/Day	Eff: 1/24/86
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There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:55 p.m., with Drainage Board to convene immediately.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David L. Jones
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>BUILDING COMMISSION</u>
	Bill Bethel	Andy Easley	Roger Lehman (continued)

COUNTY COMMISSIONERS
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AUDITORIUM

Kim Bitz

E.U.T.S.

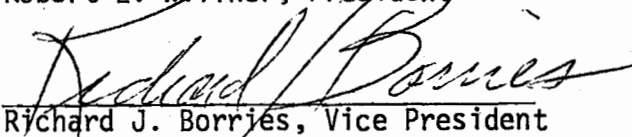
Rose Zigenfus

OTHER

David Tatum/Charter Medical
Tim Hueber, Attorney
Jeff Deiss/Welborn Hospital
Carolyn McClintock/Welborn Hosp.
Tom Kimpel, Attorney/Welborn
Bob Spear/Mental Health Center
Charles Leucke
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 3, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 3, 1986, in the Commissioners' Hearing Room with President Willner presiding.

The meeting was called to order by Sheriff Shepard, since it was the first meeting of the month, who declared the meeting in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, January 27th, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: POOR RELIEF APPEAL/PIGEON TOWNSHIP

Floyd Outlaw/654 Brower St./Evansville, IN: The Chair recognized Mr. Floyd Outlaw, who approached the podium and identified himself and stated his address.

President Willner said Mr. Outlaw's application states he has no source of income and he desperately needs help. He asked Mr. Outlaw what help he is seeking?

Mr. Outlaw said he talked with his rent lady this morning and he is \$135.00 behind on his rent. In response to query from Commissioner Willner, Mr. Outlaw stated the only help he is seeking is with his rent.

Commissioner Willner asked Mr. Outlaw how much rent he pays per month?

Mr. Outlaw said he pays \$85.00 per month.

Commissioner Willner asked if this includes utilities?

Mr. Outlaw said that C.A.P.E. is helping him out right now with his utilities. In response to query from Commissioner Willner as to whether his utilities are current, Mr. Outlaw said that they are.

Commissioner Willner asked if Mr. Outlaw has an eviction notice from his landlady? Mr. Outlaw responded in the negative. He said he went to Catholic Charities and Outreach and they helped him out; one gave him \$35.00 and the other gave him \$40.00. This is why he did not get an eviction notice.

Commissioner Willner asked Mr. Outlaw if his water, gas and electric bills are current? Mr. Outlaw responded in the affirmative.

Commissioner Willner asked if Mr. Outlaw is on food stamps? If so, do they cost him anything or is he getting them for nothing?

Mr. Outlaw said he is on food stamps and they are not costing him anything. In response to query from Commissioner Willner, Mr. Outlaw said he receives \$80.00 per month in food stamps.

Mr. Outlaw asked if he could get any help on items like toothpaste, deodorant, etc.?

Commissioner Willner said that if Mr. Outlaw meets the eligibility requirements, then he would be allowed a non-food order every month.

Mr. Outlaw asked if he would go through Mrs. MacGregor for this?

Mr. Willner said that is correct; he would go through the same individual/office to whom he is making application for rent assistance. President Willner then entertained questions from the other Commissioners.

Commissioner Cox queried Mr. Outlaw concerning his income? He has none at all? Mr. Outlaw said that is correct.

Mrs. Cox asked where he was last employed?

Mr. Outlaw said his last place of employment was Busler Enterprises and he didn't make

(continued)

COUNTY COMMISSIONERS
February 3, 1986

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enough to draw unemployment.

Commissioner Cox asked Mr. Outlaw why he was denied help by the Trustee's office? Is he clear on that?

Mr. Outlaw said he is confused.

Mrs. Cox said perhaps the Commissioners can get it straightened up a bit.

Commissioner Willner asked Mr. Outlaw how long he worked for Busler Enterprises? Mr. Outlaw responded he worked there three (3) months. He worked at the facility on Diamond and St. Joe Avenues. They cut back on the work force and he was the first man to go.

The Chair entertained further questions. There were none. Commissioner Willner asked that Mr. Outlaw take his seat and the Commissioners will hear from Margaret Sallee, caseworker in the Pigeon Township Trustee's office.

Ms. Sallee said the Pigeon Trustee's office first had contact with Mr. Outlaw on 12/27/85..... He came to their office seeking rent assistance and was not on the food stamp program. The most recent rent receipt he presented was dated September and it was in the name of Vanessa Adams. The caseworker who talked with him at the time told him that he would have to be on the food stamp program before the Trustee's office could help him.

On 12/30/85..., he came back into the office and he had a letter with him showing that he had applied for food stamps and that he would receive them on 1/30/86. The caseworker at the time told him to return when he got the food stamps. However, he did not come back to the Trustee's office until January 5th, at which time he asked for rent assistance. At that time, Ms. Sallee asked to see his last rent receipt. He did not have a last rent receipt. In the meantime, Mrs. Adams (who is the person who takes care of Rich Property Management's business) called her and stated that Mr. Outlaw was just moving in and she could not give him a rent receipt. Therefore, the Trustee's office had to deny him, because they do not pay the first month's rent.

Commissioner Willner asked Mr. Outlaw if what Ms. Sallee is saying is correct?

Mr. Outlaw said, "Yes. But since I talked to her last I do have....."

Mr. Willner interrupted by saying he really doesn't want to know what's happened since that time. He wants to know whether Ms. Sallee's statements were correct. Mr. Outlaw acknowledged that they were.

President Willner said he guesses that the Commissioners are all in agreement that, even though Mr. Outlaw may very well fit the eligibility standards for poor relief assistance from the Pigeon Township Trustee's office, he must follow the law. The Trustee is not going to pay the first month's rent, so he needs to get that somewhere else. It looks to him as though Mr. Outlaw is moving into a new place and wants the Trustee to pick up everything. He has no visible signs of income whatsoever -- not one cent.

Mr. Outlaw said that during the interim period he has paid his first month's rent. He is just waiting on his last receipt.

Commissioner Willner said that Mr. Outlaw needs to re-apply for the next month's rent at the Trustee's office. He needs to understand that he must follow the rules. The Trustee's rules are written guidelines -- and he must abide by those rules.

Commissioner Cox said, "And, Mr. Outlaw, the rent receipt must be in your name, Sir." Mr. Outlaw stated that it is in his name.

Commissioner Borries asked if Mr. Outlaw still has to qualify for food stamps?

Ms. Sallee said, "He does qualify for food stamps. All he has to do is to come into their office and show proof, and they can give him a non-food order."

Commissioner Willner said, "In other words, they're not going to take your word for anything -- you have to show proof. Whatever they request -- you must have proof in your name."

(continued)

COUNTY COMMISSIONERS
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The Chair entertained a motion to refer the matter back to the Township Trustee's office. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BUILDING COMMISSION - ROGER LEHMAN

Modlin Property/6200 Little Schaefer Rd.: Mr. Lehman said there were complaints re junked cars and dumping in this area. At the present time, Area Plan Commission has a court case against the Modlins, which is set to go to trial January 26th. Truthfully, the Building Commission was kind of unaware that dumping was one of the major problems as they haven't been out there for quite a while. They were aware that APC had had this case going on re junked cars, so they probably didn't do everything they could have. The dumping that is occurring on property across the road (which also belongs to the Modlins) -- they will follow through with appropriate letters, citations, etc., as necessary.

Request to Move House/Elmer Buchta: Mr. Lehman presented the following letter from Elmer Buchta, Inc., concerning house move:

February 1, 1986

Building Commission
310 Civic Center
Evansville, IN 47708

Dear Sir:

Elmer Buchta Moving Engineers request a permit to move a house that was located at 1201 N. Green River Road. We moved it behind Harp's Fish Market.

He has sold it to Tony Durchholz and we need to move it to 3400 N. Burkhardt. We will travel west to Green River Rd., Green River Rd. north to Old Boonville Hwy., Old Boonville Hwy. east to Burkhardt, Burkhardt north to lot. It is the lot on the west side of Burkhardt before you get to Fitzgerald Drive.

The owner is Tony Durchholz, 3112 Magnolia, Evansville.

Sincerely,

Jim Kabrick

Mr. Lehman said it is the recommendation of the Building Commission that the request be approved.

Motion to approve request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK - MARK TULEY

Mr. Tuley presented the following Financial Report for period ending December 31, 1985.

1985 STARTING BUDGET

1985 Budgeted	\$485,881.00
1984 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	14,445.01
1985 Additional Appropriation	231,753.00
Total 1985 Budget	750,198.44
Repealed back to Council	- 10,037.22
Remaining 1985 Budget	\$728,361.22

(continued)

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EXPENDITURES & BALANCE 1/1/85 to 12/31/85

Total Expenditures	\$726,151.20
Total Balance	\$ 2,210.02

INCOME 1/1/85 to 12/31/85

Pool	\$ 70,603.34
Waterslide	36,245.00
Rink	37,554.66
Rentals	65,382.42
Miscellaneous	32,649.86
Total	\$242,435.28

12/31/85

Total Expenditures	\$721,708.03
Encumbered by Letter	4,443.17
Return to General Fund	2,210.02
Total Income	242,435.28
Total Deficit Before Improvements	485,925.94
Less Long Term Capital Improvements	- 227,551.37

Total Operating Deficit	\$258,374.57
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By way of highlighting the report, Mr. Tuley said they appropriated \$728,361.22 and spent \$726,151.20, with 2,210.02 being returned to the General Fund. The income for the year for the pool was \$70,603.34. As compared to previous years, this was the second best insofar as pool income. This was the first year for income from the waterslide, which amounted to \$36,245.00. Rink income was \$37,554.66, which is down a bit from last year. Last year the rink produced revenues of \$38,694.27. With regard to rentals, revenues were \$65,382.42 and that is the best year to day. The previous best year was \$62,906.17. They are delighted to see that rentals are the second highest revenue producer. When he started back in 1982, rentals were in the neighborhood of \$32,000.00. They did have a rate increase in 1983 on the rentals. The big increase came under miscellaneous, which was \$32,649.96, which includes money from the Folkfest. Subtracting the Folkfest monies still reflected a high insofar as miscellaneous revenues are concerned. The total revenue for 1985 was \$242,435.28. There were long term capital improvements this year of \$227,551.37. Total operating deficit for the year was \$258,374.57. Mr. Tuley referred the Commissioners to the graphs on income and deficits, which were included with the financial report. In conclusion, he said hopefully they can continue to increase the revenues and reduce the operating deficit.

Last Wednesday, the County Council gave tentative approval of some capital improvement requests for 1986. Only one major request was not approved which was the lighting for the ballfields -- he is sure the Commissioners would like to see this one approved, as would he. This request comes up for final vote on Wednesday, February 5th.

Commissioner Cox queried Mr. Tuley concerning the deficit draft. In 1981, when there was \$471,421.52 park deficit, did he minus out capital improvements from that? (This was the first year that she served on the Board of Commissioners.)

Mr. Tuley said this draft represents purely operating -- what he is doing is comparing apples to apples here -- purely operating deficit.

Commissioner Cox said then that the \$471,421.52 is purely operating deficit and does not include money expended for capital improvements?

Mr. Tuley said that is correct. What they may have here is a difference in terminology concerning "capital improvements". What he may consider "operating expenses" Mrs. Cox may consider "long term capital improvements". As an example, Council just approved a new dump truck. He considers that as an operating expense for 1986. Most of that money in 1981 was for items such as maintaining the buildings and other maintenance work. In 1982, they came back and completely remodeled three (3) shelter houses. He did not put that under "capital improvements". That money was reflected in the operating deficit.

(continued)

Mrs. Cox asked, "So, you didn't minus out capital improvements in 1982?"

Mr. Tuley said, "No, at that point it was all just under the regular part of their budget and at that time they discussed starting a long term capital improvement part of their budget -- and Council did not elect to put that into effect until this year."

Mrs. Cox said she thinks this, then, is what we need in order to be able to make a comparison and be fair. To say that we have decreased the deficit from \$471,000 in \$258,000 is not quite accurate, because when you look at the first page of the financial report and see the true total deficit of \$485,925.94 and you minus out the capital improvements of \$227,551.37, that leaves it at \$258,374.57. Some of these years we didn't do that many capital improvements because we didn't have the money to do them -- but this is her point. We can't make a graph of park deficit and have two different standards.

Mr. Tuley said that in 1982, if Mrs. Cox will recall, they put a new roof on the bath-house and came back and put a new \$20,000 roof on the DeVoy Building; they completely remodeled Lakeside Shelter House #12 -- and between those expenses right there you're talking about \$70,000.00 plus and that was included in operating expenses -- it was not deducted as a capital improvement.

Mrs. Cox said she misunderstood Mr. Tuley -- she thought he said it was included in this.

Mr. Tuley explained that what the former Park Manager (Mr. Wolf) had done during 1981, he made sure that all the things he'd spent money on were just included as an operating deficit -- it wasn't broken down. Mr. Tuley said he made sure he'd done it the same way, because he knew that it would be easy to say the very first thing obviously that now that we're breaking it down into capital improvements.....what he's getting at, he was trying to make sure that we're comparing apples to apples...and we are. He believes the Auditor's books and the park's preventative maintenance schedule would also back that up. At the time that deficit was shown, what Mrs. Cox is saying is that probably some of that stuff could have been shown under "capital improvements" -- if that is the question she is asking, it probably could have. But that same theory would apply to 1982 and 1983, also.

Mrs. Cox said Mr. Tuley is saying that in 1981 and 1982, capital improvements are not included in the \$471,421 deficit -- that's what he's telling her. Mr. Tuley said that is correct. Mrs. Cox said then, that the chart of the park deficit is less capital improvements?

Mr. Tuley said that 1985 is the first year that they've included long term capital improvements. From 1981 to 1984, those all compare the same. To him, a long term capital improvement is like coming in and adding the waterslide. Replacing worn, broken-out windows, replacing a furnace, or putting new roof on building, replacing air conditioner -- these are operating expenses.

Mrs. Cox said that in order to give the true picture to the taxpayer, we are still spending \$485,925.94 on Burdette Park -- whether it has been in capital improvements or the continual everyday operating expense -- it's \$1/2 million expense.

Mr. Tuley said that in one respect that is true. The only difference is that in 1981 \$330,000 of that went just to personnel.

Mrs. Cox said that is alright. But as long as the chart is a chart less capital improvements, then it is a true chart. But if capital improvements were included under the \$471,000 and then dropped them off just to make us look better, then she doesn't think it fair to do it like that -- and she does not think it gives us an overall fair picture just by looking at the graph. That is her point. So, if this chart reflects everything except capital improvements, that's fine.

Mr. Tuley said he just thinks they're getting into different philosophies.....

Mrs. Cox said, "Now wait a minute; don't talk about philosophies here. Either in 1981 Mr. Tuley included all expenditures or he didn't. They are all included,....capital improvements and everything?"

Mr. Tuley acknowledged that this is correct.

Mrs. Cox continued, saying that in 1985 Mr. Tuley did not include all the expenditures.

Mr. Tuley said, "Politics raises its ugly head...."

Mrs. Cox said, "I get so tired that every time I question anything, you say, 'Politics raises its ugly head.' This is just simple mathematics and all I want is my question answered. If I can go out and say it's only costing the taxpayers \$258,000 now to run Burdette as compared to \$1/2 million and then they laugh at me and say I'm wrong....."

Mr. Tuley said that, for sake of argument here, in reality Burdette Park did cost \$485,925.94 in 1985.

Mrs. Cox said, "O.K., in reality in 1981, what did Burdette cost us....\$471,000?"

Commissioner Willner said, "More than \$471,000 -- I know that. When I checked it, it was over \$1/2 million. When you get insurance Workmen's Comp, etc., all in there -- I know it was more than \$1/2 million."

Mrs. McBride interrupted by saying the State changed the law. Insurance, Workmen's Comp, etc., used to come out of the Commissioners' budget. The law changed, which now says that you have to take it out of each department. In 1981, it came out of the Commissioners. Now, it comes out of Burdette's.

Commissioner Willner said he would think that if what he is hearing here is correct, that none of the capital improvements were in this graph. But what Mr. Tuley is saying is that you can't break it down to every bolt and nut and hammer, because....

Mrs. Cox said she is not asking for every bolt, nut and hammer -- she doesn't know how much plainer she can ask the question. Does \$471,421.52 represent the total deficit before improvements in 1981?

Mr. Tuley said the only thing he knows is that records in Auditor's office show that as total deficit for that year.....when that budget was designed at that point in time, there wasn't money there for capital improvements. That money was spent for an operating expense and it wasn't spent as improvements for that park. Since that time, they've reduced 60% of full time personnel. The money that is going into that park is going to improve that park.

Commissioner Willner suggested that Mr. Tuley go back and check exactly what capital improvements they made in 1981. Does he know?

Mr. Tuley said he can go back and check this out. He only knows that when he went to work for the Commissioners as Park Manager, there were no records as to what was done when as far as what building had this roof put on it, etc. Preventative maintenance was not in place.....

Commissioner Willner asked, "What about 1980?"

Mr. Tuley said that to the best of their knowledge, they tried to go back and reconstruct what was done in what years.....going by the Auditor's sheets and what records were out at Burdette. He understands what Mrs. Cox is saying. If that is the case, then that graph is not misleading. They did not subtract capital improvements in 1982, 1983 and 1984 -- the biggest part is that they were able to cut expenses and the reason they were able to do that was that they cut 60% of their fulltime employees, which allowed more money to go into improvements.

Commissioner Borries said he thinks there are some very, very positive aspects to what Mr. Tuley has done here. For instance, income has doubled from 1979 to 1985 -- and he thinks this is a positive direction. Capital improvements were made last year, and if you include this, that is where you get into some complications. You either have to amortize that out or use it as a one-time thing. The waterslide was about \$190,000 and that is a significant expense there -- unless you amortize it out.

Mr. Tuley said that in the business world you'd probably amortize that over 5 years..... or take about 20% and add to that figure -- so you'd have about \$258,000 and amortize that over 5 years.

Commissioner Borries said he thinks we're on a positive course from the standpoint of our growth and from the standpoint of income. He thinks that if the coming summer is

(continued)

a good one (nice and hot) -- we're going to have a good year.

Commissioner Willner said he agrees. Insofar as income from the waterslide, we're looking at \$35,245.00 -- this was done without any help being added to the pool. Is that correct?

Mr. Tuley said they had to add two (2) people. The reason they did was because their business increased to where they had to. Their original intention, however, was not to add any personnel. Pool revenues were down in 1985 as compared to 1984, due to the tremendous amount of rain, etc., and they wondered what kind of summer they were going to have. But they were able to come back and surpass the 1984 figures; so, obviously, they had a tremendous July and August. Normally you have to make your money in June and July and August is just a bad month. But with the addition of the waterslide, they won't have that. They stayed open an extra weekend and did around \$4,000.00. And, when you're running crowds there like that, you have to have the personnel to handle it. But in reference to the part-time employees account, in 1981 that account had \$95,000 budgeted in that account. This year we got \$80,000 -- so they're working pretty good in these areas, too. He thinks the big thing is that the dollars that are going into that park -- the biggest majority of them -- are going for improvements. He thinks that is why the income is up and believes it will continue to rise.

Mr. Tuley entertained further questions. There were none.

Advisory Board Meeting: Mr. Tuley said the Burdette Park Advisory Board will meet in the Park Office on Thursday, February 6th at 5:30 p.m. He extended an invitation to the Commissioners and News Media to attend same.

Specifications for Pool Filters: In conclusion, Mr. Tuley said the specs for the pool filters should be ready for the Commissioners' perusal on Monday, February 10th..... providing the County Council goes thru the request one more time and approves the money for same. But Purchasing has the specs ready for his perusal at this time.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Attorney Miller said he didn't think he had anything to report. However, Mr. Easley has brought his attention to a letter that he received dated January 30, 1986and he believes he is going to cover that during his presentation to the Commissioners. Attorney Miller said he would like to have some input at that point.

President Willner requested that Mr. Easley approach the podium and proceed with his report.

RE: COUNTY ENGINEER - ANDY EASLEY

Attorney Miller interjected that what this concerns is the guardrail question that he and Mr. Easley raised at a meeting a couple of weeks ago -- out on Burkhardt Rd. -- they had both taken note of the fact that there were certain areas next to that very steep ditch out there that appeared to them to be hazardous and had been eliminated from the guardrail installation during the course of the project. Mr. Easley has made an inquiry and has now received a letter from Morley & Associates whereby they recommend that the guardrail which was previously eliminated by the IDOH be respecified...so the guardrail will be up substantially all along the deep parts of that ditch, is that correct?

Mr. Easley said he told the IDOH that we were of the opinion that it is hazardous as it presently exists, and requested that they review the criteria that the State and Federal people had used to justify eliminating the guardrail which was originally in there -- and we felt that it would be a good idea to put it back. He asked for their opinion, so that we might start with their summary letter and then take the Commissioners' opinion -- and the Board could see the cost that this presents. And, we'd also have the criteria under which it was deleted.

Mr. Miller said that from his observation of what the state was working with, they were working in the gray area in terms of their guardrail procedure 7-601 that is attached to the Morley & Associates' letter. Guardrail procedures written on a piece of paper

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are fine. But when you go out there and look at the project, common sense tells you that it is a lot more dangerous for a car going in a particular direction to hit that ditch and go straight to the bottom than it would be for cars going in a particular direction that might hit the guardrail and careen back onto the main part of the road. It seems to the naked eye to be a significant hazard. If he were counsel in a case attempting to defend the absence of guardrail -- in fact, the proof would show that at one point it had been planned and subsequently eliminated -- and in fact it was eliminated when the ditch was made deeper and the funds that were going to be used for the guardrail were devoted to paying for making the ditch deeper -- which translates more dangerous yet -- he thinks that's nonsense. And he thinks we'd be very well advised to have Mr. Easley write the letter that is requested here and see if we can't get that guardrail re-specified. He said he just thinks it's a dangerous situation for our citizens and poses a great potential for liability to the county. The second reason is important -- but not as important as the first.

Mr. Easley said he thinks that at the time it was deleted the ditch had not been excavated and they read the regulations that if a ditch is not full of water all the time and if it not over 10 ft. deep, according to the regulations it wasn't required. We argued with them a little bit, but we didn't put up that much of an argument, because we wanted to get the ditch excavated. But now that it is excavated and we can physically see it there, he thinks we all agree that if it cost the county \$10,000, this would certainly not get us very far in a major suit were someone to have an accident. Therefore, he would recommend that we write a letter requesting that it be reinstated. Mr. Easley then asked the Board for their opinion.

Commissioner Willner stated that he thinks it makes the Commissioners look like a bunch of monkeys to even sit up here and delete and add....he doesn't understand the process.

Mr. Easley said a Change Order was prepared by Morley & Associates (our engineers) using guidance and input from the State on what they felt should be added or subtracted -- they prepare those change orders, he reviews them and discusses various items. If they say they won't participate in it when it is prepared, he may be guilty for not strongly bringing it to the attention of the Commissioners -- but they insisted that under current regulations that guardrail is considered a hazard and the regulations are in front of the Board....the Federal regulations...and we're only conforming to the regulations under which the project was designed and constructed.

Attorney Miller said that in his experience, road construction projects aren't much different from other kinds of construction projects such as large buildings and commercial projects of significant size. As you go through those kinds of projects, it is almost inconceivable that there would not be change orders of one type or another as the project goes along and problems develop. This is a problem that has developed that wasn't perceived early on and he doesn't think anyone needs to feel like they have any egg on their face for discovering what is now an apparent hazard and attempt to correct it before something bad happens. He thinks that it just makes eminent sense to deal with the situation as it exist now. There is no reason to feel badly about having agreed to have it cut out, as it was done on the recommendation of some people who are supposed to know what they are going up in the Indiana Department of Highways. They looked at a piece of paper that they were relying on that described under what circumstances guardrail is usually appropriate and they reacted to it -- whoever made that recommendation up at IDOH may not even have seen the site. Now it is there -- you can see it -- and this procedure is nothing but a recommendation. He thinks it's o.k. to make a change -- it makes eminent sense to watch things as they develop.

Commissioner Cox indicated she had a couple of questions/observations (non-political). She said that since she has been on the Commission, the Board has weighed the advantages and disadvantages of using guardrail and the dangers of using guardrail. As Attorney Miller said, if we didn't have guardrail and one of his clients had a wreck or something, the question also is posed, "What if you do have a guardrail and that same client runs into the guardrail which throws him into a head-on collision with another car?" She has often wondered why, when driving down Tekoppel Avenue between Clairmont and Broadway -- which services the levee -- that has never been guardrailed. It scares you to death; and people drive slowly. She doesn't think they've had that many accidents at all. She thinks what it boils down to here is what we have to legally. Mrs. Cox then referred to Paragraph #4 of letter which read, "Guardrail is required by the I.D.O.H./F.H.W.A. if any one of the following conditions are present: Roadside slope of the ditch is steeper than 2 to 1." Is it? Mr. Easley said, "No, it is a 2 to 1 slope." Mrs. Cox read, "No. 2: The depth of the ditch measured vertically from the edge of the road is 10 ft. or greater." Is it? Mr. Easley said, "I believe it is just a little under 10 ft. --

(continued)

it is, he believes, 9 ft. 9 in., so it is not 10 ft. Mrs. Cox said, "No. 3: The ditch has a permanent body of standing water." Does it? Mr. Easley said that ordinarily it may have 6 inches of water. Mrs. Cox continued, "The requirements on there to meet I.D.O.H. and FHWA where we get participating monies for doing this...? Mr. Easley said that if Mrs. Cox got that far, on Page 2 of the letter Mr. Lee Gallivan has to admit (the 2nd paragraph from the top of Page 2) that he would be receptive to putting it back in and also feels that it is warranted. Mr. Easley said he took the position all along -- because if we get a sleet storm and someone loses control -- it is so easy to run off a road in a sleet storm in this town -- and there is nothing going to stop you. We do have a fair amount of guardrail (blue line) left in the contract -- they didn't take it all out. But if they are receptive, he thinks it would be in order to spend our 25% -- and he also has mixed emotions about driving next to guardrail -- on Pollack it is awfully close to the pavement -- but he understands it has saved several cars from going in there -- and it is a deep ditch. From what he has heard, when we had the 3 inch rain the other day some of the ditches in the county were flowing bank-full.

Attorney Miller interjected that there is no question that this is a judgment call. The ditch is always going to be there and there are some occasions when somebody is going to hit a guardrail that's there and there may be somebody coming the other way. There won't always be somebody coming the other way -- but there will always be a ditch.

Commissioner Cox said she was hoping that the answer to one of these questions would be "Yes".

Mr. Easley interrupted by stating that the ditch is 10 ft. deep for all practical purposes.

Attorney Miller said it is 9 ft. 9 inches and just because it wasn't 10 ft. on the drawings, they said.....

Mrs. Cox said, "But legally that is very important too, David, and you know it."

Attorney Miller said, "I don't think it is very important at all."

Mrs. Cox said, "I think it is very important at all when you go to Court."

Attorney Miller said, "It gives you an excuse.....it is a reason that they didn't put it there. They complied with the regulations at that time."

Mr. Easley said he feels as though he's done something wrong and he isn't sure he has.

Commissioner Borries said, "No, I don't think you have. You also run into problems because these regulations change all the time -- they change them and that is a problem."

Mr. Easley said, "As a matter of fact, I think you hit on a good point. It seems to me that the regulations did change during the construction of the project...."

Mr. Borries said, "We ran into this out on Lynch Road, when others (the railroad) felt there was no problem with that switch -- and they said there were plenty of them on Division Street and other ones where you're going to have a wider area -- but here we were accepting a new road. But I think the improvements we're going out there do allow us -- and perhaps we should consider this -- because it is going to be a road that is going to have a lot of traffic on it when it's open and, at some point or right away, we hope we're going to have enough that if traffic ever warrants it might go to a 4-lane road, and you have to then have to come in at maybe entirely all local expense to have to add it at that time."

Mrs. Cox said, "Here, Rick, you're comparing the hazards of one motorist going off the embankment as compared to the hazard of possibly two, three, four or five motorists when stopped by a guardrail being thrown back into a line of traffic on a heavily trafficked road like this."

Mr. Easley said that because of the speed limit on that road, he does not believe they are going to bounce off the guardrail ordinarily and go into oncoming traffic. It's not a 55 M.P.H. road!

Commissioner Willner said, "Since when do they adhere to the speed limit, though? If he were asked his personal opinion as to whether we need guardrail, he would say we need guardrail. The problem being, however, first we had the curbs on the west side that were already installed -- we made a judgment to take them out. Two weeks ago we

(continued)

saw where SIGECO wanted \$55,000.00 to move the lightpoles, which have been moved once on the property. Now we come along and the ditch needs guardrail and we've already made a determination to take it out. "This really 'gravels' me. We have had no expertise on Burkhardt Rd. whatsoever, as far as I am concerned. None. I don't care what phase of it you speak of, we have had no professionalism and I find that very disheartening. So, we're not talking about the ditch here; we're talking about the curb, the lightpoles; we're talking about the entire project -- and I don't like what is going on. It's just that simple. So I think what we need to do is get all of our problems taken care of at one time. I don't care whether or not we want to put guardrails in or telephone poles in; I've asked the Commissioners to go out and take a look; the poles are just as harardous, as far as I am concerned, as some of the guardrail. But we ought to do it all at one time -- instead of having to make some determination everyday concerning Burkhardt Road -- and that is what I want to do. I am sick of it. I'm not an engineer and neither are the other two (Commissioners) here. So we ought to take someone's best opinion about the entire project and make a decision and get it lined up in first-class shape. Now, let's do them all at one time. Do you have a recommendation on the telephone poles? Do you have the letter from SIGECO?"

Mr. Easley said he met with SIGECO on Friday to see if the cost had to be that much. In response to query from Mrs. Cox, Mr. Easley clarified that these are "power" poles. There are eleven (11) poles involved.

Mr. Willner asked, "Do we have any other problems now? Some of the curbs are still sticking out. Are they going to be left or are they going to be gone or...?"

Mr. Easley said he doesn't know of any other pending safety items that they are requesting to be modified.

Commissioner Willner said, "Then we ought to ask the contractor, the I.D.O.H., the FHWA what other problems we have other than these three (3) and thendo you know what each one of these is going to cost us? I understand the State will not participate in the power poles, is that correct/"

Mr. Easley said that is correct.

President Willner said, "I think we ought to do it as a package -- and I don't want to hear anymore about it."

Mr. Easley said he will have a meeting and see if he can get them all tabulated.

Commissioner Borries said he believes the Commissioners need to look at the project one more time. President Willner said he agrees. He's been out there and it's ridiculous.

Mr. Easley said they were on the original plan and he believes the Federal Highway people decided they were a safety hazard. Commissioner Willner said, "I know, I know; they are not without blame. They are the ones who approved the design. The last three contracts that the County has had with the State with federal monies involved have been St. Joe Avenue, Lynch Rd. and Burkhardt Rd. -- and they have all been dandies. Is that the way it operates all over the State?"

Mr. Easley said he believes that statewide that is the exception and not the rule.

Commissioner Willner said, "I certainly hope so. How long has the original for Lynch Rd. been there and we still haven't gotten it accepted -- it's hard to comprehend that somebody can make that many mistakes and be approved by that many people who ought to know better. I know you weren't there...."

Mr. Easley sent he sent the final material on Friday that they had requested; he provided the Commissioners with copy of the following transmittal letter:

January 30, 1986

Mr. Stephen M. Dilk, Area Engineer
Division of Local Assistance
Indiana Department of Highways
100 North Senate Avenue, Room 1101
Indianapolis, IN 46204-2249

(continued)

COUNTY COMMISSIONERS
February 3, 1986

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Re: M-E 185(2) Lynch Road
Road Portion-From U.S. 41 to Oak Hill Rd.

Dear Mr. Dilk:

This letter is to advise you of the status of the Lynch Road Project.

We have obtained the encroachment permits for the traffic regulatory signs along Lynch Road. We are enclosing a list of the property owners who signed the permits and are also enclosing a copy of each permit obtained.

We are also enclosing a copy of the Lynch Road right-of-way easement we have obtained from Marathon Oil Company. The County has agreed to construct two (2) concrete sign bases for Marathon as the consideration for this easement, and the County will demolish the existing concrete base for the sign at the corner.

The two (2) new bases have been staked in a location satisfactory to Marathon Oil Company and the county has a contractor standing by to construct the bases as soon as we get a few days of weather warm enough to pour concrete. We will make every effort to have the new bases constructed within two (2) weeks, weather permitting. Marathon says they will erect the new signs and remove the existing sign as soon as the new bases are constructed.

The large railroad car door on the Creasey Company building has been relocated and the building modifications completed. The SEABOARD RAILROAD Engineering Department in Evansville has advised this office that they are in the process of making arrangements for the Creasey Company railroad siding tracks to be relocated so the switch location can be shifted out of the Lynch Road pavement. This office has asked the SEABOARD RAILROAD to get their work scheduled as soon as possible. They have informed us they may not be able to get started on it, until March, which is 30 days off.

We will advise you when the Marathon Sign has been removed and when that has been accomplished, the County's portion of the work has been completed.

If you have any questions on any items, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

cc: County Commissioners
Seaboard System Railroad, Attn: Alan K. Beaty
Lee Gallivan - FHWA

Commissioner Borries commented that anytime you're dealing with major construction like this you're going to encounter problems. He doesn't know what they will encounter on the Division Street project as they go forward. What was the interstate collapse they had in Gary, IN a few years ago? He doesn't think we are very unique....

Mrs. Cox interrupted stating, "In all fairness, some of the change orders were instituted at the Commissioners' request to improve the drainage problems out on Burkhardt, which was a big problem in the area. I think that is for the better. But I agree, I think we've had an awful lot of changes on the Burkhardt Rd. project. At one time I said you could build a Super Highway from here to Hovey Lake for what we're spending out there."

Commissioner Willner said we need to make a decision on the power poles, curbs and guardrails -- as a package.

Mr. Easley said it will require another meeting to determine which items they want to participate in and what our cost will be -- so we can figure the bottom line. But he will summarize that.

With regard to the concrete bases for the Marathon signs, Commissioner Willner asked Mr. Easley if he has someone under contract to build the two bases? Mr. Easley responded in the affirmative. The contractor told him around the middle of last week that it would be about seven (7) days before they could get started.

(continued)

Commissioner Willner asked Mr. Easley if he knows who purchased the Creasey Co. building? Mr. Easley said he does not. Their plant engineer told him he thought he had it sold -- and they wanted the siding. And, the railroad has told him that they are going to finish the track work. Once the two siding bases are poured and we jackhammer the one out on the corner,--they said they had one sign in town and if they can get the other one here, maybe we can wrap this up. Commissioner Willner asked if we have to install them, too? Mr. Easley said we do not -- just put the bases in. Commissioner Willner asked if all the signs are taken care of now the length of... Mr. Easley interrupted that he sent them the twenty (20) encroachment permits and, to the best of his knowledge, we have everything. Commissioner Willner said he appreciates Mr. Easley's efforts; he knows this has been a long one.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Lists: Mr. Bethel submitted copies of the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for period January 27 - January 31, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage. Attached to the work report was the following Work Schedule:

- Gradall: Wedeking Ave., Pruitt and Outer Darmstadt
- Grader: Oak Grove Rd., Green River Rd., Mimosa Lane, Grace Ct., Magnolia Lane, Fitzgerald, Outer Darmstadt, Mann, Bixler, Wallenmeyer, Hillsdale, Seib, Wright, Baehl, Schmitt, Armstrong, Maasberg, Motz Rd., Motz Lane, Goebel Lane, Buente, Emge, Trapp, Lutterbach, Acre Drive and Hilltop Drive.
- Shoulders: Pollack Avenue
(Roller)
- Patch: St. Wendel, Old Princeton, Owensville, Bridges on St. Joe Avenue and Oak Hill
- Removed Snow: All trucks Tuesday, January 28, 1986.
- Tree Crew: Middle Mt. Vernon, Hillsdale Rd., Fisher Rd., Kleitz, Pleasant Rd. and St. Joe Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the work report for the Bridge Crew, as follows:

- Installation of 24" Pipe on Old Darmstadt Rd.
- Bridge Crew worked installing guard rail on Millersburg Rd. Bridge.
- Joe Schapker worked in the office all week, except Friday afternoon, when he worked with A. Hall, inspecting bridges.
- A. Hall worked in Andy Easley's office, and collected data on Bridges #44, 127, 78, 93 and 128 - Millersburg, Kleitz, Laubscher and Orchard Rds.

Request to Advertise for Bids/Trucks & Rollers: Mr. Bethel submitted specs for two (2) tandem trucks and two (2) rollers (which they have been authorized to purchase) for the approval of the Commissioners. Motion to approve specs was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (It was noted by Mr. Bethel that the specs were drawn up from trucks they have had in the past; they want to keep the same kind of vehicle so that if something goes wrong, they will always have parts. The rollers are on wheels so they can be attached to the trucks and go -- and will not require a trailer for same. Mr. Bethel said if everything goes right, he believes he was allotted enough money; but he does not yet have the exact price. He will advertise for bids.)

RE: ACCEPTANCE OF CHECK - WELLS CABLE T.V., INC.

The following letter from Evansville Cable T.V., Inc., together with check in the amount of \$9,294.19 for franchise fees for 4th Quarter - 1985, was submitted by President Willner.

COUNTY COMMISSIONERS
February 3, 1986

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Motion to accept check for deposit into the general fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. The letter read as follows:

January 31, 1986

Mr. Robert L. Willner, President
Board of Commissioners/Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

Enclosed you will find a check in the amount of \$9,294.19 which represents payment for the 4th quarter of 1985 for Vanderburgh County franchise fees. Please note that this payment represents a considerable increase over a year ago in the 4th quarter payment in the amount of \$8,401.78. It also represents a slight increase over the third quarter payment for 1985 which was \$9,244.84.

Evansville Cable is presently planning to do an extension area off of Old State Road to Baseline, south on Browning Road to Schlensker Road. Also, we are looking at an extension area on Browning Road from Oak Meadow on out to Boonville-New Harmony Rd. We are also looking at an area on Mesker Park and Kremer Road, and another area on Middle Mt. Vernon Rd. There is an area of extension on Old State Road, right across the bridge by the Old State Golf and Country Club with a subdivision of 135 homes. All in all, we have about ten extension areas that we are looking at that would all consist of the county.

As you know, Evansville Cable within the next two-three months will be going to an expanded basic concept. A brochure was given to each Commissioner explaining our intentions. We plan to go from 12 channels out to 23 channels. We will be spending \$1,800,000.00 for capital improvements and employing some 40 people in the area to make this transition. A part of these channels will be WPIX, New York, which will carry 102 Yankee games.

Our target date realistically is May 1. At the time our expanded basic is activated, we will pay the county 5% gross on our revenues instead of paying them on the portion of the pay monies received by cable less vendor fees. The franchise fees should go up substantially.

We at Evansville Cable again would like to thank the County Commissioners for giving Evansville Cable the pleasure of serving residents in the county with cable T.V. service. If the Commissioners have any questions, please feel free to call me at any time.

Thank you, and

Best regards,

Robert D. Ossenberg
Vice President & General Manager

President Willner requested that letter of thanks be sent to Evansville Cable T.V.

RE: SCHEDULED MEETINGS

Wednesday	February 5	2:30 p.m.	County Council Meeting
"	"	6:30 p.m.	Area Plan Commission

RE: OLD BUSINESS

President Willner entertained discussion on any matters of old business. There were none.

(continued)

RE: CLAIMS

It was noted by President Willner that he has several travel claims for approval. It was subsequently decided that all of the travel requests had been approved in advance for the state-called meetings and that the claims could be approved en masse and stamped. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. Claims were as follows:

<u>Glen E. Koob/Perry Township Assessor:</u>	\$315.70
<u>James L. Angermeier/County Assessor:</u>	\$319.20
<u>Jerry Zeller/Knight Township Assessor:</u>	\$230.70
<u>Gary Wagner/German Township Assessor:</u>	\$257.90
<u>Shirley E. Stucki/Center Township Assessor:</u>	\$ 69.00
<u>Rebecca A. Fulkerson/Center Township Assessor:</u>	\$230.70
<u>Alvin E. Stucki/Center Township Assessor:</u>	\$366.45
<u>Bob Steele/County Recorder</u>	\$ 87.90
<u>Shirley Reeder/Knight Township Assessor:</u>	\$230.70
<u>Frank A. Papariella/County Assessor:</u>	\$104.25
<u>Helen Jane Nicholson/Knight Township Assessor:</u>	\$320.20
<u>Janice Lindauer/County Assessor:</u>	\$230.70

Also submitted were the following claims from Human Relations/Joint City-County Dept.:

City of Evansville: Claim in the amount of \$1,562.50 for County's share for part-time investigator (salary for 4th Qtr.) Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

City of Evansville: Claim in the amount of \$50.00 for County's share for part-time investigator's telephone for the 4th Quarter. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

City of Evansville: Claim in the amount of \$112.50 for County's share for F.I.C.A. for part-time investigator for 4th Quarter. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

In response to query from Commissioner Willner, County Auditor Alice McBride explained that the claims were submitted separately because the charges come out of different accounts.

RE: EMPLOYMENT CHANGES - RELEASES

Circuit Court

David E. Roy	Intern	\$4.00/Hr.	Eff: 1/3/86
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Circuit Court

Stefan Scholl	7408 Walnut	Intern	\$3.35/Hr.	Eff: 1/21/86
Edward John Montpetit	3801 Negley Avenue	Intern	\$4.50/Hr.	Eff: 1/15/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m.

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PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David V. Miller

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

BURDETTE PARK

Mark Tuley

BUILDING COMMISSION


Roger Lehman

OTHER

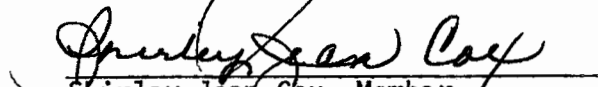
Floyd Outlaw/Poor Relief Applicant
Margaret Sallee/Pigeon Twp. Trustee's Office
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 10, 1986

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MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 10, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 10, 1986, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on February 3rd be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: DEPARTMENT OF CORRECTIONS/WORK RELEASE - ALLAN HENSON

The Chair recognized Mr. Allan Henson, Director of Court Services/Work Release Program. Mr. Henson presented a letter to the Department of Corrections from the Board of Commissioners, stating that the Commissioners again wish to apply for any corrections money for F.Y.86-87. The Corrections Advisory Board met on Friday and approved their grant, as they have for the last three years. The Commissioners need to affix their signatures to the letter.

Mr. Henson said he also has a sub-lease between sub-lessee, Vanderburgh Circuit Court and lessee, Vanderburgh County Jobs Program, Inc., and the lease forwarded to Tri-State Fabricators, for space to be used for the new Alcohol/Drug Facility to house 40 other work release substance abuse inmates. All they're asking is that the Commissioners approve this contract between the Circuit Court and the County Jobs Program, the main stipulation being that it is the sub-lessee. They are leasing 6,000 sq. ft. at 1505 North Third Avenue; 1500 sq. ft. on the second floor is to be excluded from this lease. The sub-lessee agrees to pay \$2,000 per month. The money will come from the per diem charge they place upon the inmates staying at the facility. Mr. Henson said he has no problem believing they are going to surpass the amount needed to make good on this contract.

President Willner entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that approval be granted, with a second from Commissioner Cox. So ordered. (Mr. Henson will provide Joanne Matthews with copies of signed letter and contract for the Auditor's files.)

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Mr. Bitz presented a request to go on March Council Call Agenda for capital improvements for Vanderburgh Auditorium. Mr. Bitz said there is a list of fourteen (14) items, all of which have been approved by the Advisory Board. They previously met with Council to go over the request (as they did with Burdette Park and other areas of the county). The following is the first of two lists they have, insofar as capital improvements for the auditorium are concerned. (The second list contains items which are a bit more long-range; things that are to be done in the future. These items will be addressed at a later date.)

1. Expanded Gold Room Restrooms/Handicap access
\$26,000
2. Security.Panic Bars for all doors.
\$7,000
3. New interior doors for Gold Room (soundproofing)
\$2,000
4. New Stage to Receiving Door (soundproofing)
\$1,000
5. New Auditorium spotlights
\$10,000
6. New studio concern quality piano
\$5,000
7. New Sound equipment for Auditorium (mixer, amp, equalizer, microphones)
\$3,200

(continued)

8. New podium with built-in P.A. system
\$700
9. New high-speed floor burnisher
\$1,600
10. New carpet shampooer
\$1,600
11. New and Re-covered furniture for Walnut Lobby, Green Room & Dressing Rooms
\$8,500
12. New carpet for Green Room and Main Office
\$3,500
13. Remodeling of Ticket office window, counter and ticket boxes.
\$1,200
14. New lighting system for Auditorium and Gold Room
\$155,000

TOTAL REQUEST ----- \$226,300.00

Total Request without Lighting System-----\$ 71,300

Mr. Bitz said the total request is for \$226,300; the largest portion of that is the \$155,000 for new lighting system. Without the lighting system, request is \$71,300. Both the Advisory Board and Mr. Bitz feel all of these items are necessary for continued and better operation of the facility.

Commissioner Willner asked, "You're not asking us to approve or disapprove of this list right now, are you? I think we need a little time. I think we'll put you on Council Call without a recommendation at this time. Is that satisfactory?" Mr. Bitz nodded in the affirmative.

Commissioner Borries said, "Kim, apparently we have gone through lists before and I think you have demonstrated some needs at the Auditorium. I know you have worked with your Advisory Board. Is the Council talking now about spending some of this Local Option Tax money?"

Mr. Bitz said he doesn't know whether they are talking about spending Local Option Tax money or taking it out of the General Fund.

Commissioner Borries asked if they have that large a balance in the General Fund?

County Auditor Alice McBride said, "They have a working balance of about \$600,000.00. They always used to have a working balance, but haven't the last few years. They are trying to get that built up again -- and they do have around \$600,000.00.

Commissioner Willner asked Mr. Bitz if he has talked with any of the Council members and obtained their suggestions?

Mr. Bitz said, "No; hopefully, they will be attending tomorrow's Advisory Board Meeting -- and he can run over this again. The only contact he's had with them insofar as this list goes (and this is the same list they received in January concerning improvements) was when capital improvements were discussed in January.

Commissioner Willner entertained a motion to place Mr. Bitz on March Council Call re \$226,300 for Auditorium.

Commissioner Borries said he is not really objecting to any of the items discussed. He knows that the lighting system is a major portion of the expense. So perhaps some of the items on the list could be accomplished. But he would like more information as to how they intend to fund some of the items. However, he moves that Mr. Bitz be placed on March Council Call. A second to the motion was provided by Commissioner Cox. So ordered.

(continued)

Commissioner Willner said the reason that he, personally, did not want to give his blessing to the complete list is that he intends to view the lighting system extensively and he believes the other Commissioners would also like to take a tour of the Auditorium. He said he needs some of the things pointed out to him, personally, that Mr. Bitz has in mind -- and see if they come together. He may think they need to spend \$50,000 on lighting, for example -- but he has no problems with the rest of the items. He said he will get with the other two Commissioners re a tour of the facility and contact Mr. Bitz before they come to the Auditorium.

Commissioner Cox said she has no problem with the lighting.

Commissioner Willner said he knows something needs to be done; but he doesn't know whether we should spend \$155,000.00.....this is what he is saying.

Commissioner Borries asked Mr. Bitz if operating expenses, including electric bills, etc., is up to date for 1986?

Mr. Bitz said, "So far -- so good. He'll have to see what the 30% increase in electric bills does to them." Mr. Willner said, "A 30% increase is a 30% increase!"

RE: COUNTY ATTORNEY - DAVID L. JONES

Attorney Jones said that probably sometime tomorrow he will be forwarding a copy of an Ordinance to regulate the parking in front of the Auditorium. He has an original draft that he got out this morning -- but he didn't have time to get it copied prior to this afternoon's meeting. He will send a copy to Kim and the original to the Auditor's office, so the Commissioners will have time to peruse the Ordinance before next week's meeting.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports: Mr. Bethel submitted copies of the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for period February 3 thru February 7, 1986.....reports received and filed.

Weekly Work Report: Also submitted were copies of the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the work report was the following Work Schedule:

Gradall

Ditching: Seven Hills, Wedeking, Bender Rd., Elmridge, Woods Ave., Nisbet Station, Folz and Hogue Rd.

Grader:

Baseline, Nisbet Station, Old Petersburg, Elm, Kansas, County Line, Millersburg, Woods, Owensville Rd., Old Princeton Rd., Old Henderson Rd., Waterworks Rd., Mann Rd., Wallenmeyer, Roth, Cypress-Dale, Shore, Pollack and Myrtle.

Rock &

Rip-rap: Seven Hills, Hornby, Schutte, Honeysuckle, Hedden, Plainview Dr., Elm St., Mesker Park Drive, Booker Rd., Motz Lane, Emge, Buente, Mann Rd., and Wallenmeyer.

Patch:

Old State Rd., Meier Rd., Browning Rd., St. Joseph Ave., Boonville-New Harmony, St. George, Oak Hill, Old Princeton, Outer Darmstadt, Pollack, Greenriver and Ridgewood.

Cut Bleeders: North, South, East and West

Tree Crew: Middle Mt. Vernon, Darmstadt Rd., and Hillsdale Rd.

Bridge Crew/Work Report: The Weekly Work Report for the Bridge Crew for period February 3 thru February 7, 1986 was submitted, as follows.....report received and filed.

Cut Bleeders

Road Bridges: Mesker Park Dr., South of Hwy 66 & North of Highway 66. St. Wendel Rd., Red Bank Rd., Nurrenbern Rd., Schutte Rd, Upper Mt. Vernon, Koressel, R.R.#6, School Rd. and Mill Rd.

(continued)

COUNTY COMMISSIONERS
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Guard Rail: Hogue Rd.

Rip-Rapped
Culverts: Kneer Rd., Heppler Rd., Buente Rd., Martin Station and New Harmony Rd.

Clean Bridges: Old Henderson Rd.

Mr. Bethel said that it rained almost every day last week, and it was hard to accomplish anything other than grading rock, cut bleeders, etc. The two inspectors inspected pipes and washouts and worked in the office.

Specs/Trucks & Rollers: Commissioner Willner asked if the Commissioners approved the specs for the two (2) Trucks and two (2) Rollers? Mr. Bethel confirmed that they did and the specs have been given to him so we can advertise for bids.

Problems on Aspen Drive: Commissioner Cox said she has a problem to bring to Mr. Bethel's attention, so he can determine if we can do anything about it. The address is 3911 Aspen Drive.....Mr. Glen Small. The problem is with the drainage tile; it is within the easement, but she doesn't know whether it is the county's responsibility or his to fix it. We need to check it out. If it is Mr. Small's responsibility, then we need to tell him that. Mr. Bethel said he will have Mr. Stucki get on this first thing tomorrow morning.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Check/Bridge Inspection: Mr. Easley presented a check in the amount of \$2,592.00 from the I.D.O.H. for reimbursement on bridge inspection program. Motion to approve acceptance of check and endorse same for deposit was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/Morley & Associates, Inc.: A claim in the amount of \$9,532.80 for construction engineering on Burkhardt Rd. project for period of December, 1985. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Willner queried Mr. Easley concerning meeting re Burkhardt Rd. project. Mr. Easley said he has requested a joint meeting concerning the Burkhardt Rd. project and he will keep the Commissioner advised regarding same.

Zoning for Outdoor Advertising/I.D.O.H.: Mr. Easley stated he has received a letter from Mr. John P. Isenbarger, Director of the I.D.O.H. Enclosed is a letter from the Federal Highway Administration, reminding the State and the Local Counties/Agencies of their responsibilities concerning Outdoor Advertising structures. Mr. Easley said he is providing copies to the Commissioners. It is not very often that we get to pass on rezoning.....they are particularly looking for property that was rezoned to permit an outdoor advertising structure and it is going to affect Federal Aid. The Commissioners may have heard about this....but it is something he thinks they need to be aware of. (Copy attached hereto as Supplement "1".)

RE: VETERAN'S SERVICE/REQUEST TO GO ON COUNCIL CALL

President Willner read the following letter from Carl Wallace, Veteran's Service Officer:

February 7, 1986

Board of Commissioners/Vanderburgh County
305 Administration Bldg. - Civic Center Complex
Evansville, IN 47708

Dear County Commissioners:

Please be advised that I am requesting that the Vanderburgh County Veteran's Service Office be allowed to come before the County Council to request monies for office equipment needed to replace worn out equipment now in the office. The following is the equipment needed at this time and cost of replacement:

(continued)

Canon AP 500 Typewriter -	\$1,121.25 (one additional head)
Ribbons	65.10
Maintenance Agreement (1 yr.)	<u>185.00</u>
	\$1,371.35

Your consideration in this matter would be greatly appreciated.

Sincerely yours,

Carl M. Wallace
Vanderburgh County Veteran's
Service Officer

Commissioner Cox asked if Veteran's Service Office did not get their request granted earlier re equipment? Was it turned down?

Mr. Lindenschmidt said Council cut all the 422 accounts out....and the Veteran's Service Office did not know that they were supposed to go back and request an additional appropriation. When Council zeroed out the 422 accounts, the departments had to come back on an individual basis to request appropriation of funds.

Motion to approve Mr. Wallace's request to go on Council Call was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCE

Easter Enterprises, Inc.: Vendor's Appreciation Dinner to be held on February 25th and February 26th at the Vanderburgh Auditorium.

RE: HOLIDAY OFFICE CLOSING - FEBRUARY 17TH - PRESIDENT'S DAY

It was announced by President Willner that all County offices will be closed next Monday, February 17th, for President's Day (celebration of the birthdays of George Washington and Abraham Lincoln). Thus, the next Commissioners' meeting will be held on Tuesday, February 18th at 7:30 p.m.

RE: CLAIMS

American Legal Publishing Co.: Claim in the amount of \$2,036.20 for 1986 S-3 Supplement to Vanderburgh County Code of Ordinances. It was noted that \$800.20 had been transferred from 130-305 account to pay for this and same was approved by Council on 2/5/86. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Pulse Systems, Inc.: Claim in the amount of \$80,331.33 for Data Processing Services for 2nd Qtr., 1986, including hardware additions per 9/84 letter and hardware addition for County Sheriff. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Bowers, Harrison, Kent & Miller: Claim in the amount of \$1,903.07 for services re various litigation matters. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$82,250.00 for All Lines Aggregate Insurance Plan (Highway).

Helfrich Insurance Agency, Inc.: Claim in the amount of \$25,850.00 for All Lines Aggregate Insurance Plan (Welfare).

Helfrich Insurance Agency, Inc.: Claim in the amount of \$7,050.00 for All Lines Aggregate Insurance Plan (Homes).

Helfrich Insurance Agency, Inc.: Claim in the amount of \$2,350.00 for All Lines Aggregate Insurance Plan (Work Release).

(continued)

COUNTY COMMISSIONERS
February 10, 1986

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Helfrich Insurance Agency, Inc.: Claim in the amount of \$9,925.00 for Excess Property Insurance.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$25,500.00 for Insurance Consultation, Placement & Loss Adjustment. Fee per contract dated 2/1/86.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$24,800.00 for Loss Adjusting Expense (Coroon & Black Management Co.).

Helfrich Insurance Agency, Inc.: Claim in the amount of \$137,500.00 for All Lines Aggregate Insurance Plan (General Fund).

Helfrich Insurance Agency, Inc.: Claim in the amount of \$2,874.00 for Boiler & Machinery Policy.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$26,281.00 for Public Official Liability Policy (General Fund).

Helfrich Insurance Agency, Inc.: Claim in the amount of \$35,293.00 for Police Professional Policy and Accidental Death & Dismemberment (General Fund).

The foregoing claims total \$379,673.00; Mr. Willner said he believes this is in accordance with amount previously discussed with Mr. John Hodge, our Agent of Record. Following brief discussion, it was the consensus of the Board that Mr. Hodge be asked to provide a summary as to what we are doing in relation to our financial outcome. Motion was made by Commissioner Borries that the eleven (11) claims from Helfrich be approved for payment, subject to availability of funds, with a second from Commissioner Cox. So ordered. Mrs. Cox commented that the figure of \$391,000 for premiums sticks in her head. Commissioner Borries suggested that Mr. Hodge check with the Auditor's office and provide the Commissioners with a list of where we are -- so the Commissioners will have a clear idea of what they need to get from Council.

RE: INNKEEPER'S TAX/RESOLUTION

President Willner said he had a request from Councilman Harold Elliott for the Commissioners to approve Resolution re increase in Innkeeper's Tax. However, the Resolution itself was not attached.

Commissioner Borries commented that he still has concerns about the use of these monies solely for Vanderburgh Auditorium.

Commissioner Cox commented that she read in an Association of Indiana Counties newsletter about a bill which allows the use of Innkeeper's Tax for the upkeep of parks. This was just an excerpt and she doesn't have a copy of the bill, so she doesn't know whether this is a specific county's bill or whether it pertains to counties statewide.....but it did have in there that it could be used for the upkeep of parks. Continuing, Mrs. Cox said she attended the organization meeting of the Convention & Visitor's Bureau and she asked for their input concerning an increase in this tax and any suggestions that they might have if it were implemented as to how the money should be used. She has not yet received their comments.

Commissioner Willner asked Attorney Jones if County Council requested him to draw up a Resolution pertaining to the increase in the Innkeeper's Tax from 2% to 5% and present same to them at their next meeting?

Attorney Jones said it is his understanding that they have already approved it, he just simply had to reduce it to writing and he forwarded it to Harold Elliott today. The original should get to the Auditor's office sometime tomorrow. Basically, it requested the Legislature to amend the statute that pertains to Vanderburgh County's hotel/motel tax from 2% to 5% and to have the revenues derived from the additional 3% placed in a non-reverting capital improvement fund and that the monies stay in that fund and not be diverted to the general fund and that the monies could only be appropriated for capital improvements to Vanderburgh Auditorium & Convention Center and no other place.

Commissioner Cox commented that she didn't think we could have a capital improvement fund. Council came and wanted us to abolish the one we had and now they want to establish one.

Commissioner Willner said that County Auditor Alice McBride said they would also have to ask the Legislature to change the current law so that the county could have a capital

(continued)

improvement fund and a rate put on it.

Attorney Jones said that is a correct statement. It would have to be amended, because we have no ability to retain it either in a reverting fund or the created fund and the only capital improvement would be in triggering that provision under the Local Option Income Tax -- to be for all types of capital improvements.

Commissioner Willner's said Mr. Elliott's note said that he could not be at today's meeting and he hoped the Commissioners would read the Resolution and act on same. He asked if the Board would like for Attorney Jones to prepare a Resolution for the Commissioners' signatures, or would they like to speak with Mr. Elliott, or what course of action do they wish to take?

Commissioner Borries said he would like to speak with Mr. Elliott and again express his concerns about the monies being solely used for the Auditorium. He is certain that the Auditorium obviously needs improvements, but he is not sure we're not putting the cart before the horse here -- again, if we can't have a non-reverting fund to begin with or a capital improvements fund -- and the Council can't agree to use the Local Option monies, then he'd want to study this further. The other thing is that, again, he gets back to the idea that there are some arguments to what Council has to say here. It is not impacting as much on the local rate perhaps as it is for visitors in the community -- and there are some arguments to be said for that. But, again, there are other facilities that have major needs from time to time (Roberts Stadium, Burdette Park, etc.) so at this point he is not willing to say that the monies will be solely used for Vanderburgh Auditorium -- and he has some concerns about this and therefore needs to talk with Mr. Elliott about this.

Commissioner Cox said, "I feel the same way."

President Willner asked Commissioner Borries to talk with Mr. Elliott sometime this week and advise the Board next week as to his findings. Mr. Willner said that, in talking to the legislators, their feeling as related to him was that they are not going to consider new taxes this year. He doesn't know whether or not this is true, but at least this is what they told him.

Commissioner Cox said, "I think that's right."

RE: SCHEDULED MEETINGS

Tuesday	Feb.	11	6:30 p.m.	Soil & Water Conservation Meeting at the 4-H Grounds
Tuesday	Feb.	11	4:00 p.m.	Auditorium Advisory Board Meeting
Tuesday	Feb.	18	7:30 p.m.	Commissioners Meeting
Wednesday	Feb.	19	6:00 p.m. (EST)	Warrick County Commissioners Meeting

Commissioner Borries noted that we seem to be back to the "time issue" again. Isn't Warrick County on Central Standard Time? It was the consensus that they are, but that the Board needs to get confirmation as to the exact time of the meeting (Evansville time).

RE: EMPLOYMENT CHANGES

It was noted by President Willner that there are no employment changes to come before the Board at this time.

There being no further business to be discussed at this time, President Willner declared the meeting adjourned at 3:30 p.m.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride
Sam Humphrey

COUNTY ATTORNEY

David L. Jones

(continued)

COUNTY COMMISSIONERS
February 10, 1986

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COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

AUDITORIUM

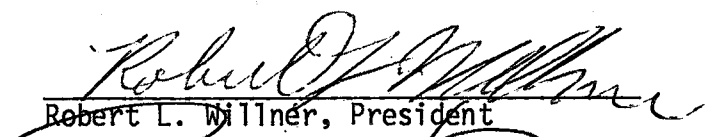
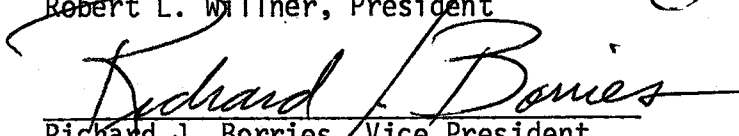
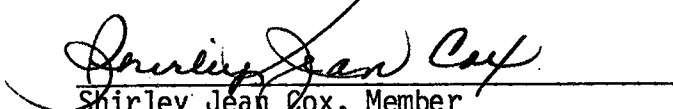
Kim Bitz

WORK RELEASE

Allan Henson

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 18, 1986

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MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 18, 1986

The Vanderburgh County Commissioners met in session on Monday, February 18, 1986, at 7:30 p.m. in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, February 10th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REZONING PETITIONS

President Willner announced that three First Readings and three Third Readings of Rezoning Petitions were scheduled on tonight's agenda. Two of the petitions have been withdrawn, per the following:

VC-25-85/Petitioner, Eden Investments: The following letter from Jerry P. Baugh of Lacey, Terrell, Annakin, Heldt & Baugh requests that this petition be withdrawn:

February 14, 1986

Area Plan Commission
Evansville-Vanderburgh County
Civic Center
Evansville, IN 47708

Re: County Rezoning 86-16-PC, Ordinance No. 86VC25-85
Eden Investments

Dear Sirs:

Your records will indicate that this office is attorney of record for Eden Investments which filed its Petition for Rezoning of Lot No. 9B in Eden Place on December 27, 1985. This petition was acted upon favorably by the Area Plan Commission on February 4, 1986 and is presently scheduled for action by the County Commissioners on February 18.

Please be advised that the petitioner/owner has decided to withdraw this petition. It would be appreciated if you would officially inform the County Commissioners of this so that they may receive the notification from you in addition to receiving a copy of this letter. No further action will be taken by the petitioner with respect to this proposed rezoning at the present time.

It would be appreciated if you could inform the undersigned as to the procedures to be taken to obtain a refund of the various deposits which previously have been made both with your office and with the County Auditor to which the petitioner is entitled in view of the withdrawal of this petition. Your assistance is greatly appreciated.

Sincerely,

Jerry P. Baugh

cc: Secretary/Vanderburgh County Commissioners

VC-26-85/Petitioners, Paul & Sue Wallace: The following has been received from Mr. Paul Wallace:

February 12, 1986

TO: Area Plan Board & County Commissioners

Dear Sirs:

Please withdraw rezoning petition for 3900 Kuebler Rd.

Sincerely,

Paul H. Wallace

(continued)

The meeting continued with President Willner announcing that if there were any remonstrants in the audience concerning the foregoing petitions, said petitions have been withdrawn and will not be heard this evening.

VC-1-86/Petitioners, Sam & June Angel (1st Reading): Petitioners are requesting change from R-1 to C-4 zoning at the corner of Mesker Park Drive and Diamond Avenue. Present existing land use is a log home and log home business. Proposed land use is a log home, log home business, real estate office and windmill sales. C-4 zoning is necessary to allow outside storage and display. Commissioner Willner asked if any remonstrants are present concerning this petition? There were none.

Commissioner Borries asked if we're talking about both sides of the road?

Mrs. Cox said it would be the northwest area.

President Willner entertained a motion to approve the petition upon first reading for forwarding to the Area Plan Commission. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. President Willner then asked for a roll call vote. There were three (3) affirmative votes.

VC-2-86/Petitioners, Robert & Mary Kay Dennis (1st Reading): Commissioner Willner said the common known address is 8944 Big Cynthiana Rd. Requested change is from Agricultural to C-4. Existing land use is as follows: Parcel 1 (legal nonconforming cabinet shop) Parcel 2 (Cabinet shop - separate 3,000 sq. ft. bldg.). Property has been established as a legal non-conforming C-4 since 1950. Property is completely surrounded by agricultural. An amended legal description was filed on February 7, 1986, for 2.02 acres. Initially there was an additional 16 acres on the legal on which they did not want to seek rezoning -- and this was brought to the petitioner's attention by the APC. The only property to be rezoned is the 2.02 acres, rather than the 18 odd acres initially indicated.

Motion was made by Commissioner Borries that VC-2-86 be approved on first reading for forwarding to the Area Plan Commission, with a second from Commissioner Cox. So ordered. President Willner requested a roll call vote. There were three (3) affirmative votes.

VC-3-86/Petitioner, Charles Shanks, Jr. (1st Reading): It was noted by President Willner that the common address is 5620 Booker Rd. in the Billie Manor Subdivision. Present use of the property is a residential garage. Proposed use is a commercial garage to allow automobile repair. Requested change is from Agricultural to C-4 zoning. C-4 allows outside storage and heavy commercial activities. C-4 excludes body repair, painting and overhauling. Property is located on Booker Road, west of Red Bank Rd. Booker Road is a narrow, partially unimproved street. The property is completely surrounded by residential and agricultural, except for one parcel of C-2 (Kokies). The 1985 Comprehensive Plan designates this area to remain agricultural/single family residential. EUTS recommendations should be followed. Commissioner Willner proceeded by entertaining questions from the Board. There were none. Motion was entertained to approve petition on first reading and forward to the Area Plan Commission. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. President Willner asked for a roll call vote. There were three (3) affirmative votes.

VC-27-85/Petitioner, Old Petersburg Corp. (3rd Reading): The Chair recognized Mr. Jim Morley of Morley & Associates, who approached the podium. Mr. Morley stated that he is working with the developer (Old Petersburg Corp.) on this. Mr. Phil Garrison, one of the owners, is present tonight and he can perhaps answer any questions the Commissioners may have concerning this petition. There is a subdivision of some 94 lots on Old Petersburg Rd., and a portion of the property lies between Petersburg Rd. and the Cree that did not lend itself very well to residential lots. They either would have had to put them on Old Petersburg Rd. and have driveways out or they would have had to relocate the creek -- and it is about 12 ft. deep along that section. There is already a C-1 zoning on the eastern end of this property. Further to the east it is zoned Industrial. The developers are proposing to construct a commercial development area. They are not interested in fast-food type of business. They are interested in things that would go in a C-1 zoning that would enhance the community. They have some 90 lots here and an adjoining 60 right next to them in Greenbriar Hills and feel there will be a need for services. Development would be of residential-type design. Mr. Morley proceeded to display an artist's rendering of the type of facility to be constructed.

Commissioner Borries queried Mr. Morley concerning access area. Mr. Morley said it

(continued)

will be the main roadway -- 50 ft. of right-of-way with an additional 10 ft. on each side, making a total of 70 ft. for road and utilities. The 3-lanes will come as far back as they can get it. They will turn and come into parking lot that will be in front and buildings would be located in designated area, facing toward the street, with back to the creek.

Mr. Morley said that a doctor's office in and of itself could perhaps go to an R-0; but you can't have sales of any kind in an R-0 and they do not want to limit themselves. The C-1 would let you do all of it. Their plans include a residential-appearing structure -- as far back as they can get it off the road, next to the creek.

Commissioner Willner entertained questions of Mr. Morley.

Commissioner Cox noted that EUTS had recommendation and that has been met.

Mr. Morley said he believed the APC had comment re EUTS recommendation re driveway. He hasn't done a detailed plan; but this would be as he stated -- as far back from Old Petersburg Rd. as they can get it.

Commissioner Willner queried Mr. Garrison re outside signs, etc. Mr. Garrison said they have no intention of using billboard-type signs. He also pointed out that they have kept the design to a one-story building....and signs would be on the buildings, themselves....the road will not be lined with signs.

Mrs. Cunningham, Director of the Area Plan Commission proceeded to explain the difference between R-0 and C-1 zonings. In R-0 zoning, they could not have any sales offices of any type. In a C-1 you could have such businesses as a travel bureau, shoe repair, T-V repair, photographer, laundromats, home appliance, retail stores, etc. At APC meeting they asked if you could use an R-0 zoning since you plan to have offices. An R-0 would limit them to offices/businesses such as detective agency, real estate office, tax consultants, etc. -- they could not have sales. Mrs. Cunningham also pointed out that C-1 zoning allows 200 sq. ft. of signs.

Mr. Morley said that Mr. Garrison is saying this is what they are not going to have.... and he would be willing to sign some type of covenant to that effect, if desirable. He would be happy to enter into such an agreement. Their lots are a nice size and their intention is to enhance the subdivision.

The Chair entertained further questions following brief comments concerning the zoning of the surrounding area. President Willner asked if there are any remonstrants in the audience concerning subject rezoning petition. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-27-85 be approved on first reading for forwarding to the APC, with second from Commissioner Cox. So ordered. President Willner then asked for a roll call vote. There were three (3) affirmative votes.

President Willner said he would certainly appreciate the developer/owner of record trying to keep this development as aesthetically pleasing to the eye as possible. He'd hate to see it sold somewhere down the line to someone who

Mr. Garrison interrupted by assuring the Commissioners they plan to retain the property but will not be developing it in the immediate future. They first want to completely develop the subdivision and make certain everything is satisfactory before they proceed with the commercial development area. In response to query from Commissioner Borries, he reiterated that they are not interested in any fast-food businesses.

Commissioner Willner said he appreciated Mr. Garrison's comments. But you can never make enough laws for everything you'd like to see done.

RE: REQUEST TO WAIVE SIDEWALKS IN OLD PETERSBURG PLACE - PHIL GARRISON

Mr. Phil Garrison was recognized by the Chair and approached the podium. He said that Old Petersburg Place Subdivision is located in the county approximately 1/2 mile west of Highway 41 across from Hamilton's Golf Course. While this subdivision is within a mile of the city, they feel that sidewalks would be of no benefit to the residents and would only serve to drive the lot prices up. Children will be picked up for school in the subdivision by buses. There is no place to which the sidewalks can be connected -- thus they are respectfully requesting that the Commissioners waive the requirement for

sidewalks.

Commissioner Borries asked Mr. Garrison if the streets will be concrete, with rolled curbs and gutters? Mr. Garrison responded in the affirmative.

Commissioner Cox said there are an awful lot of houses in there.

Commissioner Willner queried Mr. Garrison concerning the hook-up to Bob Court. Mr. Garrison advised that they do not own that property. They have made it available via realigning the street in the event that they ever went through. To his knowledge, the area being pointed out by Commissioner Willner is not even platted. Mr. Willner said he knows exactly where Mr. Garrison is talking about, as he was out in that area just today. That will come through some day. There was brief discussion among Messrs. Garrison, Morley and Willner concerning the plans, after which Mr. Garrison pointed out that the easiest thing for him to have done would have been to have a cul-de-sac, he would have picked up more lots. But alignment was changed so the streets would line up and the houses would face north/south.

Commissioner Willner said what he is trying to say is that you will be able to drive through this subdivision from Old State Road through Bob Court and through this subdivision and come out on Old Petersburg Rd. So it will be open to traffic that is not generated within this subdivision.

Mr. Garrison said he hates to be penalized for being a nice guy -- because he widened that so they could go through --so that could join up--but not with an intention of having traffic in that subdivision -- but so they could join up. He granted an easement so they could take the street on through -- so it wouldn't shut designated area out for future development. The smartest thing for him to have done would have been to cul-de-sac. It would have been in his best interest to have cul-de-sac'd all of the streets as he would have picked up more lots.

Commissioner Cox interrupted, "But maybe you wouldn't have gotten approval!" Continuing, Mrs. Cox said she has problems with this because of the density we're talking about and probably the people in the area will be those that will be having children. We're not talking about one or two acre lots here like we have in other areas where we have waived sidewalks -- and especially with a road going through there it makes it doubly bad.

Commissioner Willner said, "I agree; but I could compromise."

Mr. Garrison again remarked, "But there is no way for a sidewalk to connect."

Mrs. Cox said, "Where will the kids wait for the bus? I think we should have sidewalks on at least one side down to Bob Court."

Commissioner Willner said, "I do, too -- on the ones where it is possible to have thru traffic." Continuing, President Willner said a lot of people have asked what the criteria for sidewalks has been -- unless waived by the Commissioners. He believes their guideline has been in the past that if there is through traffic, where somebody might drive faster because it is open -- then we'd need sidewalks. If it is a closed subdivision where somebody would not go through....in other words, if they went in ...when you drive in a subdivision you drive 20 to 30 miles per hour. But if you're driving through it -- not going to be stopping in that subdivision --you tend to get up to 45 to 50 miles per hour. That's the problem.

Mr. Garrison said, "I can't imagine that this would be a cut-through from Old State Road."

Commissioner Willner said, "It will be -- it certainly will be."

Mr. Garrison said he would be surprised if that happens, because the potential problem comes from the development west of the designated area -- and the Commissioners waived the requirement for sidewalks in that subdivision (Greenbriar). Commissioner Willner acknowledged that Mr. Garrison has a point.

Commissioner Cox said, "The thing about it here, Phil, is that we're talking about commercial development"-- They have 88 residential lots -- and we're talking about a quarter of an acre basically and pretty high density, plus the commercial development -- and she is sure --with the commercial development she feels we do need sidewalks.

(continued)

COUNTY COMMISSIONERS
February 18, 1986

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The Commissioners are the ones who accept the road plans. She believes that sidewalks along the commercial development is in the best interest of everyone concerned.

Commissioner Willner again indicated a compromise....and the Commissioners continued to peruse the plans.

Mr. Garrison commented again that he realigned designated street so Bob Court could eventually come through; however, he reiterated that there are no current plans in the making for Bob Court to be extended.....and no assurance that it will ever come through. He doesn't have any idea what will happen.....and he mentioned the expense connected with any such plans due to a steep hill which currently exist.

Commissioner Willner remarked that he also feels some sidewalk area should be required. The Board passed an ordinance concerning sidewalk requirement within one (1) mile of the city -- and if they're not going to adhere to the ordinance, then they ought to do away with it. Why did they pass the ordinance? Both Commissioners Willner and Cox noted that the commercial development is definitely going to happen and there will be traffic.

Mrs. Cunningham commented that the Commissioners are the ones who accept streets -- and if they don't want continuity.....

Commissioner Willner said, "I do want continuity.....and that calls for sidewalks."

Mrs. Cunningham said, "That's what I thought.....in the community, not just in one subdivision."

Commissioner Willner responded, "That is correct -- that is correct."

Commissioner Cox said, "I feel very strongly that we need sidewalks along the commercial development."

Commissioner Willner said, "I could go for that."

Mr. Morley commented that there is a wide drainage ditch between the commercial area and the houses. And he proceeded to peruse the plans together with the Commissioners, discussing various specific areas.

Following further discussion, President Willner entertained a motion. Motion was made by Commissioner Borries that the Board agree to waive sidewalks in Old Petersburg Place with the exception of a portion of the commercial development indicated on the east side of projected street that will be Glendale Drive and the east side of Petersburg Place and the matter will come before the Commissioners to review possible installation of sidewalks should any adjoining streets be opened by future development. A second to the motion was made by Commissioner Cox. So ordered. President Willner asked for a roll call vote. There were three (3) affirmative votes.

RE: AREA PLAN COMMISSION - BARBARA CUNNINGHAM

Mrs. Cunningham submitted copies of the Area Plan Commission Annual Report for 1985, describing the operation and the status of planning within the APC jurisdiction during the past year.

Request to Rename Old Highway 57/Rudd Avenue: Mrs. Cunningham said she received a copy of a letter from Mr. Harshberger, seeking to re-name Old Highway 57 Rudd Avenue. She has prepared a reply as follows:

February 18, 1986

Rudd Equipment Company
P. O. Box 3935
Evansville, Indiana 47737

Dear Mr. Harshberger:

In response to your letter of February 12, 1986, although the Area Plan Commission has no jurisdiction over changing the name of a county road, to assist you and expedite your request in 1985 we contacted the Indiana Department of Highways and the Vanderburgh County Commissioners.

(continued)

COUNTY COMMISSIONERS
February 18, 1986

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In a letter received February 28, 1985, from Mr. Aden B Carr, District Engineer for the State of Indiana, he states:

"The State of Indiana entered into an agreement on January 10, 1983, with the Evansville-Vanderburgh Airport Authority, whereby the State shall, upon completion of the construction of relocated SR 57 and the acceptance thereof by the State, convey by quitclaim deed the right-of-way for existing SR 57 between approximately 0.2 mile east of U.S. 41 to approximately 1800 feet southwest of the intersection of SR 57 and Oak Hill Road to the Airport Authority.

The portion of old SR 57 from US 41 east for approximately 0.2 mile will then be relinquished to Vanderburgh County.

The assigning of a local street name should be done by the local authority."

According to Mr. Andy Easley, County Engineer, at this time this portion of Old SR 57 has not been accepted by Vanderburgh County. When it is, the County Commissioners will have jurisdiction over the naming of the road. To change the name of a county road, approval must be granted by the County Commissioners.

As shown on the enclosed map, the road in question lines up directly with Petersburg Road across U.S. Highway 41. Since the Windmill and Dairy Queen properties, the Mead Johnson hangar, and another possible entrance to the airport property use this access road, they may have concerns with your proposed name change to Rudd Avenue. Area Plan Commission recommends that this section, for purposes of continuity, be called Petersburg Road.

This office can issue a 6901 U.S. Highway 41 North address immediately at your request.

Sincerely,

Barbara Cunningham
Executive Director/Area Plan Commission

cc: County Commissioners
County Engineer
Fire Department
Sheriff Department
Post Office

RE: CONTRACT BETWEEN BOARD OF COMMISSIONERS & WEST SIDE INVESTMENT CO., INC.
d/b/a/ HELFRICH INSURANCE AGENCY, INC.

President Willner explained he has a contract, which became necessary when we opted for a new insurance program. He asked that Mr. Jim Lindenschmidt explain to the Commissioners just what transpired.

Mr. Lindenschmidt said that at the last Commissioners' meeting a number of claims were presented, with the amount reported as \$497,173.00. Commissioner Cox remarked that it sounded like a higher figure than previously indicated and the Commissioners approved the claims subject to availability of funds. He did some checking and found the total figure to be incorrect; some items had been added twice. The actual figure was \$379,673.00. The minutes of last week's meeting reflected the correct total, because that was the accurate total of the claims submitted. This was \$117,500 less than the total initially read at the meeting. He and Mr. John Hodge went over the figures completely and this let them get the \$225,000 over to go into the reserve fund. Mr. Lindenschmidt entertained questions.

Commissioner Cox asked, "You did say that the total amount adjusted down to \$379,673.00... \$117,500 less than the reported figure of \$497,173.00."

Proceeding, President Willner stated that Mr. John Hodge, our Agent of Record, used to be able to make a commission on his insurance. Since we are partially self-funded, he no longer can make a profit off the insurance companies that do business with Vanderburgh County. For his services, we now need a contract and this contract is in the amount of \$25,500.00. It does cover Vanderburgh County for one (1) year.

(continued)

COUNTY COMMISSIONERS
February 18, 1986

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Commissioner Willner said he might add that Mr. Hodge has worked two months solid on our problem and he thinks that he certainly deserves a commission. What is the feeling of the Board?

Commissioner Cox said that during the proposal, a figure was quoted for Loss Control fee of \$5,000 and also some kind of other payment? Is this the proper amount?

Mr. Lindenschmidt noted that the \$25,000.00 is correct, as shown in the proposal.

President Willner explained that the Board has tentatively approved the dollars -- the Commissioners now need to approve the contract.

Commissioner Cox asked if the County Attorney prepared the contract?

Commissioner Willner said the contract was prepared by Mr. Hodge, but he is certain the County Attorney saw the contract.

Commissioner Cox asked how the \$25,000.00 is paid? Quarterly? Monthly?

Commissioner Willner said the Board already approved a one-time payment.

Mr. Lindenschmidt interjected that the Loss Control Consultant is on an hourly basis.

Commissioner Willner asked that Attorney David Jones peruse the contract, since he had not seen it.

Commissioner Cox requested permission to review the contract when Attorney Jones had finished. Commissioner Willner passed the contract to her for her perusal.

The Chair subsequently entertained a motion. Motion was made by Commissioner Borries that the contract (already executed by Mr. Hodge) be approved, with a second from Commissioner Cox. So ordered. President Willner subsequently asked for a roll call vote. There were three (3) affirmative votes. The contract read, as follows:

C O N T R A C T

THE BOARD OF COMMISSIONERS FOR VANDERBURGH COUNTY, INDIANA (BOARD), and WEST SIDE INVESTMENT CO., INC. d/b/a/ HELFRICH INSURANCE AGENCY, INC., (HELFRICH) by this Contract, agree as follows:

1. That HELFRICH shall assist in providing insurance for Vanderburgh County, its agents, employees and certain political subdivisions thereof by assisting in the placing of certain insurance coverage and other related services from time to time requested by BOARD, more specifically set out herein.

2. This contract shall be valid for the calendar year, 1986, and, unless renewed, shall terminate at midnight, December 31, 1986.

BOARD shall pay to HELFRICH the sum of Twenty Five Thousand, Five Hundred Dollars (\$25,500.00) on or before March 31, 1986, and such sum shall be the total amount of consideration due HELFRICH for the entire year.

3. The types of insurance for which HELFRICH is to solicit and service are to include casualty, property, marine, general liability, automobile liability and worker's compensation.

4. HELFRICH'S responsibility shall be to use its best efforts to place coverage of insurance with reputable insurance companies when requested by BOARD and to assist in the handling of any claims filed against Vanderburgh County during the calendar year, 1986, and to advise and counsel with BOARD all aspects of insurance. HELFRICH shall not be required to defend any claims.

5. Nothing in this Contract shall be construed to mandate HELFRICH to provide insurance nor to guarantee that insurance can be purchased. So long as HELFRICH exercises its' best efforts in locating insurance and placing the coverage, and assists in the handling of any claims made against Vanderburgh County or its agents, employees and political subdivisions, it shall have fulfilled its' obligations under this agreement.

(continued)

6. Moreover, BOARD shall have no affirmative duty to purchase insurance from any of the companies that HELFRICH locates if BOARD is dissatisfied with either the rates or type of coverage offered or any of the terms of the contract.

7. The consideration set forth in Paragraph 2 herein shall be the full compensation to be received by HELFRICH, and HELFRICH is not entitled to receive any other sums from BOARD for the performance of its' duties set forth herein during the calendar year, 1986.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 18th day of February, 1986.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

WEST SIDE INVESTMENT CO., INC.
c/b/a HELFRICH INSURANCE AGENCY, INC.

John D. Hodge

RE: ORDINANCE REGULATING PARKING IN FRONT OF VANDERBURGH AUDITORIUM

With regard to the Ordinance regulating parking in promenade area in front of Vanderburgh Auditorium, Commissioner Willner said Attorney Jones has indicated he wishes to amend the ordinance prior to passage. The definition of "Handicapped Person" needs to be changed; it needs to be defined as one who bears a license plate issued by the Bureau of Motor Vehicles, rather than from ...

Commissioner Cox asked, "Or a sticker?"

Attorney Jones said, "Whatever the Bureau of Motor Vehicles or any comparable state agency issues -- that would be the way to define it."

Commissioner Willner said he believes they issue a sticker....

Attorney Jones said, "Out-of-state vehicles may also be involved, so it has to be whatever a particular state's Bureau of Motor Vehicles issues for persons who are disabled/handicapped."

Commissioner Willner requested that Attorney Jones have the amended Ordinance back to the Commissioners next week for their approval and signatures. Attorney Jones indicated he would have it ready by that time.

RE: COUNTY ATTORNEY - DAVID L. JONES

Non-Reverting Fund: Attorney Jones said that with regard to the question of a non-reverting fund, the Board will recall that the State Board of Tax Commissioners and State Board of Accounts came in a couple of years ago and made the County abolish the Cumulative Capital Improvement Fund which had been created as the result of the sale of Pleasantview Rest Home, etc., around 1978. When the head of the department left and the philosophy of the department changed, then suddenly the strict construction as to Home Rule Legislation took over and they said it is not specifically authorized so you have to get rid of it. Now that the winds have shifted and a non-reverting fund was an essential part of the self-insurance plan for the county (as it has become a necessity for other units of government) they have now issued us a letter saying they will look the other way and that non-reverting funds are o.k. and if circumstances change and the winds shift they will want us to get rid of it. But they can't lay hands on any law that says you can or can't do it. Now, we've always taken the position in an opinion that he put in writing to the Commissioners and to the County Council that Home Rules Legislation is strong enough to set up something like this as long as you otherwise comply. This is what they are saying now. Attorney Jones said he doesn't buy anybody who says the law changes when the winds shift -- it doesn't work that way. You either change the law or it stays the way it is. So, if we can do it -- we can do it.

(continued)

COUNTY COMMISSIONERS
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Since this is something that has been going on for a number of years, he wanted to direct the Commissioners' attention to this -- it pops up in other areas. So it is a question of whether we can or can't create non-reverting funds. We're going to see it again when we come back in with this revised Joint City-County Legal Aid proposal. It is going to require the establishment of a non-reverting fund by ordinance so that the United Fund monies that come into Legal Aid can be held and not touched and not go back to General Fund. The charitable contributions are tax exempt and they cannot be mixed. That is coming up -- and that is another reason the letter from the State is important.

Commissioner Borries asked, "In other words, the letter says that if we're big enough to do it -- do it?"

Attorney Jones said it says that because things are so bad with insurance coverage, they said there was probably no authority to establish the fund because of home rule; however, "since some counties can no longer procure insurance coverage we're going to have to alter our position somewhat. As long as your Home Rule Ordinance complies with all the budgetary statutes and rulings of the State Board of Tax Commissioners, we would not take exception to your establishing such fund for the short term. If insurance market conditions change or new legislation alleviates the problem, we would hope such fund would be eliminated."

Attorney Cox asked, "Now this is for the insurance fund only? It can't be like a maintenance fund for the Auditorium?"

Attorney Jones said, "Well, you wish to make the fund non-reverting. You would like our position on the establishment of this fund. During prior years, this Department has always held the position that there was no statutory authority for the type of self-insurance fund you mention. Our position was that since the statutes permitted procurement of liability coverage from insurance carriers (IC 34-4-16.5-18), there was probably no authority to establish this fund through a Home Rule Ordinance".

Continuing, Attorney Jones said this is however changing. If you can establish one non-reverting fund, you can establish another. The basis isn't there and that is where the logic falls apart. When the winds shift it's o.k. and when it shifts back it isn't o.k. It doesn't work that way at all. If anybody objects, we can tag that letter and reference it. They're going to have a heck of a time challenging one and not the other since there is no statute on either one of them. If they let one, they've got to let the others.

Commissioner Willner entertained questions of Attorney Jones.

Acquisition of Right-of-Way/Lynch Rd.: Attorney Jones said that with regard to the procedures to be followed by the County in obtaining a right-of-way for a County Highway project, he is submitting a copy of the procedural outline.

Commissioner Willner indicated he had received a copy, but would accept the extra copy. He is now ready to discuss the matter.

RE: EARLY ACQUISITION OF LYNCH ROAD RIGHT-OF-WAY

Proceeding, President Willner read the following communication from EUTS:

February 14, 1986

TO: Vanderburgh County Commissioners

RE: Early Acquisition/Lynch Road Right-of-Way
Project M-E 185 (1), RS 6882 (), RS 6687()

On February 11, 1986, I was advised by Mr. Steve Dilk, Indiana Department of Highways (IDOH), Division of Local Assistance, that IDOH and the Federal Highway Administration (FHWA) issued a "Notice to Proceed" with the early acquisition of Lynch Road right-of-way located within the proposed Fox Point Subdivision.

"Notice to Proceed" for early acquisition gives the County permission to acquire the right-of-way necessary for the Lynch Road Project as illustrated in the revised Abbreviated Final Environmental Impact Statement. This notice also provides that 75% of the acquisition cost will be eligible for reimbursement.

(continued)

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If you have any questions or need additional information, please contact me.

Rose Zigenfus

Director/EUTS

President Willner advised County Engineer Andy Easley that, as the first step toward the early acquisition of Lynch Road right-of-way, the Commissioners need to require the County Engineer to obtain an accurate legal description of the property to be acquired. The Statute also authorizes the agents of the county to enter upon the property for the purpose of viewing and surveying the property. Subsequently, there is an exact formula to be followed. He said he guesses he can speak for the other Commissioners in that we need for him to proceed forthwith. Members of the Board nodded their heads in concurrence and Mr. Easley nodded his understanding.

Commissioner Willner asked that Mr. Easley give the Board a timetable for at least his portion of the work to be done.

Mr. Easley said it will probably take about two (2) weeks to get the surveying and the plotting and make the computations and write a legal description. He has already spoken to the County Surveyors and, if the weather holds, Mr. Jeffers told him they would go out there this week.

Commissioner Willner requested that Mr. Easley also contact the owner of the property concerning the survey, etc. Mr. Easley assured President Willner that he personally will contact the owner.

RE: OVERPASS/UNDERPASS FOR UNION TOWNSHIP RESIDENTS

The meeting proceeded with President Willner saying he has a letter to be read into the record from Seaboard System Railroad, as follows:

February 7, 1986

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Mr. Willner:

Reference is made to your request for suggested Consultants capable of assisting the County in the design of the proposed Nurrenberg Road underpass of Seaboard's tracks near Howell Yard in Vanderburgh County, IN.

There are, of course, many capable professional firms that are available for this type of design. A short list of those with which we have recently been associated follows:

Mr. John Hildebrand, Partner
Hayes, Seay, Mattern & Mattern
P. O. Box 13446
Roanoke, VA 24034

Mr. G. F. Fox, Partner
Howard, Needles, Tammen & Bergendoff
1345 Avenue of the Americas
New York, NY 10019

Mr. Ralph L. Whitehead, President
Ralph Whitehead & Associates
P. O. Box 35624
Charlotte, NC 28235

Mr. Ralph L. Hayden, President
Riley, Park, Hayden & Associates, Inc.
136 Marietta Street, NW
Atlanta, GA 30303

(continued)

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The home office address is given above, but in most cases each has offices in other locations.

Please advise if we can be of further assistance.

Sincerely yours,

R. E. Frame
Chief Engineering Officer

Commissioner Willner said that, in other words, Seaboard has four (4) engineering agencies that they would trust enough to build a structure -- either over or under their mainline railroad tracks from Evansville south. While we do not yet know the exact location of the proposed structure, the purpose of same is to enable emergency vehicles to go to/from Union Township without being delayed at railroad crossings.

Riley, Park, Hayden & Associates, Inc., were in this morning. HNTB will be here at noon tomorrow and Hayes, Seay, etc., from Roanoke, VA will be here at 8:30 in the morning. In response to query concerning the firm from Charlotte, NC, Mr. Lindenschmidt said he has not received word from them to date. Proceeding, Commissioner Willner said that Riley, Park & Hayden (Louisville office) were given a grand tour this morning by Andy Easley. They were asked for:

- 1) Location Study -- where overpass/underpass would be desirable; they were asked to submit three locations, designating their preference.
- 2) Structure Preference/Conceptual Design
- 3) Cost Estimate for Structure Preference/Conceptual Design

Mr. Willner asked Mr. Easley if the firms were all given the aforementioned in writing -- so "we're all going to be singing on the same page"? Mr. Easley verified that this is correct; he will mail a copy to Riley, Park & Hayden (who were here this morning) confirming his request. Information is to be submitted to the Board of Commissioners on or before March 15, 1986.

Commissioner Cox asked if the Commissioners have a copy of the written proposal?

Mr. Easley said he is in the process of preparing same now. He will see that each of the Commissioners receive a copy as soon as it is available. Again, in response to query from Commissioner Cox, Mr. Easley said that the representative from Riley, Park & Hayden has a general understanding of what we want done -- and he will be forwarding the written information to him via mail confirming same.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports/County Highway Garage & Bridge Crew: Mr. Bethel submitted copies of Weekly Absentee Reports for the County Garage and Bridge Crew for period February 10 thru February 14, 1986.....reports received and filed.

Weekly Work Report/County Garage: Submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: St. Joe Avenue, Young Rd., and Baseline Rd.

Snow Removal: Monday, Tuesday, Wednesday, Thursday and Friday (7 snow plows, 3 hand crews and 3 graders)

Tree Crew: #6 School Rd. - Darmstadt

Weekly Work Report/Bridge Crew: The Weekly Work Report for the Bridge Crew reflected the following:

Guard Rail: Millersburg Rd. Bridge, Build Barricades, Repaired barricades on Kansas three (3) times, rip-rap Bixler, Buente, St. Joe, Sensmeier and Mohr.

(continued)

Open Drain
Pipe: _____Mill Rd., Stringtown, Kentucky, Old State, Burkhardt, Broadway,
Red Bank and Nurrenbern.

Office: J. Schapker

Terry Johnson spent Monday thru Friday inspecting guard rails. Anthony Hall worked in office with Mr. Easley.

In conclusion, Mr. Bethel noted that Friday night they tried to have every main road and every subdivision cleaned before they quit. And by Monday Morning, there wasn't any snow. Commissioner Willner said he received several phone calls commenting on the good job done by the garage -- and he appreciates that.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Mr. Easley said he has nothing to bring before the Commissioners tonight. He and Mr. Bethel do have several subdivisions to inspect and they are in agreement re the condition of Highway 57, which is to be relinquished north of the airport. If it is agreeable with the Board, he can bring this up at next week's meeting.

Commissioner Willner queried Mr. Easley concerning the problem on this.

Mr. Easley said there is no problem. The State wants the county to accept this portion of Highway 57. In order to accept same, he is preparing recommendations to the State -- and this is what he will bring up next week.

Problems at St. Joe/Buchanan Rd. Intersection: Commissioner Cox asked if the portion of St. Joe Avenue which the State relinquished to the County goes to the intersection of Buchanan Rd.? Mr. Easley responded that it does. Mrs. Cox said that intersection is very, very bad. Does all of Buchanan belong to the City? Is all of it maintained by the City? Commissioner Willner said it is City. Mrs. Cox said she doesn't think it belongs to anyone -- because she doesn't think anyone is doing anything. She asked if Mr. Bethel will check this out and she will also contact John Vezzozo. There is a dip where you go off St. Joe down Buchanan Rd. and it is very bad.

Washout on Old Henderson Rd.: Commissioner Cox said she doesn't know whether Mr. Easley has been down to look at it, but there is a very bad washout on Old Henderson Rd. just below the railroad bridge. It is bad; it has uprooted a big tree now and eroded into that road bed.

Mr. Easley said he is aware of this. He was out there inspecting that about two weeks ago. Mr. Bethel has some rip-rap and he and Mr. Easley are going to make a trip out there to see how they can best use the rip-rap.

Mrs. Cox said there may not be anything left after the water goes down.

Mr. Easley said Mrs. Cox is correct. The Corps of Engineers recommended that we relocate the road with local funds. So we either must spend our money to rip-rap it for bank protection or we must relocate the road. Perhaps the Commissioners will want to personally take a look at this area and he and Mr. Bethel will again look at it and make a recommendation. It is going to be a yearly battle with bank protection -- and it is a big bank.

Commissioner Cox said that relocating the road would only be a temporary solution, because unless something is done to the bank it is going to continue to erode.

Mr. Easley suggested that perhaps the County should go back to the Corps of Engineers and request that they re-evaluate their study.

Commissioner Borries agreed, saying that if they have responsibility for maintaining the waterway and the bank is their responsibility then maybe they can do something.

Mr. Easley said we could move the road back every five years and he thinks that sooner or later that farmer that is plowing that field is going to be unhappy....

(continued)

Commissioner Borries said, "Absolutely. In the past it seems they have always been willing to move forward re erosion, bank control and stabilization -- and so he thinks this is a classic case of trying to pass the buck." He thinks we should ask for a re-evaluation on that.

Commissioner Willner said, "I do, too."

Mr. Easley said he will prepare a letter over the Commissioners' signatures, and he will include photos showing how bad it is. He will ask how often we're supposed to move the road before they stabilize the river.

Log Jam/Pigeon Creek/Green River Rd.: Commissioner Cox called attention to the problem of a log jam in Pigeon Creek. She said Mr. Bethel had told her he was going to start the bridge crew on this. There is a big jam right before you get to the bridge that does need to be cleaned. It's logs and beavers have also helped out the situation.

Mr. Easley said he hasn't seen it since the water receded.

Commissioner Willner commented, "You can move their house -- but don't bother the beavers!"

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

President Willner submitted the monthly report from the Clerk of the Circuit Court for period ending January 31, 1986.....report received and filed.

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT

The monthly report from Alexander Ambulance Service, Inc., for period ending January 31, 1986, was also submitted by Commissioner Willner.....report received and filed.

RE: BURDETTE PARK - MONTHLY FINANCIAL REPORT

President Willner presented the following Financial Report for period ending January 31, 1986, which had been submitted by Mr. Mark Tuley, Manager/Burdette Park.

1986 STARTING BUDGET

1986 Budgeted	\$ 493,811.00
1985 Encumbered by P.O.	230.63
1985 Encumbered by Contract	4,431.24
1985 Additional Appropriation	11,800.00
Total 1986 Budget	\$ 510,272.87

EXPENDITURES & BALANCE 1/1/86 to 1/31/86

Total Expenditures	\$ 48,177.22
Total Balance	\$ 462,095.65

INCOME 1/1/86 to 1/31/86

Pool	\$ -0-
Rink	3,384.85
Rentals	6,355.00
Miscellaneous	821.91
Totals	\$ 10,561.76

1/31/86

Total Expenditures	\$ 48,177.22
Total Income	10,561.76
Total Deficit Before Improvements	37,615.46
Less Long Term Capital Improvements	- 9,946.85
Total Deficit	\$ 27,668.61

(continued)

RE: ACCEPTANCE OF CHECK/HELFRICH INSURANCE AGENCY, INC.

President Willner announced that a check in the amount of \$11,497.00 has been received from Helfrich Insurance Agency, Inc. for return premiums. The breakdown is as follows:

Business Auto Endorsements #22, #23 and #24	(\$3,501.00)
Business Auto Endorsements #6 thru #18	(\$9,457.00
Excess Liability Policy XL002494	211.00
Business Auto Policy (adding 1985 Ford Dump Truck)	558.00
Excess Liability Policy XL002494 (auto added to fleet)	523.00
Excess Liability Policy XL002494 (adding 1985 Ford Dump Truck)	74.00
Business Auto Policy BA2998377 (deleting 1979 Chrysler and adding 1978 Chevrolet)	(31.00)
Business Auto Policy BA2998377 (adding 1974 Olds Cutlass)	176.00
Public Official Bond Cancellation (Widdie J. Hall/Coroner's office)	(50.00)
Total Refund Credit	(\$11,497.00)

Motion to accept check and endorse same for deposit back into the insurance account was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK/FINANCIAL REPORT

Commissioner Cox asked if the report submitted by Mr. Mark Tuley is his revision of the Burdette financial report?

Commissioner Willner said the report submitted was for the month of January, 1986. Mrs. Cox is referring to last year's report.

RE: OLD BUSINESS

The Chair entertained discussion concerning matters of old business. There were none.

RE: SCHEDULED MEETINGS

Wednesday February 19 4:00 p.m. Southwestern Division of Indiana Counties Association meeting in Warrick County

(Commissioner Willner commented that two of the Commissioners and two individuals from the County Highway will be attending. Mrs. Cox has indicated she cannot attend.

RE: CLAIMS

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$87.96 for photocopies, excess postage and long distance calls re Vanderburgh County vs. James A. DeGroote lawsuit. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASESIV-D Prosecutor

Donna Bennett 509 Old Cannon Way Secretary \$5.00/Hr. Eff: 1/23/86

(continued)

COUNTY COMMISSIONERS
February 18, 1986

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Circuit Court

Michael Mattingly	1917 E. Chandler	W/R Prob. Coun.	\$18,169/Yr.	Eff: 1/1/86
Verner Solomon	761 S. Alvord Blvd.	P/T Mtce. Supv.	\$ 7,500/Yr.	Eff: 1/1/86
William Martin	3022 Forest Ave.	CSO	\$18,169/Yr.	Eff: 1/1/86
Stephen C. Fuchs	123 Hargrave	CSO	\$18,169/Yr.	Eff: 1/1/86
Dennis Heathcott	2154 Bellemeade	CSO	\$18,169/Yr.	Eff: 1/1/86
Roy Weightman	4201 Longfield	Mtce. Supv.	\$14,700/Yr.	Eff: 1/1/86
Patricia Y. Coy	6610 E. Walnut	P/T Sec'y.	\$ 7,800/Yr.	Eff: 2/10/86
Wanda Lea Ringham	1000 Sheffield	Riding Bailiff	\$13,920/Yr.	Eff: 1/1/86
Katherine Baird	1115 E. Powell	Rec. Clerk	8,758/Yr.	Eff: 1/1/86
Connie S. Gard	751 S. Alvord	Budget Clerk	\$14,440/Yr.	Eff: 1/1/86
Gilbert C. Schiff	6401 Jefferson	CSO	\$18,979/Yr.	Eff: 1/1/86

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Election Office

Sandie Deig	1301 April Drive	Supervisor	\$ 5.70/Hr.	Eff: 2/4/85
Carol Jean Primm	805 S. Villa	Deputy	\$ 5.40/Hr.	Eff: 2/4/85
R. Warren Thompson	4 S. Boehne Camp Rd.	Supervisor	\$ 5.70/Hr.	Eff: 2/5/86

Circuit Court

Michael Mattingly	1917 E. Chandler	W/R Prob. Coun.	\$18,689/Yr.	Eff: 1/1/86
Verner Solomon	761 S. Alvord Blvd.	P/T Mtce. Supv.	\$ 8,020/Yr.	Eff: 1/1/86
William Martin	3022 Forest	CSO	\$18,689/Yr.	Eff: 1/1/86
Stephen Fuchs	123 Hargrave	CSO	\$18,689/Yr.	Eff: 1/1/86
Dennis J. Heathcott	2154 Bellemeade	CSO	\$18,689/Yr.	Eff: 1/1/86
Roy Weightman	4201 Longfield	Mtce. Supv.	\$15,220/Yr.	Eff: 1/1/86
Patricia Y. Coy	6610 E. Walnut	P/T Secretary	\$ 5,200/Yr.	Eff: 2/10/86
Wanda Lea Ringham	1000 Sheffield	Riding Bailiff	\$14,440/Yr.	Eff: 1/1/86
Katherine Baird	1115 E. Powell	Rec. Clerk	\$ 9,600/Yr.	Eff: 1/1/86
Connie S. Gard	751 S. Alvord Blvd.	Budget Clerk	\$15,227/Yr.	Eff: 1/1/86
Gilbert C. Schiff	6401 Jefferson	CSO	\$19,219/Yr.	Eff: 1/1/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:05 p.m.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey,
Chief Deputy

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

AREA PLAN COMMISSION

Barbara Cunningham

OTHER

James Morley/Morley & Associates
Phil Garrison
News Media

SECRETARY:

Joanne A. Matthews

Robert L. Willner
Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

260.

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 24, 1986

Subject	Page No.
APPOINTMENTS	
HUMAN RELATIONS/Lori Damm -----Approved -----	13
APPROVAL OF MINUTES---(February 18, 1986) -----	1
BIDS	
Opening of Bids/Compact Rollers & Dump Truck/County Highway----Taken under advisement for (2) Weeks -----	1, 3 & 4
Request to Advertise for Bids/Prisoners' Transport Van-----Approved -----	2 & 3
CERTIFICATES OF INSURANCE -----	13
CLAIMS	
William A. Reising-----\$20.00 (Refund Permit) -----Approved -----	14
COUNTY ATTORNEY/DAVID V. MILLER -----	11
COUNTY ENGINEER - ANDY EASLEY	
Union Township/Railroad Crossing-----	12
Press Release/Heckel Rd. Bridge Problem -----	12 & 13
Fox Pointe Subdivision Survey-----	13
COUNTY HIGHWAY - BILL BETHEL -----	10 - 12
COUNTY TREASURER/MONTHLY REPORT -----	13
COURT ADMINISTRATOR/BART BATES - REQUEST RE COMPUTER-----J. Lindenschmidt to check contract w/Pulse prior to Board Action -----	
DRUG & ALCOHOL DEFERRAL SERVICE	
Request to Transfer Photocopier to Washington-Hillcrest Home---Approved -----	6-7
EMPLOYMENT CHANGES/RELEASES -----	14
OHIO RIVER BANK EROSION/OLD HENDERSON ROAD-----A. Easley to contact U.S. Army Corps of Engineers for Re-evaluation -----	4-5
ORDINANCE - REGULATING PARKING/VANDERBURGH AUDITORIUM PROMENADE -----Approved -----	13
POOR RELIEF APPEAL/PIGEON TOWNSHIP	
Barbara Campbell -----Denied -----	1 & 2
ROADS & STREETS	
Request for Waiver of Sidewalks/GREENBRIAR II SUBDIVISION-----Sidewalks to be required on (1) side on Pleasantview Drive; Greendale to have sidewalks on east side; no sidewalks required on Noble Drive-----Approved -----	6
Boonville-Bew Harmony I-164 CORRIDOR CONNECTION-----Board Approved Plan B with Council approval; Commissioners to appear at March 5th Council Meeting w/Keith Lochmueller-----	7-10
VACATION REQUEST - EASTSIDE INDUSTRIAL PARK	
Request to Vacate a Portion of an Easement in Eastside Industrial Park; Public Hearing scheduled March 17, 1986 at 8:00 p.m. -----	6
WELCOME/GUESTS	
Linda Nagro/Evansville Courier -----	1
Lee Gallivan/Federal Highway Administration -----	4

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 24, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 24, 1986, in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on February 10, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: WELCOME/EVANSVILLE COURIER REPORTER - LINDA NAGRO

Commissioner Willner welcomed Linda Nagro, reporter from the Evansville Courier, who is sitting in for Chuck Clark.

RE: OPENING OF BIDS/COMPACT ROLLERS & DUMP TRUCK

It was noted by Commissioner Willner that bids have been received on two (2) compact rollers and a dump truck. Motion was entertained to authorize County Attorney Miller to open subject bids. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: POOR RELIEF APPEAL/PIGEON TOWNSHIP

Barbara Campbell/1229 #C, S.E. Second Street: The Chair recognized Barbara Campbell, who was seated in the audience, and requested that she approach the podium, state her name and address and the nature of her appeal. Ms. Campbell identified herself and gave her address as 1229 #C, S.E. Second St. She said she is asking for rent assistance because she is unemployed and has no income.

Commissioner Willner asked Ms. Campbell if she is married. She responded that she is not.

Commissioner Willner asked if Ms. Campbell has any children? She responded that she has four (4) children.

Commissioner Willner asked if Ms. Campbell is divorced and, if so, is her husband paying child support? Ms. Campbell responded that she is divorced. Three (3) of her children are of age. She does have a 12-year old daughter and her ex-husband has custody of the child.

Commissioner Willner asked Ms. Campbell where she was last employed? She responded that she was employed by the Executive Inn.

Commissioner Willner asked Ms. Campbell for what reason employment was terminated? Mrs. Campbell said she was fired.

Commissioner Willner asked the other Commissioners if they have questions to ask of Ms. Campbell?

Commissioner Cox asked Ms. Campbell if she knows why her request for rent assistance was denied by the Pigeon Township Trustee's office? Ms. Campbell said, "Yes". Mrs. Cox then asked that Ms. Campbell tell the Commissioners just what her understanding is? Ms. Campbell said the Trustee's office told her she has money in the bank and that is why her request was denied. She went on to state that she cannot use that money for personal reasons.

Commissioner Cox asked, "You have money in the bank? Is it in a personal Trust?" Mrs. Campbell said that it is not. It is in a savings account. Mrs. Cox asked, "Is it set up so that you can't get to it, or what?" Mrs. Campbell responded that when she was working she put it aside to go on a Church Convention Trip in the fall -- it's called a 2nd tithe -- it was put aside for that and she can't use it for anything else. Mrs. Cox asked, "You can't use it because you choose not to use it for anything else? There is no legal reason? I mean it isn't a Trust or it isn't set up.....?" Ms. Campbell said, "Well, if you want to put it that way." Mrs. Cox asked, "Does the bank account state 'check can be written only for convention trip' or....I'm having a problem here understanding why you can't use it."

(continued)

Commissioner Willner interrupted, "It's a personal commitment, I think...right?" Ms. Campbell said, "Yes, it's a personal commitment."

Mrs. Cox again asked, "It's because you don't choose to use it? There is no legal reason why you can't use it?" Ms. Campbell said that is correct.

President Willner requested that Ms. Campbell have a seat, while the Commissioners hear from Ms. Walters, Pigeon Township Trustee's representative.

Ms. Walters stated that Ms. Campbell came into the Trustee's office on February 5th seeking rent assistance. Her rent is \$220 per month. Ms. Campbell has a savings account of \$358.48. According to the Pigeon Township Guidelines, Ms. Campbell has to exhaust all of her resources before the Trustee's office can give her any assistance. She says she can't use the money because her minister won't give her an "o.k." to draw the money out of the account. So, as long as she has this savings account, there is no way the Trustee's office can help her.

The Chair entertained further questions from the Board. There were none. President Willner asked Ms. Walters if a specified amount is indicated in the guidelines? Ms. Walters said she does not think a specified amount is stated in the guidelines; but it does say that applicants have to exhaust all resources prior to making application for assistance.

Commissioner Cox remarked that on the appeal form Ms. Campbell has stated that she has put the money aside to go on a Church Convention Trip in the fall and it is called "2nd tithe".

Ms. Walter commented that Ms. Campbell told her she has been ex-communicated from the Church and, therefore, cannot go on the convention anyway. She can't use the money for the trip because the Church won't let her go.

Following brief conference with Commissioners Borries and Cox, Commissioner Willner advised Ms. Campbell that her application has been denied by the Commissioners. First of all, the Township Trustees have to have some guidelines in order to assure each member of that township that its residents are being treated fair and square. Under that rule approved by the Township Trustee and the Advisory Board--and this Commission -- it says that all dollars in the bank are to be exhausted. It doesn't say whether it is spoken for or whether it is to be used for a different project or what. Therefore, she must use that money to live with. Commissioner Willner said he is certain that her Church will understand. He is sure there isn't a church around that believes she should suffer so she can go on a convention next week or next month. He doesn't believe that. What he is saying is that her application has been denied. If Ms. Campbell does use that money to live with, then the Commissioners would like to hear from her again -- if she needs further help, then they are perfectly willing to help her. Charity begins at home. That is the decision of the Commissioners.

Commissioner Borries commented that the Commissioners or the Trustee can provide Ms. Campbell with a letter, stating why her application was denied. "If it is your money, Ms. Campbell, then you have every right to use it -- and we can certainly provide you with a letter here, expressing our concerns and why we cannot do what you want at this time and why the Trustee is following the guidelines. I think it is up to you to get that money back -- and you have every right to do so."

Commissioner Willner said...if there is any further correspondence in this case, he ask that Ms. Walters contact the minister and get this straightened out.

RE: REQUEST TO ADVERTISE FOR BIDS - PRISONERS TRANSPORT VAN

Sheriff Shepard said that last month Council approved the purchase of some new lease vehicles. Included in that was a new van. It is anticipated that we will hear from the State Board of Accounts either today or tomorrow concerning their approval, which is required by law. Tom Dorsey has prepared a set of specs. What he is requesting from the Commissioners today is permission to proceed to bid as soon as approval is received from the State Board of Accounts, because we're running out of time re this year's models. The request has to be in by the middle of March, or they will be changing from 1986 to 1987 models and we won't be able to get a 1986 model.

(continued)

Commissioner Willner asked if the specs are ready? Sheriff Shepard said they will be ready tomorrow.

Commissioner Willner asked Mr. Dorsey to make certain that all three (3) of the manufacturers can bid? Mr. Dorsey said that he will. Commissioner Willner entertained a motion for approval. Motion was made by Commissioner Borries that permission be granted to advertise for bids as soon as approval from the State is received, with a second from Commissioner Cox. So ordered.

RE: BIDS - COMPACTOR & DUMP TRACK

President Willner asked Attorney Miller if he is ready to present the bids received on the vibratory compactor and the dump truck.

Attorney Miller said the first bid (and only bid) for the compactor was received from Brown Equipment Co., Inc. of Ft. Wayne, Indiana, as follows:

- 1 Beuthling V300T Self-Propelled Vibratory Compactor
with transport wheel system. (Meets all of the requirements of
Vanderburgh County Specifications.)

Base Price (includes wheels/rims for transport feature	\$12,793.00
---	-------------
 - 2 7 x 15 8-ply radial tires \$ 200.00
- Delivery - 2 to 3 weeks from
receipt of order

Attorney Miller stated that bid and bond are in order.

The second document received by Purchasing Department is a form of Bid Proposal that went to the Lorenz Equipment Co. of Columbus, OH -- and they say, "No Bid; We are unable to provide service in your area."

Commissioner Willner asked Attorney Miller if there was any discount indicated for ordering two (2) of the compactors? Attorney Miller said it wasn't stated in the bid; and a second check of the bid confirmed that no discount was mentioned. The bid is for one (1) compactor only.

Commissioner Willner queried Attorney Miller again about the tires. The price is \$200.00 addition if we order the compactor with tires? Attorney Miller responded that the price of the compactor (including wheel/rims for the tires, but excluding the tires) is \$12,793.00. Thus, with tires, the cost would be \$12,993.00.

President Willner entertained a motion for the County Highway and Purchasing Department to be granted a 1-week period to determine not which is the best bid, but if this is the correct bid for the county. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

With regard to the dump truck, Mr. Dorsey said there is apparently some concern re the specifications. He would ask the Commissioners for a 2-week extension in order to notify the vendors of a change in specifications. Also, if possible, to coordinate with the City; one of the departments is considering the purchase of two (2) additional dump trucks. If this is the case, he believes we can get a better price. What he would anticipate doing is extending the bid for two (2) weeks, notifying the vendors of changes in specifications and also notifying them that we would want a clause indicating they would be willing to sell to any other City or County department on that bid and have the Commissioners open the bid with the Parks Department, determining whether or not that bid fits their particular needs. When he re-drafts the specifications, he will discuss the matter with both Mr. Bethel and the Parks Department to make certain that we're talking about the same piece of equipment.

Commissioner Cox queried Mr. Dorsey concerning what change is to be made concerning the specifications? Mr. Dorsey said there is some question about whether or not the front axle has the capacity that the highway department needs, as well as a possible change.... he believes a 7,000 pound front axle was advertised and some of the vendors

(continued)

have indicated that they feel a 9,000 pound front axle would be more appropriate. There is also some question that needs to be cleared up with regard to the cab to axle ratio and the length from cab to axle. They believe we need something a bit more than the stackdown.

Commissioner Willner commented that we need to be very careful about front axles, because we hang about two (2) tons on front of them for a snowplow. We bought some for the county garage at one time that didn't last through the first season. So the front axle is very important -- especially when you're talking about hanging snowplows on them. He doesn't mind the two week extension; but at the end of that time, we certainly want to have some bids in he would think. President Willner then entertained a motion to extend the bids for two weeks. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: WELCOME - LEE GALLIVAN/FEDERAL HIGHWAY DEPARTMENT

The meeting proceeded with President Willner extending a welcome to Lee Gallivan of the Federal Highway Department, who was seated in the audience next to Rose Zigenfus of EUTS. Commissioner Willner asked Mrs. Zigenfus if she has anything to come before the Commissioners? She replied in the negative. President Willner expressed appreciation to Mr. Gallivan for attending today's meeting and the help he has given him during the past couple of years.

RE: EROSION OF OHIO RIVER BANK/OLD HENDERSON RD.

Commissioner Willner advised Mr. Gallivan that Commissioner Borries had asked whether Mr. Gallivan has any input with the U.S. Army Corps of Engineers? If so, the Board would like to twist his arm.

Mr. Gallivan said if the Board knew how to twist their arm, he'd like to know also.

Commissioner Willner said that he, Jim Lindenschmidt and Bill Bethel just went down Old Henderson Rd. and we do have about a 3/4 mile stretch of road that we're about to lose to the Ohio River. The fact is, in two places we've lost 10" to 12" of road bed already. On one or two places, we're in the process of putting in some rip-rap; but that is not going to do our job. It is almost impossible. We're asking the Corps of Engineers to help us out. We did ask them once before and they said that moving the road would be less expensive. In any event, we've talked to Congressman McCloskey to see if he can help us with the Corps of Engineers. President Willner then asked Commissioner Cox if she would contact the two senators and ask them to at least mention our problem. Commissioner Cox said she will do all she can. President Willner said he guesses we will wait to hear from them as to what other action the Board can take. The only other avenue he sees is to move the road. He hopes we'll hear from them as soon as possible. Commissioner Willner stressed to Mr. Gallivan that it is not in the urbanized area, but is in Union Township near the Ohio River. (Commissioner Cox commented, "In the Ohio River".....

Commissioner Borries said he he concerned about a possible switch in U.S. Army Corps of Engineers policy here. Several years ago we went to all kinds of length to secure labor from all kinds of people to do work on the bank at that time. Now they're saying to move the road. We can move the road but that is not going to solve the problem of the bank erosion.

Commissioner Cox said that when she and David South met with the gentlemen from the "Corps" they looked at two areas; they looked at the one where it had a short curve and then the small bridge, because that was completely washed out at that time. Then then went on down below the railroad bridges and looked at the other problem -- the one that was going to have to have something done. He told them that funding was difficult to come by and he tried to do what he could on the first problem, which they did. Then a year and a half ago we brought this other problem up (now we're talking about two different areas) -- they did fix the one, but she can't remember how much money was expended. And they say this problem is around \$300,000 (that was at the time; it is probably more now). But she doesn't see that they have done a switch in anything; they have recommended that we move the road, but....

Commissioner Willner said he believes what Commissioner Borries is talking about is that they did repair one place. And if you repair one, then you're kind of committed to the second one.

(continued)

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Commissioner Cox said she thinks they feel they are committed, but they are on budget just like we are.

Commissioner Willner said, "Well, maybe it's a new year -- a new budget."

Commissioner Cox said, "If he'd just come up here -- I'd be glad to go down there with him again."

Commissioner Willner said he believes the "Corps" is having trouble all up and down the Ohio. Newburgh, in particular, comes to mind; he doesn't know what they're doing insofar as Newburgh is concerned.

Commissioner Cox said she thinks that if we do make a commitment to move the road somewhat, that that would be some leverage for them to make a commitment that we don't lose the new road. It is going to continue to erode and in that specific area, the river is very swift -- and it will continue to erode if the river bank problem isn't corrected.

Commissioner Willner said that in traversing that area today, it seemed like they could jump on a barge -- it was that close. And that really adds to the undertow, also.

RE: COMPUTER SYSTEM - BART BATES, COURT ADMINISTRATOR

Mr. Bates said he is here today concerning one (1) computer set-up. He believes the request was originally for two (2) for \$6,750.00. Basically, one of these will go to Misdemeanor Traffic Office and one should be in Judge Lockyear's office. The way the Judges are lined out is Stevens, Dietsch, Brune and O'Connor downstairs. All four of those have a computer terminal. Judge Bowers upstairs (which used to be Judge Shepard's office) also has a computer terminal. The one terminal that is not put in that is not functioning is the Judge's closest to Misdemeanor Traffic, which right now is Judge Lockyear. He is requesting one (1) unit in the amount of \$3,375.00. Mr. Bates said he knows nothing about computers and nothing about the software interfaces or anything else. He does know, however, that they need this computer. To be candid with the Commissioners, they do, in fact, need two. They are going to buy one out of the User's Fee account for Misdemeanor Traffic Probation -- and there is no problem with that. As for the Judges, they were to have (6) units under the Pulse contract from what he understands and now they only have five..... they've always had five (5). His predecessor had written letters in June and July 1985 requesting money and it was his understanding from Judge Dietsch and Michelle Link that, in fact, the Commissioners did have the money for one (1) computer. Therefore, at this time that would be \$3,375.00.

Commissioner Willner entertained questions of Mr. Bates. There were none. Commissioner Willner said he is not certain about the dollars, but the Board does understand that need and if they find \$3,375.00 none of the Commissioners have any problem with the request.

Commissioner Cox interjected that the problem here is that when we changed over from County Data Processing to a contract with Pulse Systems, there were certain commitments that were made that we needed this, this and this both in equipment and in software. It was her understanding that those were addressed in the bids that came in for leasing. If the Board will recall, we had more than one bid that did come in for the data processing. She and Mr. Lindenschmidt pulled the contract earlier this afternoon and looked at it and we should have fifty (50) viewers and fifteen (15) printers -- that is what the original contract speaks to. It spells out the software packages of what they do for whom; but the equipment is all lumped together. As to where the 50 and 15 are, she doesn't know. The County Auditor has some, the Sheriff has some, etc. We may not have fifty (50) -- this is what she is saying. Perhaps we only have forty-nine (49) and she thinks we do need to check this out, because she was under the impression that what he has stated is absolutely right. There was a commitment there, that is what Mr. Fortune had said.

Mr. Bates said that, as he said, they are not asking the Commissioners for anything extra that they can get out of User's Fee with a clear conscience; but his predecessors told him there was some money available, so they are making this request.

Commissioner Borries said the Board will have to review the contract and see what they can do.

(continued)

Commissioner Willner requested that Mr. Lindenschmidt check this out and work with Mr. Bates to come to a conclusion. He advised Mr. Bates that the Commissioners will work with him in any way that they can...and they will be in touch with him.

RE: REQUEST TO VACATE A PORTION OF AN EASEMENT IN EASTSIDE INDUSTRIAL PARK

The Chair recognized Mr. Michael Schopmeyer, who was present to represent Mr. M. Allan Proctor and Kristina K. Proctor who are requesting that a portion of an easement in Eastside Industrial Park be vacated. The Proctors are the owners of a building on Lot #14 in Eastside Industrial Park. They recently purchased Lot #15. They rent the building on Lot #14 to A & D Distributors (distributors of GRIPPO Potato Chips). The Proctors are also principal shareholders in that company. They have plans to expand their building due to growth. Between Lots #14 and #15 is a public utility easement. At this point in time they do not have definite plans. However, they are seeking the vacation of a portion of the easement so that when the day comes that expansion is needed they will have a clear path -- and can expand the facility. He's talked to SIGECO Indiana Bell, the Water Department, etc., and they all consent to this. These will probably be the only entities concerned. Presently, no utilities are located here. His reason for appearing before the Commissioners today is to request that a Public Hearing date be set. In response to query from President Willner, Mr. Schopmeyer said the notices to adjoining landowners, SIGECO, etc., will be mailed by the Auditor's office as soon as the hearing date has been set.

In response to query from Commissioner Willner, Attorney Miller advised that the hearing should be advertised twice, so hearing date should not be set before three week period, allowing two weeks to get the advertising completed. President Willner set the hearing date for Monday, March 17, 1986 at 8:00 p.m.

RE: REQUEST FOR WAIVER OF SIDEWALKS - GREENBRIAR II SUBDIVISION

The Chair recognized Mr. Harry Hanft, who was representing Morley & Associates concerning a request for waiver of sidewalks in Greenbriar II Subdivision. Mr. Hanft approached the Commissioners' table and shared copy of plans with the Board. In response to query from Commissioner Cox, Mr. Hanft said that Pleasantview continues on up into Briar Court.

Following further brief discussion between Mr. Hanft and members of the Board, President Willner said the recommendation, as he sees it, is for Pleasantview Drive to have sidewalks on one (1) side; Greendale is to have sidewalks on the east side; and Noble Court is not to have any. That is the recommendation. President Willner entertained a motion from the Board. Motion was made by Commissioner Borries that the recommendation be adopted, with a second from Commissioner Cox. So ordered.

RE: REQUEST TO TRANSFER PHOTOCOPY MACHINE FROM DRUG & ALCOHOL DEFERRAL SERVICE TO WASHINGTON HILLCREST CHILDREN'S HOME

The meeting continued with President Willner reading the following:

February 20, 1986

Mr. Robert L. Willner, President
County Commissioners Office
305 Civic Center Complex
Evansville, IN 47708

Dear Mr. Willner:

Having recently acquired a new photocopying machine for our office, I am requesting permission to transfer our old copying machine to the Washington Hillcrest Childrens Home for their use. The machine in question is a Cannon NP 200, Serial number B0437329.

I appreciate your consideration in this matter.

Sincerely,

William M. Campbell
Director

(continued)

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Motion to approve request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Cox asked Mr. Campbell if the machine is any good? Mr. Campbell responded that if it were a horse he didn't whether or not they would shoot it, but it certainly has some life left in it.

Mr. Campbell noted that one additional aspect is that about 40 days remain on the service agreement on this specific machine. He appreciates that the machine was, indeed, the property of the County all along, so the service agreement should be with the county regardless of where the machine is located. Once they move the machine out to Washington-Hillcrest, will they be able to use the remainder of the service contract?

Attorney Miller responded that the contract follows the machine; the county still owns it.

Mr. Campbell said that once the machine is moved to the new location, he is sure it will need some adjustment.

RE: BOONVILLE-NEW HARMONY I-164 CORRIDOR CONNECTION

President Willner said that before the Board hears departmental reports, Mr. Keith Lochmueller is here to speak to the Boonville-New Harmony I-164 corridor connection. He guesses he has some words of wisdom for the board; if he doesn't have the answers, then the Board knows where to get them.

Mr. Lochmueller expressed his pleasure in being present for today's meeting. He said that Mr. Tom Bernardin will also be speaking on this. They looked at three (3) different corridors and what he would like to do at this time is share some maps with the Board. He does want to mention at this time one that he thinks Messrs. Willner and Borries have made some contact on (as has he) and he is sure the Board is well aware that the I-164 project at the point of Boonville-New Harmony....that interchange has been let. From the information gathered from Indianapolis, it would be almost impossible to move the interchange. In fact, he was told that the interchange that was open, which could shut down the whole project. When he heard that he thought he'd relay the news back to the Board. So he really thinks that particular option has to be dropped and from that point, he'd like to show the Board the two (2) that have been under discussion.

Mr. Lochmueller pointed to Boonville-New Harmony Road and Green River Rd. intersection. The map shows new I-164 route and the realignment of Boonville-New Harmony Rd. being done in conjunction with the interchange. He pointed to end of construction for the interchange where road is reconstructed up to designated point where it meshes into existing road. A possible alternative to reconstruction of existing road would be starting on Young Road and going on existing road and widening that to 24 ft. with 10 ft. shoulder, then when you hit the Green River Rd. intersection you would have a left turn.

Commissioner Willner asked if it would be possible to hit Boonville-New Harmony east of the track in area where there are no homes?

Mr. Lochmueller said it is conceivable. Commissioner Willner said this would be his second choice.

Mr. Lochmueller said it is possible we could have a reduced design speed.....

Commissioner Willner requested that Mr. Lochmueller give the Commissioners a timetable.

Mr. Lochmueller said he would give the Commissioners a timetable and cost estimate. If we went the route which would be the easiest and the cheapest -- widening to a designated point at first -- what we're talking about is a 3-R project. The time table would probably be six (6) months. Now, if we move into the new route, we're talking about an environmental assessment and with the environmental assessment we're probably talking about six (6) months and a functional classification map takes something like 2-4 weeks...it's just paperwork. So we're talking (and Mr. Gallivan concurred) that construction could be let in the fall of 1987 or as late as the summer of 1988.

(continued)

It's not that the design is going to take that much more time, it will take some. But we've changed -- we're no longer a 3-R project, we now all of a sudden are a new project and we have to have a corridor; thus, we have to have a corridor hearing. So that is the difference insofar as time is concerned. This interchange is the first interchange from up at Elberfeld and the next interchange is all the way down to 62. But even at that point we're talking about 3-4 miles and this Boonville-New Harmony transverses clear across the county. Without any question, if we select this alternative, we're going to have to tie it down.

With regard to the cost, he gave the following:

Reconstruction Project	\$431,000 for the construction
Construction Engineering	64,000
Right-of-Way Cost	<u>31,000</u>
Total	\$526,800

The realignment or new route would cost as follows:

Construction Cost	\$575,000
Bridge Construction	275,000
Construction Engineering	114,000
Right-of-Way	<u>31,000</u>
Total	\$995,000

Commissioner Willner queried Mr. Lochmueller concerning the 3-R money. Is that 75% - 25%? Mr. Lochmueller said the bridge would be 75% - 25%. The whole project would be 75% - 25%, whether it was 3-R or whether it was just federal aid -- it's all coming out of the same pot and a certain percentage has to be 3-R. So, the construction costs in either project would be 25%. The engineering costs on this project would be 100% local funds. But the construction costs and the \$995,000 on the new route would be 75% federal and 25% local. On the \$526,000 project -- you say that is almost \$400,000 difference. But they don't think there is that much difference when you break this on down.

President Willner then asked Mr. Lochmueller how many miles 3-R is limited to per year? Mr. Lochmueller said he wasn't aware there was a limit. We could take Boonville-New Harmony all the way through to the Hornet's Nest?

Mr. Lochmueller said he doesn't know what it boils down to per program, but what is available for federal funds to the county -- and we have other projects -- we'd have to look at that. We have about \$1.7 million out of federal aid secondary funds and about \$3 million out of minimum allocation; we have other projects in there; particularly Lynch Road which is going to cost right at \$13 million. So that is where the monies would come. But right now, depending on this first come-first serve pot (and correct him if he is wrong) the amount that is available is about \$1.7 million per county. If 10 counties came in and got that money then the money would be all gone. But in the past it's been \$500,000 and not many counties have been going in and using the federal aid secondary. So, to answer Commissioner Willner's question, he doesn't know what the cost all the way across would be....or how we fit into the program. He knows the money is available, but he doesn't know how it fits our other projects. He believes the Federal Highway would like to see more money go to 3-R programs, because they actually have a mandate; 40% of all federal funds--whether it be federated secondary or primary funds or urban funds -- to go to reconstructing existing roads and that is what 3-R is all about.

Continuing, President Willner noted that what Mr. Lochmueller is saying is that the Board needs to make a decision today, so if we use the 3-R we have six (6) months....

Mr. Lochmueller said he doesn't know the time limit; he doesn't know what time limit we're under. He does know we can get the reconstruction project done in six months from date of Notice to Proceed...this would be Plan A. Plan B would involve an environmental assessment, etc., and as stated before, that construction contract could be let in fall of 1987 or as late as the summer of 1988.

President Willner asked Rose Zigenfus of EUTS if she has any volume counts that that particular road is supposed to carry over to Green River Rd.?

(continued)

Mr. Lochmueller interjected that he'd checked the old plan and he doesn't think there is too much difference. The count was about 5400 and there might be more now.

Commissioner Borries asked that if we match up with the existing interchange at Boonville-New Harmony Rd., would a portion of the construction include an intersection improvement?

Mr. Lochmueller said that it would. They figured to reconstruct approximately 300 ft. of road on the west side, three lanes and an extra turn lane.....

Commissioner Borries said he knows it would be good to extend the new portion past Green River Rd., but he's not we could do that -- that's the only thing.

Commissioner Cox said that Boonville-New Harmony has been one of our headaches to maintain over the years-- she doesn't know why. If we build a new road, we're also going to have that to maintain. We'll have two sets of roads to maintain instead of the one. She agrees with Commissioner Borries that it makes more sense to improve and upgrade and fix that area of Boonville-New Harmony then tie it on down into the lower area.

In summary, three plans were discussed, as follows:

Plan A - Widening existing Boonville-New Harmony Rd.

Plan B - Constructing a new road that would go across the open farm ground, using reverse curves to take the road to tie into Boonville-New Harmony just east of the 84 Lumber Company.

Alternate

Plan - Discussion was also held pointing out if we widen the existing Boonville-New Harmony Rd. we could at a later date put a new road from Green River Rd. over to Highway 57, tying into Boonville-New Harmony Rd. at 84 Lumber Company. Mr. Easley stressed that this had poor geometric design and would involve crossing a railroad and we'd have some very tight radius curves and might become involved in the acquisition of commercial real estate which could be expensive. He said he would not be in favor of this alternative.

Mr. Lochmueller acknowledged that this would not be the most desirable connection.

Following further comments, Commissioner Willner said Board needs to talk to County Council about Local Option Income Tax dollars and make them aware of what the County Commissioners are trying to do.

Commissioner Willner said that as far as he is concerned, his choice would be Plan B and he will try to get the money for subject plan.

Commissioner Cox said we will have more miles to maintain and we can't maintain what we have now. It concerns her greatly. Proceeding, she said she certainly wants to compliment Mr. Lochmueller on this breakdown. This is one of the most specific on cost estimates and fee proposals that she has seen.

In response to query from Commissioner Willner, Mr. Easley said he has been thinking about this matter since the consultants discussed it and he knows it is going to be a little more expensive, but Plan B is actually easier to design and easier to construct over the raw ground than to widen the existing road. Many of the problems we've had with driveways, yard elevations, etc., on Burkhardt Rd. are because we are trying to live with an existing situation and it will be a slow speed if we follow the existing alignment. There are apt to be more accidents with people backing out of driveways. In the interest of traffic safety and moving traffic faster, he would like to see if we couldn't put Plan B on a fast track and meet the timetable that the Federal Highway and I.D.O.H. would like for us to meet and just bite the bullets. If they're willing to help us fund it, try to make a fast track commitment and get it done. He supposes there is no way to speed up the environmental.

Mr. Lee Gallivan said if we go with Plan B, we should move the intersection a little further south of the bridge. There is an existing bridge over Schlensker Ditch.

Commissioner Cox commented that we're looking at \$1 million.

Commissioner Willner said that if dollars are a concern; he thinks we need to talk to Council about local option income tax dollars -- if we're planning to do it all R & S, we need to say right now forget it. But we need to say forget it for the 3-R too. So he thinks we have to appraise the council of what we're trying to do and get a commitment from local option income tax monies. He thinks that's the only way.... But he does think the Commissioners should talk to Council.

Commissioner Cox said Council has already committed local option income tax monies for next year and we borrowed \$600,000 out of R&S to do road repaving the last two years. That hasn't been paid. And our tip plan previous showed just to do the projects on line and we were going to fall way short. So she doesn't see how we are going to come up with \$1 million unless we have a bingo or something....

Commissioner Willner said he has to look ten (10) years down the road -- if he did Plan A, somebody would say, "I wonder who those dumb asses were!" So, as far as he is concerned, it is going to be Plan B and he will try to get the funds.

Mrs. Cox, in addressing Mr. Easley, said that he spoke to the problems with driveways, etc., on Burkhardt Rd. Morgan Avenue doesn't seem to be having too much trouble. They have moved right along with theirs. The only thing, she is sure the people out on Boonville-New Harmony Rd. would appreciate not having all the traffic in front of them. That's the only plus she can see. It just means that we're going to have more miles of road to maintain. And, we have to get Green River Rd. and North Green River done -- and we're talking about building new before we can even take care of what we already have -- and this concerns her greatly.

Commissioner Willner said, "Absolutely."

Following further brief discussion and comments between Mr. Lochmueller and the Board, the Chair entertained a motion.

Motion was made by Commissioner Borries that Plan B be accepted, with Council approval. A second to the motion was provided by Commissioner Cox. So ordered.

President Willner requested the services of Mr. Lochmueller again on March 5th at 2:30 p.m., at which time a County Council meeting is scheduled. He wants to talk to Council to see if they will agree at some point in the future to using local option income tax monies for road projects. Mrs. Cox interjected that they have guaranteed \$1 million for R&S funds for this year. She believes they would be amenable. Mr. Willner said this is a new project and Council has never heard of it. Mr. Lochmueller assured President Willner that he can be on hand for the March 5th meeting.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports/County Garage and Bridge Crew: Mr. Bethel submitted copies of the Weekly Absentee Reports for the County Garage Employees and Bridge Crew for period February 17 thru February 21, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Green River Rd., Old State Rd., Installed culvert in driveway, Nisbet Station Rd., Tupman, Young and Peck.

Grader: Golden Rule, Old Henderson, Waterworks, and all roads in bottoms, River Rd., Old Green River Rd., Folz, Kissel, Wright, Seib, Kneer, Staub, Meadow Lane, Burkhardt, Huebner, Ruston Lane, Moffet Lane, Hillsdale Rd., Young (North), Wallenmeyer, Buente, Seven Hills East.

(continued)

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February 24, 1986

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Patch: Burkhardt Rd., Green River, Boonville-New Harmony, Old State, St. George, Oak Hill, Cunningham, Selzer, Felstead, Rosser Dr., Red Bank, Peerless, Hogue, Upper Mt. Vernon, Bergdolt, Oak Hill, Old Princeton Rd., Mohr, Evergreen and Seminary.

Tree Crew: Darmstadt, Golden Rule, Hillsdale.
Washed Trucks (Snow Plows)

Work Report/Bridge Crew: Also for the same period, Mr. Bethel submitted copies of the Work Report for the Bridge Crew.....report received and filed.

Guard Rail: Installed guard rail on Millersburg Rd. Bridge. (Finished)

Scrape & Paint: Bridge on Green River Rd. (Not finished)

Rip Rap: Booker Rd., Speaker Rd., Mohr Rd., Upper Mt. Vernon Rd., Oak Hill Rd., 7 Hills Rd., and Ruston Lane.

Painted Barricades

Work Report/Bridge Crew Inspector: Submitted for the same period was the work report for Mr. Terry Johnson, Inspector, as follows:

Checked on Millersburg Rd. Crew working on guard rail.

Checked County Line Rd. and Kansas Rd. Barricades o.k.

Checked guard rail to be buried.

Checked for log jam in Pigeon Creek between Hirsch Rd., off Green River Rd. to Heckel Rd. then to Millersburg.

Millersburg has log jam (Bad).

Inspected guard rail installed by Bridge Crew on Millersburg Rd.

RE: COUNTY ATTORNEY - DAVID V. MILLER

The Chair called on Attorney Miller, who advised he has nothing to report at this time.

RE: COUNTY HIGHWAY - BILL BETHEL

With regard to bridge on Green River Rd., Commissioner Willner asked Messrs. Easley and Bethel if they have an idea as to when this project will be finished. Mr. Bethel said they will be finished this week. They scraped the bridge with a wire brush -- they went all over it and did a good job. Commissioner Willner asked what Mr. Bethel is using to paint? He responded that they're using aluminum paint -- they had this in stock. Mr. Willner asked if Mr. Bethel thinks we should go back over that with something else? Mr. Bethel said he doesn't think it is necessary. The aluminum paint is a good grade paint. There was a lot of scale on it peeling off and they got all of that, took the wire brushes and went over it.

Commissioner Willner said this brings to mind another one -- St. Joe Avenue. Have they figured out something on that culvert -- the one north of Boonville-New Harmony Rd.? Mr. Easley said that he and Mr. Bethel discussed using concrete to remove some of the slope and paving it as soon as the weather permits them to pour concrete. Mr. Willner said that when they finish Green River, he'd like to see them take care of this one so we'll have those two out of the way. Mr. Bethel said they certainly have to get the one on Boonville-New Harmony Rd. west of 65. Mr. Easley stated that the outside stringers need to be strengthened. Functionally, the bridge is obsolete and needs to be replaced; he thinks possibly it is programmed to be replaced and the money may be available in the next 24 months. But he thinks we should keep it in service until we get some bridge money. Commissioner Willner queried Mr. Easley concerning the load limit on this bridge? Mr. Easley said heavy trucks go across it; Mr. Willner said tractor-trailers go across that one. Mr. Bethel interjected that today he started putting 9 ton load limits on some of these roads, because heavy equipment is coming in/out of Posey County and hitting our roads. Commissioner Cox said that Posey County posted their frost load limits about three (3) weeks ago.

(continued)

Commissioner Willner said the frost is all out now. Mr. Bethel said there are still a lot of heavy trucks hitting our roads and our only protection is to put up the signs...which he did.

Commissioner Willner requested that Mr. Easley check the weight limit on the bridge on St. Joe Avenue north of Boonville-New Harmony.

The Chair entertained further questions from Mr. Bethel. There were none.

RE: COUNTY ENGINEER - ANDY EASLEY

Union Township/Railroad Crossing: Mr. Easley said he believes the Commissioners received their copies of letter to the Consultants on the railroad crossings for Old Henderson Rd., and he is submitting herewith a copy for the Auditor's files.

Commissioner Willner advised that the Board received a letter from the fourth consultant today advising that he was not interested; thus, the four (4) consultants have now become three (3).

Commissioner Cox said she has a question. She was under the impression that we were going to leave the site selection up to the engineering firms. However, in the proposal guidelines she notes Mr. Easley has given three (3) locations in order to make a recommendation for the best location based on the following considerations. Would there be alternatives other than these three? The way she understands it, they are to consider only these three.

Mr. Easley said his intention was not to restrict it to three (3). Two of the consultants came to town and he spent a couple of hours with each and the consultants and he agreed that we only had approximately three (3) good choices.

Mrs. Cox asked if Mr. Easley looked at the Barker Avenue extension over to hook up? That is another possibility. Mr. Easley responded in the negative. He said he thinks this crosses a lot of railroad. Mrs. Cox said, "So does 'B' and 'C' -- if we're going to look at alternate "B and "C streets, there aren't very many more railroad tracks to consider on Barker Avenue. Mr. Easley said they talked about crossing several railroad tracks and the consultants' opinion was that it would be quite a bit more expensive than getting down near Nurrenbern where the turn is.

Mrs. Cox asked, "You mean that at "B and "C Streets we would underpass and hook up with the Dixie Flyer. Is that their thinking?

Mr. Easley said that "C" Street has a lot of underground utilities and it would be expensive and disrupt a lot of real estate. But his intention was not to be restrictive. They scanned Barker, but their comment was that they thought they probably would look at it, but they think the three primary ones were the three that he outlined.

Commissioner Willner stressed that the consultants are supposed to recommend their No. 1 choice and also give us two (2) options; thus, there would be three (3) sites listed.

Press Release: Mr. Easley noted he has one other thing. There was an article in the Evansville Press on Saturday, February 22nd that upset him a little bit, based on the debate between Messrs. Willner and Brenner before the Press Club. His name was brought into it associated with the bridge that is falling down. He has written a Press Release to tell what he thinks is the full story behind the remarks made by the two parties who were debating. He would like to distribute copies to members of the media who are here today and they can read it. He is also giving copies to the Commissioners for their perusal. There were several things not brought out. The handout is a summary of his relationship with that bridge since last August and it also tells what is going on to possibly replace the bridge. He is keeping an eye on the bridge and he was not aware that they had not strengthened it as they said they were going to do. He and Mr. Bethel had a conversation this morning and they are going to get the Bridge Crew to the bridge on Wednesday morning probably.

Mrs. Cox asked if this is all that will be necessary on Heckel Rd.? She's had telephone calls from people who were very concerned about blocking that road off. We already have some others blocked off because of other bridges. She said she would ask about it.

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COUNTY COMMISSIONERS
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Mr. Easley said they have no intention of closing this bridge until Millersburg Rd. is completed.

Fox Point Subdivision Surveying: Commissioner Willner said there is one other thing -- we need to get the Fox Pointe surveying done. Mr. Easley said this is being taken care of.

Commissioner Borries said he has a question on that. It's on the Area Plan agenda for March. He doesn't know whether it is going to be withdrawn.

Commissioner Cox said the Drainage Board hasn't approved the drainage plan.

Commissioner Borries said that perhaps Mr. Easley will want to check with Area Plan to determine why that subdivision is still on the March agenda -- he doesn't see how it could be approved. It can't be heard without a drainage plan.

Mr. Easley said Mr. Jeffers told him they couldn't start their surveying until they get their E.D.M. equipment back and it is going to be another week now he thinks. So we can't possibly get an answer between now and the first Wednesday in March if we depend on the surveyor's office. They could do it without their E.D.M.

President Willner asked if Mr. Easley has contacted the owners to tell them we're going to do the survey? Mr. Easley said he talked with Don Blume and he said he had no objections to our entering on the property -- he still is not in favor of our putting that road there, but.... He could insist that the surveyor's office do the survey without the E.D.M.; we don't need that accuracy at this point since we're not doing a Manhattan Isle survey.

Commissioner Cox said it is just about that; we'd better have it accurate.

Mr. Easley said he wants it accurate; but they can get the degree of accuracy necessary without the E.D.M.

The Chair entertained further questions of Mr. Easley. There were none.

RE: ORDINANCE REGULATING PARKING/VANDEBURGH AUDITORIUM ENTRANCE

President Willner stated that he has the Amended Ordinance Regulating Parking at Vanderburgh Auditorium Entrance -- the definition of "Handicapped" has been revised. It comes under the City of Evansville to enforce. There being no further discussion, a motion was entertained. Motion was made by Commissioner Borries that the Ordinance be approved, with a second from Commissioner Cox. So ordered.

RE: APPOINT TO HUMAN RELATIONS COMMISSION/LORI DAMM

President Willner said that Jacqueline LaGrone of Human Relations has recommended that Lori Damm (student) of 3228 Koring Road be appointed to the Human Relations Commission. Term of office will be two (2) years, expiring December 31, 1987. A motion was entertained. Motion was made by Commissioner Borries that Lori Damm be appointed to Human Relations Commission for two (2) year term, with a second from Commissioner Cox. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

President Willner presented copies of the Monthly Report from the County Treasurer for month ending January 31, 1986.....report received and filed.

RE: CERTIFICATES OF INSURANCE

Titan Sports, Inc.: World Wrestling Federation Closed Circuit TV Broadcast of Wrestling Match on April 7, 1986.....received and filed.

Jeff Reynolds/Griffin, IN: Spectator Liability Only on Maynard Ferguson Concert on March 5, 1986.....received and filed.

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February 24, 1986

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RE: CLAIMS

William A. Reising: Claim in the amount of \$20.00 (refund Permit #1914V). Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Prosecutor's Office

Charles P. Andrus

Dep. Pros.

\$27,540/Yr.

Eff: 3/13/86

There being no further business to come before the Board at this time, President Willner announced that there will be no Drainage Board Meeting today. It is to be held on March 3, 1986, immediately subsequent to the Commissioners Meeting. President Willner declared the meeting adjourned at 4:30 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride
Sam Humphrey

COUNTY ATTORNEY

David V. Miller

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

PURCHASING

Tom Dorsey

SHERIFF

Clarence Shepard


OTHER

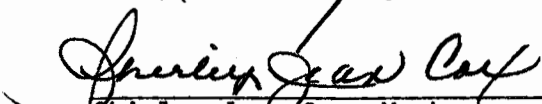
Lee Gallivan/FHWA
Keith Lochmueller
Tom Bernardin
William Campbell/Drug & Alcohol Deferral
Fred Hatton/Washington-Hillcrest
Harry Hanft/Morley & Associates
Bart Bates/Court Administrator
Barbara Campbell/Poor Relief Applicant
Nancy Walters/Pigeon Trustee's Office
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 3, 1986

Subject	Page No.
APPROVAL OF MINUTES -----	1
BIDS - COMPACTOR/DUMP TRUCKS	
County Attorney authorized to open bid from Columbus Equipment Co., Cincinnati, OH, which was previously lost in the mail-----	1
Awarding of Bids on Compactor/Dump Trucks-----DEFERRED-----	5
BURDETTE PARK - MARK TULEY	
Specs for Swimming Pool Filter System----Approved, with insertion of bid due date, material delivery date and completion date. Bid Opening 3/17	
Mr. Tuley authorized to seek Invitational Bids-----	2-3
Awarding of Grant/Promotional Brochure (\$2,462.50) -----	3
Operational Supervision Safety Course--M. Tuley to talk w/Jerry Schenk and John Hodge and get back to the Commissioners in a couple of weeks-----	3-5
CLAIMS	
Curt John-----\$1,155.00-----Approved -----	11
David L. Jones-----\$1,228.40-----Approved -----	11
Deig Bros.----- (see COUNTY ENGINEER above) -----Approved -----	6
Deig Bros.----- (see COUNTY ENGINEER above) -----Approved -----	6-7
Morley & Associates (see COUNTY ENGINEER above) -----Approved -----	6
COUNTY ATTORNEY - DAVID L. JONES-----No Report -----	5
COUNTY ENGINEER - ANDY EASLEY	
Claim/Deig Bros. (\$7,243.00)-----Final Billing/County Line Rd.----App'd.---	6
Claim/Deig Bros. (\$39,302.19)-----Partial/Millersburg Rd. Bridge---App'd.---	6-7
Claim/Morley & Associates----Constr. Engineering/Burkhardt Rd.-----App'd.---	7
Meeting re Burkhardt Rd./No Date Scheduled as yet -----	7
Installation of Concrete Bases/Marathon Signs---Being accomplished today----	7
Lynch Rd. Completion---Awaiting word-----	7
COUNTY HIGHWAY - BILL BETHEL	
Weekly Absentee Reports/County Garage & Bridge Crew -----	5
Weekly Work Reports/County Garage & Bridge Crew -----	5
Posting of 9-Ton Weight Limits/County Roads -----	5-6
Log Jam/Pigeon Creek-----Messrs. Bethel & Easley studying problem/to resolve	6
EMPLOYMENT CHANGES -----	11
ROADS & STREETS	
I-164 Corridor/Boonville-New Harmony Rd.----Commissioner Cox withdraws second to motion of last week approving Plan "B"; she has re-evaluated the situation and favors Plan "A; Commissioners to make presentation to Council w/Lochmuller & Associates on 3/5/86 re options -----	8-11
SCHEDULED MEETINGS -----	11
UNIVERSITY OF SOUTHERN INDIANA/7TH ANNUAL CITIZENS-USI RUN ---Approved -----	7
WELFARE (DEPT. OF PUBLIC) - JOHN SCHROEDER	
Request for needed repairs at Hillcrest-Washington Children's Home; J. Lindenschmidt & A. Easley to check out and report back to the Board prior to seeking funding -----	1-2
Y.M.C.A./BIATHLON/APRIL 19, 1986 -----Approved -----	8

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 3, 1986

The Vanderburgh County Board of Commissioners met in session on Monday, March 3, 1986, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order by Chief Deputy Sheriff Lee West at 2:30 p.m., at which time he declared the Board of Commissioners in session pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of meeting held on Tuesday, February 18, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: IMPROVEMENTS NEEDED AT HILLCREST-WASHINGTON CHILDRENS' HOME - JOHN M. SCHROEDER

Mr. John Schroeder, Assistant Director/Department of Public Welfare, said that he is here today in response to a question posed to Fred Haton last week concerning the list of improvements necessary at Hillcrest-Washington Childrens' Home. He believes that Commissioner Borries asked Mr. Dale Work, Director, for same. He also believes that Mr. Work presented this list to County Council and the Commissioners at the December 9, 1985 meeting -- and all he has is a copy, which he will be glad to circulate among the Commissioners. However, the list reads, as follows:

December 9, 1985

CAPITAL IMPROVEMENTS REQUEST 1986

FOR

COUNTY COUNCIL/COUNTY COMMISSIONERS MEETING

DECEMBER 9, 1985
5:00 p.m.

All capital improvements requested for this department are for Hillcrest-Washington Childrens' Home only. They are as follows:

- | | |
|----------------------------|--|
| Washington Home | - Roof |
| Superintendent's Residence | - Roof |
| Hillcrest Home | - Complete heating system renovation (including zoning of the system so that the entire system does not have to be shut down for repair of a break in the four sections; i.e., shut down one section only at a time. |
| Drive-way Repair | - Concrete driveway running from Barker Avenue past Washington Home and on up the hill to Hillcrest Home. |
| Seal Front Drive | - Off Indiana Street and the Hillcrest parking area. |
| Walkway (New) | - From Hillcrest parking area at top of hill joining the north sidewalk at Washington Home at the bottom of the hill. |

Thank you for your consideration of these requests.

Sincerely,

R. D. Work
Director

Mr. Schroeder said that the new walkway requested is needed...they would prefer a step walkway, which would make it easier to get up and down in bad weather. The only walkway they currently have is the driveway which they are wanting to repair and in the winter when there is ice and snow, because the driveway is built at a slant, it is more like a ski ramp.

(continued)

COUNTY COMMISSIONERS
March 3, 1986

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Commissioner Willner asked Mr. Schroeder if he is requesting to go on Council Call? Does he have a cost estimate?

Mr. Schroeder said he does not have a cost estimate and he has no intention of making one. He entertained questions from the Board.

Commissioner Cox said she recalls the list being passed out at the joint meeting between Council and the Commissioners, when use of the local option income tax monies was being discussed.

Commissioner Willner expressed appreciation to Mr. Schroeder for calling this to the attention of the Commissioners again, and said the Board will work with Council to see what can be done.

Commissioner Cox said she thinks that prior to Council taking any action regarding the request that they want some dollar and cents figures. In addressing Mr. Jim Lindenschmidt, Commissioner Cox said that one of his titles is "Superintendent of County Buildings" -- so she guesses he'd better get a cost estimate. Mr. Lindenschmidt said he didn't believe he received a copy of the list previously, because he was in Florida when the meeting was held. Commissioner Willner said the last time he had a roofer check out Hillcrest, he said it didn't need a new roof. However, perhaps it should be checked again. He asked that Messrs. Lindenschmidt and Easley check this out to see what is needed.

RE: BIDS FOR COMPACTOR/COUNTY GARAGE

President Willner said he believes the dump truck bid matter has been postponed. With regard to bids for compactor, Mr. Dorsey indicated that one was lost in the mail and not received prior to bid opening. If it is agreeable with the County Attorney (David Jones) he would entertain a motion at this time that the lost bid be opened at this time -- since only one (1) bid was received. Motion to authorize the County Attorney to open the lost bid was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: SPECIFICATIONS FOR BURDETTE PARK SWIMMING POOL FILTER SYSTEM

The Chair recognized Mark Tuley, Manager/Burdette Park. Mr. Tuley advised that he got with Andy Easley, County Engineer, and they completed the specifications for the swimming pool filter system and they are ready to go on those. He would ask today that the Board deviate from their normal bidding procedure and take this matter as an invitational bid. It goes without saying, as he stressed to Council during the last several months, that time is of the essence here. It is his understanding since talking with Sam Elder in the Health Department that since the County is just replacing an existing filter system that the plans do not have to be approved by the State Board of Health. He understands that there are only some two or three manufacturers of pool filtering systems in the nation. He would still arrange to have the bid specs sent out, seeking invitational bids to be opened by the Board. They would be mailing each known manufacturer a copy of the specs and obtain bids to be opened by the Commissioners.

Commissioner Willner entertained a motion to approve the specs and authorize Mr. Tuley to seek invitational bids to be opened by the Commissioners.

Commissioner Cox requested that the specs be passed to her for review. Commissioner Willner gladly complied. Mrs. Cox asked if there is a time frame in the specs for completion of work? Mr. Tuley said, "No". If she will look at the cover page, she will note that they are asking the manufacturer not for installation, but for materials and supervisory personnel. Most of these people are out of state and, obviously, for them to try to bring their electricians, plumbers, etc., who are not licensed in the State of Indiana would only add to the cost. Thus, they would be using local contractors for the installation of the system. Commissioner Cox asked if a date for completion has been included? Mr. Tuley said it has not to his knowledge, but it can be added. Mrs. Cox is probably correct and a completion date should be included. If the manufacturer is furnishing the materials, he will need to have same on the job site at a specified date. Mrs. Cox asked if Andy Easley has seen the specs in their entirety? Mr. Easley said that a man gave some guideline specs to him and Mr. Tuley and then they revised them a bit so they wouldn't be too proprietary.

Mrs. Cox asked if an estimated time is included from when the materials are received to installation date?

(continued)

Mr. Tuley said that, again, it depends upon where we're getting the materials from. If a company out of Indianapolis is awarded the bid they, obviously, are much closer -- and they tell him they could probably have the materials here within two (2) weeks from date they are awarded the bid.

Mrs. Cox asked if we know how long after the materials arrive here that it will take for installation? Mr. Tuley plans to do this with his in-house people under the direction or supervision of a company representative or licensed...

Mr. Tuley said that is correct. The company who is awarded the bid will send down a company supervisor. They will specify our hiring "x" number of plumbers, etc. They will run the whole job. Basically, what we're doing is keeping them from bringing in a work crew; we're going to do it with local people. A concrete footer has to be put in and they are going to set the tanks and the plumbing and replace existing pumps and motors.

Mr. Easley queried Mr. Tuley concerning the projected opening date for the pool?

Mr. Tuley said Memorial Day weekend. But if the weather breaks, they might try to open in mid-May. He would say they need the filters here, if possible, by no later than April 10th. He doesn't want to take a chance going with a later date. It will take a nominal two (2) weeks for installation and then they will have an opportunity to have some lead-in time going into this thing.

Mrs. Cox asked if the manufacturer will provide a list -- or will we ask for a list of the number of workers -- such as plumbers, electricians, etc. -- that will be needed?

Mr. Tuley said he doesn't believe this will be a problem. There are a number of local pool suppliers who will be glad to work with the County. These filters are not like the huge old-time systems. These filters are very similar to the system at Hartke Pool; these are just two (2) small 8-ft. cylinders (upright).

Mrs. Cox queried Mr. Tuley concerning the cost -- approximately \$25,000?

Mr. Tuley said he believes the total will be less than that; probably somewhere around \$23,000 for the entire project when all is said and done. It will probably be around \$15,000 for materials and supervision; the total tear-out and installation/reinstalling new equipment, etc. would probably cost the difference between the \$15,000 and the \$23,000. He would think that he's within \$1,000 either way of the \$23,000 figure.

Mrs. Cox noted the work involved (as outlined) in completing this project and said this is her concern; because we want to be ready to open--we need to have it in and have the pool ready to open on time.

Mr. Tuley said he understands that. That is why he is asking today that rather than going through the normal procedure of bidding, advertising two (2) weeks in a row and a 10 day delay prior to bid opening -- if they go through that procedure the earliest they could probably open bids would be March 24th. And then it would probably be at least the end of April before a company could come in here and deliver products. So he would think the best route for the Board to take would be to seek invitational bids. According to the people from the State Board of Accounts, if the project is under \$25,000, there will be no problems with seeking invitational bids. This thing has drug on anyway. Council approved it back in January and it wasn't advertised or something and they had to go back and do it in February -- so, obviously, we don't need anymore delays at this point.

Commissioner Borries said that he wants to make certain that we have everything in place for the season, thus he moves that with the addition of the bid opening date of March 17th and material delivery date that the bid specs be approved and Mr. Tuley be authorized to seek invitational bids, with a second from Commissioner Cox. So ordered.

Awarding of Grant: In matters of other business, Mr. Tuley announced that Burdette Park has been awarded a small grant through the Evansville Convention & Visitors Bureau Tourism Promotion Fund. They are in the process of putting together a new brochure and the Bureau has agreed to pick up 50% of that cost (\$2,462.50) -- so that will help Burdette Park's advertising budget.

Operational Supervision Safety Course: Mr. Tuley said he knows that insurance is a problem for everyone. Burdette is a member of the World Waterpark Association and the county's liability insurance is tough enough -- but it even gets into a tougher category when you start talking about waterslide, waterparks, swimming holes, etc. They understand that the World Waterpark Association is sponsoring an "Operational Supervision Safety Course" on April 4, 5 and 6 -- and it is the only one to be offered by them this year. John Hodge, the County's Insurance Agent-of-Record, thinks that someone from our facility should attend (Mr. Borries is reading a letter from him now -- and he believes all of the Commissioners have seen it). The event will be held at the Wet & Wild Facility in Orlando, Florida -- one of the largest facilities of its type in the country. Mr. Tuley said, "I know it's a tough job, but somebody has to do it." According to Mr. Hodge -- if we can get our pool manager to go, fine; on the other hand, the Board may want to consider sending someone. According to Mr. Hodge it may or may not be a stipulation with the insurance companies, "Have you been to the safety programs, etc., etc." -- and this is supposed to be one of the finest programs offered. In any event, he wanted to bring it to the Board's attention.

President Willner queried the Commissioners concerning their pleasure regarding this matter.

Commissioner Borries said he sees some importance here.

Commissioner Cox stated that she was not aware that the waterslide was not covered under our present County liability policy. The reason given was that the insurance on the waterslide does expire in July and they were looking at the total package as an expiration of January with an extension to February 1st. She would think that we went by the rules when we opened this waterslide and there may be a possibility that our existing carrier now with our self-insurance program might assume this -- and she thinks that before we make a decision down the road that we need to see if we can't get coverage from our present carrier and make work with Mr. Schenk, our loss control officer, to see if he has any

Mr. Tuley said he thinks that is a good point. The insurance does expire in July. To his knowledge, he assumes it is still separate from the policy we now have. Their insurance company right now is Allied Specialty Insurance (St. Petersburg, FL). They are telling us that the Balboa Insurance Company is the underwriter and at this point Balboa is telling him that they are not sure they are going to renew any insurance in the State of Indiana for calendar 1986. Unless we're insured through the county's other policy, we might have a hard time securing coverage. He is certain that everyone else in this business is having the same problem -- it's everyone's problem in the Waterpark Association.

Commissioner Willner asked that Mr. Tuley talk with Mr. Schenk to see what he has to say and to John Hodge, and bring this back in a couple of weeks. He asked that if the Commissioners permit him to attend the course, does he have enough money in his budget? Would he be flying or driving? Mr. Tuley said he would be driving.

Commissioner Cox asked if there are any other area of our liability insurance which is outside our blanket liability policy other than the pool and waterslide? She really thought everything was included.

Commissioner Willner said he can't answer the question.

Mr. Lindenschmidt mentioned law enforcementbut it was in the price package.

Mrs. Cox said she thought it was a blanket liability -- or rather a comprehensive liability for everything in the county -- and she just missed the pool and the waterslide. Does this mean we are going to be short in the insurance account again?

Commissioner Willner said they have no idea what the premium will be in July.

Mrs. Cox said that Mr. Tuley was talking in terms of perhaps \$12,000 to \$15,000 per year as premium on pool and waterslide? Is that not correct?

Mr. Tuley said that it is around \$15,000 this year (July 1985 - July 1986). The market changed so much from the time the job started until the job was finished (and the initial quote was \$6,000) -- but cost was \$15,000 when project was completed. You will not get a carrier to take the waterslide exclusive of the pool; both of them have to be together.

(continued)

Commissioner Cox said she would think that it makes sense to keep them together.

President Willner requested that Mr. Tuley keep the Board up to date.

RE: BIDS FOR COMPACTOR

Attorney Jones said the lost bid received only indicated that the bidder did not wish to submit a bid. In response to query from President Willner, Mr. Dorsey advised the firm was

Commissioner Willner asked if a conclusion has been reached on the rollers?

Mr. Bethel said that since we're waiting on bids on the dump trucks, he'd like to wait another week prior to making decision on the rollers. He has been talking to another individual and there is a possibility he can get a couple of used compactors in first-class shape. It was the consensus of the Board that this matter will be deferred for one (1) more week.

RE: COUNTY ATTORNEY - DAVID JONES

The Chair recognized Attorney Jones, who advised he had nothing to bring before the Commissioners today.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports/County Garage & Bridge Crew: Mr. Bethel submitted copies of the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for period February 24 thru February 28, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Peck, Young, Nisbet Station, Pruitt, Burkhardt, Huebner and Green River Rd.

Grader: Burkhardt Rd., Emge, Trapp, Top Lane, Green River, County Line East, Armstrong, Maasberg, Weiss, Buente, Trapp Rd., Hornby, Baehl, Sweet Gum, and Arla Jane

Haul Rock: Burkhardt, Old Henderson, St. Joe Ave., St. George, County Line East, Maasberg, Armsrrong, Emge, Buente, Motz Lane, Hornby, Calf Lane, Trapp, Weiss, Seven Hills, Ruston Lane, Schmidt and Baehl

Patch: Newburgh, Outer Lincoln, Pollack, Darmstadt, Petersburg, Oak Hill Rd., Ridge Top, Whetstone, Burkhardt, Peacock, Old State, Mesker Park, Laubscher, Arla Jane, Sweet Gum, Browning, St. Wendel, Bob Court, Pinehurst, Caranza

Tree Crew: Darmstadt

Work Report/Bridge Crew: Also submitted for the same period was the Work Report for the Bridge Crew.....report received and filed.

J. Schapker

- 1) Scraped and painted bridge on Green River Rd.
- 2) Patched (Pollack, Hoosier, Oak Hill and Delaware
- 3) Replaced culvert on Huebner Rd.

Terry Johnson

- 1) Checked Millersburg Rd. bridge
- 2) Checked guard rail to be buried
- 3) Checked pipes
- 4) Checker Boonville-New Harmony Rd. bridge
- 5) Checked bridge hit on Broadway
- 6) Measured creek and side sitches for Dan Hartman
- 7) Checked pipe stopped up on Volkman Rd. and also worked in the office

Anthony Hall

Worked in the office for Andy Easley

(continued)

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Mr. Bethel said that in the last week they placed load limit signs (9 ton load limit) on several roads. (Some of the trucks are weighing 10 tons - that's unloaded.) Mr. Bethel said if we can keep these off the roads as much as we can, we can surely save the roads. Several telephone calls have been received, however.

Commissioner Cox said it is her understanding that anyone who exceeds this load limit does have the right to come before the Commissioners to seek a special permit.

Mr. Bethel said they would have to come to the Commissioners to obtain the permit. The ordinance allows us to post the lower weight limit for a specified period only -- after that the signs have to be taken down. But if we can keep them in there for a couple of weeks, he believes it will certainly help us. A lot of those oil rigs were really bringing those trucks out of there and you could almost see the road cave in with them -- so they are slowing down somewhat.

President Willner entertained questions of Mr. Bethel.

Commissioner Cox asked if the crew is going to be able to clean out the log jam/beaver dam?

Mr. Bethel said that he and Mr. Easley are working together on this to try to find a way to clean that out.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Deig Bros.: Mr. Easley presented a claim to Deig Bros. in the amount of \$7,243.09 as a final billing on the bridge they built on County Line Rd. north of Ruston Lane over Bluegrass Creek. Mr. Easley recommended that the claim be paid. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Mr. Easley commented that they had a final inspection on this project and everything was properly constructed.)

Claim/Deig Bros.: A claim in the amount of \$39,302.19 for progress payment on Millersburgh Rd. Bridge over Bluegrass Creek was presented. Mr. Easley said they have checked the quantities, etc., and contractor has done all of the work indicated. In fact, the bridge was used last week. Traylor Bros. wanted to bring in some H piling and had no way to get to the bridge they're building (I-164 bridge over Bluegrass Creek) and they said they could get over it with no danger to themselves -- and they couldn't hurt the bridge -- so they did use it. Mr. Willner queried Mr. Easley concerning the weight? Mr. Easley said it was just a legal truck load. It is the recommendation of the County Engineer that this claim be paid. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Willner asked Mr. Easley if he has an idea on completion date? Mr. Easley said they have asphalt to put down yet so they can't finish paving it, but it is possible that it could be open in another month. Commissioner Willner asked if Mr. Easley is satisfied with the grade now? Mr. Easley said he is not. He wants to do what he has discussed -- he's not ready to present a change order. Mr. Willner said he'll have to do that before it is finished, won't he? Mr. Easley said that he will and he will try to do this next week.

Commissioner Cox asked if we're finished with the fill? Mr. Easley said they are still placing fill on the approaches -- the concrete fill that they're bringing from the airport. Mrs. Cox said Mr. Easley would have no target date on when the bridge will be open? The letter said that in several weeks they felt the fill would be in and it would be opened even before paving weather set in. Mr. Easley said he believes it will probably be another 3-4 weeks before he'd want to put the general public on it. Mrs. Cox queried Mr. Easley concerning the problem? She said she had another call from a gentleman who lives out there. We need to re-put up the sign at County Line and Millersburgh Rd. that says "Bridge Out"--"No Thru Traffic", or whatever, because it is gone. There is one by this gentleman's driveway; people come on around and they are using his driveway and tearing up his yard -- so we need to get the sign replaced back at County Line and Millersburgh Rd. Mr. Easley said he wasn't aware that the sign was missing and they will take care of this.

Continuing, Mrs. Cox asked why the bridge can't be opened? We let Traylor Bros. go across it.

Mr. Easley said Traylor Bros. had no other way to get the heavy piling to the other project.

(continued)

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Mrs. Cox asked if Deig Bros. are going to be out there working?

Mr. Easley said they are working daily -- placing the fill.

Mrs. Cox said the fill doesn't have anything to do with the road surface, does it?

Mr. Easley said the alignment of the bridge was shifted to the north and really up until -- they finally got enough fill in there to even get across the thing -- and they completed the guard rail on it about a week ago. We've had some inclement weather. There is some earth fill that needs to be placed on the sides of the rock --

Mrs. Cox asked, "Then we're talking 3-4 more weeks before the road will be opened?"

Mr. Easley said that is correct.

President Willner requested that Mr. Easley tell Deig Bros. that we'd appreciate the earliest possible target date. Mr. Easley responded that he has been pushing Deig.

Claim/Morley & Associates, Inc.: A claim in the amount of \$880.28 to Morley & Associates for construction engineering on Burkhardt Rd. for period of January, 1986 was presented. Mr. Easley noted that this primarily consisted of paperwork and conferences. It is recommended that this claim be approved. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Meeting re Burkhardt Rd.: President Willner queried Mr. Easley concerning meeting between all parties involved in Burkhardt Rd. Project. Mr. Easley said he talked to Lee McClellan within just the past hour and he said that Mr. Lee Gallivan did not get back to him on setting a time for the requested meeting. Mr. Gallivan was here all last week. Apparently the State has cut down his trips to the Evansville area. Rather than making trips every two weeks, he will be making one trip every three weeks. This is apparently loading up his schedule and he has not yet set a time for the meeting on the Burkhardt Rd. project.

Marathon Signs: In conclusion, Mr. Easley reported that the concrete sign bases for the Marathon signs (Lynch Rd./Oak Hill Rd. area) are being put in place today.

Lynch Rd.: Commissioner Willner asked if Lee Gallivan indicated when we could expect completion on Lynch Rd.? Mr. Easley said he did not; but he will advise Mr. Gallivan concerning the sign bases -- so he thinks we've just about done everything. He has not yet heard from the railroad concerning their time schedule; he thinks that will go shortly. They had indicated the first part of March to him.

RE: 7TH ANNUAL CITIZENS-USI RUN

President Willner read the following letter from Bill Stegemoller of USI:

February 24, 1986

Board of County Commissioners
of Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

I am writing to request your approval to use county roads again this year for the 7th Annual Citizens-USI Runs. The 5k will be run entirely on campus. The proposed course for the 15k is enclosed.

The Sheriff's Auxiliary and REACT will work to provide for runner safety and proper traffic flow. Enclosed is a map of the proposed course. If you have any questions, please contact me. Thank you for your consideration of this request.

Sincerely,

Bill Stegemoller
Cross Country Coach

(continued)

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Mr. Willner said county roads involved include Broadway, Schutte, Bayou Creek and Mt. Vernon. A motion was entertained. Motion to grant request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REQUEST TO HOLD BIATHLON/APRIL 19, 1986 - Y.M.C.A.

The following request letter from the Y.M.C.A. was read by Commissioner Willner:

February 20, 1986

Mr. Robert Willner, President
Vanderburgh County Board of Commissioners
3rd Floor - Administration Bldg.
Civic Center Complex
Evansville, IN 47708

Dear Mr. Willner:

The YMCA of Southwestern Indiana, Inc., Gilles Schwinn Cyclery and the Greater Evansville Runners Club would like to request permission to hold a biathlon in Vanderburgh County. The race would begin at the 4-H Center with a 30-mile bike course followed by a 10 km. (6.2 miles) road run. I have enclosed a map of the proposed course.

The race is tentatively scheduled for April 19, 1986, start time 10:00 a.m. It should take approximately 3 hours for the majority of participants to finish. We expect less than 100 entrants.

To ensure the safety of our entrants, we will post people to serve as road guards at strategic points along the route. May we also have permission to momentarily (for about 2 minutes) hold traffic as the majority of participants cross T roads and intersections? We will also plan to have a water station along the route. These points are marked on the enclosed route.

If you would let me know if our plans meet your approval, we will proceed. Please feel free to call me if you have any questions or concerns.

Thank you for your consideration.

Sincerely,

Mary Engelland
Coordinator of Health Promotion

Mr. Willner said the county roads involved include Old Princeton Rd., Darmstadt Rd., Boonville-New Harmony, and Cynthiana (most of the roads are in Darmstadt) -- he thinks they have alluded to the fact that they will not impede traffic. A motion was entertained. Commissioner Cox asked if this request also has to be referred to Darmstadt? Mr. Willner said he is only talking about the county roads. They're going to utilize Darmstadt roads, also -- so it is up to them to secure permission from Darmstadt concerning those. Motion was made by Commissioner Cox that the request be granted, with a second from Commissioner Borries. So ordered.

RE: OLD BUSINESS

President Willner entertained any matters of old business to come before the Board today.

Commissioner Cox said she has one matter. It concerns the I-164 corridor decision made last week on the proposed Boonville-New Harmony Rd. She went out there and took a look at the overall situation and she does not feel comfortable with "Plan B", even though she did second the motion. She has had a chance to re-evaluate it and she thinks that money could be better spent in some other manner. As the Commissioners have to go before the County Council on Wednesday, March 5th, in order to justify this cost -- she thinks we need a tip program of projected costs for the roads we're going to need for upcoming years. She hasn't seen one yet. Do we have one?

Mrs. Rose Zigenfus, Director/EUTS, was seated in the audience. She approached the podium and said it is being put together momentarily..and it should be completed by Wednesday

(continued)

morning prior to the meeting. She knows that probably will not help the Commissioners this afternoon. They do have estimated costs on the Old Boonville-New Harmony project; if we resurface it.....

Mrs. Cox said she is well aware of that. But what bothers her is that our last tip program was a projected cost of the projects that we had in there -- and it showed us (that even with the implementation of the wheel tax) coming up short in monies that we're going to need. We have borrowed from some of those monies for resurfacing; so she was wondering that when you look at the overall situation -- and even back at that time Green River Rd. was not a part of that plan -- and we have included that and she feels it is a very necessary inclusion. But the thing of it is that we're going to improve Green River Rd. in that area and then

Mr. Willner said we just did that four years ago...

Mrs. Cox interrupted, "We didn't widen it and take out those-....

Mr. Willner said, "Yes, all the way from Highway 57 to Hecke! Rd.....it's all been done.

Mrs. Cox, "That is before we were talking about this other.....so we have a fairly decent road in that area, then we're going to meet it with the improved Green River Rd., which will give us a fairly decent corridor. And it seems to make sense that, rather than connect Boonville-New Harmony from Green River Rd. that goes west on to Boonville-New Harmony that comes to the east and hits Green River Rd., the rest of Boonville-New Harmony off Green River is certainly not an ideal road to be a major collector and she doesn't think we should think in terms of making one out of it. It is narrow; it is winding; it's hilly; we've got a lot of development along there and to improve that area to match up with this new road we're talking about -- we're going to be talking a lot of dollars and cents on right-of-way to do any improvements in that area at all. And it just seems more feasible -- and she knows people don't like to dog-tail -- but we would more prudently spend the money on the improvement of Boonville-New Harmony from the I-164 to Green River and then just wait and go from there. It really bothers her and there were some articles in the paper -- and she knows it's R&R funds and matching funds -- but when you have to explain to people about unnecessary use of money just because it is available, she doesn't think that is a good argument, because she gets hit all the time even though we, as County Commissioners had nothing to do with it -- about the expense of the trolley -- and just because the money is there -- and it is hard to justify. The area is low that we were looking at; it does flood -- and you go in with a new road up in the area and it is going to have to be raised -- and she did talk to the engineer on the project and he said in building the new road they included that it would have to be raised three (3) or four (4) feet, which means we're going to have to make farm entrances in and out of the area -- even that high might be out of the flood plain -- she isn't sure -- but it is in a flood plain. Having the road go through in that manner is going to divide the farmland and she has some real big reservations about it. She wanted to be on record -- making that clear -- she just doesn't think it is the right way to go.

President Willner thanked Mrs. Cox for her comments. He said he doesn't have any reservations, but there has been a new twist to it. The local Catholic Diocese did call and he met with them this morning. As the Commissioners know, they have sold St. John's Catholic Church to the strip mines and they are building a new church on Boonville-New Harmony Rd. (a quarter mile east of that intersection). This afternoon they are meeting with Mr. Lochmuller to place onto that map the exact location of the new facility. Therefore, he would say that we'll wait until all new information is gathered and come back at that time. The Commissioners will, however, go ahead with the presentation to Councy Council on Wednesday and get their feelings concerning the matter.

Commissioner Borries asked Mrs. Cox if she is then saying she prefers to go ahead and have the two (2) Ts on Green River Rd.?

Mrs. Cox said she would prefer Plan A, simply improving Boonville-New Harmony from I-164 to Green River Rd. She thinks the Board missed the boat and was remiss -- and if they could have looked ahead four years ago when I-164 spur -- the ideal thing would probably have been to shoot it on across and had an intersection down closer to where Boonville-New Harmony would shoot straight across.....but we didn't do it.

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Commissioner Borries said he will accept responsibility for a lot, but he is not going to accept it for the State of Indiana. He is always appalled at the lack of communication with the State Highway. It is like their ballgame when they suddenly stick a STOP signhe will never forget the light where two or three people ran through it at I-64 and U.S. 41. EUTS had a meeting that day. There was a fatality out there and there was not even a simple communication letter from the State of Indiana that we were installing a new traffic signal on your property. He doesn't believe the Commissioners can know everything about everything -- so he guesses he will accept part of the blame, but not for lack of communication on the part of the State of Indiana. He would not even agree at this point that the people of Elberfeld have been adequately served and he thinks they have certainly expressed their opinions about that situation. And he doesn't think the State Highway has at all been sensitive to their needs. Be that as it may, the road is going through; it will help our County -- and he appreciates Mrs. Cox's concerns regarding the cost of the project. He has no hard, fast feeling about wanting to argue with her about the other -- but he doesn't see how it could be good planning to put two (2) T intersections on Green River Rd. He has problems with that.....

Mrs. Cox interrupted, "It would seem if we would hook up -- and we're talking about a wide enough road that would move traffic 50 miles per hour and then hooking it in to the Boonville-New Harmony West off of Green River, which is not really a major collector road. This is her concern. If we do what we said last week in the Commissioners' meeting, she thinks we're going to have a continuity of an east-west meandering-type corridor road -- and we cannot afford to update and improve that area of Boonville-New Harmony Rd. There are already lines laid along there -- they would have to be relocated -- and that was her concern. She doesn't want to jeopardize Lynch Road and some of these other projects for something like this..when we really don't know at this time how much traffic is going to come off there. That was her big concern. She is not going to argue about changing that intersection, because if we try to come down it we might lose our Lynch Rd.--you know how they are about that--but she just said that if we had looked ahead (and she wasn't blaming the state or anyone else, it is her fault as much as anyone else's) and if we could have seen that coming through in a line to hook up -- but at this stage we can't do anything about it. She wouldn't even want to try to say change an intersection; we might lose the whole I-164 spur.

Commissioner Borries said, "The point is -- and I don't accept it -- and I'm not saying it is your fault either; I'm just saying that sometimes we live in an age of almost decentralization; we hear this all the time; but we don't get the communication. It trickles down from somewhere in the state....

Mrs. Cox said she understands that....

Commissioner Borries again reiterated that the Commissioners were just not a part of that planning process, unless he missed out on something in EUTS. But he can't even remember that they were ever consulted as a planning board there about the Boonville-New Harmony intersection. He can't remember it. If it was ever brought up -- it went by him, too, then, because he simply doesn't recall ever being a part of that planning process. He stressed he shares Commissioner Cox's concerns there, because he doesn't want to waste money. But he does have problems with a planning process that creates two (2) T intersections on Green River Road. We really don't have any plans of extending the previously improved Green River Rd. that far. Once I-164 goes in, he would suspect that some traffic off Green River Rd. will eventually go down. He asked Mrs. Zigenfus if she agrees with that? So, improvements may not be needed in that area since we assume some traffic will use I-164.

Commissioner Willner pointed out that it must be remembered that the only egress/ingress to I-164 from Elberfeld to Vanderburgh County/Evansville will be the Boonville-New Harmony Rd. And the traffic might well go down on Green River Rd., but it certainly is going to raise on Boonville-New Harmony -- that's the problem. Continuing, Mr. Willner said the Commissioners will go to Council with this. He shares the funding problems mentioned. If Council says they will let us have local option income tax monies, then he will be for it. If not, then he will take another look at it. It is still open and the Commissioners will have another look at it.

Mrs. Cox asked Commissioner Willner if he has a proposal booklet or anything? She called the engineers. They said they had left copies of proposals in the office but she didn't get....

Commissioner Willner said they had some dollar proposals. What he brought was all he

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had. He was supposed to have had some dollar proposals sometime today.

Commissioner Willner advised Commissioner Cox that copies of information should be available by sometime Wednesday.

RE: SCHEDULED MEETINGS

Wednesday	March 5	2:30 p.m.	County Council Meeting
Monday	March 3	-	Co-Operative Extension Service Meeting (to be held at 4-H Center) Mrs. Cox to attend

RE: CLAIMS

Curt John: Claim in the amount of \$1,155.00 for legal services re Hollingsworth vs. Vanderburgh County. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

David L. Jones: Claim in the amount of \$1,288.40 to Bowers, Harrison & Kent for litigation services of David L. Jones. Commissioner Willner said he has reviewed the claim involving various matters and finds it in order for payment. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Burdette Park

Charles Newton* R.R.#2 Old Henderson Rd. Union \$7.68/Hr. Eff: 2/17/86
*Only a few months to retirement; but he decided he would not wait (his prerogative)

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Burdette Park

Brenda King	245 Bayer Drive	Rink Guard	\$4.00/Hr.	Eff: 2/15/86
Nancy Buckman	1637 E. Illinois	P/T Office	\$4.00/Hr.	Eff: 2/14/86

Circuit Court

Dallas Sprinkles		W/R Officer	\$15,000/Yr.	Eff: 2/27/86
Vernon Solomon	761 S. Alvord	P/T W/R Officer	\$ 4.00/Hr.	Eff: 2/27/86
John Voight	1117 2nd Ave.	W/R Officer	\$15,000/Yr.	Eff: 2/27/86
Terry Brown	1909 Pueblo Pass	P/T W/R Officer	\$ 5.00/Hr.	Eff: 2/27/86
Jody Schaefer	980 Varsity Drive	P/T W/R Officer	\$ 5.00/Hr.	Eff: 2/27/86
Paul Wollenmann	701 S. Rotherwood	P/T W/R Officer	\$ 5.00/Hr.	Eff: 2/27/86

Center Assessor's Office

Jennifer Sue Yeley	6202 Locust	Office Deputy \$35.00/Day	Eff: 2/28/86
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There being no further business to come before the Board, President Willner declared the meeting adjourned at 3:30 p.m., with an announcement that the Drainage Board Meeting will commence immediately. President Willner said he another governmental meeting at 4:00 p.m., so he must leave.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner	Alice McBride	David L. Jones
	Richard J. Borries	Sam Humphrey, Chief	
	Shirley Jean Cox	Deputy	
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>BURDETTE PARK</u>
	Bill Bethel	Andy Easley	Mark Tuley

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DEPT. OF PUBLIC WELFARE


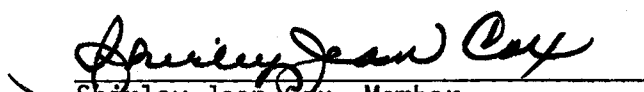
John Schroeder

PURCHASING

Tom Dorsey

SECRETARY:

Joanne A. Matthews


Robert L. Willner, PresidentRichard J. Borries, Vice President
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 10, 1986

Subject	Page No.
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Between IDOH & Vanderburgh County re Acceptance of 1.18 Miles of Old S.R. 57 Across from the Airport -----Approved -----	16-18
APPROVAL OF MINUTES ----- (March 3, 1986) -----Approved -----	12
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Authorization to Open Bids on Dump Trucks for County Highway -----	12 & 13
Authorization to Advertise for Bids on Dump Truck for Burdette Park -----	13
Opening of Bids on Dump Trucks for County Highway---Bids to be taken under advisement for (1) Week -----	13 & 20
Bid on (2) Vibratory Compactors awarded to Brown Equipment (\$25,986.00)-----	1
BUILDING COMMISSION - ROGER LEHMAN	
Premises at 1101 N. Red Bank Rd.----- House torn down and condition acceptable	1 & 2
Request to Move House/Elmer Buchta-----Approved -----	1 - 11
Dumping on Little Schaeffer Rd.-----Attorney Miller to research the problem and get back to the Commissioners w/recommendation -----	1
CERTIFICATE OF APPROVAL - AIRPORT AUTHORITY BONDS -----Approved -----	11 - 12
COUNTY CORONER/TRAVEL REQUEST - CHARLES ALTHAUS-----Approved -----	14
COUNTY HIGHWAY ENGINEER - ANDY EASLEY	
Sign Bases for Marathon/Oak Hill & Lynch Rds.---Project almost complete -----	14 - 16
Ohio River Bank Erosion/Old Henderson Rd.---Ltr. has been sent to Corps of Engineers; A. Easley to call and ask for answer in (1) week; In the interim, road will be made "Single Lane" and drums placed for safety measures -----	14
COUNTY HIGHWAY - BILL BETHEL	
Weekly Absentee Reports & Work Reports for County Highway Garage and Bridge Crew -----	20
COUNTY ROAD STUDY -----	12
ECONOMIC DEVELOPMENT REVENUE BONDS/MID-AMERICA STUDENT HOUSING, INC.---App'd. -----	20 & 21
EMPLOYMENT CHANGES -----	19
PIGEON CREEK - LOG JAM -----No further progress made to date -----	18 & 19
PURDUE ROAD SCHOOL -----R. Willner will try to attend -----	16 - 18
ROADS & STREETS	
Acceptance of 1.18 miles of Old S.R. 57 from the State-----Approved -----	18
Signalization @ Mill Rd. & St. Joe--(A. Easley to provide figures this week)---	19
Aspen Drive/Drainage Problems---Mr. Small-----Determined this is private property and R. Willner has so personally advised Mrs. Small -----	20
County Road Study -----	1 - 11
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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 10, 1986

The Vanderburgh County Board of Commissioners met in session on Monday, March 10, 1986, at 2:30 p.m. in the Commissioners' Hearing Room, with President Willner presiding.

The Chair called the meeting to order and subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on Monday, March 3, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

President Willner announced that Commissioner Rick Borries is not present at today's session because he is in Washington, D.C. with a group of students.

RE: CERTIFICATE OF APPROVAL - AIRPORT AUTHORITY BOND ISSUE

It was noted by President Willner that the Commissioners need to approve a Certificate of Approval with regard to the Airport Authority Bond Issue. It is the same certificate approved by the Commissioners on December 9, 1985. However, the Bond Counsel from Indianapolis has requested that it again be approved as of December 31, 1985, because it needs approval after a Public Hearing, rather than prior to the hearing. Thus, it is just a technicality, but it does need to be signed again. Continuing, President Willner stated for informational purposes that the Airport Bonds were sold and the four local banks did pick them up as of December 31, 1985 and the site preparation for the new terminal complex is presently underway. They also say they have received approximately \$102,000.00 from the food and beverage tax, which is about what they expected. At this time, the project appears to be proceeding on schedule. Airport Management has advised that they would be willing to appear before the Commissioners at anytime the Commissioners would like them to do so to give the Board an update on the project. A motion was entertained by the Chair to approve the bond issue. Commissioner Cox requested that she be permitted to peruse the document and Commissioner Willner gladly honored the request, noting that this document is exactly the same as that previously approved by the Commissioners, as noted in Commissioners' Minutes of December 9, 1985.

Motion was made by Commissioner Cox that the Certificate of Approval regarding the \$12,000,000.00 aggregate principal amount of Airport Revenue Bonds be signed, with a second from Commissioner Willner. So ordered.

RE: BUILDING COMMISSION/DUMPING PROBLEM/LITTLE SCHAEFFER RD. - ROGER LEHMAN

The Chair recognized Mr. Roger Lehman of the Building Commission Office, who was present for purposes of discussing a dumping problem on Little Schaeffer Rd.

Demolition of House at 1101 N. Red Bank Rd.: Mr. Lehman said that prior to discussing Little Schaeffer Rd. dumping problem, there are a couple of other matters which he'd like to bring to the Commissioners' attention. There was a letter out concerning a condemned house at 1101 N. Red Bank Rd. That house has been torn down and the lot cleaned up and the premises are acceptable at this time.

Request re House Move: Mr. Lehman said he has a request from Elmer Buchta, Inc., concerning house move, as follows:

February 20, 1986

Building Commission
310 Civic Center
Evansville, IN 47708

Dear Sirs:

Elmer Buchta Moving Engineers requests a permit to move a house located at 2009 Chickasaw in Evansville to 799, Highway 261 in Boonville. We will travel south on Chickasaw to Pollack Avenue, east on Pollack to Fuquay Rd; north on Fuquay Rd. to Newburgh, IN; east on Newburg Rd. to Warrick County Line, and Epworth Rd.; north on Epworth Rd., W-1056 to Telephone Rd., S-200 east on. Telephone Rd. to Fuquay Rd.; W-725, north on Fuquay Rd. to Gardener Rd.; S, 50. East on Gardener Rd. to SR. 261, north on SR. 261 to Richard Baker's farm 799, Hwy. 261.

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He is the owner.

We would like to move in March.

Sincerely,

Jim Kabrick

Commissioner Cox remarked, "This is probably due to the I-164 spur, isn't it?" Mr. Lehman acknowledged that this is correct. He advised that there is no problem with the route proposed.

Motion to approve request was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Dumping Problems/Little Schaeffer Rd.: The Chair recognized Carol Brown (who was seated in the audience and indicated that she wished to speak) and asked that she approach the microphone and state her name and address. Ms. Brown complied and said she resides at 6523 Little Schaeffer Rd. Ms. Brown presented photos to the Board which she had taken only this morning and had developed at 60-Minute Photo Service. The photos showed that items other than tree trimmings and rocks are being dumped, such as lumber, etc. Ms. Brown said that last Thursday she was stopped on Little Schaeffer Rd. because Mr. Modlin had the road blocked; his truck was crosswise and he was dumping light fixtures, springs, roofing, etc. The photos taken this morning show his truck already loaded and ready to dump -- with items other than tree trimmings.

Continuing, Ms. Modlin said she has a petition signed by some 54 individuals -- all immediate neighbors in the area whose property either adjoins Mr. Modlin's property or who have been stopped on the road, as he blocked the road to dump.

Continuing, Mr. Lehman directed the group's attention to the following letter, which had been sent to Mr. Modlin in February 25, 1986:

February 25, 1986

Cecil Modlin
6200 Little Schaeffer Rd.
Evansville, IN 47712

Re: Dumping

It has come to our attention that you are dumping illegal material, i.e., wood, roofing, etc., on your property along Little Schaeffer Rd. As this is in violation of Vanderburgh County Ordinances, you are hereby ordered to remove the material within 14 days or a citation will be issued.

You may appeal this order by applying within 10 days, in writing, to the Board of County Commissioners, c/o Building Commission, Room 310 Civic Center, Evansville, IN 47708.

A presentation will be made by this Department to the Board of Commissioners on Monday, March 10, 1986, at 2:30 p.m. You may attend if you desire.

Sincerely,

Roger L. Lehman
Building Inspector

RRL/rt

Mr. Lehman said he thinks that probably Mr. Modlin felt relieved of the responsibility to appear at today's meeting, since he returned the letter with the following notation:

(continued)

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"Sirs:

We are only dumping as fill on our property the following: Bricks, rock, concrete, wood, tree-trimming, and will cover with dirt and our County Sheriff and Road Commissioner have been here and looked at it and said there is no violation here.

Yours respectfully,

Cecil Modlin"

He said that Mr. Modlin probably feels that by returning the letter with the above response that he does not need to appear. Mr. Lehman said that he might the suggestion, if he could, on procedure. He would like for the Commissioners to query the Sheriff and Road Commissioner to determine if they -- or their people -- had any knowledge of the situation out on Little Schaeffer and either approved or disapproved -- and he can send certified notice to Mr. Modlin to appear at the next Commissioners' meeting.

Commissioner Willner asked if Mr. Modlin has done anything about the situation since Mr. Lehman sent the letter of February 25th?

Mr. Lehman said that, if anything, he has probably added more -- he hasn't cleaned it up.

Ms. Brown again reiterated that he was dumping again last Thursday morning, as she got stopped on the road. His usual method is to back into the area; in fact, his truck was stuck for three days at one time because he backed too far into the area. The location is on a hill and a curve, and you don't see his truck until you are absolutely on it. She was within 2-3 car lengths when she stopped -- to keep from hitting him.

Commissioner Willner said he was out and looked at the area. He asked Mr. Lehman for his recommendation.

Mr. Lehman said he would like for the Commissioners to contact the Sheriff and Road Commissioner concerning Mr. Modlin's statement and that we order Mr. Modlin to appear at the next Commissioners' meeting (a night meeting). He said that the Area Plan Commission has a current case in court against Mr. Modlin concerning junk cars, automobile repair, etc., at the same location.

In response to query from Commissioner Willner, Mr. Lehman advised that Mr. Modlin wrote his response on the letter received from Mr. Lehman and returned the letter to him.

Commissioner Willner asked if the Sheriff said there is no violation here? Mr. Lehman said he doesn't know. He thought the Commissioners might be able to....

An unidentified individual in the audience asked if she might be permitted to ask a question. President Willner requested that she approach the microphone and state her name and address.

Mrs. Jeannine Phillips (Mrs. Bill Phillips) approached the podium and stated that she resides at 6401 Little Schaeffer Rd. She said she doesn't understand that if it is against the law and you can be fined for throwing trash or paper or whatever -- or another situation, where her next door neighbor's daughter-in-law visited and her car was not completely on the lawn but just a little out of the driveway onto the road and she was ticketed (and she understands this) -- why then is it so complicated? Can't somebody just come out and look at these piles and piles of concrete, piles and piles of dirt, and piles and piles of wood and all this stuff -- which is not into the road, but piled up all along what has been a beautiful road -- can't they just come out and look at it and shove it down into the hole? Why don't they do that? She doesn't understand that? With regard to all the huge implements which he has behind his house -- she guesses that is his business if you want to get into that -- there is nothing the neighbors can do to prevent that. Everything is not visible from the road insofar as all the implements he has (trucks, cars and broken down things). But as for the junk on the road, she would think that anybody could see that. Actually, the son is the one who is doing all this -- not the property owner. But many times he is on a curve unloading and dumping -- and it is dangerous. As individuals, we wouldn't think of stopping on a curve like that for more than a minute -- and only then if it was necessary much less just park there. So what she can't understand -- can't somebody just come

(continued)

and look at it? Is it because they are in the county -- is that what it is?

Ms. Brown again directed the Board's attention to the photos, stating that it can be seen that the debris is now "this side of the barriers" - and not just on Mr. Modlin's property. It is coming onto the road now. The part on his property is a fire hazard; there are snakes like crazy in that area and it is going to be a copperhead haven, to say nothing of the rats -- and it is becoming a health hazard.

Commissioner Cox addressed Mrs. Phillips and said she has been out there to look at the area at various times during the last six to seven months and she, too, finds it a very deplorable condition and something that should be corrected. The Commissioners do need to ask their attorney to look at the County Code of Ordinances and see what it specifically speaks to. That is the law and that is what the Commissioners have to go by. At one time she was told that you could dump tree limbs on agricultural property. But Mr. Modlin certainly has superceded the tree limbs and Ms. Brown's photos are beautiful evidence of what actually is there -- from time to time. Mr. Bethel, the County Highway Superintendent, is here today and she believes that one time during the period of which she is speaking that the County Highway even went out and cleaned some of the materials off the right-of-way. She doesn't think it is fair to use taxpayers' money in that way. Anyway, Mr. Lehman spoke of a letter -- she doesn't know whether Mrs. Phillips has a copy of the letter or not, but she should certainly have one. And she thinks we need definitely to pursue Mr. Modlin's statement that he has checked with the County Sheriff and Road Commissioners and they have been out to look at it and said there is no violation here. We really need to look into that situation. The Sheriff attends the Commissioners' meetings many times, but he is not here today.

Ms. Brown advised that on previous occasions when complaints were noted against the Modlins and they were supposed to clean up, etc., for months the neighbors found things like dead animals in their mailboxes and all kinds of cute little tricks -- are the neighbors now going to be faced with a lot of problems because they have come against the Modlins?

Commissioner Willner said he certainly can't answer that one.

Commissioner Cox said that all the Board of Commissioners can do is to ask that he abide by the ordinance. If we have no ordinance to cover such as this, she thinks that it would behoove the county officials to get one ready pronto.

County Attorney David Miller interrupted by saying that without looking at the County Code of Ordinance he can say offhand that if there is a very real possibility that this situation is going to lead to a health hazard (he heard someone say something about snakes, rats or that type of thing) -- you are then in the area of a private nuisance -- the creation of a private nuisance -- and privately, through an attorney of your choice, you can seek a court order to require a nearby property owner to cease and desist from the creation of a nuisance that impairs the use of your own property because it either endangers the safety of your children or causes obnoxious or offensive odors or any number of other situations that really infringe on one property owner's right to use his own property because of the condition created by another. Public ordinances do not necessarily in all cases cover all of those situations and to the extent that they do not, that does not mean that you are deprived of any legal remedy. You may well have a legal remedy through a private source of action. We will look at the County Ordinances to see what assistance we can give to keep this thing under control. No one can answer you when you ask if you're going to be harrassed; he suspects that if they put dead animals in mailboxes that you probably will be. But you need to look into the alternative as well, because there is a great deal more leeway in the civil area and private right of action area than government -- because, as he said, the government has to abide by these ordinances, and if we can't find an ordinance exactly on point -- our hands may be a little bit tied. He may be right -- but that doesn't mean he wins.

Mrs. Phillips asked if it is reasonable to expect that within two to three weeks they could expect an answer.....

Attorney Miller said he doesn't believe they need to wait that long; Mr. Lehman tells him during brief conversation here that because of the zoning the property currently has (which is agricultural) -- Mr. Lehman interrupted that there is not a county ordinance that specifically prohibits filling in land in the county to his knowledge.

An individual in the audience requested permission to speak. Commissioner Willner requested the individual to approach the microphone and state name and address.

Mrs. Shirley James approached the microphone, identified herself and said she is with the West Side Improvement Association. First of all, she is speaking for herself because of the West Side Improvement Association. However, she is also speaking for two of the residents who could not be here today; they are out of town...Mr. & Mrs. Drake, who have sought legal counsel. They wanted her to explain today that they have been accused of making this mess and many of their neighbors said they didn't think they should report it because they were cleaning the woods -- and that all of them have been in binds because of the past exertions of the parties involved. Mrs. James said she does want to point out that the Area Plan Commission does have on record 36 different inspections out in the area since 1976 for the junk cars alone. She, herself, has called the Building Commission numerous times to enforce a junk car ordinance in the county -- and it has never been enforced in the county. The junk car ordinance was placed with the Building Commissioner's office back in 1976 or 1978 (she doesn't have a copy with her) -- but perhaps that is the wrong place for it to be placed. It has never been enforced in the county although it does exist.

First of all, the owner of the property is not causing the problem; it is his son. The son is being allowed to conduct a business in an agricultural zone. He is also dumping tree limbs and says he is going to fill the property for other uses; and aren't tree limbs and barnwood illegal fill in any part of the county? That is illegal fill. Mrs. James said she would point out that he has destroyed county property in order to do this. He took out three of the old stone barriers along the county road so he could move in and dump. In this action, first of all it's not the owner committing the sin in the case of the tree limbs -- it is the son conducting a business venture in an agriculturally zoned area. And he has damaged community property (county property) by the moving of the stone barriers. He is obstructing traffic in addition to creating health hazard. And, he is devaluing neighbors' property. Isn't there enough on just that alone to get government to move on this? Or, are we so bound by ordinances?

Commissioner Willner thanked Mrs. James for her comments. He asked if she was aware that the person in question -- on his junk cars -- and the zoning problem at 6200 Little Schaeffer Rd. did go to trial on February 26, 1986? Mrs. James said that she was. Commissioner Willner then asked if the Judge is now in charge of this case insofar as automobiles are concerned? Mrs. James responded that he is, insofar as junk cars. Commissioner Willner said then, "O.K., then as of right now, let's not talk about the junk automobiles anymore; if this is in Court and the Judge has taken over the assignment of this case, then let's don't talk about cars anymore -- because it is out of my jurisdiction; it is out of anybody in government's jurisdiction -- and it is in the courts. So we don't need to talk about that anymore."

Addressing Mr. Lehman, Mr. Willner said, "Roger, you did say in your letter that the dumping of roofing is a violation of Vanderburgh County Ordinance. Is that correct? Or, is that not correct?"

Mr. Lehman acknowledged that this is not entirely correct.

Commissioner Willner said what the Board needs is something that is entirely correct. He would say that wood dumping might not necessarily be against the ordinance; but he would think that roofing is. He asked if Mr. Lehman has access to Attorney in Building Authority? Mr. Lehman responded that he does. Commissioner Willner said he needs to get with him and find out what ordinance Mr. Modlin is not adhering to. Mr. Lehman needs to make reference to the Ordinance number and re-file the letter. He doesn't know whether there is such an ordinance or not. Perhaps Attorney Miller does.

Commissioner Cox interrupted that she thinks what Mr. Lehman is saying is that he has looked at the County Ordinances and finds no Ordinance -- is this what he said?

Mr. Lehman said they traditionally have used an uncalled bluff on these things. They try to word the letters in such a way that they elicit response and correction without going the extra mile -- because there isn't the extra mile to go right now. He did refer to copy of City Ordinance. In the City it also was not illegal to permit those things to be on your ground once they got there. But it was illegal to dump them there and transport them there --but not illegal once they were there. A couple of court cases resulted in an amendment (which was just passed in the city) which did prohibit that stuff being there.

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Attorney Miller said he wished to point out that the index of the Vanderburgh County Code of Ordinances under the heading "Garbage & Rubbish" has the notation that there is no ordinance presently in effect with respect to garbage and rubbish. Under the code titled "Nuisances, Chapter 91" the matters dealt with under Nuisance make it a violation of the ordinance to abandon refrigerators, to allow the growth of weeds and noxious plants on your property, and to allow the accumulation of abandoned vehicles on property. The vehicle matter, as pointed out by Mr. Willner, is under consideration by the Vanderburgh Superior Court. Mr. Miller said he has great sympathy here for the people who have complained but he will say to them, again, that at this point a private remedy is a lot more likely than anything that we can do under the ordinances as they are currently enacted. He suggests to them that they pursue that.

Mrs. James asked, "What about illegal fill?"

Attorney Miller said, "There is no such thing, Ma'm, as illegal fill under this ordinance except abandoned refrigerators, abandoned vehicles --- and that is it.

Mrs. James said, "Say, for example, someone were to construct a house out in the county and they are constructing it on fill, isn't there anything in the county ordinances that requires that fill to have been solid materials? If you use just woodchips -- is there nothing?"

Mr. Miller said that Mrs. James is asking a different question than that before the Commission now. As he understands it, what we're talking about now is "dumping".

Mrs. James said, "Yes; but he is using that as fill; he claims to be using it as fill in the letter returned to Mr. Lehman. It was my understanding that you could not use wood and other debris in land that you were filling to be used for other purposes."

Attorney Miller said, "I think you are not correct on the law on that particular matter. There may be some requirements for the base upon which a home is to be constructed to be established to be of certain quality, compaction, and that kind of thing. But until the construction of the foundation is requested -- until a permit is requested for that purpose, a person under the ordinances as they presently exist is entitled to use his or her property for placement of virtually any material that they want to put on it. It's their property. Unless on the one hand you can find civil remedy because the health and safety of surrounding residents is endangered; or, on the other hand, it is an abandoned vehicle or abandoned refrigerator, or if that person allows noxious plants to grow there. So you are asking what our ordinances say and our hands are tied at this point to some degree -- and to the extent that they are not tied, a complaint has already been filed.

Commissioner Cox stated that she has sympathy for Mrs. James' position. She represents people both inside and outside the City Limits. It seems that all too often we have laws that stop at the City Limit line -- and she doesn't think they should. Probably what is being referred to is that in the City Code of Ordinances, Chapter 93.12, Item B says that "Nothing in this sub-chapter shall be construed to prohibit the dumping or depositing of dirt, sand or gravel, the compound commonly known as fly ash, concrete rubble, or similar materials. These substances shall be free of all trash, rubbish, or refuse materials of any kinds, and can be dumped or deposited on any lot either publicly or privately-owned at the request of the owner, for the purpose of elevating the grade of the lot or the unimproved part of the lot." So here they are speaking specifically of dirt, sand, gravel, fly ash, concrete and similar materials, which does not include roofing, etc. But we do not have it in the county at this time. She respects our Council's opinion, but she does find it very, very unfair when individual people have to go to the expense of hiring legal counsel to correct some of our problems that we have in the county. And she would think that since we do not have an ordinance, that her question to the Commission is, "Could we not have an ordinance to control this and should we not have an ordinance to control this?"

Mrs. James said she would also point out that in view of the new ordinance just prepared for the City (of which she has a copy) if all this transpires in the City, then we know who is going to get the brunt of everything that people would ordinarily be dumping in the city; they will now go out and dump in the county. We really haven't solved the problem; we've just moved it out. Really, she does believe that some of these ordinances that apply (inaudible).....

Mrs. James continued by saying she has one more question. The area is zoned agricultural

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and they are conducting a tree business there. Is that allowable? Isn't that against the zoning law?

Ms. Beverly Behme of the Area Plan Commission commented that this is a permitted use in an agricultural zone. He operates a tree trimming service.

Commissioner Willner and Attorney Miller were having an aside discussion, after which Attorney Miller said that if garbage is included in debris being dumped -- if it is on the County road/in the County right-of-way, then the County can take steps to require removal of same from the County right-of-way. Commissioner Willner asked if he is talking about garbage? Attorney Miller responded that we're really talking about anything that prohibits the free flow of traffic. We can cause it to be moved if it is within the right-of-way.

Commissioner Cox said that is tending to push the problem from the right-of-way back and not solve it. She asked Commissioner Willner if he would be willing to have the County Attorney prepare an ordinance -- and we'll have to have a public hearing on it -- but to speak to this? Because it is a problem, not only out on Little Schaeffer Rd., but we have other areas where it is a problem. We can ask Mr. Bethel's trash crews just what is out there.

Mrs. James advised that she went out to the area and took a member of the news media who was familiar with the west side -- and she was showing the individual the positive aspects of the west side and the bad aspects. It was terrible -- a real eyesore.

Commissioner Willner said that when Mrs. James speaks of "garbage", is she really talking about "garbage" or is she talking about old things....

Mrs. James said there was some concrete; but most of it was old barnwood.

Commissioner Willner requested that Mrs. James describe the material as "rubbish".....

Attorney Miller noted that if Mr. Modlin is pitching "garbage", the Department of Health has State statutes that address this problem.

Commissioner Willner commented, "Absolutely; absolutely."

Mr. Fred Hermann approached the podium and queried the Commissioners as to whether it would be possible to put in a guardrail on the curb which would prohibit Mr. Modlin's backing his truck in there? He has taken out the concrete barriers so he can back in. But this is on a curve -- it is a blind spot and it is dangerous.

Commissioner Cox addressed Mr. Hermann and said the County has a problem out on South Bosse Avenue (around the curve at Bosse and Pennington). There was a guard rail there and they are putting in fill. The individuals took out that whole section of guard rail and threw it over the sides. She guesses if those people are going to do that-- then they are going to do that.

Mr. Hermann asked if they remove the guard rail, wouldn't that be against the law?

Attorney Miller advised, "You've got to catch them doing it."

Mrs. Phillips stood and addressed Attorney Miller; "Sir, if the father owns the ground and he isn't doing the dumping....?"

Attorney Miller responded, "He owns the ground and he can give permission for its use to whomever he wishes."

Commissioner Willner said Mrs. Cox had asked a question. He finds nothing wrong with having an ordinance that would stop this sort of thing. He has no problem with that whatsoever.

An individual in the audience stood and was recognized by the Chair. He identified himself as Mr. Paul Harper. He said he is on the Volunteer Fire Department in Perry Township. He asked if there could be something in the ordinance on this roofing, etc., that is flammable? That's a heck of a fire to put out. Would that be a loophole? There are flammable materials in the debris being dumped; and once that takes hold, it is almost impossible to put out. They spent four hours trying to extinguish a

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fire yesterday. Had there not been flammable materials, they could have had it out in fifteen minutes. Isn't there anything in the ordinance eliminating flammable stuff? You almost have to take it out piece-by-piece....and that gets rough.

Commissioner Willner said he doubted that wood would be classified as "flammable".

Mr. Harper said that roofing is flammable.....and it is hazardous smoke.

Commissioner Willner requested that Attorney Miller go ahead and research the problem to see if there is some way we might correct same? He does not think the County should have as strict a limitation as the City has -- there has to be a difference between the City and the County. There are a lot of forrests, etc., in the County and so it has to be different from the City.

Mrs. Phillips again stood and was recognized by the Chair. She said that with Mr. Modlin's son being in the tree business in an agricultural zone, she is certain the Board knows that with his removing the trees which, in part, has been what is holding the hill in place -- when this all decays, the road will wash away. Again, the County is going to have to rebuild this road. Isn't there something to take care of that type of situation?

Commissioner Willner said that if the individual is on his own property, there is nothing the county can do. Were he on County property, however, it would be a different story.

Commissioner Willner had a brief conversation with Ms. Behme of the Area Plan Commission and requested that she check the Surveyor's records to determine the width of the right-of-way on Little Schaeffer Rd., as to whether it is 40 ft., 50 ft., or what.

Mr. Thomas Whitsitt stood and was recognized by the Chair. Mr. Whitsitt queried Commissioner Willner concerning the width of the road and whether Mr. Modlin is encroaching on the right-of-way. Commissioner Willner advised that he had just asked the Area Plan Commission to check this out.

Attorney Miller interjected that an investigation has been conducted and, at least preliminarily, they concluded that what is going on out there is primarily outside the right-of-way (at least the dumping is outside the right-of-way).

Mr. Whitsitt then queried the Board concerning the stone barriers, asking that if Mr. Modlin has removed the stone barriers at the side of the road -- is that illegal?

Attorney Miller said that if the stone barriers were in the right-of-way, they belong to the County and, yes, it would be illegal for him to remove them.

Commissioner Willner commented that it would have to be proved that it was Mr. Modlin who removed the barriers. Does Mr. Whitsitt have a photo of Mr. Modlin removing the stone barriers? Mr. Whitsitt said he did not; but he did want to establish that point. If a notarized deposition could be obtained from an individual saying he has proof that Mr. Modlin did, indeed, remove the stone barriers, would the County accept that?

Attorney Miller said that this would be acceptable proof; but now Mr. Whitsitt is asking the Commissioners to do something outside their jurisdiction and that matter has to be referred to the County Prosecutor. That is a criminal offense and the County Prosecutor is the one to accept that evidence and prosecute. He would definitely be interested in a notarized statement from someone who says, "I saw this man take County property out of the right-of-way that belonged to the County."

Mr. Whitsitt said it does seem illogical that a person owning property would have to go to the expense of correcting a situation or bringing about this change which has been discussed.

Commissioner Willner advised that we're talking about private property. If he is talking about the roadway, then he is correct. But the County Commissioners have no jurisdiction over private property....just the County right-of-way.

Mr. Whitsitt said, "Then you're only interested in whether Mr. Modlin is dumping on the County right-of-way and not concerned if it is on personal property?"

Commissioner Willner said, "I wouldn't say concerned -- I am concerned; somebody had better not dump on my property, because I don't want them to do that. So, I am

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concerned; but this is not the body of government to help that concern.

Attorney Miller advised that he has just been instructed by Commissioners Willner and Cox to prepare an ordinance to make it a violation in the future to do the kind of dumping about which Mr. Whitsitt is complaining. He thinks Commissioner Willner is saying that today all the County has control over is the right-of-way.

Commissioner Cox said her next question then is, "What is the punishment violation for dumping on County right-of-way?"

Commissioner Willner said he wanted to get one thing straight here. There is a State law against dumping

Attorney Miller interjected, "But that's out of our jurisdiction. The State law has to be enforced by the County Prosecutor..."

Commissioner Willner continued, "That's exactly right; so why have two ordinances that say the same thing? If we already have one, let's use it."

Mr. Whitsitt said, "In other words, we now have to go to the County Prosecutor?"

Commissioner Willner said, "If you or someone else has proof, that is what you should do, isn't it?"

Mr. Whitsitt said, "I thought you said there is a State law against dumping?"

Commissioner Willner said, "That's right; there is a State law against dumping...."

Attorney Miller interjected, "This body is a legislative and administrative body; it is not a part of the judicial system. This body has the power to enact ordinances and has the power to enforce the administration of County ordinances. But the prosecution of offenses is done by the County Prosecutor. This body can file civil actions under certain circumstances.

Mrs. Brown again shared photos with the Commissioners and Ms. Behme of the Area Plan Commission..... Commissioner Willner said the Board needs to move forward with the agenda.

Mrs. Phillips stood and was recognized by the Chair; however, Commissioner Willner advised that this will be the last question/comment.

Mrs. Phillips said she is unclear now as to the position the residents are in. Is he saying that there is nothing that the County can do because there is no ordinance to enforce this -- and the residents are to now obtain counsel?

Attorney Miller advised that obtaining legal counsel is one option. The other option is to take the evidence they have that this individual is either destroying public property.....

Mrs. Phillips said that if he is not, he is scrounging up the neighborhood

Attorney Miller said, "Somebody said they could produce sworn evidence that he had been seen tearing down county property. If you cannot establish a criminal offense, either under the health code (and the State has a health code that the Prosecutor and the State Department of Health have the authority to enforce) -- this Commission has the authority to consider the adoption of ordinances, statutes that the Prosecutor then must enforce in terms of penalty. This Commission can pass ordinances that can give the County certain private rights of action for the benefit of the County. And this Commission has the authority to administer County personnel to see to it that County right-of-way is taken care of and that kind of thing. It is not really a prosecutorial arm, do you understand? And we can look into (as the Commissioners have so instructed him to do) whether or not an ordinance in the County would be helpful in view of what State laws already exist. I will then advise the Commission as to my findings. But I think your next step is to determine whether or not there is a violation that the Prosecutor would be interested in -- and if you don't feel comfortable that you could satisfy the Prosecutor about that, then you do have the option of a private right of action. I am not telling you you should or shouldn't...."

(continued)

Mrs. Phillips said she understands this.....she was just trying to determine what is going on so they will know what to do.

Attorney Miller asked if he answered her question? Mrs. Phillips acknowledged that he did.

Mr. Bill Jeffers, Chief Deputy Surveyor, stood and advised that the Commissioners records of September 1928 indicate that Schaeffer Rd. has 50 ft. right-of-way. Subject records indicate that Commissioners accepted Schaeffer Rd. with 50 ft. of right-of-way total -- that is 25. ft. from center line on either side.

Commissioner Willner said he would like to reiterate what the gentleman just said. In 1928, if Little Schaeffer was designated as 50 ft. right-of-way, it might have shifted from time to time.. So, without a legal survey you still wouldn't know exactly; but this does give you a rule of thumb. He said he just wanted to make that clear.

Commissioner Cox said she would move that the County Attorney be instructed to prepare an ordinance addressing illegal dumping in Vanderburgh County. That is just one motion; she has another.

Commissioner Willner asked Mrs. Cox if they can talk about this for a minute and she agreed. Commissioner Willner said if Mrs. Cox would amend her motion to say "research the possibility" he will go along with that. If she says, "Write an ordinance", he might come back to the Commission and say, "No, we shouldn't -- or we need some other way..."

Commissioner Cox said she feels very strongly that we need and should have an ordinance to speak to this. She knows it can't be the same as the City ordinance; but she does think the County needs an ordinance to address this problem.

Commissioner Willner said he has no objections to the County Attorney researching the problem.

Mr. Lehman remarked that the Building Commission has worked with the State on several dumping problems. Their basic problem is that they have one inspector for this area who comes once every 2-3 weeks to check things out. If it is the intent of the Commission for the Building Commission to enforce the State ordinance -- then not being a lawyer he doesn't know whether they can enforce a State law? Can they?

Commissioner Willner said the County Prosecutor certainly can; it's his duty to. Not only can he, it is his duty.

Mr. Lehman said he guesses what he is saying, that under the City Ordinance, the Building Commission can check out the situation if they have a complaint. If it falls under the State law, then it is up to the people themselves to do the work. In other words, they have to check with the Prosecutor and go from there.

Mrs. James said that when she checked with state people from the Division of Land Pollution they said that they did not have the time nor money to enforce state law here and they felt it was the responsibility of local government. And Mrs. Shelton has sent a letter in regard to environmental pollution problems saying that she wanted a clarification on that.

Attorney Miller said, "I'll say it again -- you need to go to the Prosecutor and see if he can identify a violation."

Commissioner Willner asked that Mrs. Cox proceed. She said she stated her motion, but he wouldn't second it. Commissioner Willner requested to hear the rest of her motion. Mrs. Cox said that was just one part. She'd hate for a motion to fail because he objected to one part of it. If he doesn't want to second her motion on asking the County Attorney to prepare an ordinance addressing this problem, then she will go on to the next one.

Continuing, Mrs. Cox said the County right-of-way has been determined at 50 ft. She doesn't know whether she needs a motion or not, but she will make it that way. She moves that the County Highway Department proceed to install or re-install protective measures along this curve, either the concrete posts or guard rail.

(continued)

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At the urging of Commissioner Willner, Mrs. Cox continued. She said she would move that the Board of Commissioners send a letter to Mr. Modlin informing him of the 50 ft. right-of-way and so stating that dumping on the road right-of-way is a violation period.

Commissioner Willner said that insofar as the letter to Mr. Modlin is concerned, he has no problem. But he would first like for the Commissioners to ask the County Surveyor to go out and survey the line. He wants to know where the exact line is. If those posts are within the County right-of-way, then he goes along with Mrs. Cox's motion to install or re-install the posts, etc. With regard to the motion to instruct the County Attorney to draw up the ordinance, he would go along with the County Attorney being instructed to research the possibility of an ordinance. That "research" factor can be discussed; and if he says we need an ordinance, then he has no problem with it.

Commissioner Cox said she thinks we need one. The problem that he is going to determine is whether we can write one that can be enforced. There is no sense in having an ordinance or a law on the books that we cannot enforce. She is not going to leave it up to the attorney as to whether or not we need an ordinance. She feels that we need it.

Commissioner Willner said the attorney is to "research the problem", not tell the Board whether they need an ordinance. He asked Attorney Miller if the Commissioners had not already requested that he "research the problem"?

Attorney Miller said that is his understanding. However, he is prepared to tell the Commissioners that there is no dumping ordinance presently in effect in Vanderburgh County to remedy the current situation -- but an ordinance is in order since it is an unincorporated area that we're talking about. Then, with the Commissioners' permission, he would prepare one to submit to them at the same time he submits his report. Is that agreeable?

Commissioner Willner said that is very good.

Commissioner Cox said she would amend her motion to include that. A second was provided by Commissioner Willner.

Continuing, President Willner requested Mr. Bill Jeffers to mark the centerline, etc., tomorrow and show the County Highway exactly where this is in case the stakes get pulled up or something.

Commissioner Cox said this is what she was referring to as "protective measure" along there -- to keep people from running off and down the embankment. She doesn't know whether we have any concrete posts left or what. If we do, we can re-install the protective measures via concrete posts or ...

Commissioner Willner expressed his appreciation to the group of residents for appearing at today's meeting.

RE: COUNTY CORONER - CHARLES ALTHAUS

Mr. Althaus presented a request to attend a meeting of the Indiana Coroners' Association to be held at the Adams Mark Hotel in Indianapolis, IN on April 17-18, 1986. He pointed out to the Board that the hotel room rate is \$62.00 per night, rather than the \$49.00 limit previously set by the Board. Mrs. Cox asked if Mr. Althaus has money in his budget? Mr. Althaus said he doesn't carry money in his budget for this purpose. There are only two or three times a year that they travel. There is going to be a seminar this year with SIDS, he doesn't yet have the date. He has also been asked to serve on the Legislative Committee of the Indiana Coroners' Association, and he is hoping that things work out where we can receive some of our monies on the out-of-county post mortems (more than we're receiving at this time). He noted that he has \$1,500.00 in the general fund now for out-of-county post mortems and \$1,000.00 from SIDS.

In response to query from Commissioner Willner, Mr. Althaus said this is a State-called meeting. Mrs. Cox interrupted, "No it isn't Charlie, it is your State Association." Mr. Althaus said, "But it is by law..." Mrs. Cox said, "No, it isn't by law." Mr. Althaus said there is a statute that they attend ---and it says the Commission must pay.

(continued)

Commissioner Cox moved that the request be granted and that funds be allowed according to County guidelines for attendance at this meeting. A second to the motion was made by Commissioner Willner, who stated the \$62.00 room rate would prevail if it is a State-called meeting. So ordered.

RE: AUTHORIZATION TO OPEN BIDS - DUMP TRUCKS

President Willner entertained a motion that the County Attorney be instructed to open bids received on two (2) dump trucks. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: ECONOMIC DEVELOPMENT REVENUE BONDS/MID-AMERICA STUDENT HOUSING

President Willner said he has five (5) copies of Ordinance Pertaining to the "Economic Development Revenue Bonds, Series A (Mid-America Student Housing, Inc. Project)".

Commissioner Cox asked if Mr. Schopmeyer didn't come before the Commissioners previously and the Board approved resolution, but this is now the ordinance? We conducted a public hearing and the matter was advertised on February 8 and February 11. Prior to taking action concerning this matter, Commissioner Willner advised the minutes will be researched to determine previous action by the Board.

RE: BURDETTE PARK - DUMP TRUCK BIDS

President Willner said that Mark Tuley has a request to advertise for bids on dump truck. Mrs. Cox asked if these are invitational bids? Commissioner Willner said, "No, these are bids." But Mr. Tuley might want to piggy-back.

RE: WEIGHTS & MEASURES - OFFICIAL BONDS

President Willner said he has two (2) officials bonds for Mrs. Loretta Townsend and Ray Kahre of Weights and Measures to be approved and recorded. Bonds were signed and transmitted to the Secretary who, in turn, will have them recorded, following motion made by Commissioner Cox with a second from Commissioner Willner. So ordered.

RE: SUNBEAM PLASTICS, INC.

President Willner noted that the County is presently dealing with the State in a move to loan \$200,000.00 to Sunbeam Plastics for expansion. He believes they are going to spend approximately \$15 million within the next ten years. This is federal money that the State is going to lend to the County who, in turn, will lend it to Sunbeam Plastics and the Department of Metropolitan Development in a contract between the Vanderburgh County Commissioners and the City will apply for that grant. They have requested that the Board act as an agent. When the grant is paid back in the amount of 4-3/4% in ten years, the principle and interest must be kept in a separate account in Vanderburgh County and may be used for economic development grants to other companies. It may be used for roads and physical plants, machinery (he thinks physical plants is not true) -- and roads and streets to and from that facility. In essence, ten years from when this loan was approved, there will be \$200,000 in a special account in the County plus interest for economic development. Mr. Willner said he believes the Board needs to send a letter of thanks to Sunbeam Plastics for choosing this form of borrowing money (economic help). There were many others they could have chosen from -- but this brings the Board up to date on the matter.

Motion was made by Commissioner Cox that a letter of appreciation be sent to Sunbeam Plastics regarding the handling of the \$200,000.00 loan for business expansion. A second was provided by Commissioner Willner. So ordered.

Commissioner Willner asked if Mrs. Cox would entertain a motion that we continue the application and that D.M.D. forward same to the State? Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So moved.

RE: BIDS - DUMP TRUCKS/COUNTY HIGHWAY

President Willner requested that Attorney Miller read the bids received on two (2) dump trucks.

Attorney Miller advised the following bids were received:

D Patrick Motors: 1986 Ford FT800 154" W.B. 84" 43,000 lb. Gross Wt. meeting or exceeding the specifications. The Chassis only per unit is \$25,924.50. The alternative dump bodies offered are Peabody Gallion dump body at \$4,890.00 per unit or a Heil body at \$4,817.00 per unit. The bidder recommends two options; one option is a H.D. split hydraulic brakes (rather than air brakes, he takes it) that would result in a credit per unit of \$2,224.50. Another option recommended is a dual range transmission that would result in an additional cost of \$2,280.00 per unit. The bid is in order.

Kenny Kent Chevrolet
2 or More 1986 Chevrolet 2½ Ton Chassis Cab, Tandem, Model C7D064 at \$31,269.00 per unit. Dump Body is a Peabody Gallion, 12 ft. long x 7 ft. wide. Bid bond in amount of \$3,130.00 enclosed.

Hendrickson & Sons Motor Co.
(Boonville) 1986 Chevrolet Dump Truck, including a Perfection dump body at \$28,335.00 per unit. (They, of course, bid on two units.) The bid is in order. The bid bond takes the form of a certified check in this case.

Henderson Enterprise, Inc.
(Boonville) 1986 International Model F-1954-Tandem Drive-Chassis & Cab, without the dump bed for \$34,896.00 per unit. It also offers a Peabody Gallion dump bed for an additional \$4,740.00 per unit and a cab protector for \$150.00 per unit. They offer the same International Chassis with a Perfection dumping bed. The Chassis is the same price (\$34,896.00) and the dump bed is \$4,600.00 per unit. That bid is also in order

President Willner entertained a motion that the County Highway Department and Purchasing Department take the bids under advisement for a period of one (1) week and then be prepared to make a recommendation to the Board at that time. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: AWARDING OF BIDS ON TWO (2) ROLLERS/COUNTY HIGHWAY

Proceeding, Mr. Willner asked if Purchasing has a recommendation concerning the bids received a few weeks on the two (2) rollers for the County Highway Department. Kim Schepman advised that Purchasing recommends acceptance of bid from Brown Equipment Co., Inc. in Ft. Wayne, IN in the amount of \$12,993.00 per unit for the Vibratory Roller Compactors. In response to query from the Board, she said while they had two other responses (Columbus Equipment Co. in Cincinnati, OH and The Lorenz Equipment Co. in Columbus, OH) neither tendered a bid. President Willner said the total cost for two (2) units would then be \$25,986.00. He asked Mr. Bethel if he has the money for the rollers in his account? Mr. Bethel responded in the positive. Motion was made by Commissioner Cox that the bid on two (2) vibratory compactors be awarded to Brown Equipment Co., Inc. in Ft. Wayne, IN in the amount of \$25,986.00, with a second from Commissioner Willner. So ordered.

RE: REQUEST TO ADVERTISE BIDS FOR DUMP TRUCK - BURDETTE PARK

Ms. Schepman said that Mr. Mark Tuley is out of town today and he asked that she request permission to advertise for bids on a dump truck for Burdette Park.

Commissioner Willner said, "Yes, he wondered if we might be able to piggyback that onto the City trucks. I told him I didn't know what the specs were, but if the specs were agreeable with him we certainly could do that. He was supposed to let us know."

Ms. Schepman advised that the specs are the same. Commissioner Willner said there is no problem then in advertising for the bids.

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RE: COUNTY HIGHWAY - BILL BETHEL

Absentee Reports/County Highway Garage & Bridge Crew: Mr. Bethel submitted copies of the Absentee Reports for employees at the Garage and the Bridge Crew for period March 3 thru March 6, 1986.....reports received and filed.

Weekly Work Report/County Highway Garage: In injecting a bit of humor, Mr. Bethel said that one of the members of the news media told him a few minutes ago that he submitted the most horrible reports he's seen; they don't tell what they've done or anything. After that, he will try to inform the group on what he's been doing on the roads.

Gradall: They used the Gradall to dig ditches -- on Schutte Rd., Huebner Rd., Kansas Rd. They loaned it to the City for a day and then used it in the yard. On Schutte Rd. they installed a culvert across the road.

Grader: Mann Rd., Armstrong Rd., Buente - North, Laubscher, Kansas, Neubling, Sensmeier, Lutterbach, Mann, Green River Rd., Magnolia Dr., Kissel, Kneer, Outer Darmstadt, Kansas, Korff, Bottoms, Magnolia Dr., and South Weinbach

Rocked: They spread rock on Bixler, Mann, Armstrong, County Line East, Green River, Lutterbach, Maasberg, Magnolia, Neubling, Sensmeier, Wallenmeyer, Kissel, Outer Darmstadt, Mann, Schutte Rd., Hill Top, Bottoms and Oak Grove Rd.

Commissioner Cox asked if "rocked" can also mean "rocking the shoulders"? Mr. Bethel said that this is correct. Schutte Rd. and Hogue Rd. both had shoulders rocked.

Patched: They patched Laubscher, Kansas, St. Wendel, Hogue, Whetstone, Wimberg, Oak Grove, Highway 65 and Old 460 Intersection, Hogue Rd., Shoulders, Koressel, Marx, Walnut Lane, Park, Hillsdale, Kansas, Korff, Meier, Kuebler, Millersburg, Radio, Campbell, Greenbriar, Meadow View, Schutte, Broadway, Peerless, West Terrace, Eichoff, and St. Joe Rd.

Roller: Rollers were used on Kansas, Millersburg and Korff roads.

Weekly Work Report/Bridge Crew: The Bridge Crew painted guard rail on Green River Rd. They installed culvert pipe on Schutte Rd. and cleaned ditch on Huebner Rd. They hauled scrap to the junk yard. They also painted bridge on Boonville-New Harmony and repaired the bridge on Heckel Rd. Anthony Hall worked all week in Andy Easley's office. Joe Schapker worked in the office of the County Highway Dept.

Commissioner Willner asked Mr. Bethel if he is going to take the snow plows off now? Mr. Bethel said they have removed all but four (4). They're going to leave those on a while yet.

Mr. Jeffers said that maybe next week Mr. Bethel can give the Board an idea of what it is like to read a Herb Marynell article.....

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Sign Bases for Marathon/Oak Hill & Lynch Rds.: Mr. Easley said he believed that last Monday he indicated that they had poured the sign bases for the Marathon signs at Oak Hill & Lynch Rds. He has written a letter to Marathon and talked to their people and they are in the process of getting the existing sign moved to the new base. So that project is almost completed..and the signs have been electrified.

Ohio River Bank Erosion/Old Henderson Rd.: Mr. Easley presented copies of letter sent to the U.S. Army Corps of Engineers concerning the Ohio River bank erosion on Old Henderson Rd., as follows:

March 6, 1986

District Engineer
U. S. Army Corps of Engineers
P. O. Box 59
ATTN: ORLPD-L
Louisville, Kentucky 40201-0059

(continued)

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Re: Ohio River Bank Erosion Protection at Mil3 806,
Vanderburgh County, IN

Dear Sir:

On June 4, 1984, we wrote to you and requested a study by the Corps of Engineers of the above-referenced area. The Corps of Engineers responded on June 24, 1985, informing the Vanderburgh County Commissioners that the most cost-effective solution would be relocation of the road (Old Henderson Rd.).

We have to agree with your recommendation based on the cost estimates contained in the Corps of Engineers' study of the problem. The bank erosion during the past season has been at the same rate and, if we relocate the road this year, it will only be a matter of time before it must be relocated again. Based on the present erosion rate, how far should the road be moved? Assuming continued erosion, would the County be responsible for relocating the road a second time at some future date when the Corps of Engineers could conceivably rectify the problem this year? Would the use of erosion protection (i.e.; rip-rap) by the Corps of Engineers be more cost-effective than having to relocate the road several times during the next twenty-five (25) years?

We are requesting that the Corps of Engineers review the criteria governing whether or not federal funds could be used to protect this bank and help us solve this very serious problem.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer
Vanderburgh County

CC: Board of Commissioners

Mr. Easley asked if the foregoing is the type of letter the Commissioners had in mind?

Commissioner Cox said she would hope the Corps of Engineers would make a trip to Evansville. If so, she would be glad to go along with them to view the area. She thinks this is a nice letter.

Mr. Easley asked if it is strong enough?

Commissioner Willner said he has no problems with the letter. The problem comes to mind of county insurance and what our liability there is. He would like for Mr. Easley to go ahead and forward the letter, but make a phone call to the Corps of Engineers saying that, in all fairness, we need an answer in one (1) week. That is how bad this is. Mr. Willner said he wants them to know that probably one (1) ft. of the blacktop surface has already fallen into the river. There are no barricades; there is no place to install a guard rail. We need to do something quickly. If Mr. Easley's letter is correct (we asked them the last time on June 4, 1984 and we got an answer on June 24, 1985 --if that's not a typo) -- Mr. Easley advised that this is not a typo. Commissioner Willner said he doesn't believe we can wait that long. Mr. Easley needs to make a telephone call within the week. He said we are strung out there now as far as he is concerned, and he is going to recommend that the Commissioners not wait any longer. Mr. Easley said the Corps probably thinks this reply was fast. Someone in the audience asked if they came via flatboat? Commissioner Cox responded that sometimes she gets complaints that we don't solve our problem too quickly. Everybody's got their problems. She asked if the Board also ask that Mr. Easley look at the realignment of the road and who will be affected and the right-of-ways necessary? She thought the Board had said that. We're going to have to move the road...

Mr. Easley said there is a grassy area. As part of the re-alignment, he was sincere in asking how far over we should move the road. We could guess -- but we don't want to move it every ten years, do we? Commissioner Willner said, "No, no." Again, Mr. Easley said he was sincere in asking how far the road should be moved? He will call them and tell them he needs an answer within a week.....and we will either proceed with negotiations for the right-of-way.....and it won't take that long to build a road there -- as soon as we get some road-building weather..and the funds are available. We think we're probably looking at \$50,000 worth of construction.

(continued)

Commissioner Cox asked if we could not post this on both sides -- whatever the number of proper footage is -- say, "One Lane Ahead" or something? It is bad...it is bad. If two cars meet -- or there is a school bus and a car --

Mr. Easley asked if we couldn't hurriedly get some 55-gallon oil drums and paint them and put them along there -- there's only about 1/4 mile that is critical -- we could paint them red and white and ballast them with something. And, maybe also put "Single Lane"....he sees nothing wrong with that.

Commissioner Willner asked if this would help our liability?

Attorney Miller said that anything will help.

Mr. Bethel said we could close it off and make it a single lane.....Mr. Easley said, "Let's do that".....

Commissioner Cox asked if we'd have to have flagmen or anything like that? Mr. Bethel said we wouldn't have to have flagmen, but we'd have to put lights.....

Mr. Jeffers asked if we had enough right-of-way that we could spread some gravel....?

Mrs. Cox said that was going to be her next question.

Commissioner Willner said that is someone else's property and he talked to the individual and he is not too favorable. In fact, he is not going to be too favorable for us to purchase -- but Mr. Willner said he doesn't see any alternative.

Commissioner Cox said, "Don't tell me we may have to build a bridge over the Ohio River....

Mr. Bethel said the one-lane traffic would be the safest way to go...

Commissioner Willner said, "Let's do that."

Commissioner Cox said she'd really like to see this.

Commissioner Willner again asked if Mr. Bethel will take care of this? He acknowledged in the affirmative.

RE: RELINQUISHMENT OF OLD S.R. 57 ACROSS FROM THE AIRPORT

Continuing with his report, Mr. Easley said that in the middle of January we received a letter from the District Highway Engineer of the IDOH requesting that the County Commissioners accept the portion of Old S.R. 57 across from the airport. He said he will provide the Commissioners with a copy of their agreement and a copy of a letter he wrote on March 10, 1986. He and Mr. Bethel inspected what will still remain as a county road after the Airport Authority requests vacation.

The January 13th letter from the IDOH read as follows:

January 13, 1986

Board of Commissioners
County of Vanderburgh
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Re: Relinquishment of Old S.R. 57

Ladies and Gentlemen:

In accordance with Indiana Department of Highways Policies, the Vincennes District is undertaking the relinquishment of portion of Old S.R. 57 in Vanderburgh County.

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Attached is a location sketch identifying the portion of roadway to be returned to Vanderburgh County. Would you please sign the attached road transfer memorandum from where indicated under local authority. Keep one (1) copy for county records and return the other to the Vincennes District, P. O. Box 376, Vincennes, Indiana, 47591, attention: Rex W. King.

The official notice to relinquish will then be forwarded to the county upon passing of the resolution by the Department of Highways.

Very truly yours,

Aden B. Carr
District Engineer

Mr. Easley's letter to the Commissioners concerning this matter read as follows:

March 10, 1986

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Re: Acceptance of Portion of Old State Highway
No. 57 to be relinquished by Indiana Department
of Highways

Dear Mr. Willner:

Mr. Bill Bethel and the undersigned have made an inspection of that portion of subject highway that is described in the attached Indiana Department of Highways Road Transfer Memorandum of Agreement.

It is recommended that this portion of Old State Highway No. 58 be accepted by the Vanderburgh County Board of Commissioners.

It is the County Highway Engineer's understanding that the Airport Authority intends to request the vacation of that portion of the right-of-way of the old highway which crosses their property. If this is done, this will leave 1,350 ft. of Old Highway No. 57 east of the centerline of Highway U.S. 41 to be maintained by the County Highway Department.

The above 1,350 ft. of Old Highway No. 57 will serve RUDD equipment, the Mead Johnson Hangar on the Airport property and the Windmill Service Station Complex that contains a Dairy Queen and B.J.'s Convenience Store.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel, County Highway Supt.
Rex W. King, Vincennes District IDOH

Mr. Easley said if the Board is agreeable to accept this, then he sees no reason why they shouldn't. There is an original and one copy of the relinquishment agreement to be signed.

Commissioner Cox asked Mr. Easley if what we're going to do here is accept the 1.18 miles --that is what he is recommending from the State--and then at a later time we are going to have to vacate all of that except 1,350 ft. east of the centerline of U.S. Highway 41? But the Airport Authority will come in for the vacation?

Mr. Easley said he advised them of this in January and he believes they are preparing the papers and will come before the Commissioners with request that that be vacated. We won't have any maintenance obligation; he doesn't think they are going to call us

(continued)

up and ask us to do anything to that old highway. In fact, they may already be digging up some of it. He sees Deig Bros. working down there, but he hasn't walked the length of it.

Commissioner Cox noted that part of it is out on Millersburg Rd. bridge!

The Chair entertained a motion.

Motion was made by Commissioner Cox that the acceptance of a portion of Old State Highway 57 relinquished by the Indiana Department of Highways in the amount of 1.18 miles be approved and signed, with a second from Commissioner Willner. So ordered.

It was noted by Mr. Easley that agreement should include the signature of the County Auditor, attesting to the signed document.

RE: PURDUE ROAD SCHOOL

Mr. Easley advised that the Purdue Road School begins tomorrow. He has looked at the agenda and believes there are some things which would be interesting, but he doesn't believe he can go out of town that long. Mr. Hartman volunteered to go if Mr. Easley can have a representative and said he can stay at the Union, but he would probably need about \$225.00 to cover his expenses.

Commissioner Willner asked how Mr. Hartman is coming along on Green River Road bridge? Mr. Easley said he sent a letter to the State asking for their concurrence; he thinks this is probably necessary before we go too far on that. But the project is coming along. He has also drawn plans on the Boonville-New Harmony Rd. bridge. Mr. Calvin Evans was in town last week and he thinks that they could probably fund that perhaps for a November letting. He said the money we were talking about becomes available about October 1st, along with other funds. Commissioner Willner asked Mr. Easley if he obtained confirmation on the two railroad bridges being 100%? Mr. Easley said Mr. Evans said he talked with ()yes, those are still in the program -- and he will prepare those and we will get the same money.....

Commissioner Willner said he thinks the Commission needs Mr. Easley's expertise as to whether we should farm these out or do them in-house? He would imagine that we would need to farm them out, but we could do the plans in-house. This is, however, up to Mr. Easley.

Mr. Easley said he thinks we can design the Boonville-New Harmony Rd. Bridge, and the two that will take the Laubscher and Orchard roads over the railroad tracks.

Commissioner Willner asked that in order to do the paperwork for the State do we need to hire somebody?

Mr. Easley said he doesn't think we'll need to on these three; there are cover sheets on which details will have to be entered on the two that are similar, etc. Some site surveying will also be necessary.

Commissioner Willner asked, "What about environmental impact?"

Mr. Easley said there is a bridge in one location and previously there was a bridge in another location...and there's not much of a widening. So really it's not much change over what was there before. In all there were structures.

Commissioner Willner asked that Mr. Easley let him know if this changes.

RE: SIGNALIZATION - MILL RD. & ST. JOE AVENUE

Commissioner Willner told Mr. Easley that he needs the figures on the signalization at Mill Rd. & St. Joe Avenue next week -- and they can finish that one up.

RE: PURDUE ROAD SCHOOL

Mr. Easley again queried Commissioner Willner re someone attending the Purdue Road School?

(continued)

Commissioner Cox interjected that she cannot attend. She has looked at the agenda -- and she did attend a previous session -- and the agenda does look interesting.

Commissioner Willner said he also looked at the agenda. He said he wanted Mr. Hartman left here to finish the Green River Rd. Bridge.

Mrs. Cox noted that Vanderburgh County ought to be represented.

Mr. Willner said he will see if he can go -- he isn't sure, he will just try.... since it begins tomorrow.

RE: ASPEN DRIVE - SEWER CAVE-IN

Commissioner Cox asked if Messrs. Easley and Bethel are making any progress re the sewer cave-in on Aspen Drive in response to complaint from Mr. Small?

Mr. Easley said he has done nothing more on that. It is his understanding that it has been in the past that storm drains on private property in an easement that it is the property owner's responsibility to take care of it.

Commissioner Willner said he has been out there and viewed the situation. It is 100 ft. from the right-of-way. It is strictly private property and we certainly can't use highway funds.

Commissioner Cox said she thinks we should then use extreme care when we approve road plans that have the drainage involved, with the piping, sewers, etc., and we need to make it very plan that we accept the roads for maintenance but not the other drainage. We approve a drainage plan but we do not accept it for maintenance -- and she thinks people need to know this -- and it should be spelled out exactly the way it is going to be.

Mr. Easley said he doesn't think the Board ever implies by approving a drainage plan that the county agrees to maintain all the pipes in the private area....

Mrs. Cox said, "No, but it isn't just his. The drainage probably runs through an easement so that the water doesn't go down and erode the roads, etc. So we do accept that as part of a road plan. But there is always this big question that if something happens to it, who is going to fix it?

Mr. Easley said it doesn't come up very often, when we consider the thousands of feet of storm drainage pipe that go between streets and go between lot lines and right-of-way lines -- we really haven't had any failures -- and if funds could be found to do it, he doesn't think it would be a strain to do it if we can legally do it.

Mrs. Cox said the Board sits here and looks at plans with such and such size pipe and they say it is supposed to take care of the drainage. It's a problem. It's just like when we used to have a lake in a subdivision or a retention pond, and nothing was ever said who was going to take care of it. And we approved the drainage plan and the lake/pond sits there and fills up with silt and gets cat-tail in it and it no longer serves as a retention basin and it creates drainage problems. But these things must be addressed -- and we have to make it clear. It is only fair to the homeowner to know that it is going to be their responsibility -- and she has no problem with that if it is spelled out and they do know it from day one. Have we told Mr. Small anything? Has Mr. Easley sent a letter to him?

Mr. Easley said he has not. Commissioner Willner interjected that he talked to Mrs. Small, personally, and told her that -- personally.

Mrs. Cox said, "Well, you're the president -- so I guess that takes care of that."

RE: PIGEON CREEK LOG-JAM

Commissioner Cox queried Mr. Easley concerning the Pigeon Creek log-jam. He said that he and Mr. Bethel have not yet addressed this problem.

Mrs. Cox said that is alright -- they can't do everything. She is proud of Mr. Easley re the letter to the Corps of Engineers on the Old Henderson Rd. erosion problem.

(continued)

RE: OLD BUSINESS

Resolution Pertaining to Ordinance re Economic Development Revenue Bond for Mid-America Student Housing, Inc.: Commissioner Willner advised Mrs. Cox that the Board previously took action on this matter on December 23, 1985, at which time she was on vacation. Mrs. Cox perused the minutes and moved that the Resolution pertaining to Ordinance re Economic Development Revenue Bond for Mid-America Student Housing be signed, with a second from Commissioner Willner. So ordered.

RE: SCHEDULED MEETINGS

Tuesday	March 11	4:00 p.m.	Auditorium Advisory Board Meeting
Thursday	March 20	7:00 p.m.	Public Information Meeting/F.J. Reitz High School Library re replacement of Pennsylvania Street Bridge

Commissioner Willner asked Mr. Easley if he would like his engineering expertise on that bridge so he won't have to replace it? He asked if Mr. Easley can imagine that they're saying a big bridge like that is moving and needs to be replaced?

Mr. Easley said he understands the piers have been settling and that causes the piers to lean. Civil engineer structures are not supposed to move -- only mechanical engineers'. Civil engineers are supposed to be stable...and it upsets them when their structures move, unless it's lift bridges or something like that.

RE: COUNTY ROAD STUDY

Commissioner Willner queried Mr. Easley concerning the County Road Study from Ed Boyd of Ohio Valley Engineers -- did Mr. Easley sign the blue claim?

Mr. Easley responded in the affirmative. He said the bridge inspection reports were supposed to have been mailed today.

Commissioner Willner said Mr. Boyd said he would put the bridge inspection report in the subject report, also, if the Board wanted him to do so.

RE: EMPLOYMENT CHANGES - RELEASESIV-D PROSECUTOR

Benjamin E. Haddox, Jr.	638 Chateau	Dep. Pros.	\$19,040/Yr.	Eff:	3/10/86
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Clerk of Circuit & Superior Courts

*Darlene Maveety	904 Olmstead	Dep. Clerk	\$490.42/Pay	Eff:	3/10/86
*LOA due to emergency surgery (currently scheduled to return 4/7/86)					
<u>Circuit Court</u>					

Karen S. Miller	926 Fairlawn Circle	P/T Intern	\$4.50/Hr.	Eff:	2/28/86
Patricia Y. Coy	6609 E. Walnut	P/T Sec'y.	\$5,200/Yr.	Eff:	3/7/86
Betty Craig	514 S. Grand Ave.	P/T Intern	\$5,200/Yr.	Eff:	3/7/86
Shawn Devoy	1400 S. Grand Ave.	Intern	\$3.35/Hr.	Eff:	2/21/86

RE: EMPLOYMENT CHANGES - APPOINTMENTSIV-D Prosecutor

Benjamin E. Haddox, Jr.	638 Chateau	Dep. Pros.	\$21,540/Yr.	Eff:	3/10/86
Debra Jo Day	300 W. Berkley	Secretary	\$5.00/Hr.	Eff:	3/3/86

Clerk of Circuit & Superior Courts

Bettye Smith	700 S. Kentucky	Dep. Clerk	\$490.42/Pay	Eff:	3/10/86
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*Approved on motion made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

(continued)

COUNTY COMMISSIONERS
March 10, 1986

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Circuit Court

Betty Craig	514 S. Grand Ave.	P/T Intern	\$5,200/Yr. Eff: 3/10/86
Edward J. Montpetit	4944 Countrylane Dr.	P/T Work Rel.	\$5.00/Hr. Eff: 2/24/86

Burdette Park

Oliver G. Spencer	633 Jefferson Ave.	Union Emp.	\$7.68/Hr. Eff: 3/4/86
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Circuit Court

Robt. Lee Saunders	1339 Savannah Dr.	P/T Bail Bond	\$4.50/Hr. Eff: 3/8/86
Denise G. Karcher	940 Varsity Drive	P/T Intern	\$3.35/Hr. Eff: 3/3/86
Patricia Y. Coy	6609 E. Walnut	P/T Sec'y.	\$5,200/Yr. Eff: 3/10/86

There being no further business to come before the Commission at this time, President Willner declared the meeting adjourned at 4:30 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

AUDITOR

Alice McBride
Sam Humphrey

COUNTY ATTORNEY

David V. Miller

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

BUILDING COMMISSION

Roger Lehman

AREA PLAN COMMISSION

Beverly Behme

COUNTY CORONER

Charles Althaus

PURCHASING

Kim Schepman

OTHER

Mrs. Shirley James
Mrs. Wm. (Jeannine) Phillips
Mrs. Carol Brown
Approx. 25 other neighbors (Little Schaeffer Rd.)
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

310.

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 17, 1986

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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 17, 1986

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, March 17, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained motion concerning approval of the minutes of the meeting held on March 3, 1986. Motion was made by Commissioner Cox that the minutes be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: REZONINGS

VC-4-86/Petitioner, Ethel R. Hamilton (1st Reading): Common known address of property for which rezoning has been requested from Agricultural to C-4 is 101 S. Red Bank Rd and 129 S. Red Bank Rd. Land is currently vacant. Proposed land use is retail development. The property to the north, west and south is agricultural with single family residences. Directly east is the University Shopping Center. Commissioner Willner asked if anyone is present to speak to this particular rezoning on 1st Reading? There was no response. Commissioner Willner asked if anyone is present to represent Ethel R. Hamilton? There was no response. The Chair entertained questions of the Board. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-4-86 be approved on 1st Reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-1-86/Petitioners, Sam & June Angel (3rd Reading): Common known address of property for which rezoning has been petitioned is 2820 Mesker Park Drive. Property is currently zoned R-1 and C-1 zoning (with living privileges) is being requested. Current land use is a log home and log home business. Proposed land use is a log home, log home business, real estate office and windmill sales.

Attorney Steve Barber approached the podium and was recognized by the Chair. Mr. Barber said he was passing out a pamphlet to members of the Board which basically set forth the subject real estate. It also contains an appraisal and a consulting report prepared by David Matthews, appraisal consultant, who will also speak a little later.

Mr. Barber said there is a story about an old trial lawyer who was in a hearing one time and he was getting everything ruled against him. Each time that they would make an objection, he would make an objection and be overruled. Finally it got to the point in the proceedings when the old lawyer said, "I beg you not to let that evidence in." After hearing arguments for a long time, the Judge said he wasn't going to let the evidence in. After it was all over with the lawyer went out and his young associate asked, "How did you keep that evidence out?" He replied, "Well, I begged....and Judges like it when you beg," Mr. Barber said if he thought it would do any good, he would come here and beg tonight, because they have been here on several occasions, as the Commissioners know, on this particular piece of property. As the Commissioners know, Mr. Angel purchased this piece of property and has a \$300,000 investment in same. As you drive from Old Highway 41 out to the Posey County line, you won't find a new R-1 area zoned R-1 development that whole stretch of the way. The reason for that is very obvious, he thinks, and that is that people do not ever build R-1 developments along a major State highway. The reason for that is that there is noise, pollution, vibration and all sorts of damages. In fact, when the State of Indiana goes by and builds a highway like that, there are those types of damages which are assessed to a property. What is interesting is that it just not is true with Highway 66 and Diamond Avenue. You go to Highway 41 and make the same trip -- you won't see any R-1 new residential developments. This is 7½ acres that is begging to be developed. This is 7½ acres that ought to be developed. The pamphlet he presented to the Commissioners shows the traffic count for that particular intersection -- and it's over 20,000. The contemplated use is not going to add any noise, vibration or traffic to that particular intersection. There is, he believes from good zoning principles, no reason to deny this particular rezoning. The Board is the body charged with the law to do the rezoning. If they will look carefully at the report submitted, they will see that there is an argument -- and it probably says it better than he can -- why this specific piece of property should be rezoned. He would ask that they isolate in their own minds what the objections are and if they have some objections to this particular piece of property being rezoned -- let them answer them, because he doesn't think that when all is said and done that there is a good reason why this property shouldn't be rezoned to C-1.

(continued)

Mr. Barber said that before he calls on Mr. David Matthews, president of the Board of Realtors, a consultant and real estate appraiser, to say a few words in behalf of the Angels' rezoning, he would make the following comments. One of the questions we have here (and he knows the Board may not believe this) -- but he understands that definitely they are homeowners who are concerned about their homes, their neighborhood, and perhaps they think he doesn't understand this -- but he does. What he and his clients are offering here tonight is vastly different from a fast-food restaurant and something different from a Stop-N-Go ...or something that is going to be open all night....where you might have kids or automobiles or something like that. He knows this is a very valid concern. But what Mr. Angel is approaching the Commissioners with-- and the neighbors with -- is a very limited access to his property. They are talking about a log cabin home. There are lot of people who buy log homes; there are a lot of people who buy magazines, and a lot of people who buy milk. But Mr. Angel is asking to have a log cabin home here. There is no difference in the proposed development and the way it looks today. He is also asking that his wife have a real estate office and that he be permitted to put a motorized windmill on the property -- which probably would be kind of interesting for people to look at, as well. He is willing to limit this to that -- as it is now. We're talking about a 7-8 acre tract of land -- and he is willing to limit this now to the proposed plan as can be seen on the easel -- to enter into any type of arrangement the Commissioners want just to make certain that it stays as it is. If this thing is not successful -- Mr. Barber said he is not sure what could happen. But tonight we could see that that property stays the way it is. Everybody is concerned about traffic; he understands that. But you're going to have traffic limited to the log cabin home; traffic limited to the real estate office (which is not going to be open after 5:00 p.m. If everyone sits up here tonight and asks, "What is really best for this neighborhood?"-- he believes everybody would like to see the green grass, the log cabin home stay the way it is and a small real estate office -- and not see neon lights; not see bright lights like at the Stop-N-Go, or the small Convenience Center. That is what we could accomplish here tonight. Mr. Barber said he doesn't like to beg like the old trial lawyer, but he thinks we could accomplish something which could be very satisfactory. He knows the Board doesn't want to rezone this property and six months later have a bunch of trailers there; that is not what the neighbors want. Mr. Angel is willing to make whatever commitments it takes to rezone this so that what is shown in the plan on the easel is what you have. Mr. Barber concluded by calling upon Mr. Matthews for his comments.

Mr. David Matthews approached the podium, identified himself and said the Board has seen a copy of his report; thus, he assumes he is here not only for the benefit of the Commissioners, but for the benefit of the remonstrators and the neighbors in the area. Mr. Matthews said that perhaps he is the only unbiased person in the meeting room. He has no emotions concerning this case; his comments concerning the best use of this property is strictly a real estate decision. It is about a 7½ acre tract of land which upslopes from the highway, making it somewhat undesirable from a residential point of view, because it catches the noise, pollution, etc., of the highway. But the land is physically capable of being developed a lot of different ways. It can be developed residential, commercial, industrial, recreational, etc. It is currently zoned R-1. A survey of all major highways leading to/from Evansville would show that no residential development has occurred on the highways going to/from Evansville (Highway 66, Highway 62, Highway 57) -- those are not residential corners -- those are commercial corners. And this highway -- Diamond Avenue/Highway 66 is a commercial corridor. Whether we like it or not -- this is what it has been and what it is and the way it was developed. This is the stoplight for all properties east of here -- every corner that can be developed or undeveloped -- is for that purpose or has been developed commercially and industrially...especially the ones with traffic lights. This, obviously, is a traffic light. Two of the corners have already been zoned commercially. He did the study and appraisal of the Pet Clinic across the street (Dr. Mahrenholz). He told them it was a needed improvement out in that area and it was an improvement over what was there previously. The highway corridors, then, have to be considered. The last intersection coming to/from Evansville such as Boonville Highway/Green River Rd. (the last light there); Highway 57 and 41; Red Bank Rd. at Highway 62; Burkhardt Rd. at 66 -- these are all commercial/industrial intersections. In allowing for city growth.....these have been allowed to develop commercially as opposed to residential development. So it would only appear reasonable that this one would be developed commercially anyway. Evansville is continuing to grow in all directions right now -- and you have to allow for commercial development. You don't want commercial development back off the secondary roads in commercial areas; you want them on the busy highways that already are somewhat limited for residential purposes. The reason these rezonings have followed this longtime trend -- the University Shopping Center was zoned commercially in a commercial area and there is a traffic light there. On Morgan Avenue

(continued)

COUNTY COMMISSIONERS
March 17, 1986

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you have the same situation; then there is the Toyota dealership on Highway 66 east of town -- all were recent rezonings that abutted residential areas but were on busy highways. The city is going to grow and it is going to grow in this direction, also. Eventually that piece of property will be developed commercially or industrially. Mr. Matthews said he does not think industrial use is appropriate use of that property. So a zoning which restricts the subject property on a busy highway -- at a lighted intersection where two of the corners are already commercially developed -- he believes is unfair, inconsistent with historical zonings and inappropriate as compared to all other parts of town.

In response to question posed by Attorney Barber, Mr. Matthews responded that the area is going to contain a lot of grass -- they're basically talking about continuing with current log cabin, building another log cabin where the existing garage is and putting up a windmill. There will be a limited amount of traffic in and out of the area. That is a very low traffic generator -- and he doesn't see that that is going to damage any properties in the neighborhood.

Mr. Barber said when you talk about "commercial", you're talking about shopping center, industrial one-acre lots, gas stations, etc. This is the only major intersection not developed commercially -- and two of the corners are already developed commercially. Mr. Matthews entertained questions.

Commissioner Willner entertained questions.

Commissioner Cox indicated she has a question. She asked exactly what rezoning is being sought. Mr. Barber said a C-1 (it was previously C-4, but was amended at Area Plan -- motion was made and carried at the APC meeting). Mrs. Cunningham interrupted by advising that Mr. Barber should have filed an amended petition. Mrs. Cox noted that her copy of the petition indicates a C-4 rezoning is sought. Again, Mrs. Cunningham stated that it has been amended to a C-1.

Mrs. Cox then asked Mr. Barber if he has a site plan other than the one contained in Mr. Matthews' report -- depicting what is shown on the easel tonight insofar as dimensions -- the exact drive and existing buildings and what his clients are going to do? Is the site plan she has the one that was presented to Area Plan Commission?

Mr. Barber acknowledged that it is the same. He asked if the Board would be more comfortable if something else is included? Mrs. Cox said she is trying to match up site plan with what is shown on the drawing presented on the easel.

Cole Banks, Attorney, explained that the land goes back quite some distance -- Mrs. Cox said Building #1 would be the large house that exists? The plan doesn't show the dimensions; it doesn't show the space -- is there a 50 ft. space between Building #1 and #2 and Building #3? And a 30 ft. space between those two buildings? And the drive is 20 ft. -- and then it shows a 19½ ft.? Mr. Banks said it is a 20 ft. drive all the way. Mrs. Cox said the windmill does not show on the site plan. She sees no trees; she sees no green space. Mr. Banks said Mr. Angel would be willing to remove the windmill if that is a key objection; he'd be willing to remove that.

Mrs. Cox asked if Mr. Banks said that Mr. Angel would be willing to remove the windmill?

Mr. Banks said that if that is a key objection, he'd be willing to remove the windmill --even though it would be aesthetically pleasing--

Mrs. Cox said she understood him to say that it basically will stay the same as it is now, with the exception of the windmill and windmill sales.....Mr. Banks said they also have a right to put a sign on the property.... and he thinks that is why this needs to be made a C-1; he thinks this is one of the major problems.

In response to query from Mrs. Cox, Mrs. Cunningham replied that what Mr. Angel has now is special use and home occupation. In talking about C-1 zoning, he would be allowed 200 sq. ft. for sign. A C-4 would allow 400 sq. ft.

Mrs. Cox said her other question for Area Plan (and she does not see it on the Staff Field Report) is that in the overall comprehensive land use development plan that we have in Vanderburgh County, what does this call for in that plan?

Mrs. Cox said it calls for the area to be rural and low density.

(continued)

The Chair entertained further questions. There were none.

President Willner then asked if there are any remonstrators to VC-1-86; if so, do they have a spokesman?

Mr. Clarence Steurer stood and was recognized by the Chair. He approached the podium, identified himself, and said that he resides at 2927 Mesker Park Drive, which he has owned since 1942. He has lived within two blocks north at 3120 Mesker Park Drive and four blocks south since the fall of 1916. He has also been the spokesman for the property owners of this 1/4 by 1/4 mile area since 1950, whenever rezonings came up -- roads, drainage problems, and all of this. He's been here before the Commissioners several times -- twice before on this particular area. Mr. Steurer said he is presenting to the Commissioners the same documents which were presented at the Area Plan Commission meeting. He would ask that the Commissioners look at Page 1, where they will note that there are 35 owners of record in this one quarter mile area surrounding this 7½ acres. There are nine (9) adjoining property owners. Six (6) have signed against this rezoning. It can also be noted that there are seven (7) property owners within the 1/4 by 1/4 mile area that signed for the rezoning. It can be noted that 14 have signed against the rezoning, while two (2) are on vacation. It is known that one (1) definitely was against it -- but there are two (2) who did not respond. This, then, indicates that twenty (20) of the affected property owners signed against the rezoning while nine (9) signed for it.

The next item is the map of the 1/4 by 1/4 mile area showing the location and building of the residents who are property owners. They do not solicit or permit renters to sign any of their petitions -- only the property owners of record.

The next item is the property owners adjoining this property's remonstrants. Two (2) of these adjoining property owners were never notified and, by law, they have to be.

The next are the property owners living in this 1/4 by 1/4 mile area.

The next are the property owners living in the adjacent 1/4 by 1/4 mile area north in German Township, which he shall cover later. These are all homeowners. They did not cross south of the east-west boundary nor the north-south line of the east-west -- keeping within this 1/4 mile area.

Mr. Steurer said he just wanted to review some of the history of this property. In August 1980, Mr. Angel and wife acquired this 7.457 acres from Curt and Frances Huber. On August 25, 1980, application was made for rezoning from R-1 to C-4 (#80-63-PC) for proposed nursery, garden center and model home. It was set for hearing October 20, 1980. The hearing was delayed until November 7, 1980 and the petition was amended to rezone 1.86 acres instead of the original proposal of 7.057 acres. It was denied by the County Commissioners, the legislative body of Vanderburgh County. In March 1981, a building permit was issued to build a 3-bedroom log home with a detached 2-car garage. As of December 31, 1981 the garage was not under roof. A permit was issued for him to live in this log home and use it as a display home and to erect a 2' x 2' sign, which is attached to his mailbox post on Mesker Park Drive. On October 26, 1981, application was made (#81-64-PC) to change from R-1 to C-4 and, again, later changed to C-1. The proposal stated that its intended use was for model home display, two more buildings for garden tiller sales, tole painting craft shop and an owner-staffed real estate broker's office. Hearing December 2, 1981 at the Plan Commission and December 21, 1981 at the Commissioners' meeting; again denied.

Tonight his application was dated December 30, 1985 and changed by him to read January 6, 1986. The original proposal was for a C-4, but was amended at the APC meeting on March 5, 1986, to C-1 for a log home, log home business, real estate office and windmill sales. On his application he stated his present use is a log home and a log home business. No mention was made about building another building. However, if the Commissioners will refer to the APC Field Staff Report, they will find another statement mentioning its use and that a 24' by 44' building was to be erected between the present garage and Mesker Park Drive. Mr. Steurer said he doesn't recall that being there at the last meeting. He did have some kind of photo; but it was not shown to the public -- it was kept to the front. They couldn't hear what was said very well.

(continued)

COUNTY COMMISSIONERS
March 17, 1986

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If the Commissioners will refer to the booklet, he doesn't know whether all the petitions submitted by Mr. Angel to the Plan Commission -- but he believes there should be a section in the booklet of people who signed for it. There is another separate petition in support of the application states "residents and affected property owners in Vanderburgh County". The separate petition and top of this petition was written with a pen (the words "Friends & Supporters") dated March 5, 1986. Yet he stated in the APC meeting that he had over 200 signatures in favor of his rezoning. If the Commissioners will find time to review these petitions, they will find the following:

Property Owners and living as adjoining -- only two (2) with three (3) signatures, that being the Wades and the James.

Property Owners and living in the 1/4 by 1/4 mile area -- only seven (7) pieces of property with eight (8) valid signatures and three (3) not valid, because the husbands signed and the property is in the wives' name according to the record. (Only recorded property owners can sign -- not renters, etc.)

Property Owners living within four (4) blocks of this 1/4 by 1/4 mile area -- there were nine (9) pieces of property with sixteen (16) signatures. Records were not researched on these to determine whether they were the property owners of record.

This then left 188 signatures of persons living in Vanderburgh County and the City of Evansville, ranging from the northern part of Vanderburgh County to the extreme south and west parts from South Alvord, 5704 Whitethorn, 7402 Yosemite, 1614 N. Kerth and 4901 Hogue Rd., etc. How can they be the affected property owners (look at the dictionary about the word "affected"). It would take much time to ascertain if they were owners of record. When questioned by Mrs. Woehler of the APC because of the various addresses, Mr. Angel replied that these were persons who visited the log home business and signed the petition. It must have been over a very long period of time, as those who live there know there are not that many who call at this display home. (See P. 21 of the minutes of the APC meeting) Mr. Steurer said he would also ask that the Commissioners refer to the bottom of Page 15; Mr. Wallace, the attorney for the APC, where he informed Mr. Barber and Mr. Angel, calling attention to the general rules of law when considering or reconsidering petitions, if the same petition is presented to you more than once -- and if there is no significant change in the circumstances, then, generally, the vote should be the same each time and what everybody is voting should vote the same on the same evidence. This is the third time that this has been presented; again, no significant change in circumstances.

Although he has never had authority to conduct commercial business on his property, Mr. Angel's statement on application for rezoning and his statement on the Field Staff Report verifies that he has been conducting business. Just last summer a number of trailers with two rear axles of various sizes and lengths and new -- were displayed on his property. It is known that he sold one 2-axle, 16 ft. long in August. In November, another purchaser drove away with one attached to his truck. Mr. and Mrs. Angel did not move onto this property until late in the fall or early winter of 1984, even though his permit stated he must live in it and could use it as a display home (see Page 21, in which Mr. Angel said that Mrs. Cunningham said that some member of his family has to live there; he said his son and family lived there after it was built). Mr. Steurer said that he and others know that once any of their children marry they become a separate unit or entity under our laws, our government and our society. These then cannot be construed as having been family members; only "kinfolks". Mr. Steurer said he can cite an example if the Commissioners wish. When Mr. Angel spoke with persons in this area, he spoke only of putting up a windmill as a display for sales. He apparently did not talk about another business, commercial use, etc. Apparently the persons did not read his petition in detail before signing. When Mr. Angel went outside the 1/4 by 1/4 mile area and into German Township, one German Township property owner took issue with him and investigated and sought counsel with persons outside the area -- later notified the property owners adjoining this request for rezoning of the results of the investigation -- as well as telling other German Township property owners. This then prompted the German Township property owners living in the adjacent 1/4 by 1/4 mile area to desire being included. Note the signatures on the German Township petition which are dated after February 26, 1986.

Mr. Bump, an adjoining property owner, can verify that he was approached by Mr. Angel
(continued)

in late January or early February, when he was digging out the ditch in front of his property and Mr. Angel spoke to him about wanting to put up a windmill and sign. Mr. Angel stated that the Plan Commission would not let him put up a sign along the limited access highway. Mr. Bump told him that he wanted this area to remain R-1. This conversation took place after the time that Mr. Angel had filed his petition for rezoning, but not one word was said to Mr. Bump about rezoning. A neighbor can also testify that he saw the two parties talking. Mr. Bump is here tonight if the Commissioners wish to question him.

Later in February, Mr. Angel telephoned Mr. Bump and asked him whether he would go with him in his petition to rezone to C-4. Mr. Bump informed him that he wanted this area to remain R-1. Then Mr. Bump was asked not to appear at the hearing. Mr. Bump is here if you wish to ask him. Reference was made on Page 14 to the commercial properties on the southeast and southwest corners of the intersection of Mesker Park Drive and the limited access. Mr. Matthews or someone made reference to the dog hospital there. If the Commissioners want to know the history of that, Mr. Steurer said he can tell them all about it, because he was one on the rezoning. It was a non-conforming use for many years as a drive-in restaurant. Mr. Mahrenholz went around and got people to give him a variance in early 1985 to put this hospital there. And he made some remark about Mr. Mahrenholz saying something about it would be good for the community. I don't believe Mr. Mahrenholz said that -- he doesn't know and is going to ask him, personally -- but he did tell Mr. Steurer that he signed for it because he didn't have time to listen to anymore because he was very busy with his dog hospital -- but he did sign it and Mr. Steurer doesn't think he knows what he signed. This is Mr. Steurer's personal opinion. But this rezoning at those two corners took place shortly after the 2-lane highway was built many years ago. That had to be around the late 1930's. When 4-lane was built in 1969 and 1970, part of the property of these two places was purchased by the State of Indiana, along with portion at the northeast and northwest corners of this intersection. C-4 was originally set for gasoline station at the southwest corner, because when the State took away the property it is now down to only sixty-five hundredths of an acre with limited access to very narrow drive on Mesker Park Drive. The area south of that and also the limited highway up to the cemetery property line (which is the sectionline) is zoned R-1, all owned by a corporation -- and they don't have access to that area except that little drive off Mesker Park Drive -- there is a fence there with a post which indicates where the State's property line stops. Mr. Angel purchased this property in August 1980, knowing full well that it was R-1; that it does not have access to the limited access highway; that highway traffic makes vibrations, noise, etc. He immediately started filing applications for rezoning; has not complied with his permits and regulations and continues with the same information for now over five (5) years (refer to Mr. Wallace's statements about rezoning). The Comprehensive Plan for both the City and County was planned with consideration and studied by experts in their respective fields and has been adopted by both legislative bodies as their guide to major planning until the year 2000. Mr. Steurer said it was clearly brought out in this plan that this area and westwardly of the limited access highway out to and beyond Caisson and its environs as being R-1. Likewise, there are residences that are built along the old highway (which is now called New Harmony Rd.); there are residences that were at one-time built along Allen Rd., that when the 4-lane went in it made those two deadend. You go on out to Detroy Rd. that's the next access there is -- you find homes. Go on out -- you don't find commercial development on out any further -- you don't have to go east, because from St. Joe Avenue to Mesker Park Drive all the property along St. Joe Avenue both north and south is commercial -- the rest of the area is below the flood plain; you can go east from St. Joe Avenue to Kratzville Rd. It's the same. You have some houses on Grove Street (there is an overpass over that street). So this talk about development -- you can go out on Morgan Avenue; sure there is a lot of development out there, but it is not a limited access highway. You will note that the two property owners who, by law, were never officially notified of this rezoning -- this then nullifies their petition, by law, and it should be denied. The long time residents in this area who have invested in their homes -- there are some who have lived out there as long as 50 years -- they have lived there as residents and taxpayers of Vanderburgh County. They ask the Commissioners' consideration to have this area remain R-1.

Commissioner Willner thanked Mr. Steurer for his comments and proceeded to ask if there are any other remonstrators?

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Commissioner Cox interrupted, saying she would like to note for the record....does Mr. Steurer have the names of the two (2) property owners who were not notified? Could he give the Commissioners those names?

Mr. Steurer said the parties were Mr. Bump and Mrs. Decker.

The Chair then proceeded to recognize individual who indicated he wished to speak

Mr. Thomas Whitsitt approached the podium, identified himself, and said he resides at 789 S. Red Bank Rd. He is here on behalf of the West Side Improvement Association. He would present an opposition outline -- to rezoning of subject area. If this area is rezoned C-1, there are seventy-one (71) possible businesses covered by that: Boarding House, Multiple Dwellings, Mortuary, Hotels/Motels, Package Liquor, Laundromat, Restaurant/Cafeteria, etc. He understood at the APC meeting that a person getting a C-1 rezoning, although he might say he is going to be an artist and have an art place there, if he gets that C-1, is it true that later on he can indulge in any one of these other 71 businesses in the area that has been zoned C-1? For whatever reason he stated, Mr. Whitsitt said he understood that Mr. Angel could later on engage in any one of those businesses. Is that true?

Commissioner Willner responded, "Yes sir".

Mr. Whitsitt said, "If that be true, Mr. Angel (if he is able to obtain this zoning) could engage in any one of those businesses and there wouldn't be anything anyone could do about it. Is that correct?"

Mr. Willner said, "Yes sir".

Mr. Whitsitt said, "Now, is it possible for the Commissioners to put a limitation on any C zoning?"

Mr. Willner said, "No".

Mr. Whitsitt said, "There is no point in Mr. Angel's offering for it to be an exception? Is that right?"

Commissioner Willner said, "Well, he has down-zoned it from a C-4 to a C-1, which changes the specs...understand that. But he could still do anything that is allowed in a C-1 zoning. That is correct."

Mr. Whitsitt said this is primarily what disturbs them the most.

Mr. Steurer stood and was recognized by the Chair. He said that after five (5) years, the neighbors want no covenants -- they want to leave it R-1 as it is -- he could easily develop that 7½ acres into a residential area.

Commissioner Willner asked if anyone else wished to speak against the rezoning?

Attorney Barber said that when you look at a rezoning, you try to look at the neighboring area to what is the highest and best use for that particular piece of property. Across the way on both sides of the property there is commercial use of the land. On one corner, both people have signed in favor of the rezoning. If you go east, you will find all commercial use of that land. He said he doesn't think from a good zoning standpoint that there is any reason to deny this rezoning. He believes that if they've heard everything here they've heard too much -- he thinks the property ought to be rezoned. To recapture his summary, if he has to beg for it he'll beg for it -- but it ought to be rezoned.

Commissioner Willner thanked Messrs. Whitsitt and Barber for their comments. He then asked if the Commissioners have further questions? For the record, however, he said he would note that he had the secretary count and there were 94 who signed in favor of the petition and 54 who have signed against it. The Commissioners do not want to say that these are within a certain distance; they have no way of checking to see if these are actually freeholders in the county -- so they cannot attest to their authenticity.

Proceeding, Commissioner Willner queried Mrs. Cunningham as to what the Board needs to do to amend this to a C-1?

(continued)

Mrs. Cunningham said it has already been done by the Area Plan Commission. If the Board of Commissioners accepts the Committee Report, then they can file the amended ordinance. The Commissioners can go ahead and vote on the rezoning tonight and sign the amended ordinance at a later date. In response to query from Commissioner Willner, Mrs. Cunningham said she doesn't know whether the Commissioners have to approve the C classification, but for safety's sake, perhaps they should.

Attorney Barber interrupted that he thinks the Commissioners should do this.

Chairman Willner asked if Mrs. Cunningham would speak to the owners who were/were not notified?

Mrs. Cunningham said that to her knowledge the list of property owners provided ---they were contacted. She doesn't believe they checked the Assessor's records; they generally don't; the burden of proof is on those notifying to be sure they all were.

Mrs. Cunningham said that Mr. Bump "deceased" was notified; it came back; so they did make an effort to notify him. She asked if Mr. Steurer can show them where the other individual (Mrs. Decker) is located?

Mr. Bump approached the podium, identified himself, and stated that he is the one who was not notified. Mrs. Cunningham showed Mr. Bump a copy of envelope returned and marked "Deceased" -- but that is the Post Office -- and she is glad to see that Mr. Bump is alive and well. She asked if Mr. Bump's address is 3007 Mesker Park Drive? He said he lives at 3006 Mesker Park Drive....and he receives mail there everyday.

Mrs. Cox asked where Mrs. Decker lives? Mr. Steurer complied, by pointing to a map.

Mrs. Cunningham asked if Mrs. Decker moved to Mesker Park Drive recently? Mr. Steurer said she has lived there for a long time.

Mrs. Cox stated that while she did not receive notification via the mail, Mr. Steurer said she was at the APC meeting -- so she was aware of the request for rezoning via means other than certified mail...as was Mr. Bump.

Commissioner Willner said then, we have one who was not notified via certified mail; and one who was notified via certified mail but did not receive his mail -- is that correct?

It was noted that Mrs. Decker is against the rezoning.

In response to query from Commissioner Willner, Attorney Jones advised the Commissioners can continue with the hearing; it is not up to the Commissioners to determine whether or not Mr. Bump does or not live at the address or whether he is dead or living -- the proof of whether someone did or did not get a notice does not fall on the shoulders of the Commissioners. He then entertained further questions from the Commissioners. There being none, a motion was entertained for approval to amend requested zoning from C-4 to C-1. Motion was made by Commissioner Borries that VC-1-86 be amended from C-4 to C-1, with a second from Commissioner Cox. So ordered.

Commissioner Willner then asked for a roll call vote. There were three (3) affirmative votes.

Commissioner Willner said now that the Board has officially amended VC-1-86 to C-1, he would entertain a motion to approve VC-1-86 at the C-1 level. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. President Willner then asked for a roll call vote. There were three (3) negative votes and President Willner declared the petition denied.

VC-2-86/Petitioners, Robert & Mary Kay Dennis (3rd Reading): Mr. Willner said the meeting will proceed with hearing on VC-2-86, and he recognized Attorney Les Shively, who was representing the petitioners.

Mr. Shively approached the podium and identified himself, stating he is present to represent the petitioners. He said common known address of property is 8944 Big Cynthiana Rd. (near the intersection of Big Cynthiana Rd. and Kuebler Rd.). The purpose of this rezoning is to change it to a C-4. Currently on this location and the adjacent property (which was just recently purchased by the petitioners) is the

(continued)

business of Fehrenbacher Cabinet Co. This business has been there since 1957 as a legal non-conforming use. This particular petition is to expand that use by adding an additional 2,500 sq. ft. to the existing building and another freestanding building of approximately 3,000 sq. ft. To give the Board some idea of what the present facility looks like ...he has photograph and superimposed photograph of artist's rendering of the facade of both the new addition and facade of new additional freestanding building. (Mr. Shively continued by first showing photos to Commissioner Borries, then to the others.) Mr. Shively said he would also submit at this time (he submitted same earlier to the APC at their hearing) -- they contacted the surrounding property owners and have received signature from each of the surrounding property owners consenting to rezoning. They have numbered each property owner's name with a number in red -- and attached to that is a map showing where that particular individual lives in relation to subject property. Mr. Shively said he would note that they have amended the legal description and they are only rezoning 2.02 acres. That legal description was amended at the Area Plan Commission meeting -- and he thinks it is now simply a matter of the Commissioners adopting that report prior to taking final action this evening.

With Mr. Shively this evening are Mr. Robert Fehrenbacher, Mr. Dennis Fehrenbacher -- property owners of the property in question and the principal shareholders of Fehrenbacher Cabinet Company. If the Commissioners have questions of either himself or the Fehrenbachers, they would be more than happy to answer same. Mr. Shively said he would note that they have met with Mrs. Zigenfus of the EUTS department, who explained the requirements of the Indiana Department of Highways, and they intend to comply with those suggestions and requirements.

Commissioner Willner asked that the record reflect that there are ten (10) signatures in favor of the rezoning, but the Commissioners do not attest to their authenticity. He then entertained questions of Attorney Shively.

Commissioner Cox said that Mr. Shively said he had met with EUTS. Is one commercial curb cut (drive-way) o.k.?

Mr. Shively said that what Mrs. Zigenfus has said (he talked with her before the APC meeting) is that is her suggestion. Of course, the ultimate authority is the Indiana Department of Highways. Her concern is that we have at least one that is 30 ft. in width to allow vehicles to move to and from. Right now there are no curb cuts; it is all open. They intend to close that off. What they would like to do (and Mrs. Zigenfus concurred with this suggestion) is to have two cuts located as shown on the site plan to allow a kind of one-way flow of traffic so as not to interfere with traffic problems where Kuebler Rd. intersects not too far from subject property on Big Cynthiana Rd. She thought that was an excellent idea; but, once again, told them to coordinate with the Indiana Department of Highways. Mrs. Zigenfus does not have jurisdiction of it; she was really just acting in advisory capacity and did advise them to work with the IDOH. Mr. Shively said this will be better, because rather than people pulling out willy-nilly, there will be a definite traffic flow -- and it will be ten times better than it is right now.

The Chair entertained questions. There were none. President Willner then asked if there are any remonstrators to VC-2-86? There were none. The Chair entertained a motion for approval. Motion was made by Commissioner Borries that VC-2-86, Petitioners Robert & Mary K. Dennis, be approved, with a second from Commissioner Cox. The Chair then asked for a roll call vote. There were three (3) affirmative votes and Mr. Willner declared the petition approved.

Continuing, Commissioner Willner advised the Fehrenbachers that upon inspection they have found the property to be very clean, neat and orderly and it is the wish of the Board that this continue. In their expansion, the Board would hope they would do the same.

VC-3-86/Petitioner, Charles Shanks, Jr.: President Willner said Mr. Shanks is present tonight, asking that his present zoning be changed from Agricultural to C-4 to build a repair shop. The location is Billy Manor Subdivision at 5620 Booker Rd. He asked that Mr. Shanks address his petition.

Mr. Shanks said he has a small garage and needs a place for his small business. He is not intending to grow. He is laid off from the coal mines and just wants a place he can make a living until such time as he gets called back to work. He works for AMAX Coal Co.

(continued)

President Willner entertained questions of Mr. Schanks.

Commissioner Borries asked if the size noted is existing structure only? There will be no outside storage at all? Mr. Schanks said that is correct. He has a petition with eleven (11) signatures in favor of the petition.

Commissioner Willner entertained further questions of Mr. Schanks. There were none.

Commissioner Willner then asked if there are any remonstrators present to speak to VC-3-86.

Attorney Ed Smith approached the podium, identified himself, and said he has been asked by the both the legal and equitable owners of the adjacent property to the south and the west of the subject property to appear and speak on their behalf, since they object to this petition. Mr. Smith said he hasn't been before the Commissioners that often, so he is uncertain as to the format. But he first would like to call upon the people who are here -- the remonstrators against the petition -- and have them recognized and see what, if anything, they would like to say. Then, he would like to offer a few prepared remarks. If it pleases the Commission, he would like to proceed.

Mr. Smith asked that those individuals stand who are objecting to the petition. There were eight (8) individuals who stood and were recognized. In proceeding, Mr. Smith called upon Mrs. Herrenbruck, who is the owner of the subject property. She is selling the property on contract.

Mr. Smith asked Mrs. Herrenbruck if her husband is with her? She responded in the affirmative.

Mr. Smith asked if the Herrenbrucks are opposed to this petition? Or, are they in favor of it?

Mrs. Herrenbruck said they are very much opposed.

Mr. Smith asked if Mrs. Herrenbruck would state to the Commissioners the basis of said objections.

Mrs. Herrenbruck said, "Yes. First, Booker Rd. is much too narrow for a lot of traffic. He had a garage last year; and there was so much traffic and the neighbors complained about all the dust. Strange people drove too fast and they said it was too dangerous. Secondly, I feel that spot zoning isn't good in any neighborhood. C-commercial is heavy industrial and we definitely don't want that in our neighborhood. Like I said, we live in back. We have a right-of-way for the back. I sold the property to Mr. Hammer; he has paid more than half of it and I feel he should have a little something to say, too; because he would be the loser if that were zoned C-4, because I understand the 70 ft. by 170 ft. piece right in the middle of our 20 acres. I sold them the front 10 acres -- I sold that to Mr. and Mrs. Schanks, Sr. And I can't see a garage or a C-4 building out there. He could do almost anything on that right in the middle of their neighborhood. And it is zoned residential, because there isn't much commercial out there anymore. It is really zoned residential and agricultural-- but there's not much agriculture anywhere, so they'd have to say it is residential. And it would be a bad thing for a residential area, I think. Hopefully, for my sake and for the people who bought the property, it would be bad to have a C-zone right next to my property....right on the line."

The Chair entertained questions of Mrs. Herrenbruck.

Commissioner Cox asked if Mrs. Herrenbruck, "Since you own the property -- it shows here on the site plan an access drive. Is that a shared access drive?"

Mrs. Herrenbruck said it is an easement and she understands --her attorney told her -- that it is an easement for life....for 1,000 years or life, he said. It is a 50 ft. easement to the property in the back and that was in the contract when she sold the front 10 acres to the Schanks -- that that easement would have to go with the back end of the property so they would have ingress and egress.

Mr. Smith interjected, "If I understand the question, that is an access to the property that you sold to Mr. (?) -- that is not shared with the Schanks -- that is not on their property." Mrs. Herrenbruck said that is correct.

(continued)

Commissioner Cox said she needs to ask Mr. Schanks, then, how they get to their property?

Mr. Smith said they front off Booker Rd.

Commissioner Cox said the rezoning request does not show a frontage on Booker Rd.

Commissioner Willner proceeded to show Mrs. Cox on the site plan how the Schanks get to their property -- he said he was out there today.

Mrs. Herrenbruck interjected that she built a new road last year to get back to their property -- and it stated on the contract that they would have a 50 ft. easement to get to the back 10 acres.

The Chair entertained further questions of Mrs. Herrenbruck. There were none.

Mr. Smith then called upon Mr. Jim Hammer, who approached the podium. He stated that first of all he opposed because it will decrease the value of his property and all the property around it by being zoned C-4. In the second place -- the noise level, they wouldn't like that. In the third place, Booker Rd. is in bad shape the way it is and they do not need anymore traffic on Booker Rd. because they can't hardly travel it now. You can hardly pass on it; there are just a few places where you can pass on it. So he just doesn't see any C-4 commercial building out there -- he can't see it. The noise would affect the wildlife out there. Spot zoning -- it could later on become a manufacturing for all they know. He is not for it -- no way. It would decrease the value of his property tremendously.

Mr. Smith asked Mr. Hammer if he contacted the people along Booker Rd. area and secure any names?

Mr. Hammer said, "I did; I did."

Mr. Smith asked if Mr. Hammer has those names here with him?

Mr. Hammer said that he does. Those against the rezoning included the following:

Mrs. Thomas Hartz	Goebels
Dolores McCray	Georgie Davis
Kelloughs	Ray Goedde
Kenny Fisher	Vickie Pfister
Herrenbrucks	Dr. Mok
Hammers	

*There were one or two other names -- but inaudible

Commissioner Willner asked if Mr. Hammer could give him a total number of those in opposition? Sixteen (16) It was determined that there was a total of fourteen (14).

Attorney Smith advised that there are six (6) names on this opposition list that initially appeared upon the petition in favor of the rezoning which was presented by Mr. Schanks. In other words, six (6) of those people are now opposed to the rezoning. Thus, that leaves three (3) names on Mr. Schanks' list in favor of the petition. Mr. Hammer is here to explain why that is the case and answer questions. He went out and talked to these people and explained the situation. Dr. Mok does not live in that neighborhood. He owns what is now Kokies (used to be the West Haven Gun Club). Mr. Smith said he, himself, talked to Dr. Mok. He was not aware of what was going on and he really felt it was misrepresented. When he understood the significance of the C-4 and what was happening out there, he very definitely opposed it. He realizes that anything he says is "heresay", but anything he says he can back up. He is not going to say anything here that is not confirmable. Mr. Hammer is here to also explain why six (6) of these people who initially signed the petition in favor of the rezoning are now opposed to it -- should the Commissioners care to question him about it.

Mr. Hammer said he approached these people and asked if they'd sign his petition? He first asked them if they knew what they signed when Mr. Schanks brought his petition around. They said, "Well, we thought we did." I showed them what they signed and the circumstances; they didn't know that. They signed it because they said he told them he was just going to have a family garage. He didn't say anything to them about it being commercial -- so they signed it -- and that is how come they got their name on there. When he explained to them what the deal was, they opposed it.

(continued)

Mr. Smith asked if Mr. Hammer talked to Dr. Mok?

Mr. Hammer said he talked to Dr. Mok and he said he was opposed -- he was told it was going to be a family operation -- that is what he was told. But he found out it wasn't a family operation but it was commercial. He didn't really understand what C-4 was either.

Commissioner Willner thanked Mr. Hammer for his remarks.

Attorney Smith addressed the Commissioners and advised that they also have unsolicited support in the meeting tonight -- people whom he just met about ten (10) minutes ago, who also would like to be heard. He said he believes the individual is from the West Side Improvement Association.

Mr. Thomas Whitsitt approached the podium and identified himself. He said he resides at 789 S. Red Bank Rd. He is a member of the West Side Improvement Association and on the Board of Directors. He has a letter addressed to the Board of Commissioners which reads:

"Dear Commissioners,

The Xerox copies of photographs along Booker Rd. which are presented with this letter show far more than we could express with words why the West Side Improvement Association concurs with and wholeheartedly support the Area Planning Commission Staff Field Report to the effect that the petition aforementioned be denied.

We most earnestly ask that all the areas served by Booker Road be kept free of the blight of spot commercial zoning.

Respectfully yours,

Westside Improvement Association

T. P. Whitsitt, Chairman"

Mr. Whitsitt said the black-and-white photos he has for each of the Commissioners do not quite do justice. He will let the Commissioners have his file copy of the color prints, which better brings out why Booker Rd. has no business having spot commercial zoning. Therefore, they request that the Commissioners deny this petition.

Mr. Smith asked that Mr. Whitsitt introduce the other gentlemen who came with him.

Mr. Whitsitt introduced Messrs. Ray Schriefer and George Schmitt, who are also members of the Westside Improvement Association.

Attorney Smith said he would like to make a few remarks at this time to the Commission. In the first place, he thinks these matters come down essentially to the question of what is right and what is wrong. He thinks each of the Commissioners have to examine his own conscience. He thinks they have to determine -- they are familiar with the situation there -- and all he has to do is hold up the small map and they can see the dark spot right in the middle of what is residential -- beautifully rolling agricultural and residential property. What is proposed here, he would analogize and say to be similar to let's say "cancer". If you want to say it is a malignancy or potentially malignant -- this whole area right now is a healthy, vibrant, beautiful residential area. If this petition were granted and the zoning was amended to allow this spot rezoning, you're going to have an area right in the middle -- he's never seen a more classic example of spot rezoning -- the effect would be that it would spread out -- it would spread its tentacles; he thinks it would eventually encompass areas here and then pretty soon we'd have a complete deterioration of an entire area. As it is right now, Mr. James Hammers who owns property adjoining -- he's like a lot of us. He's worked all his life, saving a little money and investing it in property. So many people today -- their estate consist primarily of their home or little farm or whatever they worked to accumulate -- and that is their estate. That is what they're counting on as they grow older and retire. Jim has bought this on contract; he is still paying on it. When he buys it he is buying it under the assumption that he has a little lake

(continued)

out there; he's going to build a little home out there -- and if this rezoning were granted, it would be sitting right in his front yard. If there's going to be any reliance or stability upon our zoning code -- our laws -- if people who commit themselves to a contract to buy should certainly be able to rely upon the integrity of the zoning code -- and know when they buy that their property value is not going to be diminished. Mr. Smith says he holds no quarrel with young man if he wants to get out here and earn a living -- nobody quarrels with that. But when you balance out the equities here -- he says he has a shop now on the eastside -- he can get a shop if he wants to have a garage; there are a number of places he can do it -- there's nothing wrong with that. But there is a place to have one -- and it certainly is not in the middle of a residential area, particularly in an area like this where you have -- according to the staff report here -- if you will notice the APC and EUTS were opposed to this because the road isn't too good. If you had trailers, wreckers or cars coming in and out of commercial development, you're going to have fall out from that; you're going to have metal, glass, ruts and whatever -- it's going to create any number of problems to the road, itself, and to the noise factor into what is a nice residential area. So, he thinks you really have to consider and weigh the equities here. But when you do, there isn't any question -- there's certainly every reason in the world to reject this petition. To grant it would be to destroy the property values of Mr. Hammers and everything he's got into it. It also would have a fallout effect as the Westside Improvement Association is aware of; that is why they are here. The other people up and down Booker Rd. (Dr. Mok who owns Kokies -- it's a nice setting over there -- he's certainly opposed to it -- and he adjoins the property as does Mr. Hammers). Again, Mr. Smith said he would like to draw the Commissioners' attention to the zoning code, itself. He is sure they are familiar with this. It states the action on amending the zoning code. It says, if he may quote, "The Commission may not recommend the passage of an amendment unless it finds one of the following:

- 1) The amendment conforms to the Comprehensive Master Plan. (Obviously, the proposed amendment does not conform to the Comprehensive Master Plan.)
- 2) The zoning classification of a property is improper and the amendment will correct the improper classification. (Obviously, there is no finding of that.)
- 3) There has been a major physical, economic or social changes which have altered the area and that are not anticipated in the Comprehensive Master Plan.....

Mr. Smith said, "Well, Gentlemen and Mrs. Cox, I submit to you that following the guidelines and dictates of the zoning code, itself, there is absolutely no evidence or no facts or anything been submitted that would support the amending of the zoning code. I earnestly submit to you that this petition or proposed amendment should be rejected. I'd also like to call your attention to the fact that there are some 184 uses that could be made upon that property under a C-4. You'd run into problems as Mrs. Goedde said with respect to sewage, water treatment -- any number of problems that we aren't set up to handle. Another thing, too, I'd like to submit for the record here -- and I assume Mr. Schanks was not trying to lead you astray when he said that the area he is having to rezone is only his garage. That, folks, is not the case. The area that is petitioned is a 75 ft. by 175 ft. -- and I don't believe the little garage he has there is quite that large. In conclusion, everything here says that this petition should be denied. And the equities and rightness of it are certainly, I believe, with the remonstrators in preserving the area out there. If we're going to have any credibility in the zoning code we have, this is a classic case of spot rezoning if I've ever seen it and I think it should be denied. Thank you very much."

Commissioner Willner thanked Mr. Smith for his remarks. He then entertained questions from the Board.

Mr. Michael Tao in the audience was recognized by the Chair and approached the podium. He said he lives at the end of Booker Rd., which is probably the most beautiful lot on that street. He came here voluntarily, because he thinks that this thing -- by certain people (especially the attorney) blew that out of proportion. He came here out of compassion, he thinks. First of all, Dr. Mok is his personal friend and he told him today (he works at Mead Johnson as a researcher) that a certain lawyer called him. According to those people, he doesn't understand C-4 zoning. But they are

(continued)

completely wrong.....

Mr. Smith interrupted, saying, "I talked to him, Sir...."

Commissioner Willner called the meeting to order and asked that Mr. Tao address the Commissioners and not the audience.

Mr. Tao apologized, saying, "He is a lawyer...I thought"

Commissioner Willner asked that Mr. Tao proceed.

Mr. Tao said that Dr. Mok was here last year to obtain C-4 for Gun Club last year -- and to say he doesn't understand this is an insult to him.....because he is not here to defend himself, he believes the Commissioners can check on his record. Kokies Gun Club became C-4 last year or the year before. So he thinks Dr. Mok knows completely what C-4 is. Then, he said he came here because he thinks Mr. Schanks -- he has known him for eight (8) years since he moved to Booker Rd. -- he loves Evansville and thinks the people are very friendly. He came here from China many years ago -- and he and his wife like the west side. The only thing he thinks why he came here to defend Mr. Schanks is that he would still like to work in a coal mine -- anytime they call him back he will go back. The only thing he wanted was to survive and support his family by doing little repair jobs. The reason he has to apply for this is because of the pressure of Mr. Hammers or other neighbors -- they don't want him to do any little repair. He doesn't want to employ anyone else -- it's just like a home family business. Anytime he is called back he will go back. He tries very much right now to keep his business on the east side. At the same time, because his lease will be expired and he has to look for someplace to survive, rather than like a lot of people in this country, as he understands it, without making any efforts would rather go and get onto the welfare and get unemployment. Mr. Tao said he admires him in trying to survive on his own. He said he hopes this situation will change. Those people complain about Booker traffic. But at his little garage he can maybe accommodate only one or two cars a day. On the other hand, the Club -- every Friday/Saturday possibly -- has a party and 250 guests can be there at anytime at one party -- and 250 cars potentially would be back and forth as compared to the one or two cars every day to his garage. His garage just cannot compare. Mr. Tao said he lives out there -- he owns 19 acres -- and he plans to build a house that will be closer to Mr. Schank's garage than anyone else. "Mr. Schanks doesn't plan to do that forever; because anytime he finds another job back in the coal mines then he will go back. That is why I come here out of compassion to defend him -- and that is all. Thank you."

Mr. Willner thanked Mr. Tao for his comments. He and Commissioner Borries then asked that Mr. Schanks approach the Commissioners' table. He asked if Mr. Schanks would agree to cut the size of the area? Mrs. Cox cautioned that he must understand that there is no outside storage. Mr. Schanks explained that is why he did what he did. Because if he didn't have the garage, they would be on him about having a car or anything parked outside. If they can find something to give him trouble about, they're going to do it. He said there are only two (2) people here against him who live on Booker Rd. Mrs. Herrenbruck lives 2½ miles away.

The Chair entertained further questions.

Commissioner Cox said she has a few observations. One is that the 1985 Comprehensive Plan does designate this area to remain as an agricultural and single-family residence. That is on the Staff Field Report. Also, with regard to the entrance (they call it a curb cut out on Booker Rd.) -- it would have to be widened to meet EUTS' recommendation. For any commercial rezoning, there would have to be a 30 ft. drive. He is going to have to improve the drive from Booker Rd. back to this property. She can understand Mr. Schanks' plight and she does admire his trying to make a living and keep going. We all have some rough areas to get across at times. She guesses what she is going to say now is as much for Mr. Schank's and Mr. Tao's information -- that when the Commissioners grant a C-4, they can't tell Mr. Schanks that he can only have one or two cars there. He could have this whole area stacked full of cars, waiting to be repaired, which may be quite sightly. Another thing to consider is that once C-4 is granted, Mr. Schanks may well no longer be there with his little 1-2 car repair garage. Anything in the C-4 classification could go into where Mr. Schanks vacates -- and there are some very nice homes. It's quiet out there. She doubts seriously if the people living out there -- and even Mr. Schanks, himself -- would approve of some of these other things that would be allowed to go into a C-4. The Commissioners have no control; you grant the zoning and you have no control thereafter. This is all she has to say.

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Commissioner Willner entertained further questions or comments. There were none. He said he guesses he agrees 100% with what Commissioner Cox is saying. However, if she will recall, they did the same thing for Mr. Jo Asay on Darmstadt Rd. last year.

Mrs. Cox said, "I didn't support that, Bob."

Continuing, Mr. Willner said they cut the zoning down and did approve his at least trying to make a living. Again, he agrees with what Commissioner Cox is saying. But he also agrees that the Commissioners need to do something -- and he keeps saying this everytime a zoning comes up -- but this time he is going to do something about it. He certainly agrees with all the residents and what they say about Booker Rd. He was out there today and it is deplorable and he will certainly try to do something about that. Commissioner Borries was also there -- and agrees with him -- they will try to get the road in better shape than it is.

The Chair entertained a motion for approval. Motion was made by Commissioner Borries that VC-3-86/Petitioner, Charles Schanks, Jr., be approved, with a second from Commissioner Cox. President Willner said the motion has been made and seconded; he will now ask for a roll call vote. A negative vote was cast by Commissioner Cox, and affirmative votes were cast by Commissioners Borries and Willner. President Willner declared the petition approved with two (2) affirmative votes.

Continuing, Mr. Willner advised Mr. Schanks that with respect to his property, he was out there today. He has a new home; he has a new garage. He wants to come back sometime and see that it is in just as good a shape as it is in now. He will ask that when Mr. Schanks goes back to the coal mines someday and no longer needs his little garage, that he would zone this back to residential. This will certainly cost him some dollars. But he would appreciate it if Mr. Schanks will look back and appreciate what this Commission has done for him -- and if he'll spend a few dollars and do something for this Commission, when he no longer needs the dollars-- that he will do that for the Commission. Mr. Willner said he would appreciate it if Mr. Schanks will do it -- and by giving Mr. Schanks his vote, he believes he will. Mr. Schanks said, "Fair enough".

RE: BIDS - FILTRATION SYSTEM/BURDETTE PARK SWIMMING POOL

President Willner asked that Attorney Jones read the bids received on the filtration system for the swimming pool at Burdette Park.

Attorney Jones advised that the following bids were received:

- 1) Recreonics Corporation \$15,092.00
Indianapolis, IN

Attorney Miller said the bid is in order. However, were this bid awarded, it should be awarded with proviso that bid bond be made payable to Vanderburgh County Commissioners. The bid bond submitted is made payable to the Department of Public Purchase, City of Evansville.

- 2) National Pool Equipment Co. The bid is in order; but it is also
Division of Gunite Contracting Co. broken down into various sub-components.
Florence, AL

President Willner requested that Mr. Tuley review the bids and get back to the Board before the end of tonight's meeting. Mr. Jones interrupted that various rates are listed (i.e., if you need assistance to install the unit, etc.). Additionally, if supervision is required, it would be at the rate of \$250.00 per day. Mr. Tuley said he will review the bids and get back to the Commissioners.

RE: AWARD OF DUMP TRUCK BID - BURDETTE PARK

President Willner advised that he has requested the Purchasing Department to come back to next Monday's meeting re awarding of bid on dump truck, as we were under the City's specs on that.

RE: VACATION OF EASEMENT - EASTSIDE INDUSTRIAL PARK

Commissioner Willner noted we have a Public Hearing to vacate a portion of a utility
(continued)

easement in Eastside Industrial Park. He then recognized Attorney Mike Schopmeyer, who was present to address the matter.

Mr. Schopmeyer of Kahn, Dees, Donovan and Kahn said he appeared before the Commissioners about a month ago concerning this matter. He said he thinks it is obvious that we have no remonstrators. All of the utilities have sent letters consenting to the vacation. He would be happy to answer any questions the Commissioners may have. Alan and Kristina Proctor, the petitioners, are also present tonight should the Commissioners have any specific questions concerning their plans for the property.

Commissioner Willner said he does have a note from Bill Jeffers, Chief Deputy Surveyor, that says:

"On the industrial park, there is an additional easement not needed for drainage. It was an add-on by utility company between Lots #14 and #15 and absolutely has nothing to do with drainage."

Mr. Schopmeyer said he spoke to the waterworks and the sewage people and has letters from them in the file.

Commissioner Willner asked if anyone is present remonstrating with regard to the vacation of the public utility easement in Eastside Industrial Park? There was no response. Commissioner Willner entertained a motion. Motion was made by Commissioner Cox that the Ordinance pertaining to the vacation of a portion of easement in Eastside Industrial Park be approved and signed, with a second from Commissioner Borries. Commissioner Willner then requested a roll call vote. There were three (3) affirmative votes. President Willner declared the motion unanimously approved.

RE: TRAVEL REQUESTS

President Willner noted there are several travel requests on tonight's agenda:

Area Plan Commission: The Chair recognized Mrs. Barbara Cunningham, Director/APC. Mrs. Cunningham advised she has been appointed the census "key person" for the Evansville Census Statistical Area and will be the liaison between the Census Bureau and the counties in the Evansville area - Vanderburgh, Warrick, Posey, Gibson, and Henderson. It also entails coordinating their efforts in their review of the 1980 census tract boundaries. Because of her role in the census, she must attend a meeting in Indianapolis on Friday, March 21. She is requesting permission to travel to Indianapolis on that day, together with Joe Ballard. It will be a one day trip and they will use the Area Plan Commission vehicle. President Willner entertained a motion. Motion was made by Commissioner Borries that the request be approved, with a second from Commissioner Cox. So ordered.

County Coroner: Mr. Rick Woods, Chief Deputy Coroner, was recognized by the Chair. He requested permission to attend a state-wide conference of S I D S, as requested by the Indiana State Board of Health. The conference will be held in Indianapolis on April 15 and 16. The Indiana Board of Health will assume part of mileage and one night's hotel reservation. He requests that the Commissioners allow the difference in hotel and mileage costs. The State Board of Health is allowing \$33.00 mileage and \$35.00 for overnight lodging. Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that the request be approved, with a second from Commissioner Cox. So ordered.

Vanderburgh Auditorium: Request for permission to travel to the Regional Conference of the International Association of Auditorium Managers to be held in Cincinnati, OH. Conference dates are March 31 thru April 3, 1986, and do not conflict with any scheduled event at the Auditorium. The conference registration fee will be paid by the Convention & Visitors Bureau. The hotel room will be \$45.00 per day (government rate) and he will be driving his own vehicle. There are adequate funds in the Auditorium travel account to cover the cost of hotel, mileage, and meals. The Chair entertained a motion. Motion was made by Commissioner Borries that the request be approved, with a second from Commissioner Cox. So ordered.

County Auditor: President Willner said the County Auditor is requesting permission for the following to travel to Valparaiso to study their computer system on Friday, April 4th: Pat Tuley (County Treasurer), Carmen McAtee (Computer Operator/Treasurer's Office), Tu Nguyen (Computer Programmer), Betty Franklin (Computer Supervisor/Auditor's Office), Peggy Powells (First Deputy/Auditor's Office) and Alice McBride (Auditor). They would like to be compensated for mileage. They would also like payment for two

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(2) motel rooms: One for Tu Nguyen and the other for Betty Franklin and Carmen McAtee. Additionally, they would like compensation for their meals. The letter states that Mr. Tuley, Mrs. McBride and Mrs. Powless will take care of their own expenses. The Chair entertained a motion. Commissioner Willner asked Mr. Humphrey, Chief Deputy Auditor, if all parties are going in one (1) car? Mr. Humphrey responded, "In one car." Commissioner Willner said they must be taking a station wagon or a van -- because there are six (6) people.

Commissioner Cox asked, "What's the purpose of this?"

Commissioner Willner said they are going to Valpariso to study their new computer system. This, supposedly, is the state-of-the-art for computer systems in the State of Indiana.

Mrs. Cox queried Commissioner Willner concerning the size of county to which they are traveling?

Commissioner Willner said that Valpariso is probably around 100,000 or something like that. A motion was entertained.

Mrs. Cox said that if Mr. Volpe hadn't opted to purchase his own computer, everybody would already have been on line with the data processing thing.

Commissioner Willner said, "That's probably true."

Mrs. Cox said she can't understand why they have to go up there to take a look at it.

Commissioner Willner said, "They want to study it."

Mr. Humphrey stated that data processing and computerization is not just a.....

Mrs. Cox said, "I understand that, Mr. Humphrey. I was one of the initiators starting it over in the Courts when I was County Clerk and I do understand that. I just can't see it."

Motion was made by Commissioner Borries that the request be approved, with a second from Commissioner Willner. So ordered.

President Willner said he would ask that these people give us an analysis or synopsis or whatever -- upon their return -- to see if it was well worth it.

Circuit Court: President Willner said he has a request from Judge Miller of Vanderburgh Circuit Court concerning permission to travel to Indianapolis on Friday, March 21st for the quarterly meeting of the Board of Directors of the Judicial Conference of Indiana. He is requesting expenses for motel room and meal expenses for one night only.

Commissioner Cox noted that the conference is scheduled this Friday, March 21st, so there is not time to postpone the matter. She asked Mr. Humphrey if he has a copy of the budget? Is there travel money in Circuit Court's budget?

Commissioner Willner said he doesn't think so. He believes County Council took it all out. All travel is now in the Commissioners' budget, he believes, with the exception of the Auditorium and Burdette Park.

Motion was made by Commissioner Borries that the request be approved, with a second from Commissioner Cox. So ordered.

RE: COUNTY TREASURER - COMPUTER SYSTEM CHANGE REQUEST

Commissioner Willner stated he has a computer system change request from the County Treasurer. The request is a "piggy-back" system to enable that office to post after settlement receipts to a sub-file. This will allow them to show on any given day the amount of cash receipted and posted to the computer system. The current system does not allow for posting after settlement collections. As the current system is set up, if someone makes a payment after the settlement period, it cannot be posted to the computer for several months. This "piggy-back" system will help cut down the possibility of lost receipts and give them a "hard copy" to compare to the daily cash book. This is a \$1,000 one-time cost..and could be less.

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Commissioner Cox asked where the \$1,000.00 estimate came from?

Commissioner Willner said it came from Pulse Systems, Inc.

Mrs. Cox said, "Well, he is not on Pulse's system.....so evidently Pulse is going to do the programming for them."

Mr. Jim Lindenschmidt explained, "That's all software".

Mrs. Cox said--"Well, if the State Board of Accounts recommends it -- does he have funds?"

Commissioner Willner said, "No. He is asking the Commissioners for this to come out of their funds..... they have all the computer funds in their account."

Mrs. Cox said, "Well, he isn't on our computer system."

Commissioner Willner said, "Well, we have all the dollars in our account. May I have a motion?"

Commissioner Cox asked, "Does he have to do this right away? He's going to Valpariso. Does this computer change have to be done by May 10th?"

Commissioner Willner said, "I don't think it would have to be...."

Mrs. Cox said he is going to Vapariso to look at something different. Why do this if he is going to change the whole thing?"

Mr. Lindenschmidt said, "As far as the completion date, May 10th is requested."

Commissioner Willner remarked, "I don't think this has anything to do with what he is going up to Valpariso for. This is strictly income into the Treasurer's office on a daily basis...."

Commissioner Borries commented: "I would say that if we have funds available, I could see some significant advantages to the hard copy in relation to what they're doing under the current system. Therefore, I would move that it be approved, subject to availability of funds."

A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID JONES

Inter-Local Governmental Agreement re Joint Legal Services Department: In response to Commissioner Willner's request, Commissioner Borries explained that the Inter-Local Governmental Agreement re Joint Legal Services Department has been presented. However, it was noted by Attorney Jones that the City has again made changes -- and he has not yet had an opportunity to review the changes.

Commissioner Willner entertained a motion that the County Attorney be instructed to review the agreement and offer his expertise. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. President Willner said the Board will act on this matter next week.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports/County Garage & Bridge Crew: Mr. Bethel submitted copies of Weekly Absentee report for period March 10 thru March 14, 1986 from the County Garage and the Bridge Crew.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for the County Garage Employees.....report received and filed. Attached to the report was the following Work Schedule:

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Gradall: Nisbet Station Rd., Rolz Rd., Schutte Rd., Kansas Rd. & St. Joe Ave.

Grader: Bottoms - Schmuck, Mattingly Rd., Lincoln Ave., Middle Mt. Vernon Rd., Boehne Camp Rd., Nisbet Station, Bixler, Wallenmeyer, Mann, Woods, Baseline, and South Weinbach

Haul Rock: Bottoms, Hilltop, Outer Darmstadt, Buebling, Marx, Mattingly, Schmuck, Darmstadt, Mann, Old Henderson Rd., Myrtle Ave., Millersburg Rd., Massberg, Bixler and Oak Grove Rd.

Front Loader: Old Henderson Rd. - Yard

Patch: Eissler, Gun Powder, Walnut, Browning, Green River, Middle Mt. Vernon, Hogue, S.E. Browning, Mesker Park and Allen Lane, Green River Rd., Lincoln Ave., St. Joe. Everglades, #3 School Rd., West Terrace, Eichoff and Old 460

Tree Crew: Darmstadt, Hillview and Old 460, Reis Rd. and St. Joe Avenue

Rip Rap: Old Henderson Rd., River Bank, Haul from Airport - also from Old City Garage.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

Rip Rap: Boonville-New Harmony Rd.

Clean Out
&

Rip-Rap: Culverts on #6 School Rd., St. Joe, Slate, Hillview and Williams Rd.

Scrape
&

Sand: Boonville-New Harmony Bridge

Mr. Anthony Hall worked in Andy Easley's office.

Request to Go on Council Call: Mr. Bethel requested permission to go before Council to request appropriation for Bridge Fund #203.0-200 for approximately \$20,000. They are running low in that account again.

Commissioner Willner offered a word of explanation re the \$20,000, saying we started the last part of February with \$20,000 and we paid all of outstanding bills from the previous year and that is why we need to go back. Originally there was \$120,000.00 in that account and the State Board made us cut it back and said that when that was depleted to come back. So that is what we are doing. A motion was entertained.

Motion was made by Commissioner Borries that the request for additional appropriation be approved.

Commissioner Cox, "Wait a minute now, I want to be sure what I'm voting on here. These were all old bills from last year?"

Mr. Bethel said, "Not all of them -- some of them."

Commissioner Willner said \$5,000 was transferred out because there was no money at all for materials. Mr. Bethel confirmed that this is correct. Commissioner Willner said that left \$15,000; then we probably paid all of last year's bills which totaled approximately \$10,000 or \$11,000 and we still have \$4,000 or \$5,000 in the account. Mr. Bethel again confirmed that this is correct. In consulting the budget book, Mr. Lindenschmidt noted that \$200,000.00 was requested and zeroed out. \$175,000.00 was requested and zeroed out. They put \$20,000.00 in the account.

Commissioner Cox asked what this money is for? To paint guard rails? Rip-rap?

Mr. Bethel said it is for anything that is needed for the bridges.

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Mrs. Cox said, "We have money available to do those kinds of things -- but, Bill, I want to tell you -- and Andy is here now -- Andy, you two work together on bridges and culvert repair.....she was out on Kneer Rd. and it shows that a culvert out there was rip-rapped about 2½ weeks ago. You ought to go out and take a look at Kneer Rd. right now -- there is one culvert under the road that has a washout in it that is 2-3 ft. out in the road. The other culvert that they did rip-rap (close to the deadend) is completely collapsed and rocks and everything have fallen away and there is open, eroded bank areas there. It's right before you get to the deadend. The sign at Mohr and Kneer is knocked down on the road. It is there but laying over in the field. I don't know if people are going back there with large vehicles and then finding it is a deadend and can't get out. It should be posted "Deadend" -- because if I lived in the house at the very end I sure would be aggravated if people turned off that road thinking they could maybe go straight on up and then have to use that driveway to turn around. I did notice fresh chat on Kneer Rd. I didn't see it on your report anywhere where it says 'rocked'." (Mr. Bethel commented that he did that a couple of weeks ago. What it is -- the real heavy rain that we had last Monday absolutely washed everything and I haven't been up there yet. But we've had a lot of trouble with Kneer -- not only this time, but before as well.) Continuing, Mrs. Cox said, "I don't know -- but it is a very, very bad situation." Mr. Bethel said it is a small road -- very, very narrow. Mrs. Cox said, "I noticed you had the grader out there, but I didn't see on the report where it was ever rocked." Mr. Bethel said they did rock it. Mrs. Cox said there is some construction going on on that road. The bank is totally collapsed. Mr. Bethel said that if Mrs. Cox will notice, even the rip-rap is washing out. Mrs. Cox asked if he means behind the radio station" Mr. Bethel responded in the affirmative. Mrs. Cox said she did not look back there.

Broadway & Rollets Lane/Guardrail: Continuing, Mrs. Cox said there is a guard rail down just past Broadway and Rollets Lane; someone has hit that and the gas main and water main are both exposed.....right there by Kuester's Ballfield west of Rollets Lane....the guardrail is laying over in the ditch.

Middle Mt. Vernon/Boehne Camp Rd.: About three (3) months ago they painted the guard rail there at Middle Mt. Vernon and Boehne Camp Rd. It is completely knocked down and in the ditch. She doesn't know whether a car went off in there or what -- or whether the Sheriff has any report. But she just noticed that this afternoon. It is down completely and that is a deep ditch there. Remember, that is where they wanted to vacate that road that went straight up the hill? It's right there at the "T" intersection of Middle Mt. Vernon and Boehne Camp Rd. Mrs. Cox said she guesses what she is saying here is that we can't help those two that were knocked down. But the work that we do -- she thinks we should make sure that we try to get it done right. She asked Mr. Easley if he ever gives any advice on how to rip-rap these culverts? Or they just told to go out or what? It is a bad hole. That hole is at least 8 ft. to 10 ft. in diameter.....the caved-in area. She asked Commissioner Willner if he has been out there?

Commissioner Willner said he can't visualize just where Mrs. Cox is talking about.

Mrs. Cox said it is a large culvert. There are actually two (2) culverts. One has washed out part of the road bed.

Commissioner Willner asked that Mrs. Cox give him some kind of landmark to go by.

Mrs. Cox asked if Mr. Willner knows where VHI Radio Station is off St. Joe and Mohr Rd.?

Mr. Willner said he knows where Kneer Rd. is. He drove it Sunday and didn't see it.

Mrs. Cox said, "This is Monday."

Mr. Willner corrected himself, saying he drove it a week ago this past Sunday.

Mr. Bethel commented that we had the hard rain on Monday.

Mrs. Cox said that before we spend any money repairing it -- she believes that Mr. Easley needs to take a look at it and offer some advice on how to save the rock (if we put rock on the road) to keep this from happening.

In conclusion, Mrs. Cox provided a second to the motion made by Commissioner Borries that Mr. Bethel be authorized to go before Council to request \$20,000.00 additional appropriation for the Bridge fund. So ordered.

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Old Henderson Rd.: Commissioner Willner told Mr. Bethel that he drove down the Old Henderson Rd. today -- and they did a beautiful job -- and he offers his compliments.

Booker Rd.: Commissioner Willner requested that Mr. Bethel add Booker Rd. to his list of roads to receive attention this season.

Mrs. Cox asked Commissioner Willner what he plans to do to Booker Rd."

Mr. Willner said, "Just going to take a look at it and see what they recommend."

Commissioner Cox said that perhaps the Road Study that we're having done will show us what to do.

Commissioner Willner said, "I'll go along with that."

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Sebree, Craig & McKnight, Inc.: Mr. Easley presented a claim in the amount of \$1,783.46 for engineering and environmental services and is in accordance with their agreement (which has a limitation of about \$74,000 -- if the environmental assessment is o.k. Apparently their work is just about nearing completion.) Mr. Easley recommends that the claim be paid.

Commissioner Willner asked if this is the consulting firm that he's talking about changing the corridor just a little bit?

Mr. Easley acknowledged that this is correct, saying he talked to Lee Gallivan about a 70 ft. shift to the south to help reduce the impact on the properties in the area. He said he thought that was within the designer tolerance on a job like this. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATES OF INSURANCE

First District Medical Assistants: Card Party and Style Show on March 20th in the Gold Room.

Sheriff's Reserve Class: To be conducted at North High School on April 19, 1986.

Jan's School of Dance: Dance Recital on June 6 and 7 at Vanderburgh Auditorium.

RE: CLERK OF CIRCUIT COURT - MONTHLY REPORT

Commissioner Willner presented monthly report from the Clerk of the Circuit Court for period ending February 28, 1986.....report received and filed.

RE: OLD BUSINESS

Chairman Willner entertained matters of old business for discussion.

Commissioner Cox said she would like to propose doing something to Boonville-New Harmony. Are we going to have a public hearing on that? We need to do something fairly soon. If they're going to have to take aerial photographs, it is much easier to take them now than wait until the trees get all bloomed out and you can't see too much with a lot of foliage in the way. She would like to see us move on this...

Public Hearing/Boonville-New Harmony Rd.: Commissioner Borries, in response to query from Commissioner Cox, said he thinks we have to advertise the Notice of Public Hearing twice. Commissioner Willner said this would just be an "informational" meeting; we will have to have another legal public hearing to meet the federal requirements. He has in mind just an informal meeting to see if we should give this project to a consultant. But after we give it to whomever to do the job, then we will have to have a Public Hearing before federal funds can be expended. He has talked to a lot of people and he would say that 90% are for Plan "B".....but he doesn't care if Mrs. Cox wants to have a public hearing. Just say the word and we'll have it. It can be held at the Fire Station at Daylight, IN.

(continued)

Commissioner Borries asked Mrs. Cox if she feels this meeting would be for the residents in relation to their feelings regarding the proposed corridor, etc.? Mrs. Cox said that is correct. She has gotten about seven (7) calls against Plan "B" and two (2) letters in favor of Plan "A". They were identical letters -- signed by individuals with the same last name. She doesn't know how they are related. She asked Commissioner Willner if he said that 90% are for Plan "B"? Commissioner Willner said that is the way he reads it; but he doesn't have any qualms with a hearing -- that is what it is all about.

Commissioner Borries addressed Attorney Jones and said he agrees that we need to seek input from area residents on the choices on the Boonville-New Harmony Rd. project off I-164. He would think that we wouldn't make any decisions at that meeting; just seek input from various groups who will be affected by whatever site we would later choose. Do we have to advertise that? Or can we call that?

Attorney Jones said that while a legal advertisement not be required, he would think that in terms of giving effective notice of a hearing -- a legal ad might be the best way. But unless some decisions were to be made at the meeting -- a vote or something -- a legal would not be required.

Commissioner Borries suggested the County advertise the Public Meeting twice. After brief discussion, it was determined that the meeting should be held on Thursday, April 3, 1986 at 7:30 p.m. at the Fire Station in Daylight, IN.

Commissioner Cox said she thinks we need to do something for the engineers to get their aerial photographs in and get started if we're going to get this project completed in two (2) years. And if we're not going to get it done within the two-year period, we might as well forget it.

Commissioner Willner said he has no problem with the hearing -- he certainly does not. He instructed the secretary to advertise notice of meeting twice. Commissioner Willner asked that easel, chalk, etc., be provided. He also will contact Keith Lochmuller, so he may be there to answer any technical questions.

RE: AWARDING OF BID - RAILROAD CROSSING TO UNION TOWNSHIP

In response to query from Commissioner Willner, Mr. Easley said we had sent proposal guidelines to four (4) firms suggested by Seaboard Railroad:

- 1) Hayes, Seay, Mattern & Mattern (Roanoke, VA)
- 2) Howard, Needles, Tammen & Bergendoff (New York, NY)
- 3) Ralph Whitehead & Associates (Charlotte, NC)
- 4) Riley, Park, Hayden & Associates, Inc. (Atlanta, GA - Louisville, KY Branch)

Proposals were received from all, with the exception of Ralph Whitehead & Associates in North Carolina, who was not interested in tendering a proposal.

At the suggestion of Jack Quick and John Hillenbrand, there were three or four locations agreed upon -- and any other locations they found -- for conducting study and making recommendation. He believes the Commissioners saw the specs for the scope of work. In a nutshell, the proposal from H.N.T.B. was \$17,850. Riley, Park, Hayden's proposal was \$27,500. Hayes, Seay, Mattern & Mattern had a lump sum fee of \$10,900. He has met engineers from all three of the firms and believes they are all well qualified and were, again, recommended by Seaboard Railroad. The people from Roanoke seemed very interested and came here to look at the project sites. He read their brochure...and, as the Commissioners may recall, they had a list of impressive projects. If the Board wants a recommendation from him and not just based on price, alone, he would say that the firm from Roanoke would do a good job for us. In response to query from Commissioner Willner concerning time limit, Mr. Easley said they said they would have the work completed within 75 days from the date of notice to proceed. Riley-Park said 60 calendar days. HNTB said project would be complete within 120 days from date notice to proceed is received.

Commissioner Willner asked Mr. Easley if his recommendation is the bid for \$10,900.00 to Hayes, Seay, Mattern & Mattern? Mr. Easley acknowledged that this is correct.

Commissioner Borries said the only comment he has is that theirs was considerably

(continued)

COUNTY COMMISSIONERS
March 17, 1986

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lower -- and he thinks that is the logical way to go -- it said that their proposal was based upon the county providing the following data for each design concept:

- 1) Property maps
- 2) Tax assessment values for individual property, buildings, etc.
- 3) Origin/destination data

Commissioner Borries asked if we can do that? Mr. Easley confirmed that we can.

Commissioner Borries asked if the other two firms also asked for this? If not, maybe we're not comparing apples to apples.

Mr. Easley said Riley, Park wanted existing maps showing streets, tracks; tax maps showing right-of-way width and property owners; location plans of utilities; existing user origin/destination data. Mr. Easley said that "origin/destination" is a fancy word for "traffic count" -- not quite, but you interview people and you ask them where they are coming from and where they are going....so, basically, it is a traffic count. Just to clarify, most consulting firms that do a job like this would use a fee curve based perhaps on the American Society of Civil Engineers. When it comes to preliminary work, some people might want to put more time into the preliminary and less into the final design. It could be that Hayes thinks they can do it within a certain number of hours and came up with this \$10,900 fee -- and when we select to get into the final design, they will probably have a slightly higher design fee and we'd come about the same. Quite often the preliminary can be up to 20% of the design fee; for some firms, if they really know their business, they would only have to spend 10% of the design fee. But he has copy of their brochure if the Commissioners would like to review same for a couple of minutes.

Commissioner Willner said he saw it this afternoon.

Commissioner Cox said, "See, Andy, they're going back to the three sites mentioned in your proposal guidelines; they are not giving us another possible route. You know I mentioned an extension of Barker Avenue to hook up with Old Henderson Rd."

Mr. Easley said that he and Mr. Hillenbrand discussed the Barker Avenue route during a telephone conversation. He said when they drove by there that crossing all those railroad tracks would be a very expensive.....and he said if we're looking for something that is a balance between cost and a convenient location, that all of those tracks would not be the least expensive.

Commissioner Cox said she would still like to see a dollar and cents figure, however, of what it would cost.

Mr. Easley said he could request that they provide same. They might want a little more money for making a preliminary evaluation of that. There is plenty of room there to get over the tracks and possibly get down again -- and it would not be a complicated geometric analysis...going up and coming down....

Commissioner Willner noted that they have to give two (2) alternate locations anyway. That's what we said.

Commissioner Cox said she has another question. Who is going to get all the data together for each design concept? Who is going to do all of that?

Mr. Easley said they have base maps.....

Mrs. Cox interrupted, "I know we have all this, Andy,....."

Mr. Easley continued, stating that he will have to enlist the assistance of the utility companies to show their underground utilities and get sanitary sewers on there, and...

Mrs. Cox asked, "Are you going to try to do this? You're wearing about ten (10) hats right now."

Mr. Easley said he has an assistant in the office now helping him (Mr. Hall) and he...

Mrs. Cox asked if he is qualified to do these things?

(continued)

Mr. Easley said he can print the maps and see that they get delivered to the utility companies. Yes. The tax assessment -- he may have to get some assistance from the County Assessors.

Commissioner Borries said that he has answered his own question; the others want the same things -- they're all asking the same thing.

Mr. Easley said we asked them to evaluate the cost of right-of-way and they don't know anything about local property values....

Mrs. Cox interrupted, "Can they do that from up there?"

Mr. Easley said that they know we have to take certain properties -- or half that parcel -- they can evaluate that from available maps. We have maps that show those footprints of those houses today -- they're in the Uniontown pool maps that were made. As far as the houses on "B" and "C" Streets, they have been there since the maps were photographed.

Commissioner Willner said they will have to come into town -- but they can certainly do some of these things in their office.

Mr. Easley said they will evaluate these.....

Commissioner Willner said he needs to entertain a motion. Motion was made by Commissioner Borries that Hayes, Seay, Mattern and Mattern be awarded the project in the amount of \$10,900.00, with a second from Commissioner Cox. So ordered.

RE: AWARDING OF BID - FILTRATION SYSTEM FOR BURDETTE PARK SWIMMING POOL

Mr. Mark Tuley returned to the meeting and said he was ready to make recommendation to the Commissioners. He said both companies submitting invitational bids did meet the specifications outlined. The Gunite Contracting Co. came in with a bid of \$16,451.00, with a stipulation that they will charge us \$250.00 per day for supervisor. Mr. Tuley said we're estimating that this would take approximately two (2) days, so we'd have to add another \$500.00 to that cost, which would take the total up to \$16,951.00.

Recreonics, Inc. out of Indianapolis bid \$15,092.00, and that included supervision. We do have a locked in price there. It is his recommendation that we award the bid to Recreonics, Inc., and he believes the County Engineer concurs.

The Chair entertained questions. There being none, motion was made by Commissioner Borries that the bid for the filtration system be awarded to Recreonics, Inc., in the amount of \$15,092.00, with a second from Commissioner Cox. So ordered.

Mr. Tuley did mention that Attorney Jones had discovered one item on the bid bond from Recreonics, Inc. It was made payable to the Department of Purchasing, City of Evansville, and that should be made payable to Vanderburgh County Commissioners.

RE: CLAIMS

K.L.F.: Claim submitted in the amount of \$3,438.76 per phone service agreement for second quarter 1986. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

President Willner stated that he has no employee changes to present at this meeting.

There being no further business to come before the Commissioners at this time, President Willner declared the meeting adjourned at 10:20 p.m.

(continued)

COUNTY COMMISSIONERS
March 17, 1986

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PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey, Chief
Deputy Auditor

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

BURDETTE PARK

Mark Tuley

AREA PLAN COMMISSION

Barbara Cunningham
Beverly Behme

COUNTY CORONER

Rick Woods

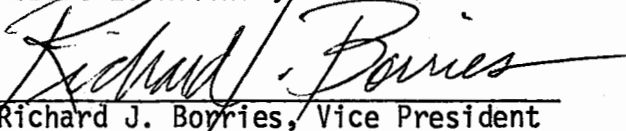
OTHER

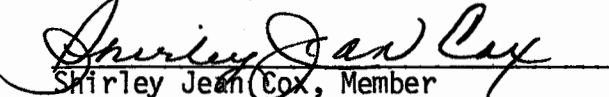
Steve Barber, Atty.
Cole Banks, Atty.
David Matthews
Sam & June Angel
Clarence Steurer
Thomas Whitsitt
Mr. Bump
Les Shively, Atty.
Robert Fehrenbacher
Dennis Fehrenbacher
Charles Shanks, Jr.
Ed Smith, Atty.
Mr. & Mrs. Herrenbruck
Mr. & Mrs. Jim Hammer
Ray Schriefer
George Schmitt
Michael Tao
News Media
Remonstrators

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 24, 1986

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" " " (Sheriff's Dept.)---To be resubmitted next week after clarification -----	3
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COUNTY ENGINEER - ANDY EASLEY	
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Ltr. to Hayes, Seay, Mattern & Mattern accepting proposal on Railroad Overpass/Underpass to Union Township -----	6
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Claim/Floyd E. Burroughs, Inc. -----\$2,820.00-----Approved -----	7
COUNTY HIGHWAY - BILL BETHEL	
Weekly Absentee & Work Reports/County Garage & Bridge Crew -----	5
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River Bank Erosion/Old Henderson Rd.----B. Bethel lauded for good job done on Old Henderson Road repairs, etc. -----	5
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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 24, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 24, 1986, in the Commissioners Hearing Room with President Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on March 17, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: AUTHORIZATION TO OPEN BIDS ON VAN CHASSIS & PRISONER TRANSPORT UNIT/SHERIFF

The Chair entertained motion that County Attorney be authorized to open bids received on van chassis and prisoner transport conversion unit for the Sheriff's Department. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: INTRODUCTION OF GREG MEYER

President Willner introduced Attorney Greg Meyer, who is representing County Attorney David Miller of Bowers, Harrison, Kent & Miller at today's meeting and welcomed him to today's session.

RE: PROPOSED INTER-LOCAL GOVERNMENTAL AGREEMENT CONCERNING A JOINT LEGAL SERVICES DEPARTMENT

It was noted by President Willner that several persons are present who want to question the Inter-Local Governmental Agreement concerning the Joint Legal Department. Therefore, Item #9 on today's agenda will be discussed at this time. The Chair then recognized Sue Hartig, Director/Legal Aid.

Ms. Hartig approached the podium and stated that most of the Commissioners have attended one meeting or another on this matter and are familiar with the problems we're trying to resolve. Most of David Jones' comments are well taken and the amendments are fine. Ms. Hartig said the purpose of the new agreement is to enable them to turn the United Way money over to Alice McBride/County Auditor, to handle for us. There will be one really total budget and the United Way money will be kept in a separate fund by the Auditor. Also, the appointment processes, the creation of the Board, how the Board is constituted, and all those things are updated. The previous agreement was made in 1973 and does not reflect the way the department was actually being run.

The first question she has is on Page 3, Paragraph VI (Creation of Fund). In the third sentence, "The Auditor shall have the duty to disburse and to account for all department monies subject to appropriation upon authorization of the Society." The word "department" is added. She doubts that is a problem, but she is just curious as to whether anyone knows why that word was added or, again, if there was any discussion. If that presumes and includes and means "you folks", the department consisting of the half of the budget funded by the City and half funded by the County (all monies) her concern is that by "department" money the County Attorney meant only county money. When queried, the Commissioners stated they did not know why Attorney Jones made this change.

Ms. Hartig next referred the group to Page 4, Paragraph 7, (Liability)....stating that Attorney Jones had added the first four (4) words, "At its sole cost".....she doesn't know what that means. Unless the money comes from the City and County, Legal Aid doesn't have any money. The Commissioners advised they also did not know what this meant. They had referred the draft of the Agreement to County Attorney Jones for his review and did not discuss it in detail. Ms. Hartig also asked if they are still going to fund the malpractice insurance? The Commissioners advised they did not know what Attorney Jones' intent was.

On Page 4, Paragraph 8, (Budget) the second line from the bottom reads, "The remainder of the annual approved budget not including the United Way allocation shall be shared 50% by the County and 50% by the City." Here, Attorney Jones has deleted sentence Ms. Hartig originally had, which read, "Appropriation of the United Way money shall not be unreasonably withheld." Ms. Hartig said that without this sentence being included, United Way will not accept the agreement.

Commissioner Willner noted that he thought this was taken care of on Page 5, Paragraph 2,

(continued)

which reads, "The parties agree to cooperate to insure that the department has minimum operating funds, and agree to not unreasonably withhold funding due to the contributions of other funding sources."

Ms. Hartig said she doesn't think so -- for instance, she thinks that if she wanted a typewriter, she doesn't want all of them telling her to go elsewhere for the funding of same....once they have a budget and she wants to make a specific expenditure. Right now, she has total freedom and can do whatever she wants with United Way monies. They realize they will have to go through the appropriation process on all monies after they are turned over to the Auditor, once a special fund is set up. She said they need a little freedom, with the understanding they can use money as they need it.

Commissioner Willner asked if the matter could be deferred until next week. Ms. Hartig stated that this is the third draft since January -- and they really need to get the agreement approved.

Proceeding, President Willner requested that Jim Lindenschmidt get with Attorney Jones tomorrow and set up an appointment and formulate our problems. He said that if next week is too late and the matter cannot be deferred until that time, he can ask for passage of the Agreement with the idea that Ms. Hartig will work out the verbiage differences with the County Attorney. Following brief discussion aside with the Commissioners, a motion was entertained. Motion to approve the Agreement, subject to verification of language between Legal Aid and County Counsel, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: D.M.D. - RESOLUTION TO APPROVE INTER-LOCAL GOVERNMENTAL AGREEMENT BETWEEN CITY & COUNTY CONCERNING THE SUNBEAM PLASTICS CORP PROJECT, ETC.

The Chair recognized Mr. Mike Robling of the Department of Metropolitan Development. Mr. Robling stated that he has two (2) Resolutions and one (1) Inter-Local Governmental Agreement to present for the Board's approval today concerning Sunbeam Plastics Corp. The County will be applying for a grant from the Indiana Department of Commerce for the project and the aforementioned are necessary in making preparation for said filing of grant application. Mr. Robling said Notice of Public Hearing (scheduled for today) had been advertised in the Courier and Press on Saturday, March 15, 1986.

In response to query from President Willner as to whether the County Attorney has reviewed the documents, Mr. Robling said that he sent the Agreement, etc., to Attorney David Miller two weeks ago and asked that he review same. He assumes he did that and sent it back over here late last week. It has also been reviewed by the City Attorney. He now needs approval of the Board of Commissioners. Tonight, he will ask City Council to approve the documents and subsequently, the County Council will have it for approval.

The Chair entertained a motion concerning Resolution Approving an Inter-Local Governmental Agreement Between the City of Evansville and Vanderburgh County Concerning the Sunbeam Plastics Corporation Project. Motion to approve said Resolution was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

The Chair subsequently entertained a motion to approve the Inter-Local Governmental Agreement. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Continuing, the Chair entertained a motion concerning approval of Resolution Authorizing the Submittal of An Application to the Indiana Department of Commerce for grant for purpose of loaning funds to Sunbeam Plastics Corporation in the amount of \$200,000.00. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Copies of all documents attached hereto, identified as Supplement #1.)

RE: READING OF BIDS ON VAN CHASSIS & PRISONER TRANSPORT UNIT (SHERIFF'S DEPT.)

In response to request from President Willner, Attorney Meyer read the bids received on the van chassis and prisoner transport unit, as follows:

Mavron, Inc. (Warsaw, IN)

1 Model PT 300V Prisoner Transport Conversion Unit,
installed on 1986 Ford Van Chassis \$25,750.70

and siren (including light bar, speaker (additional) 998.00

COUNTY COMMISSIONERS
March 24, 1986

Page 3

Total Bid \$26,738.70

(Bid Bond enclosed in amount of \$1,287.00 and bid in order)

Cooke Chevrolet, Inc.

1986 Chevrolet Cargo Van 8600 GVW, etc. Chassis
& Prisoner Transport Conversion Unit PT300V \$24,467.02

Light bar package, including light bar,
speaker and siren \$ 950.00

Total Bid \$25,417.02

In response to query from Commissioner Willner, Sheriff Shepard said he would like to peruse the bid specs and the bids and report back to the Board later in the meeting. Motion to authorize Sheriff to study the bid specs and bids was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: AWARDING OF BID/DUMP TRUCKS - COUNTY GARAGE

President Willner asked Mr. Bethel if he had recommendation re bids received on two (2) dump trucks for the County Garage.

Mr. Bethel advised that bids were received on February 24th. On February 25th, Mr. Dorsey of the Purchasing Dept. had sent out letter to bidders concerning changes made in minimum specs for the 1986 Medium Duty Conventional Tandem Axle Dump Trucks. Bids received were as follows on quantity of two (2) units:

Hendrickson & Sons Motor Co.	\$56,670.00
Kenny Kent	\$62,538.00
D. Patrick (Heil)	\$61,629.00
" (Peabody)	\$61,428.00
Hendrickson Enterprises, Inc. (Peabody)	\$79,272.00
" (Perfection)	\$78,992.00

Continuing, Mr. Bethel said it is his recommendation that we accept the bid from Hendrickson & Sons Motor Co. in the amount of \$56,670.00. However, he only has \$50,000.00 in the account. He would request the Commissioners' permission to transfer \$6,670.00 from one of his accounts immediately. He then could go on Council Call in May to request additional appropriation to replace the \$6,670.00 taken from the other account. The Chair entertained a motion.

Motion was made by Commissioner Borries that Mr. Bethel be permitted to go on Council Call in April to request transfer of \$6,670, with second from Commissioner Cox. So ordered. (Mr. Dorsey remarked that this is the best route to go, as it is getting close to cut-off time for ordering 1986 models.)

RE: SHERIFF VEHICLE

Sheriff Shepard returned to the meeting and requested permission to defer awarding of bid on Van Chassis and Prisoner Transport Conversion Unit for one (1) week, allowing him sufficient time to study the bids and their varying tendered prices, etc. A motion was entertained. Motion to defer awarding of bid for one (1) week was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK - MARK TULEY

Acceptance of Check: Mr. Tuley presented a check from State Farm Insurance in the amount of \$835.57, insurance reimbursement for vehicle damage. He asked that said check be quietused into the 145.352 account (insurance reimbursement). Motion to accept check, endorse same, and deposit into County Revenue, acct. 145-352 was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Mr. Willner

Mr. Tuley noted a second check in the amount of \$727.74 from State Farm Insurance for damage to Sheriff's vehicle was also forwarded to him. He turned this over to the Commissioners. It was the concensus that this check should be held temporarily, until it

(continued)

can be clarified with the Sheriff exactly what the check covers. It will be re-submitted at next week's meeting.

Monthly Financial Report: The following Financial Statement was submitted by Mr. Tuley, who said their income at Burdette Park looks better than it did at this time last year.

1986 Starting Budget

1986 Budgeted	\$ 493,811.00
1985 Encumbered by P.O.	230.63
1985 Encumbered by Contract	4,431.24
1986 Additional Appropriation	11,800.00
Total 1986 Budget	\$ 510,272.87

Expenditures & Balance 1/1/86 to 2/28/86

Total Expenditures	\$ 84,110.94
Total Balance	\$ 426,161.93

Income 1/1/86 to 2/28/86

Pool	\$ -0-
Rink	7,396.90
Rentals	10,644.06
Misc.	1,387.77
Total	\$ 19,428.73

2/28/86

Total Expenditures	\$ 84,110.94
Total Income	19,428.73
Total Deficit Before Improvements	64,682.21
Less Long Term Capital Improvements	11,694.10
Total Deficit	\$ 52,988.11

Commissioner Cox queried Mr. Tuley concerning "Miscellaneous Income" -- and said she would like to see a breakdown of just what "Miscellaneous" covers; i.e., how much from video games, batting cages, trading post, concessions, etc. Mr. Tuley assured the Board that a complete breakdown will be included in future reports insofar as "miscellaneous" income is concerned.

Tables & Chairs for Pavillion: Mr. Tuley said he had secured some prices on tables and chairs for the pavillion and will present information at next week's meeting. However, the 3-year guarantee/warranty probably will not apply, since the tables and chairs are not in an enclosed, protected building but, rather, exposed to the weather elements. In any event, he will give the Board a more detailed report next week.

RE: BID AWARDED - SURFACING MATERIALS (1986)

Mr. Dorsey of Purchasing advised that bid opening on surfacing materials for the Board of Public Works took place on Thursday, December 26, 1985. The City awarded their bid to J. H. Rudolph on Hot Mix and Cold Mix. They were the only bidder who bid on all items listed in the specs. Rogers Group Inc. of Bloomington, IN bid on the asphalt hot mix at \$24.25 per ton. Rudolph's bid on this item was \$25.25 per ton. The Chair entertained a motion. Motion was made by Commissioner Borries to award bid for asphalt hot mix to Rogers Group, Inc. in the amount of \$24.25 for the County, with other items going to J. H. Rudolph. Second to the motion was provided by Commissioner Cox. So ordered. (It was noted that bids were contemplating City & County purchases.)

RE: COUNTY ATTORNEY - GREY MEYER

The Chair recognized Greg Meyer, representative of Bowers, Harrison, Kent & Miller, who is sitting in today for Attorney David Miller. Mr. Meyer reported that he has nothing to bring to the Commissioners' attention today.

(continued)

COUNTY COMMISSIONERS
March 24, 1986

Page 5

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports/County Garage & Bridge Crew: Mr. Bethel submitted the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for period March 17 thru March 21, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage. Attached to the work report was the following Work Schedule:

Gradall: New Harmony, Church Rd., Boonville-New Harmony, City, Nurrenbern and Boehne Camp Rd.

3 Trucks: Haul from Airport to Old Henderson Rd.

Pull Shoulders: Upper Mt. Vernon Rd., Grader, Belt Loader, 2 Trucks

Front Loader: Old Henderson Rd.

Patch: Debbie Lane, Orchard Lane, Barbara Dr., Eichoff, Millersburg, Green River, Coal Mine, Old Henderson, Old Melody Hills, Heckel, Mohr, Felstead, Broadway, Allen Rd., and Grove.

Tree Crew: Reis Rd.

Trash: Green River Rd.

Initial Contact/Loss Control Services: Mr. Bethel read the following letter from Jerry Schenk, President of Jerry Schenk & Associates, Inc. (Insurance Appraisal and Risk Management Services).

March 10, 1986

Mr. Bill Bethel
County Highway Superintendent
Vanderburgh County Highway Dept.
Evansville, IN

Dear Mr. Bethel:

I would like to thank you and your employees for the warm welcome I received when Mr. Lindenschmidt accompanied me on an introductory visit. I was impressed with the interest expressed by the employees when I conducted what is referred to as a lunch-box safety meeting.

Bill, I am trying to locate two safety films for our next safety meeting. If I can obtain these films, I think they would be very informative for the new employees and a good refresher for the other employees. The safety meeting will be held at the end of each month at the date and time most convenient for you.

Sincerely,

Jerry Schenk
President

Old Henderson Rd./Bank Erosion: The meeting proceeded with Commissioner Cox extending congratulations to Mr. Bethel on the job he and his crew did on Old Henderson Rd., saying it was very, very well done. She said it makes her feel better about the road -- and the level of the road is -.k. now.

RE: COUNTY ENGINEER - ANDY EASLEY

The Chair recognized County Engineer Andy Easley. Mr. Easley presented copies of the following letter to members of the Board:

March 14, 1986

(continued)

Indiana Department of Highways
Vincennes District Office
P. O. Box 376
Vincennes, Indiana 47591

Attn: Mr. Rex King

Re: Relinquishment of Old Indiana S.R. 57

Gentlemen:

Enclosed is one (1) copy of the signed road transfer memorandum for subject highway. The Vanderburgh County Board of Commissioners signed the memorandum at their regular meeting on March 10, 1986.

If any additional information is required, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

Railroad Overpass/Underpass for Access to Union Township: Also submitted by Mr. Easley was the following letter to Hayes, Seay, Mattern & Mattern:

March 18, 1986

Mr. John R. Hildebrand
Hayes, Seay, Mattern & Mattern
Architects, Engineers & Planners
1315 Franklin Rd., S.W.
P. O. Box 13446
Roanoke, Virginia 24034

Re: Grade Separation, Nurrenbern Road & Seaboard System
Railroad (L&N) County of Vanderburgh, Indiana HSMM
A & E Proposal No. 9344

Dear Mr. Hildebrand:

This is to advise your firm that the Board of Commissioners, at their regular meeting on March 17, 1986, voted to accept your proposal dated March 13, 1986, to furnish engineering planning services to investigate and report on the feasibility, desirability, and estimated cost of constructing a Seaboard Railroad Underpass or Overpass for access to Old Henderson Road near Howell Yard.

It is requested that your office prepare an engineering agreement for this work and send it to the Board of Commissioners for their signatures. A short form agreement would be acceptable to the County.

If any additional information is required, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr. P.E.
County Highway Engineer

Claim/Best Quality Construction Co.: Claim in the amount of \$2,300.00 for installation of concrete sign bases as per specs; remove tree from sign base location and electrical wiring service to the signs at Marathon Station on Oak Hill and Lynch Rds. The Chair entertained a motion. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

(continued)

COUNTY COMMISSIONERS
March 24, 1986

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Claim/Floyd E. Burroughs, Inc.: Mr. Easley presented claim in the amount of \$2,820.00 for Bridge Inspection engineering services for period 12/13/85 to 3/10/86. This includes \$1,020.00 previous retainage. The Chair entertained motion. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: APPOINTMENT - LEGAL AID SOCIETY

Commissioner Willner read the following letter from Sue Hartig, Executive Director of Legal Aid Society of Evansville, In:

March 14, 1986

Robert Willner
Vanderburgh County Commissioners
Civic Center Complex
Evansville, IN 47708

Dear Mr. Willner:

Mr. Alan Jones, Executive Director of Urban Enterprise Zone, will complete his three year term on the Board of Directors of the Legal Aid Society in April of 1986. The Board is pleased with Mr. Jones' input and asked him if he was interested in serving an additional term. He indicated he would be willing to continue to serve. If this is satisfactory, we would appreciate your taking action and reappointing him at your next meeting. Please send me a letter confirming your action. Thank you.

Sincerely,

Sue Ann Hartig
Executive Director

The Chair entertained a motion. Motion was made by Commissioner Borries that Mr. Jones be reappointed to the Board of Directors of the Legal Aid Society for a 3-year term, serving thru April 20, 1986. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Willner requested that letter be written to Legal Aid Society informing them of Mr. Jones' reappointment to the Board of Directors.

RE: VANDERBURGH AUDITORIUM

President Willner presented a Six Month Booking Report for the Vanderburgh Auditorium, which had been submitted by Kim Bitz, Manager, who could not be present at today's meeting. Figures are included for 1984, 1985 and 1986. Mr. Bitz noted on the report that the figures shown represent firm contracts only for months of May and June. They expect approximately five (5) more firm bookings for the Gold Room and two (2) for the Auditorium within the next few weeks. (Report is attached herewith to the minutes and listed as Supplement #2.)

RE: CLAIMS

President Willner presented claim to Evansville Urban Transportation Study in the amount of \$17,000.00 for the County's share of the cost of EUTS for 1986. A motion was entertained for approval. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCE

Evansville Board of Realtors, Inc.: Insurance Certificate for meeting of Board of Realtors to be held at Vanderburgh Auditorium on April 25, 1986.

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COUNTY COMMISSIONERS
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RE: HOLIDAY OFFICE CLOSING

President Willner announced that all County Offices will be closed on Friday, March 28, 1986, in observance of Good Friday.

RE: SCHEDULED MEETINGS

Mon.	3/31	-	Drainage Board Mtg. (after Commissioners' Mtg.)
Wed.	4/2	2:30 p.m.	County Council Meeting
"	4/2	6:00 p.m.	Area Plan Commission Mtg. (Room 301)

It was noted that Commissioners Willner and Cox attended a meeting of the Westside Improvement Association held at U.S.I. on Wednesday night, March 19th -- and that it was a very informative session. Commissioner Borries could not attend due to a previous commitment.

RE: EMPLOYMENT CHANGES - RELEASES

Prosecutor

Christian Lenn	2800 Saratoga	Dep. Pros.	\$21,540/Yr.	Eff: 3/24/86
Timothy Klingler	R.R.#8, Box 425	Dep. Pros.	\$19,040/Yr.	Eff: 3/24/86

Surveyor

Linda Freeman	841 E. Olmstead	Instrument Man	\$17,445/Yr.	Eff: 3/24/86
Earl Brown	1313 Roosevelt	Party Chief	\$20,381/Yr.	Eff: 3/24/86

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Prosecutor

Christian Lenn	2800 Saratoga	Dep. Pros.	\$23,000/Yr.	Eff: 3/24/86
Timothy Klingler	R.R.#8, Box 425	"	\$21,500/Yr.	Eff: 3/24/86

Burdette Park

Paula Gray	1628 S. Red Bank	PTGC	\$4.00/Hr.	Eff: 3/14/86
Juliana Murphy	R.R.#2, Box 57	"	\$4.00/Hr.	Eff: 3/15/86

Surveyor

Linda Freeman	841 E. Olmstead	Party Chief	\$20,381/Yr.	Eff: 3/24/8
Earl Brown	1313 Roosevelt	Instrument Man	\$17,381/Yr.	Eff: 3/24/8

Election Office

Charlotte Shetler	7109 E. Walnut	Dep. Clk.	\$4.54/Hr.	Eff: 3/17/
Sylvia Loviscek	632 S. Harlan	"	\$4.54/Hr.	"
Gerald Wohlhueter	1806 Conlin	"	\$4.54/Hr.	"
Fred C. Roeder	8744 Big Cynthiana	Bal. Assem.	\$5.70/Hr.	"
John Jones	820 S. Governor	Supv. B.A.	\$4.54/Hr.	"

Knight Township Assessor

Jeffrey Allan Proctor	1201 Rosemarie	Clerk	\$35.00/Day	Eff: 3/19/
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There being no further business to come before the Board at this time, President Willner announced that a Drainage Board Meeting will be held immediately following the Commissioners' Meeting, and declared the Commissioners' Meeting adjourned at 3:48 p.m.

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COUNTY COMMISSIONERS
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PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

Greg Meyer

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

BURDETTE PARK

Mark Tuley

PURCHASING

Tom Dorsey


OTHERS

Mike Robling/DMD
Sue Ann Hartig/Legal Aid
Steve Weitzel
Duncan Cooke/Cooke Chevrolet
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 31, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 31, 1986, in the Commissioners Hearing Room, with President Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting of March 24, 1986, be approved as engrossed by the County Auditor, with a second from Commissioner Cox. So ordered.

RE: INTER-LOCAL GOVERNMENTAL AGREEMENT AMONG CITY OF EVANSVILLE, COUNTY OF VANDERBURGH AND THE LEGAL AID SOCIETY OF EVANSVILLE, INC., CREATING JOINT DEPARTMENT OF LEGAL SERVICES

President Willner noted the Board now has revised copy of Inter-Local Governmental Agreement Among City, County and the Legal Aid Society. Changes have been made and everybody is appraised of those changes and in accordance with same. He said actually he said "everybody", but he should have said at least the Commissioners are in accordance with subject changes. What the Council does, he doesn't know. In any event, the Agreement is ready for the signatures of the Commissioners. Motion was passed last week, subject to verification of language between the County Attorney and Legal Aid -- but the Board can repeat the process.

Commissioner Borries said the Agreement has a cover letter from County Attorney David Jones, stating this is the latest copy of the above-referenced agreement. Therefore, he moves that Inter-Local Governmental Agreement Among City of Evansville, County of Vanderburgh and the Legal Aid Society of Evansville, Inc., Creating Joint Department of Legal Services be approved, with a second from Commissioner Cox. So ordered. The Agreement will now be forwarded to County Council for their action on Wednesday, April 2nd.

RE: AWARDING OF BID FOR SHERIFF'S PRISONER TRANSPORT VAN

Sheriff Shepard said that last week they asked for a one (1) week delay to study proposals from bidders on Prisoner Transport Van. They have spent a considerable amount of time comparing the items on the bids. At this time, he would like to recommend that the bid from Cooke Chevrolet, Inc. be accepted. They are overall about \$308.00 cheaper, with all the options desired. The Chief has talked with Mr. Cooke. Sheriff Shepard said he likes to keep money locally if we can -- and we're talking about a goodly sum of money here, plus the fact that should something go wrong with the unit, they can take it to Cooke Chevrolet and have it corrected immediately. We have a good rapport with them. They lease some cars from them now and the service in the past has been excellent and they have no reason to believe that this service will not continue. Thus, they would like to go with the bid from Cooke Chevrolet, Inc.

Commissioner Willner asked if the correct price is \$26,312.02? Chief Deputy Lee West said the option they chose has a price of \$25,417.02 and that should be the amount of bid awarded to Cooke Chevrolet. Commissioner Willner entertained a motion.

Motion was made by Commissioner Borries that the bid for Prisoner Transport Conversion Van be awarded to Cooke Chevrolet, Inc., in the amount of \$25,417.02, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK FROM STATE FARM INSURANCE

President Willner presented check in the amount of \$727.74 from State Farm Insurance, noting that this is the same check mentioned last week, but acceptance of same was deferred until this week for purposes of clarification. A letter from Bowers, Harris & Kent said the check is in connection with a claim for damages to auto. Deputy West said the auto involved was one donated by Walt's Service Center for use in Narcotics Division. A driver insured by State Farm ran into the vehicle. The vehicle was taken to State Farm, where they set the repair estimate, and Walt's has agreed to repair the auto for that amount. Motion to accept check, endorse same and deposit in County Revenue for reimbursement to insurance account was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Deputy West noted that this should be reimbursed to the Garage & Motors account/Sheriff's Dept.)

RE: BURDETTE PARK - MARK TULEY

Mr. Tuley said that last week there was brief discussion concerning their request for

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COUNTY COMMISSIONERS
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tables and chairs for the pavillion and he agreed to bring back additional information this week.

Two local companies can basically furnish the same table -- and he proceeded to share product catalog with the Commissioners. Mr. Tuley said bids were received as follows:

Atlas Office Supplies	\$ 6,925.00	(Including Delivery)
Smith & Butterfield	\$ 7,250.00	(Including Delivery)
*Adirondack	\$ 6,555.00	(Including Delivery)

It is the recommendation of Mr. Tuley (and the Purchasing Department is in accord) that the bid go to low bidder(*) in the amount of \$6,555.00. The Chair entertained a motion. Motion was made by Commissioner Borries that bid for 50 Tables and 500 Chairs be awarded to Adirondack, Inc., in the sum of \$6,555.00, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Attorney Miller extended his apologies for being tardy for today's meeting. Proceeding, he said that about ten (10) days ago he sent a memorandum with attached cases regarding the dumping question -- which the Commissioners had asked that he research -- he assumes the Commissioners have by now had an opportunity to review the data. His recommendation would be that the State Statutes are in place and available to the residents in the area in question (both the Indiana State Department of Health and directly through the Attorney General's office and the Stream Pollution Control Board). Thus, he would suggest that the County is well covered in available statutory language and need not compound all that by putting another Ordinance on the books.

Commissioner Willner commented, "Which may, in turn, cost the County some money to implement."

Attorney Miller said it certainly raises the possibility of some sort of additional County enforcement requirements.

Commissioner Cox said she received a letter a couple of weeks ago that he'd sent to Commissioner Willner.....

Attorney Miller said he directed his secretary to send the letter/attachments to each of the Commissioners....and he apologizes that this was not done.

Commissioner Cox said she looked at the letter and copied note that said that the State Statutes do not pre-empt the County from writing or establishing an Ordinance.

Attorney Miller said that is correct. The County could write an Ordinance; it simply is his recommendation that the County, through either its law enforcement agencies or County Prosecutor, has all the tools it needs for dealing with that kind of situation right now. He supposes this is a matter of judgment and policy -- and not a legal matter. But, again, he apologizes for not attaching all the statutes.....

Mrs. Cox said, "In other words, anyone can dump anything they want to in Vanderburgh County outside the City Limits and do so legally -- unless it is considered to be a nuisance by the Prosecutor's office or a health hazard by the Health Department?"

Attorney Miller said he thinks that by the very definition of "dumping" -- the kinds of dumping that are defined in those statutes would be illegal and it would be up to the law enforcement agencies and/or the people who are offended by it to want to raise the question with enforcement authorities. That is what would have to happen with a County Ordinance, as well. The Ordinance would have to be pointed out to the County Prosecutor or to the Sheriff's Department and they would proceed to enforce that ordinance. What he is saying is that any ordinance that we would write could not reasonably be expected to be any stronger in nature than what is already there.

Mrs. Cox said her concern is that we have no definition of what is considered to be "solid fill"; so if anyone wants to dump anything other than something which would

(continued)

create a health hazard (and she guesses this would be something like vegetables, toxic waste or something like that) -- could do so without any kind of reprimand? There are a lot of places that need to be filled in in Vanderburgh County in order to be developed. She agrees with the right of property owners to develop the property. But there should also, she feels, be some controls on what is considered to be "fill"; what is considered to be "proper fill" to fill in these areas and she thinks we also have to be concerned that we are not blocking a natural waterway or natural drainage which those State statutes do not address.

Attorney Miller asked what Mrs. Cox means by "blocking natural waterway"?

Mrs. Cox, "You have a ravine on your property that drains water from people up from you and it goes on down and hits a creek; you want to fill all that in."

Attorney Miller said that is controlled not only by civil law but by the Stream Pollution Committee.

Mrs. Cox said, "I know; but who is going to enforce it?"

Attorney Miller said, "That is not your job here; that is the County Prosecutor's job -- you don't have to enforce this."

Mrs. Cox said, "How do we know now that we do not have businesses here in Evansville that are making their contracts with people out in the County to dispose of whatever they want to dispose of or get rid of?"

Attorney Miller asked, "How do we know that? I guess we don't know it unless somebody complains about it; but the fact is that even if you know it, it is not within this Board's duties -- even if you pass an ordinance it is not going to be within your duties to enforce it. The only conclusion contained in the memorandum was that the Statutes are on the books to deal with that if a violation is occurring. The ordinance that you write (if you wish to write one) would not probably be any stronger than the statutes that are on the books, because if you make them stronger -- what that would probably do is result in a court challenge to your ordinance for interfering with the private use of property to such an extent that it amounts to a "taking".

Mrs. Cox asked, "How does the City get by with it?"

Mr. Miller said the City's ordinance doesn't do anything to enhance the statutes that are already on the books of the State. That is his opinion.

Mrs. Cox said, "But it does put the authority within the City to handle the offender."

Mr. Miller said the City Police have the authority to arrest anybody in the City who violates any one of those statutes that he cited -- State nuisance statutes; that is no different than their police power to arrest somebody who robs a bank.

Mrs. Cox asked, "But how do you get it declared a nuisance?"

Mr. Miller said, "The statute defines it."

Mrs. Cox said, "But it says it must be declared a nuisance. Who decides whether or not it is a nuisance?"

Mr. Miller said, "The Prosecutor -- and he would do that in the case of a County ordinance."

Mrs. Cox said, "So, if you have the ordinance speak to that being the body that is going to handle this -- just likewise have an ordinance on junk cars, o.k.? The body which polices this is the Building Commission office -- not the Sheriff or the Prosecutor -- but the ordinance speaks directly to the power or the authority to enforcing an ordinance, doesn't it?"

Attorney Miller said we could set up a separate authority for policing enforcement of dumping -- if we wanted to do that.

Mrs. Cox said that Commissioner Willner said it would cost us money to have an ordinance on the books. We're spending a lot of money now -- going around and cleaning up these places that are on county right-of-way only. And this doesn't even do anything for our

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COUNTY COMMISSIONERS
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residents who have to live out there by the material that is being dumped.

Commissioner Borries referred Commissioner Cox to something they both probably remember quite clearly -- the case of one resident in Union Township.

Mrs. Cox said, "Very definitely; very definitely."

Commissioner Borries asked, "What is your understanding about what transpired? That was on private property and the Prosecutor did enforce what was on the State statute and what happened?"

Mrs. Cox said, "It was declared a public nuisance and the man doesn't have it anymore."

Commissioner Borries asked, "He doesn't have it anymore? It is completely clean then?"

Attorney Miller said he believes he actually lost the property.

Mrs. Cox said she doesn't know -- but there haven't been the complaints....but we have no ordinance on the books to even address the problem; we have to use whatever State statutes that apply to that -- and even with the rotting soybeans dumped down on that area, the Health Department didn't have enough to use any of it for health reasons to come in and do anything about it.

Commissioner Borries said he believes the point is he just wondered whether or not it had worked. And, of course, there were conflicting views on the stand that the attorneys would pose as to what and what did not constitute junk -- so you're going to have a lengthy thing -- that's a toughie -- a real tough definition, in his opinion, to come up with. It is going to take some thought.

Attorney Miller said he wanted to apologize again for not sending along the supporting documents to the other two Commissioners (he hoped Commissioner Willner received his)...

Commissioner Willner said that he did -- and these are available in the Commissioners' office if anyone wants to see same -- they are on hand for perusal if anyone wants to see them. He said he also notified Shirley James of the Westside Improvement Association and forwarded a copy of Attorney Miller's letter to her. He has had no response.

Attorney Miller said one other thing that has come up during the past week or so is that he received a lengthy letter from Attorney Steven Krohn regarding Mr. Wolfe's desire to subdivide a property out in McCutchanville and raising a question as to the county's requirement of a 40 ft. right-of-way on a cul-de-sac and the effect of that in view of his fact situation. He thinks what he is hearing from Mr. Krohn is that he is going to come here and ask us to do something sometime soon about relaxing that requirement under those factual circumstances. If we are not able to see our way clear to do that, he is thinking that he has no choice but to challenge that ordinance re what amounts to an unlawful taking in this particular instance. If we cite some reasonably compelling authority for his position, he urges the Commissioners to read that letter and be awarehe did not take his letter as coming here and looking for a fight or wanting to fight. He just has a client with a very tough situation and there obviously is going to be opposition on the other side -- and the Commissioners need to be aware of what is in that letter so that all the county's interests can be considered.

Commissioner Willner said he has read the letter and will probably need to talk with Attorney Miller about the matter. He does not see this being any more restrictive for Mr. Wolfe than it is for anyone else under the same set of circumstances.

Attorney Miller said, "It isn't -- but under the circumstances he is faced with, it presents a substantial burden to that property and we need to make a judgment as to whether or not there is a defensible situation there."

Commissioner Willner remarked, "He now says that he is going to build 1½ - 2 acre private homes; how can we be assured of that?"

Attorney Miller said he would presume that that would be taken care of by requiring him to plat the real estate in such a way that the lots were of that size and could not be further subdivided without further approval of the Plan Commission.

Commissioner Willner said the subdivision does not come to the Commissioners -- they just meet the requirements of the Subdivision Review ordinance and does not come to

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the Commissioners for a determination or denial.

Mrs. Cox commented, "Rezoning does come to the Commissioners".

Attorney Miller said that right now the property is agricultural and not residential.

Mrs. Cox said he would need to request rezoning from Agricultural to R-1;

Commissioner Willner said he does not need to come to the Commissioners for a rezoning; he may build a subdivision -- if he applies all the rules and regulations of Subdivision Review without rezoning. He asked Attorney Miller if this is correct?

Attorney Miller said his understanding is that in order to get the plat approved, he would have to be zoned R-1.

Mrs. Cox said her other question is that she didn't see anywhere within the contents of letter to Attorney Miller where the parties -- since they have changed their thinking re how to use this property -- had contacted the landowners regarding acquiring this extra 3 ft. --

Attorney Miller said he had suggested that to Attorney Krohn in their conversation, and he said to him that his client has tried to do that on numerous occasions and the people in the area apparently are dead set against any development of that ground -- and he has met with nothing but resistance in attempting to get the 3 ft. He urged him to again try to talk to the people. Apparently that was a pretty rough-and-tumble fight when the previous rezoning was attempted; he was not aware of it. The only reason his name got dragged into it was because Jay Epperson was in some part of the deal and he used to work for Epperson. But if he is not successful in getting his neighbors to agree, he can assure the Commissioners that he will be coming to them in one form or another -- and it is something they need to give some thought to not only his circumstances but the ramifications.

Commissioner Borries said that if he intends to maintain that street as a private street with over an acre lots, could he then develop the ground?

Attorney Miller said, "Not with a 37 ft. right-of-way; not under our ordinance.

Commissioner Willner said, "Other people have been turned down for the same thing.... last year, two years ago....for the same reason."

RE: COUNTY HIGHWAY - BILL BETHEL

Awarding of Bids for Two (2) Dump Trucks/County Highway: Mr. Bethel said they had done some checking re changing speed of rearend axle, etc. He just called Hendrickson & Sons and they can change it over the way we want them, giving us a 427 cu. in. motor rather than a 366 cu. in. motor and give us a 10-speed axle -- costing us \$685.00 more each, making a total of \$57,355.00 for the two (2) trucks and they have the money.

Commissioner Willner asked Mr. Dorsey if this is the recommendation of the Purchasing Department? He acknowledged that it is. Commissioner Willner entertained a motion.

Mrs. Cox asked Mr. Bethel if he is changing cu. in. of motor? Mr. Bethel said they had to go to 10-speed axle, which makes a lot better truck; it will last a lot longer. Mrs. Cox asked, "And we didn't specify this in our bids? We changed the bids once." Mr. Dorsey said the specifications were changed once, prior to submission of bids. Hendrickson & Sons was the lowest bidder, with bid of \$56,670.00. The next closest bid was \$61,483.00, which is still substantially higher than the changes requested. They asked for modification in specs re motor and transmission because they feel it will work better. While this reflects a slight increase in bid price from Hendrickson & Sons, they are still well below the difference between the two bids.

Mrs. Cox asked, "Why didn't we advertise it the way we wanted it?"

Commissioner Willner said, "Some bid either way; Kenny Kent bid exactly the way we are doing it now. You can get different speeds by either changing the rearend or the transmission. Kenny Kent changed it with a 10-speed transmission and single speed rearend, where Hendrickson & Sons did it the other way around. They had a 5-speed transmission with a 2-speed rear axle. What happens with a 2-speed rear axle is that sometimes one shifts and the other one doesn't and they tear the units out -- and they're

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COUNTY COMMISSIONERS
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about \$6,000 each -- so that is why we went to a 10-speed transmission rather than the 2-speed axle.

Mrs. Cox said, "I thought we already awarded the bid last week."

Mr. Bethel said, "We did -- to the same company; they just wanted to be sure that this didn't go over the difference between the two bids."

Motion to approve awarding of bid for \$57,355.00 to Hendrickson & Sons for dump trucks for county garage was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Weekly Absentee Reports: Mr. Bethel submitted copies of the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew for period March 24 thru March 28, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for County Garage employees.....report received and filed. Attached to the work report was the following Work Schedule:

Gradall: Berry Lane, Neu Rd., Shop, Baseline, Prüitt, Upper Mt. Vernon Rd.

Pull
Shoulders: Upper Mt. Vernon Rd. and Hogue Rd.

Repaired
Caved-in
Culvert: Streuh-Hendricks

Repaired
Cave-ins: Evergreen Acres - used back-hoe, compressor, jack-hammer and two (2) trucks

Patch: Mill Rd., Felstead, Elmhurst, Heckel, Holly Hill, Church Rd., Darmstadt and Orchard Rd.

Trash: Garage, Rosenberger, Mill Rd., St. Joe and Bayou Creek

Removed salt spreaders from trucks

Hauled rock to yard and also to Marx Rd., where shoulder was washed out.

Weekly Work Report/Bridge Crew: Mr. Bethel also submitted Work Report for the Bridge Crew for the same period.....report received and filed.

Installed Culverts: Nurrenbern Rd., Kneer Rd., Berry Ct. and Heckel Rd.

Installed Guardrail: Bridge on Broadway

Installed Drop Box: Kneer Rd. and Berry Ct.

Joe Schapker: Worked in County Highway Dept. office

Anthony Hall: Worked in Andy Easley's office

Safety Meeting: In response to query from Commissioner Willner, Mr. Bethel said that Mr. Schenks came down and they had a safety meeting. He sent a letter back to Mr. Bethel saying the people seemed very interested; the Bridge Crew attended this meeting -- and they were very pleased with the overall attendance, etc.

Little Schaeffer Rd.: Mrs. Cox asked if the Surveyor's office ever determined the right-of-way width on Little Schaeffer Rd.? When dumping etc., was being discussed in the Little Schaeffer Rd. area, they indicated they would determine the right-of-way and Mr. Bethel was going to see about getting those concrete posts re-installed or guard rail along there?

Mr. Bethel said they have not yet advised him; as soon as they inform him about this, he will handle the posts/guard rails.

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Commissioner Willner said someone from the surveyor's office will be in attendance after a while, and we can check with them then.

Mr. Bethel said he did notice that there were two or three of those concrete posts which had been removed -- and they can be re-installed.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim to IDOH/Reimbursement for Bridge Inspection: Mr. Easley presented copy of following letter, together with claim concerning bridge inspection program:

March 25, 1986

Indiana Department of Highways
Vincennes District
P. O. Box 376
Vincennes, IN 47591

Attn: Mr. Marston Fowler, Jr.

Re: Vanderburgh County Bridge Inspection
Project BRZ-9982(6), BR-NBIS(024)
Claim No. 4 for Bridge Inspection

Gentlemen:

Enclosed is a claim in the amount of \$2,256.00 for Bridge Inspection work on subject project for the period of December 13, 1986, to March 10, 1986.

We are enclosing three copies of the following invoice from Floyd E. Burroughs & Associates, Inc.

<u>Date</u>	<u>Amount</u>
March 18, 1986	\$2,820.00

If any additional information is required, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

cc: Alice McBride

Mr. Easley said this seeks reimbursement for bridge inspection claim paid last week.

Claim/Deig Bros./Millersburg Rd. Bridge: Claim in the amount of \$7,650.00 for progress payment on Millersburg Rd. Bridge was submitted. Mr. Easley said this claim is entirely for compacted material that they've put in place since the last claim was submitted. With this warm weather, they are making excellent progress -- they may be able to complete the fill (although they're talking about rain on Friday of this week) and get some crushed stone on top by the end of the week. It is his recommendation that this claim be approved for payment.

Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mrs. Cox said that last week she believes that Mr. Easley said it was going to be necessary to raise the road. Is that included in this claim? Mr. Easley said it is not.

Proposal to Raise Western Approach/Millersburg Rd. Bridge: Mr. Easley said he has a letter from Deig, in which they have concurred with the estimates of the quantities that we made to raise the western approach to elevation 380.00. These are quantities that Messrs. Easley and Dan Hartman developed; they total additional material that would be required and labor to put it in place. Letters from Deig read as follows:

(continued)

COUNTY COMMISSIONERS
March 31, 1986

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March 13, 1986

Mr. Andy Easley
Room 325 - Civic Center Complex
Evansville, IN 47708

Re: Millersburg Rd. Project

Dear Andy,

As per your request, we wish to submit a proposal to raise the western approach to the new bridge, so that no portion of the new roadway is below elevation 380.00. This would require increasing the following items as shown:

ITEM 7. Roadway borrow	1,362 c.y. @ \$4.10	= \$ 5,582.20
9. Compacted base (TypeP)	258 tons @ \$15.00	= 3,870.-0
15. HAC surface	30.91 tons @ \$50.00	= 1,545.50
16. HAC base	61.72 tons @ \$40.00	= 2,472.80
17. Bituminous Prime	.56 tons @ \$660.00	= 369.60
		<u>\$13,842.10</u>

Also, something which needs to be added to this project is a galvanized culvert under the field entrance at the northwest corner of the bridge approximately station 29 + 60. The finished grade of the field entrance will trap water unless this is installed.

There now exists a culvert under the road at Station 32 + 03 which needs to be extended to accommodate the added shoulder width in this area. We would appreciate if you would verify these two requirements, and would be glad to give you the prices if you desire to add them to our contract.

Sincerely yours,

DEIG BROS. LUMBER & CONSTRUCTION CO., INC.

Dick Hartmann

Mr. Easley said this work would bring the approach up approximately 4 ft. on the west so that it would be about the same elevation as the east approach. If the Board will recall (he has copies of the minutes here) the bridge itself is at 384.00 ft., and in order to keep the bridge open as long as possible in the event of high water (since this road will be one of few roads that goes under I-164) he feels that this is very desirable and he, therefore, requests permission to authorize Deig to perform this work. In addition, there are two (2) culverts needed...some \$2,100.00 of culvert that needs to be replaced. So that's total extra work of \$15,942.10 altogether. The following letter concerns the corrugated metal pipe on culverts for Millersburg Rd. project:

March 18, 1986

Mr. Andy Easley
Room 325 - Civic Center Complex
Evansville, IN 47708

Re: Millersburg Rd. Project - Culverts

Dear Andy,

We would like to submit the following prices for corrugated metal pipe on the above project.

At the field entrance at approximately station 29 + 60, 40 lineal feet of 22" CMP is required to prevent trapping water behind the new finished grade. If we furnish and install the cost would be \$40.00 per ft.; if the county wishes to furnish and deliver the pipe to the jobsite DEDUCT from the above \$15.70 per ft.

(continued)

COUNTY COMMISSIONERS
March 31, 1986

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At station 32 + 93 an extension is required for an existing 15" pipe. Our price for 20 ft. of pipe and coupling is \$25.00 per ft.; if the county furnishes and delivers the pipe to the jobsite, DEDUCT from the above \$5.35 per ft.

Please advise.

Sincerely yours,

DEIG BROS. LUMBER & CONSTRUCTION CO., INC.

Dick Hartmann

Mr. Easley said he requests permission from the Commissioners to authorize installation of the culvert.

Mrs. Cox asked how much longer it is going to take for them to complete this part then?

Mr. Easley said they are prepared to haul that in there this week -- if authorized by Commissioners.

Mrs. Cox asked if we still have money in that account?

Mr. Easley said we have approximately \$30,000 odd dollars unobligated in the account.

Mrs. Cox said she would certainly like to get this project finished and the bridge open. Motion was made by Mrs. Cox that the change orders for pipe and raising of western approach in connection with Millersburg Rd. project over Bluegrass Creek be approved, with a second from Commissioner Borries. So ordered.

RE: LOG JAM/PIGEON CREEK

Commissioner Cox asked Mr. Easley if anything further has been done concerning the beaver/log jam on Pigeon Creek at 4308 N. Green River? In response to query from Mr. Easley, Mrs. Cox said, "Little Pigeon Creek". She said they were going to paint and refinish.....

Mr. Bethel interjected that they have the scaffolds made and ready for the painting. They have not gotten to the dam yet....."he has been out there and not observed it yet; he doesn't know how far off the road it is", said Mr. Easley. Both Commissioner Cox and Mr. Bethel affirmed that it is there.....the beavers started it and now it has just collected the rest of the stuff.

Mr. Easley said there is a nice log jam started at Millersburg Rd., also. They're going to have to get a chainsaw to take that one out...or the beavers will be scouting that one.

RE: LAND ACQUISITION OFFER/TEMPORARY/PORTION OF KNIGHT TOWNSHIP CEMETERY

President Willner says he has a land acquisition offer (temporary) for portion of James Cemetery in Knight Township from the State of Indiana Department of Highways. He needs permission to give the IDOH authorization to trespass upon that property for a period of 25 days from the date that the project is accepted....that would be in the right-of-way of I-164.....they want a temporary easement.

Mrs. Cox said she read in the newspaper where Mr. Willner was going to do this for \$500.00. Mr. Willner said, "No, \$150.00, not \$500.00. We can expect payment within ninety (90) days of signing of subject document. Motion to approve agreement for temporary easement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CHICKASAW PARK AREA

Commissioner Borries advised Mr. Easley that he mentioned late in the day at last week's Drainage Board Meeting addressing a letter to the IDOH concerning condemned property in Chickasaw Park Area, where they are moving structures and leaving the basement areas unfilled. This is on the southern leg of the I-164 project (about 2 mi. from the James Cemetery on Green River Rd.). There are some residents whose property is going to be affected; they don't understand why the State is condemning

(continued)

COUNTY COMMISSIONERS
March 31, 1986

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all these properties and moving the structures. One heard a comment that they weren't going to fill those basements in until the fall -- and they are concerned about the basement areas filling with water. It is hazardous with the children playing about, etc. If Mr. Easley could find an appropriate name in the State Highway Department to whom to forward those concerns, then he would be glad to write a letter. Mr. Easley said he will check this out. Mr. Borries expressed his appreciation.

RE: CERTIFICATE OF INSURANCE

North Main Shopping Area Association: Spring Ball to be held at Vanderburgh Auditorium on April 5, 1986.

RE: OLD BUSINESS

The Chair entertained discussion concerning any matters of old business. There were none.

President Willner addressed Dick Lythgoe, who was seated in the audience, and asked if he is here today as an observer? Mr. Lythgoe said he is just taking a Civics lesson in good government.

RE: SCHEDULED MEETINGS

Thursday April 3 7:30 p.m. Public Hearing on Boonville-New Harmony & I-164 Interchange (Daylight, IN Fire Station)

Mr. Willner said he just learned today that the old route is not on the federal aid secondary and is not reimbursable by federal dollars. That is fairly easy to change, but it would take an act of this Board and some time. Again, he was not aware of that until today. In response to query as to why this is, Mr. Willner said the County puts roads in rural secondary and that's our job -- and we've never put that road in.

Mrs. Cox asked, "Then it is not eligible for R&R funds?"

Commissioner Willner, "As it stands now, it is not eligible. Andy, would you explain what we need to do to put that on the secondary list?"

Mr. Easley said that the IDOH, after the tip was submitted, picked up the fact that the official federal aid secondary route is the easterly extension of Boonville-New Harmony Rd. going due east of Green River and then curving up to the Warrick County line to intersect the Boonville-New Harmony Rd. And they are stating that if we want to widen and improve under the three "R" program, the existing Boonville-New Harmony Rd. east of Green River -- the federal aid secondary routes would have to be adjusted to reflect that. Somebody got the official route in the "S" curve -- and it would have to be shifted up to the existing road. But that is not a big item. It does, however, affect the county. Dilk said they could do that, if we requested it.

Mrs. Cox asked if Rose Zigenfus is going to be at the meeting on Thursday night?

Mr. Easley said he believes she is on vacation and not in the state.

Mrs. Cox asked if Lochmueller and Associates are going to be there?

Mr. Easley said he assumes they will; he will call them.

Mrs. Cox asked if Lee Gallivan is going to be there?

Mr. Easley said he was here last week and he met with him at that time. He only comes one week a month now. As for himself, he plans to be out-of-state, also. He has had a trip scheduled for some 60 days to see his grandson in North Carolina. He is sorry; but he thinks Lochmueller will be able to answer any questions about cost, realignment, etc. They have some good maps; the realignment is very definite and there are some pros and cons of spending the additional money. If the Commissioners would like a statement from him, he can write his recommendation on the route.

Mrs. Cox said that Lochmueller & Associates are privy to the State's projected completion date for these areas, because people are laughing that this area is supposed to be open within a two-year period and they're saying there is no possible way that that road will ever be finished in a two-year period. She is working under the impression

(continued)

that that is what the State timetable was for opening that leg of the I-164 area.

Mr. Easley said he believes that is correct; he thinks he has some notes in the file concerning this.

Mrs. Cox said, "If that question comes up, we need to have some technical person there who can answer that."

Mr. Easley said he will make certain that Lochmueller has the dates.

Mr. Willner asked that Mr. Easley be certain he has EUTS traffic count for the future years, also. Mr. Easley agreed to do so.

Chairman Willner queried the Board concerning any other scheduled meetings.

Commissioner Cox said that while it doesn't concern a meeting, the Convention & Visitor's Bureau is opening its Visitor's Center tomorrow between 10:00 - 11:00 a.m. on U.S. Highway 41 and Riverside Drive. County Council also meets at 2:30 p.m. on Wednesday, April 2nd.

RE: CLAIMS

President Willner said he has no additional claims to present today.

RE: LITTLE SCHAEFER RD.

Mr. Willner addressed Bill Jeffers, Chief Deputy Surveyor, and said that Mrs. Cox had wanted to know if they had completed the survey on Little Schaefer Rd.?

Mr. Jeffers said that a couple of weeks ago, the survey crew went to Little Schaeffer Rd. and put P.K. nails with ribbon and paint in the centerline. Their records show 50 ft. total right-of-way (that is 25 ft. off centerline on each side).

RE: EMPLOYMENT CHANGES - RELEASES

Surveyor

Linda Freeman	841 E. Olmstead	Instr. Man	\$17,445/Yr.	Eff: 3/24/86
Earl Brown	1313 Roosevelt	Party Chief	\$20,381/Yr.	Eff: 3/24/85

Clerk of Superior & Circuit Courts

Cathy J. Dickens	1633 E. Illinois	Dep. Clerk	\$6.00/Hr.	Eff: 3/31/86
Jeri Warner	7403 Yosemite		\$12,800/Yr.	Eff: 3/31/85
Dorothy Wolf	125 N. Weinbach		\$13,338/Yr.	Eff: 3/31/86
Doris Cato	817 Hercules		\$15,259/Yr.	Eff: 3/31/86

Circuit Court

Frank Fleming	1108 E. Chandler	P.T. Bail B.	\$4.50/Hr.	Eff: 3/9/86
John Voight	1117 2nd Avenue	"	\$5.00/Hr.	Eff: 2/26/86
Karen Sue Miller	926 Fairlawn Cr.	P.T. Intern	\$4.50/Hr.	Eff: 2/28/86

RE: EMPLOYMENT CHANGES - APPOINTMENTS

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Tim Mayer	6308 Day Rd.	Fieldman	\$35.00/Day	Eff: 3/24/86
Bernard Meyer	6308 Day Rd.	"	\$35.00/Day	Eff: 3/24/86

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Patricia Gossman	R.R.#9, Box 142	Dep. Clerk	\$6.00/Hr.	Eff: 3/31/86
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COUNTY COMMISSIONERS
March 31, 1986

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Clerk of Circuit & Superior Courts (continued)

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Dorothy Wolf	125 N. Weinbach	M & T Supv.	\$15,259/Yr.	Eff: 3/31/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:34 p.m., with announcement that the Drainage Board will meet immediately.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David V. Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Andy Easley	Bill Bethel	Bill Jeffers
	<u>SHERIFF</u>	<u>PURCHASING</u>	<u>BURDETTE PARK</u>
	Clarence Shepard Lee West	Tom Dorsey	Mark Tuley
<u>SECRETARY:</u>	Joanne A. Matthews		


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

PUBLIC MEETING

4/3/86

The Vanderburgh County Board of Commissioners held a public meeting at the Scott Township Fire Department in Daylight, Indiana, on Thursday, April 3, 1986, at 7:30 p.m.

Commissioner Willner opened the meeting and introduced the other Commissioners, also Mr. Tom Bernardin of Bernardin, Lochmueller & Associates.

It was explained that this public meeting was being held for the purpose of obtaining comments from the public on the widening and improvements of existing Boonville-New Harmony Road or the construction of a new section of Boonville-New Harmony Road east of Green River Road for the purpose of handling increased traffic from the interchange that the Indiana Department of Highways is going to construct on I-164 for this road.

Two basic proposals are being discussed by the County Commissioners, Plan A and Plan B.

Mr. Bernardin then explained the two options open to the County, as follows:

PLAN A - This plan would reconstruct the current path of Boonville-New Harmony Road from the interstate west to Green River Road, allowing the road to jog several hundred feet south on Green River Road before continuing westward. This plan would cost approximately \$527,000.00.

PLAN B - This plan would re-route the eastern leg of Boonville-New Harmony Road south from the interstate in a long S-shaped curve to meet its other section of Green River Road. This plan would cost approximately \$1,000,000.00.

The meeting was then opened for discussion and for questions by those in the audience.

Mr. Pee Wee Melton asked what the state's portion would be and what the county's portion would be.

It was explained that the funds would be 75% state and 25% county.

Mr. Wilbur Fehd, whose land would be crossed diagonally by Plan B, said that officials were giving no consideration to folks who tend the land for a living. He said "You're not thinking anything about us poor old clodhoppers out here, that all you're concerned with is the drivers and you want to take out land for them." He said the proposed re-routing of Boonville-New Harmony Road would be through flood-prone land, and he feared the new road would impair drainage.

Commissioner Shirley Jean Cox suggested that the county opt for Plan A, and possibly extend it later to nearby Indiana 57. She said it would be the least expensive option at a time when the county is hard-pressed to find enough money to pay for its road projects. She said the county must find \$4 million in local money in 1987 to keep its transportation improvement plan on schedule, "and that's if we do absolutely nothing up here" at daylight.

Most of the proponents of re-routing the road listed safety at the top of their priorities. It was stated that unless the road is moved south, heavy traffic would be confronted with two "T" intersections at busy Green River Road. They said it would improve traffic in northern Vanderburgh County.

Mr. Bernardin said he preferred Plan B from his preliminary studies.

Mr. Melton then asked who projects the traffic count, and was told that the Evansville Urban Transportation Study projects the traffic count.

Mr. Steve Dobbs said that we need a new route to town to keep from having to travel busy Highway 41.

In regard to Mr. Fehd's concern on drainage, Mr. Bernardin tried to explain how the road would be designed and how the drainage would be handled.

Mr. Bill Young asked about the driveway cuts, if they build new roads.

Commissioner Willner said there would be cuts made, but they would first have to appear before the Area Plan Commission to get permission for them.

Mrs. Fehd said that motorists should be happy with the roads they have now, that she remembers when they were mud, that if the people don't like what they have, they should get out and walk for awhile, that they then might appreciate what they have a little more.

Mr. Fehd talked against Plan B, and a Mrs. Joan Bohrer said she favored Plan B.

Ms. Beverly Preske said she doesn't know why we need an interchange at this location and it was explained that the County had nothing to do with it, that the Commissioners wanted to use Lynch Road but the State said they couldn't.

Commissioner Willner said the county officials had tried to get the state to abandon the Daylight interchange in favor of one at Lynch Road but they absolutely would not agree with that, and the Lynch Road interchange is yet to be drawn on any plans, although local officials say they have verbal commitments from the state.

Mr. Jerry Burdge asked how far in the future will Lynch Road be, and Commissioner Willner said it will be three years.

Mr. Ray Young also spoke in favor of Plan B.

Mr. Melton wanted to know if the County has the right of imminent domain.

Commissioner Willner said "yes" but in his experience, he only knows of it in one instance.

Mr. Fehd asked about the price of the land, and it was explained that this would be up to the appraisers.

A Mr. Trapp also spoke in favor of Plan B. He said that if they go with Plan A, the Fire Department emergency truck would sit at the intersection constantly on emergency calls.

Other speakers included Mr. Virgil Whaley, Clarence Nicholson and John Gerteisen.

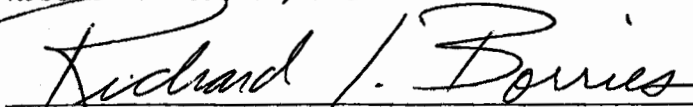
After further discussion, the public meeting recessed at 9:15 p.m.

The Commissioners thanked everyone for their input.

Commissioner Willner said that the public should express their feelings by letter to the Commissioners and they will act on it when they make up there minds as to a decision.

The Board of Commissioners of
the County of Vanderburgh


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

360.

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 7, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 7, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

In the absence of Sheriff Shepard (since it was the first meeting of the month) the Commissioners' Liaison, James Lindenschmidt, declared the meeting in session pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, March 31, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: PUBLIC AUCTION OF COUNTY SURPLUS PROPERTY

President Willner said he has a list of eight (8) Parcels of property owned by Vanderburgh County, which are to be sold at Public Auction. Subject property has been appraised by County Assessor Jim Angermeier. Properties are as follows:

<u>Tax Code No.</u>	<u>Address</u>
9-29-13-42-12	1319 E. Sycamore St.
11-7-21-57-17	703 S. Governor St.
11-8-21-60-14	775-777 S. Elliott St.
11-9-21-73-20	809 Line Street
11-9-21-76-8	913 So. Elliott St.
11-10-21-90-3	920 S. Governor
11-21-23-52-7	1219 S. Grand Avenue
10-5-25	R.R.#2 South Red Bank Rd.

The Chair entertained a motion that subject properties be advertised, with Public Auction to be held at 2:30 p.m. on May 12, 1986.

Commissioner Cox asked if these properties were being sold due to delinquent taxes? Commissioner Willner replied that this is correct. Mrs. Cox asked if these have to be appraised? Commissioner Willner reiterated that the County Assessor has already appraised the subject properties. Motion was made by Commissioner Cox that the properties (as read into the record) be advertised, with a second from Commissioner Borries. So ordered.

RE: PUBLIC MEETING RE BOONVILLE-NEW HARMONY RD.

It was noted by Commissioner Willner that a Public Meeting was held last Thursday, April 3rd, at the Fire Station in Daylight, IN concerning the Boonville-New Harmony Rd. While the proceedings were not taped and a complete set of minutes is not available, notes were taken and brief minutes have been prepared, which outline the direction/the course the public meeting took concerning this matter. Same are available, if the Commissioners wish to affix their signatures tonight. In response to query from Commissioner Cox, Commissioner Willner indicated he only has the original minutes. Following brief discussion among the Commissioners, it was the consensus that members of the Board will be provided with a copy of subject minutes for purposes of perusal and the Commissioners will then be prepared to affix their signatures at next week's meeting.

RE: COUNTY TREASURER

President Willner presented copies of Interest Report through April 1, 1986 and the Monthly Report for period ending February 28, 1986, which had been submitted by

(continued)

County Treasurer Pat Tuley. Interest Report read as follows:

TO: County Commissioners
County Council

Money on Deposit-- Invested \$500,000.00 (\$100,000.00 each with each of the 5 Savings & Loan), Dec. 27, 1985, at 7.65%. Estimated income at maturity is \$38,145.21. Maturity date is Dec. 26, 1986.

Local Roads & Streets (216)--Invested \$1,400,000.00, Janu 8, 1986, at 7.40%. Estimated Income at maturity is \$48,922.22. Maturity date is June 27, 1986.

Revenue Sharing (506)--Invested \$300,000.00, Jan. 10, 1986, at 7.6%. Estimated Income at maturity is \$10,640.00. Maturity date is June 27, 1986.

Reassessment (249) -- Invested \$1,300,000.00, Jan. 14, 1986, at 7.9%. Estimated Income at maturity is \$99,561.94. Maturity date is Dec. 29, 1986.

Cumulative Bridge (203)--Invested \$2,000,000.00 Jan. 21, 1986, at 7.475%. Estimated Income at maturity is \$65,198.61. Maturity date is June 27, 1986.

Monies on Deposit -- Invested \$3,500,000.00, Mar. 21, 1986, at 6.75%. Estimated Income at Maturity is \$15,750.00. Maturity date is April 14, 1986.

Interest Receipted to date:	County Revenue	\$62,818.33
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Interest to be Receipted when current Investments mature:

County Revenue	\$52,895.21
Local Roads & Streets	48,922.22
Revenue Sharing	10,640.00
Reassessment	99,561.94
Cumulative Bridge	<u>65,198.61</u>

Total	\$278,217.98
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Commissioner Willner commented that interest receipted to date amounted to \$62,818.33 and interest to be received when current investments mature is \$278,217.98 -- for a total of approximately \$340,000.00. He asked County Auditor Alice McBride what the amount was that the Treasurer promised to put into the County General Fund this year? Mrs. McBride said it was \$800,000.00. Commissioner Willner said that Mr. Tuley is then half way home!

RE: VANDEBURGH COUNTY AUDITORIUM - KIM BITZ

Mr. Bitz reported on Income for March.... Year to Date, as follows:

1984	\$37,369.88
1985	\$49,514.34
1986	\$53,154.42

He said he was not present at Commissioners' meeting a few weeks ago to personally present the Booking Report; however, in the past two weeks they have booked an additional four (4) events --and that is up until the month of June, so these four (4) bookings should be included in the First Six Months Booking figures.

In response to query from Commissioner Willner as to whether he has anything to report to the Board concerning his travels, Mr. Bitz said he does not. He just returned to Evansville, then he worked last Friday and Saturday and they have Wrestlemania tonight -- so he will put together a report on this trip sometime during the coming week.

Mr. Bitz also reported that there is an Auditorium Advisory Board meeting tomorrow (April 8th) at 4:00 p.m.

(continued)

RE: COUNTY ATTORNEY - DAVID L. JONES

The Chair called upon County Attorney David Jones for his report. Attorney Jones noted that he has nothing to report today.

RE: COUNTY HIGHWAY DEPARTMENT

President Willner advised that County Highway Superintendent Bill Bethel had a heart attack last night at midnight. He is in Intensive Care at St. Mary's Hospital. He talked with Mrs. Bethel a few minutes and Bill is doing very well.

Mr. Lindenschmidt interrupted that his daughter (who works at St. Mary's) called him a few minutes ago and said that Bill did not have a heart attack. He had pulmonary edema (water accumulates in the lungs, making breathing difficult). They put him on a ventilator; he is now breathing on his own and they feel certain now that he will be o.k.

Commissioner Willner said, "We wish Bill well!"

Continuing, Commissioner Willner presented the following reports, which had been submitted by Mr. Bethel.

Weekly Work Report/County Garage: Submitted for the period March 31 thru April 4, 1986, was the following Work Report for employees at the County Garage:

Gradall: Hedden Rd. and Millersburg Rd. -- Cleaned and dug ditches

Gradall: Dig ditch on Upper Mt. Vernon Rd. Install driveway culvert at 10200 St. Wendel Rd. Dig ditch on Middle Mt. Vernon Rd., Peerless Rd. and Bromm Rd.

Grader & Belt Loader: Pull shoulders on Hogue Rd., Peerless Rd., Eichoff Rd., Chapel Hill, Middle Mt. Vernon, Boehne Camp Rd. Started on Nurrenbern Rd.

Grader: Graded Rd., Cypress-Dale, Seminary, Golden Rule, Long Rd., Schissler Rd. and Melody Lane.

Grader: Kirchoff Rd., Happe Rd., King Rd., Hickory Ridge, Green River Rd. and Calf Lane

Patch Crew w/Hot Mix: Holly Hill Ct., Old State Rd., Pinecreek and Heather Ct., Heather Dr., Evergreen Rd., Mill Rd., Schutte Rd., Char-Mar Dr., Culvert on Nurrenbern Rd., culvert on Schutte Rd., 4301 Clover Dr., and 5212 Harmony Way.

Trash Crew: River Rd., Weinbach, Lynn Rd., St. Joseph Ave., Median, Oakgrove off Green River Rd., Burkhardt Rd., Outer Lincoln Ave., Green River Rd., Big Schaeffer Rd., Mill Rd., Hedden Rd., Millersburg Rd.

Crew repaired ditch and rip-rapped ditch on Melody Lane. Tree Crew worked on Schmuck Rd.

Work Report/Bridge Crew: Also submitted for the same period was Work Report for Bridge Crew, as follows:

Rip-rap shoulder by culvert on Dieffenbach Rd., Buente Rd., Wood Rd. east of Pruitt Rd., Old State Rd., Nurrenbern Rd., and Upper Mt. Vernon Rd.

Build drop-box on Berry Ct., and rocked back side.

Put extension on a pipe on Heckel Rd.

Cleaned bridge on Mohr Rd. and St. Joe Rd.

Replaced culvert pipe on Middle Mt. Vernon Rd.

(continued)

COUNTY COMMISSIONERS
April 7, 1986

Page 4

Painted bridge on Boonville-New Harmony Rd. west.

Replaced guard rail on the northwest corner of Boehne Camp Rd. and Middle Mt. Vernon Rd.

Cut bleeder at 14411 Shady Valley Rd.

Tony Hall worked in Andy Easley's office.

Joe Schapker worked in office of the County Highway Garage.

Weekly Absentee Reports: Also submitted for the same period were the Absentee Reports for Employees at the County Highway Garage and the Bridge Crew.....report received and filed.

RE: OHIO RIVER BANK EROSION

Commissioner Willner noted that County crews have stabilized the banks on Old Henderson Rd. They are going to put the barrels on the stabilized shoulders and leave them there. If any of them topple over, that will be a sign that the bank is starting to erode again and we'll have to then reinforce that shoulder work.

Commissioner Borries asked if we've ever heard from the U.S. Army Corps of Engineers?

Commissioner Willner said he had read a letter received by Mr. Easley from the Corps. The letter is a reiteration of what they previously said (that we could move the road four times before the Corps could come and rip-rap the bank and it is ours to deal with as we see fit).

RE: COUNTY ENGINEER - ANDY EASLEY

Calling upon County Engineer Andy Easley for his report, Commissioner Willner advised that the Commissioners were just discussing the reply from the U.S. Army Corps of Engineers. If he wishes to reiterate -- he may do so.

Mr. Easley said he received the following letter from the Corps of Engineers:

March 31, 1986

Mr. R. Andrew Easley, Jr.
County Highway Engineer
Vanderburgh County Highway Department
325 Administration Bldg. - Civic Center Complex
Evansville, IN 47708

Dear Mr. Easley:

This is in reply to your letter dated March 6, 1986, concerning our streambank erosion study at Ohio River Mile 806 in Vanderburgh County, Indiana under the authority of Section 14 of the 1946 Flood Control Act. In your letter you requested our review of the criteria governing whether or not Federal funds could be used to protect the bank at that site rather than relocating the road at local expense.

I understand that you contacted Mr. Robert E. Ledford, Jr. of my staff by telephone on March 14, 1986, concerning this matter. This letter is by way of additional comment and to confirm the information given you at that time by Mr. Ledford.

As shown on Page 3 of the initial appraisal report, a copy of which was previously provided to you, we believe that the Old Henderson Road should be relocated at least 75 ft. from the Ohio River top of bank to assure its continued use for several years. This 75 ft. distance is an opinion of the minimum that should be considered. It is difficult, if not impossible, to predict future

(continued)

erosion rates, and in some instances erosion rates may increase or decrease because of flooding events, or other reasons. Under our current authority, any relocation of the Old Henderson Road at the study site (or any road relocation under Section 14 authority) would be a nonfederal responsibility, whether now or in the future.

Regarding your question concerning the cost effectiveness of rip-rapping of the bank versus road relocation, as shown in Table 1, (page 4) of the report, the cost for rip-rapping the bank is estimated to be \$334,000 while the cost of relocating the road (Table 2, page 5) is estimated to be \$76,000. This suggests that the road could be relocated approximately 4 times for the same initial cost as bank protection.

Because road relocation was determined to be more cost-effective than rip-rapping, as shown in the report, I was precluded from recommending bank protection for the site. However, should the county wish to consider such bank protection, the rip-rap should be designed and placed to assure permanent protection for the road in its present location. In the same sense, road relocation should be planned to assure that the road would not be threatened by erosion for many years.

I appreciate your concern and interest in this very persistent problem. However, my review of our study date indicates there is no justification for changing our previous recommendations for the study.

Sincerely,

Dwayne G. Lee
Colonel, Corps of Engineers
District Engineer

Mr. Easley directed the Board's attention to the last paragraph, wherein the Corps did give us permission to rip-rap the bank, ourselves. In brief, the Corps thinks it is more cost-effective to relocate the road than to spend government money rip-rapping the bank. As the Commissioners know, we have done some rip-rapping out there with some broken concrete made available to us. He thinks there is a good chance that if we continue to find good sources for broken concrete (it's kind of hard on our dump trucks) that might be the lesser of the cost of having to spend \$60,000 to acquire right-of-way and building the road 75 ft. away from the bank. Mr. Easley then entertained questions. He believes the Corps' position is clearly stated.

Commissioner Borries said he does not have Table I; however, it says that they are estimating this cost of rip-rapping -- just how great a distance are they talking about there for \$334,000? This looks like to him it's a numbers game. They're saying that it would be cheaper for us to relocate the road four (4) times and they quote us figures which, in his opinion, he doesn't know how they would be able to verify them. What are they doing? Taking a 75 ft. distance.....

Mr. Easley said he doesn't have the Study with him; but they probably took a nominal 1/4 mi. of river bank that has to be protected and they would go from certainly the top of the bank, which is right by the shoulder of the road and go all the way down to the water's edge -- putting many, many tons of rip-rap on that. That's the way they would do it -- because they do it first-class. And probably for 25% of that cost you can scoot the road over 75 Ft....and, knowing you have not halted the erosion but you have solved the problem of keeping the road open. If you had the money to invest he supposes there would come some point where you could move the road over every few years and probably still have your principle.

Commissioner Borries said that perhaps he is still missing something in the whole deal. He thought that the U.S. Army Corps of Engineers was responsible for maintaining and trying to work on these banks to prevent erosion. Is he wrong about that? Or has Grann-Rudman changed that? Are they still working on the banks of the Ohio River or not? This is what he can't understand. What they're saying to us that, at our cost -- not theirs -- that we move the road and they do nothing.

Mr. Easley said he thinks their criteria boils down -- apparently, if a governmental agency has something that needs to be protected and they can at less expense relocate the facility, either their regulations or criteria --when do you spend federal money? In this case, it is a strange.....

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Mr. Borries said he certainly appreciates Mr. Easley's conscientious efforts to work on this. Thus, he asks that Mr. Easley not misunderstand his questions here. He is not criticizing Mr. Easley, whatsoever. But it seems to him that there has been some kind of subtle change in what they want here. What would happen if there wasn't a road and that was just farmland? Would they be content then to let it erode into the river?

Commissioner Cox said this is exactly what she was going to ask. Is there a certain number of feet or number of inches that are allowable and acceptable to erosion? Do they have a figure that they go by? It looks like they would certainly be in line here to challenge this in court -- I would think.

Mr. Easley said he has read in the paper for several years that after they got the Cannalton Dam and Newburgh Dam -- the problems they were having with the river bank and the farmers were complaining that they were experiencing quite an erosion. He thinks there is an island just west of Newburgh called 3-Mile Island that has disappeared in aerial photographs taken every 10 years. The thing is gone -- due to erosion. He agrees with Commissioner Borries; when does a man have a right to expect his land not to be washed away into the river? He thinks that if we want to pursue it further -- he thinks we have stabilized it for this season; but it is not....anytime you're fighting a river, you'd better have lots of help because there will be the next flood season.

Commissioner Willner said, "They answered the question simply; they said "we own the river and our answer is no".

Commissioner Cox said this does change a bit the complexion they demonstrated three years ago when the man came down and looked at the two sites. They went ahead and did the other one and said they didn't have the funds to do anything more. But he did look at it and at that time he certainly was ~~not~~ amenable to doing something about that providing they got funds put into the kitty to participate.

Mr. Easley said he guesses if you have something valuable enough.....

Commissioner Cox said, "Well, a road is pretty valuable. If we lose that....that is a loop connector around Union Township. That's a pretty valuable asset; school buses use it; farmers use it; of course, it is not a good means to get out of high water -- because where it goes around and hooks into Seminary Rd., that portion is usually under water and is barricaded even when the other portion is open. But she thinks the road is a pretty valuable asset.

Commissioner Borries said he agrees with Mrs. Cox. The Old Henderson Rd. is pretty valuable and, even beyond that, is an unanswered question here. They talk about the erosion is difficult to predict; we understand that. It may increase or decrease.... that's covering all bases....we understand that. But the thing he doesn't understand is -- have they now changed their responsibility for who is to maintain the Ohio River bank? Do they do that or do we do that now? That's the thing he can't understand. Maybe we need to get our Senators and Congressional offices involved in this one way or another; because it seems we're not communicating. Maybe we're not asking the right questions at this point. If there has been a change on what they are to do to maintain the river bank of the Ohio River, he would like to know that -- because he thinks if there's been a change we're going to be out some dollars. Again, he appreciates Mr. Easley's efforts. And, again, maybe we should pursue this further.

Commissioner Cox said, "There's really no river bank left there."

Mr. Easley said he'd never seen that stretch of river bank until he was asked to prepare a request that they study it and he went out and took photographs. How long has that been erodingfive (5) years?

Mrs. Cox said that about three (3) years ago when the other portion was fixed, it was probably about 3 ft. from the pavement. It was close; you could see upriver where it had washed big trees that were rooted; it was starting to come around and take a curve in in that area -- but it was not into the roadbed nor even into the shoulder of the road.

Mr. Easley said that it apparently has been eroding at the rate of 3 ft. to 4 ft. per year....or at least 2 ft. per year. He said he gets a little discouraged; this is

(continued)

our second letter wherein we asked them to review the criteria and if there is any way they could help us out.

Commissioner Borries requested that Mr. Easley forward this to the Senators and Congressional offices to see if we can obtain some clarification.

Mrs. Cox said she would like to see Mr. Borries' question answered insofar as to whose responsibility it is now to maintain the river banks and federal streams? Whose responsibility is it? Has it been shifted from the federal government to the local government? She thinks we need to have that question answered and she would like to see it in writing. She continued by citing the problems experienced with the State Rd. in Newburgh.....they almost lost that State Rd. up there. Look at the problem the State has had with the Corps of Engineers -- and that was above the Newburgh Dam.

Mr. Easley said the State spent all the money to keep the road open, didn't they?

Commissioner Borries said that is correct.

RE: COMPLAINT RE BURKHARDT RD.

Commissioner Borries commented that over the weekend he received a call from a gentleman who operates D & L Equipment on our friendly old road (Burkhardt Rd.). He drove it yesterday and the entrances are really interesting out there; a few of them are quite high as you go through them. He guesses the man is having some difficulty in getting trucks in and out a particular cut there. Mr. Borries asked that Mr. Easley check this out. He is certain there is going to be some more paving -- at least the way it looked. But perhaps a check should be made on this. He doesn't have the exact address; but it is on Burkhardt just past Oak Grove Rd.

Mr. Easley confirmed that he will check this out.

RE: RUSTON LANE BRIDGE

Mr. Easley said that last year when Ruston Lane Bridge was constructed by Deig Bros., apparently someone in the county organization told them that they may or may not be authorized to do the asphalt paving work on that bridge. The contract amount is a little under \$5,900 for asphalt paving (which involves around 90 tons of surface and base). He doesn't know whether the county had thought about paving it or what. Do the Commissioners have any objection to Deig's going ahead and doing the paving? Or, do they want to review the matter? He believes they indicated that the contractors who had bid to them had agreed to do it as soon as the plants were open and operating and possibly it could be done this week -- weather permitting.

Commissioner Cox asked if this was part of the contract?

Mr. Easley said he believes it was. He thinks there was a chance that we said we might not authorize that portion be done -- at least that is how it was explained to him. It apparently was bid; but we had the right to delete that item.

Commissioner Willner asked Mr. Easley for his recommendation.

Mr. Easley said his recommendation is that we have Deig Bros. go ahead and do it; he looked at it. They built the bridge; he forgets what the length of the approaches are; but he thinks if they go ahead and finish it this week -- with our road paving program we're going to have plenty of asphalt to put down. There may be a potential savings of \$2,000. That is expensive asphalt anyway; there is a lot of handwork there but it's a short distance and small quantity -- 90 tons.

Mrs. Cox said that every so often (she guesses it's every year) we have certain bridge decks repaved. Is he planning to present a list of these? If this isn't part of the contract.....if it's part of the contract, she feels comfortable with going ahead and letting Deig Bros. do it. But if it is not part of the contract, she thinks we should....how much money are we talking about?

Mr. Easley said, "\$5,900.00."

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In response to query from Mrs. Cox, Mr. Easley said Deig bid to put down 30 tons of surface at \$70.00 per ton and 60 tons of base at \$61.00 per ton.

Mrs. Cox said, "That's pretty high, isn't it?"

Mr. Easley said, "But you can't compare that to paving five (5) miles of road; that doesn't go down at the same rate. That is why I mentioned the "handwork". We can buy asphalt for less than \$30.00 per ton -- but then we have to figure the wear and tear on our equipment, our trucks and our labor -- but it depends on what all you want to count.

Commissioner Willner said the County Engineer has made recommendation that we leave it in the contract.....is there a motion.

Motion to this effect was made by Commissioner Borries. Mrs. Cox said, "Yes; if it's in the contract I'll second the motion." So ordered.

Mr. Easley said this concludes his report.

Commissioner Borries asked Mr. Easley if he heard anything from the State at all concerning the filling in of the basements in Chickasaw area -- that southern leg of I-164?project?

Mr. Easley said he has not received a reply as yet.

RE: AGREEMENT RE PROFESSIONAL CONSULTING SERVICE/DAVID M. GRIFFITH & ASSOCIATES

It was noted by President Willner that he has an Agreement with David M. Griffith & Associates re providing professional consulting services concerning our involvement in federal projects in the amount of \$12,000. He asked if Mrs. McBride knows what they returned to us last year?

Mrs. McBride said that last year we got \$62,119.63.

The Chair entertained a motion for approval of the agreement.

Motion to approve agreement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: TRAVEL REQUEST - VETERAN'S SERVICE OFFICER

President Willner read the following letter from Mr. Carl M. Wallace, Veteran's Service Officer:

"March 31, 1986

TO: The Board of Commissioners
Vanderburgh County

Please be advised that due to Indiana Code 10-5-1-12 requires service officers to attend courses of instruction which render certifiable to perform veterans' affairs in the State of Indiana.

The conference is being held in Bloomington, Indiana, on May 27, 1986, through June 1, 1986, and will require us to make reservations at the Fourwinds Resort, Lake Monroe, for the above dates. This requires a deposit in advance because of the number of officers who will be attending throughout the State of Indiana. We request travel funds to be appropriated through the Commission for this travel, lodging and meals. It is estimated the cost at approximately \$600.00 for this conference. I am including an agenda for the 41st Annual Veterans Service Officer Training Conference."

Motion to approve travel request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

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RE: WAIVER OF AGREEMENT/COST OF TEMPORARY RIGHT-OF-WAY/IDOH

The meeting proceeded with Commissioner Willner presenting a Waiver of Agreement for the cost of temporary right-of-way for I-164 from the Indiana Department of Highways for James Cemetery. In response to query from Commissioner Borries, Commissioner Willner said the County is going to give the IDOH the temporary right-of-way at no cost -- that is what they want us to sign. Commissioner Cox said, "Let's do it; hopefully, they will give us the right-of-way on something we need." Commissioner Willner asked if Mrs. Cox wants to put that in the form of a motion? Commissioner Cox and Borries began simultaneously to make a motion -- but Mrs. Cox asked that Commissioner Borries proceed to make the motion.

Motion was made by Commissioner Borries that the Waiver of Agreement re the Temporary Right-of-Way be granted, with a second from Commissioner Cox. So ordered.

RE: OLD BUSINESS

The Chair entertained discussion concerning any items of old business. There were none.

RE: NEW BUSINESS

Request to Go on Council Call: President Willner said he would entertain a motion to request that the Commissioners go on Council Call for \$1,000,000.00 of R&S Funds and \$100,000.00 from the County Highway General Fund. County Council is going to have a Special Meeting on April 23, 1986, of which we were not aware of until last week; thus, we can go on Council Call early. \$1,000,000.00 was put into R&S Fund from Local Option Income Tax monies for the County Highway Department. The \$100,000.00 from the County Highway General Fund (which has \$221,000.00 in it) is for road patching materials and some funds for the Work Release program, which is doing some work for the highway department. If there are any questions, he will try to answer same.

Mrs. Cox asked, "You want to go on Council Call for \$1,000,000 of R&S Funds?"

Mr. Willner said that is correct and there is \$1,340,000.00 in the account.

Mrs. Cox queried Mr. Willner concerning the other request.

Mr. Willner said \$100,000.00 from County Highway General Fund, in which there is \$221,000.00. This is for patching materials for potholes, Work Release program thru the Court system, etc.

Mrs. Cox asked how much we have in the budget now for paving and potholes?

Commissioner Willner said he believes we have \$6,000 (if memory serves him right).

Mr. Lindenschmidt confirmed that we have \$6,000 under Contractual Services. He asked Commissioner Willner where he wants the \$100,000 to go?

Mr. Willner said it should go into Contractual Services.

Commissioner Cox asked when this will be considered? She read in the paper where they're going to have a hearing on May 14th re road maintenance.

Mrs. McBride said Council is going to have a Special Meeting on April 23rd, and if they want to ask for this additional money at this meeting then they can. Commissioner Willner had told her last week that he did not want to wait until the next regularly scheduled Council Meeting and she told him she would talk to Council about a special meeting.

Commissioner Willner said that if the weather stays nice and Council is going to have a special meeting anyway -- then he wants to go. Whether the county gets started on the 24th of April or May doesn't really matter. However, it looks to him as though spring is here. Mrs. McBride said if they don't ask for the money before May meeting, then they won't get it before June.

Commissioner Cox asked if the May 14th meeting is not for purposes of public input re what paving needs to be done this year?

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Commissioner Cox said that once the money is appropriated, then there is no control on how it is going to be spent. She thinks that is the Council's concern. She also has concerns. She has asked for the Road Study to be done. What she has seen so far has not been anything that is going to tell us how we're going to spend this \$1,000,000.00. That's the whole idea of it -- to not go and put a million dollars out on the road and then it be washed away or end up in someone's side ditches in a month or two. She has difficulty supporting a request for funds when we have no plan where the priorities are or where the money is going to go and how it is going to be used. How much are we going to need for materials? How much are we going to need for culverts? How much are we going to need for road preparation?

Commissioner Willner said the \$1,000,000.00 will all be road surfacing.

Mrs. Cox asked, "Then where are we going to get the money to prepare the roads -- to prepare the sides of the roads -- to maintain what we put down?"

Commissioner Willner asked, "What money do we need for that? Are we talking about salaries?"

Mrs. Cox said, "No. That is what a road study will show you."

Commissioner Willner asked, "Are you talking about cleaning ditches? We have the money to do that. Tell me what you're talking about so I can understand it."

Mrs. Cox said, "I just told you. You just said that all of this \$1,000,000 is going on the surface of the road. I asked what monies are going to be necessary to prepare that road surface so that it can be maintained and will last."

Commissioner Willner asked, "Are you talking about labor now? The labor has been paid for....we have all of our crews, our trucks.....things out of our regular budget."

Mrs. Cox said, "What I'm interested in ...if these specific roads we're going to spend this money on...how much topping is going to go down? How much binder? How much topping? How much sealing? Are we going to do any road maintenance this year...seal some of those roads that are cracked so we can get a couple or three more years out of it? Are we going to need to culvert any of these roads to protect them from drainage deterioration that we've had in the past? The other night during the hearing out at Daylight, a woman said they lived on Baseline Road and the last several years they've been in there four or five different times with the paver on Baseline Rd. in the same area. So I think that before we start putting another \$1,000,000 on top of our roads we should do something to see that these roads are going to last. And what about the ditches? Are the ditches deep enough to carry the water and keep it off the road? You said you didn't know what I wanted in a road plan -- and I've been talking about this for four or five years. A road plan is simply a road management plan that will give you or me a job and we can take a crew out there and say 'Dig 300 ft. on the side of Road 'B' at Intersection Side 'A' on the northwest corner; culvert 17 ft. down from Intersection 'B'; Dig ditches 2% slopes; seed it or sod it ...or whatever needs to be done. This is what I'm talking about, Bob."

Commissioner Willner asked Mrs. Cox if she has conveyed her wishes to the gentleman we hired?

Mrs. Cox said, "When I asked you on December 9th, you said all of this would be addressed, with the exception of culverts....yes you did. And I asked you for a written list of what you were asking him to do and you saidI don't have the minutes here....but, in essence, you said you had no written list for him, that you wanted the Council to have input with this engineer as to what data they wanted, also."

Commissioner Willner said, "I wanted you to have input, too; did you?"

Mrs. Cox said, "I talked with Mr. Boyd the other day."

Commissioner Willner said, "Very good; did you convey your wishes?"

Mrs. Cox remarked, "I did convey my wishes; but that is after the fact."

Mr. Willner said, "That is not after the fact; it certainly is not."

(continued)

Mrs. Cox said, "Well it certainly is after the fact. We're in a paving season and he hasn't even driven any of our roads yet. Now how is he going to get out there and drive 477 miles of road in order to give us the information by this paving season?"

Mr. Willner said, "Did he say it was going to be ready by then? I don't remember there being a timetable."

Mrs. Cox said, "You asked on December 9th for us to award this contract....you said time was of the essence; we have to do it now, because it is going to take 3-4 months to get the information and we want to have it before we get into the paving season."

Commissioner Willner said, "I'd still like to have it; but if it is not available, what do you want me to do about it?"

Mrs. Cox, "When you awarded the contract you said it was going to take 3-4 months; right now it's almost four (4) months and we don't have anything except materials that have been gleaned from existing agencies and put together in a folder."

Commissioner Willner said, "I agree with that 100%."

Mrs. Cox said, "The reason I supported that was because I understood when I asked you what was going to be on there that you said....'Yes, yes, yes' to every question I asked you, with the exception of the culverts; you said they are working on the culverts now. So I took you at your word and I expected to see a road plan come in that would allow our foreman to take our men out and prepare the roadside and prepare it properly and get the right drainage grade what we needed to make sure that our pavements.....and I haven't seen that, Bob."

Commissioner Willner said, "Our county engineer is working on a list of roads at this time. To the best of my knowledge, the list is in his hands now and he will have his recommendations by Council time (April 23rd) and anything else you want."

Mrs. Cox said, "But we are paying a person to provide this information; so why shouldn't..

Commissioner Willner said, "I'm not too sure he won't provide it; but I don't know just when. If you want to ask him to hurry up the timetable, that's fine with me."

Mrs. Cox said, "He told her when she talked with him that he wasn't thinking in any way of doing anything that specific. And when you put on a report 'needs some ditching' -- 'needs some right-of-way cleaning'; needs somegeneral statements.... how are you ever going to come up with the amount of dollars and cents we need to fund these improvements with 'needs some'? Does the entire 1.6 miles need the ditching? This is my point. You can't make a budget; you can't make future projections to use your money unless you do have a plan."

Commissioner Willner said, "We just did a plan on our own if you will remember ..which did include that."

Mrs. Cox said, "Well, it wasn't specific; for example, if you want to go look at the shoulders that have been pulled and the ditch work that has been done, you drive out Middle Mt. Vernon Rd. and you tell me right now --they've told the people they are getting ready to pave that road -- you go take a look at it and tell me if in your opinion all the drainage problems are corrected. And Middle Mt. Vernon Rd. needs to be paved; I've begged for it to be repaved....where they have gone thru and taken chunks out of some of the yards and left the rest of it. Now you tell me if you think that is acceptable. I like to look at the work as if we were buying this from someone else, would we be satisfied with what we're getting here. That's my only concern, Bob. These dollars are precious -- to take \$1,000,000 out of R&S when we've got to know what the road projects are to take that much out with no plan of how to spend it...."

Commissioner Willner said, "You say 'no plan'; there will be a plan; they're working on it now."

Mrs. Cox said, "Before I can vote to take \$1,000,000 out of R&S funds and put it completely underand you have called it, 'my funds -- and when will my money be ready' -- put it under your control (I guess that is what I'm saying) I want to see your plan. O.K.?"

(continued)

Mr. Willner said, "O.K. Is there a motion to ask Council for"

Commissioner Borries remarked, "I think that what we're talking about in many cases is going to take a long time to do. It is my understanding that this report is to not only accumulate -- we had to do this when we had to codify our County Ordinances -- we not only had to accumulate information to disperse throughout a number of agencies within the county -- but part of what that report will do then is to secondly analyze and thirdly, implement what is going on. And there is going to have to be some software purchased; his report has mentioned that we're going to have to begin to analyze some of the data that he is collecting at this point, so it is going to be a considerable job. It is my understanding he is not yet finished with that. I also have concerns. I think they're going to really have to stress quality this year. I think that we need to look from all aspects from all the townships as to where our most critical road needs are at this point and to prepare our list accordingly. But I also see that time is of the essence at this point. I think our paving season is going to be short. I think that, in my opinion, the highway department won't be able to do all the paving. I see a real need to do things and I want to see as many of our roads done this year as possible with hot mix. And I want to be very, very careful about how that money is going to be spent. I would move that we go on Council Call at this time and I'm going to monitor very carefully what we will be doing then."

A second to the motion was provided by Commissioner Willner. So ordered.

RE: SCHEDULED MEETINGS

Tuesday April 8 4 P.M. Auditorium Advisory Board Meeting

Thursday April 10 Indiana Association of Counties District Meeting
in Tell City

RE: BOONVILLE-NEW HARMONY RD.

Mr. & Mrs. Wilbert Fehd, Sr. (Isabel) entered the meeting room and were recognized by the Chair. At the request of the Commissioners, Mr. Fehd approached the podium to speak. He said he did not have an opportunity to personally speak with Commissioner Borries at the hearing held at the Fire Station in Daylight, IN on Thursday night -- and he just wanted to explain his feelings to Commissioner Borries, just as he did to Commissioner Willner. He thought if the Commissioners had time today, he could take this opportunity to offer explanation to Commissioner Borries.

Commissioner Borries stated that he will have to reschedule with Mr. Wilbert on this, as he does have another commitment to keep as soon as the Commissioners adjourn their session. Mr. Borries said he thinks he heard Mr. Fehd loud and clear -- and it was his understanding that Mr. Fehd was not in favor of the plan at this point -- he thinks he understands what Mr. Fehd is saying and he respects that.

Mr. Fehd said he doesn't believe Commissioner Borries understands the area out there.

Commissioner Borries commented, "Yes, I think I do."

Mr. Fehd continued by stating that there is a large amount of water that comes from the north and those people can't help it, because that is the way nature set it up. Mr. Fehd approached the Commissioners' table with a drawing, attempting to explain the flow of water in the area, etc. He said he thinks that now is the time to offer their opinion -- not after it is over -- just like he told them the other night. He said that if Commissioner Borries will come out there, he will be glad to show him around.

Commissioner Borries said he would be happy to do that. In response to query from Mr. Fehd, Commissioner Borries said he could probably not get out to the area before Saturday -- as he looks at his schedule he doesn't see how he can get out there before then.

Mr. Fehd asked Commissioner Borries if he would call him?

Commissioner Borries said he would be happy to call him if he has his telephone number on record. If Mr. Fehd will leave the number, then the Commissioners will have it.

Mr. Fehd stated that his telephone number is 867-3826. He never goes away in the evening. If Commissioner Borries will call him Friday evening -- he will be there.

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He said he never goes anywhere in the evening. Thursday night when he attended the hearing was the first time he's been out in the evening for a long time -- and he really felt it last night.

Commissioner Borries said he will surely call Mr. Fehd and try to come out on Saturday.

Continuing, Mr. Fehd made some inaudible comments.....then said he doesn't want to sell any of his farm, unless he sells it all.

The Commissioners expressed appreciation to Mr. and Mrs. Fehd for their interest in the matter, their attendance at Thursday's meeting and their appearance at today's meeting.

RE: CLAIMS

Commissioner Willner stated that he has no claims to present for the Board's approval today.

RE: EMPLOYMENT CHANGES

It was also noted by Commissioner Willner that he has no employment changes for the Board's attention today.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:40 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

AUDITORIUM

Kim Bitz

COUNTY ENGINEER

Andy Easley

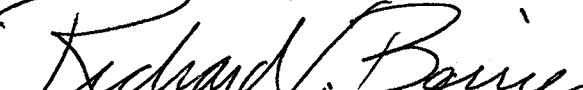
OTHER

Mr. & Mrs. Wilbert
Fehd, Sr.
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

*Corrected copy -
officially signed*

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 14, 1986

The Vanderburgh County Board of Commissioners met in session on Monday, April 14, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner at 2:35 p.m. He subsequently entertained motion concerning approval of the minutes of the previous meeting.

Commissioner Cox noted that on Page 6, Paragraph 5, the word "not" should be deleted in the last sentence -- so that sentence reads....."he certainly was amenable to....".

Motion was made by Commissioner Borries that the minutes of the meeting of April 7th be approved as engrossed by the County Auditor, including the correction mentioned by Commissioner Cox, with a second from Commissioner Cox. So ordered.

Commissioner Cox also briefly raised questions concerning Page 9, with regard to amount in the County Highway General Fund for paving, patching potholes, etc., as well as Contractual Services. It was subsequently determined that the figures mentioned last week were reflected in the minutes; \$221,000.00 in County Highway General Fund and \$6,000 for Contractual Services.

RE: PUBLIC MEETING/BOONVILLE-NEW HARMONY RD.

President Willner also presented minutes which had been prepared from public meeting held on Thursday, April 3rd, with regard to Boonville-New Harmony Rd. for the Board's approval.

Commissioner Cox remarked that she saw nothing in the minutes that wasn't said. She does think there was a lot said that was not in the minutes. That is understandable. However, she would like to suggest that the Commissioners attach an Addendum, stating that due to recording secretary's inability to attend the meeting, the minutes are an excerpt from the meeting proceedings and not a verbatim transcript.

Motion was made by Commissioner Borries that the minutes be approved and an Addendum be attached indicating minutes are not a verbatim transcript, with a second from Commissioner Cox. So ordered.

President Willner said he was probably going to do this with regular Commissioners' Minutes at a later date, because at that Public Meeting they did ask that letters be sent to the County, so we'd have the numbers in writing. He said he believes that Mr. Lindenschmidt has those figures now, and if the Commissioners are amenable then a decision should be made in the near future. In response to query from Commissioner Willner Mr. Lindenschmidt said there are approximately 124 letters in favor of Plan B and 2 in favor of Plan A. Commissioner Willner explained that some letters were in the form of petitions, where individual had had neighbors sign, etc. Thus, he thinks the Board ought to update the complete set of minutes as soon as all of the letters are assembled etc. Commissioner Cox said she would like the letters received made a part of the record and she would like an opportunity to review same. Commissioner Willner asked if she'd like to do that when the Board makes their final decision? Is that good enough? Mrs. Cox acknowledged that this is agreeable to her. Mr. Lindenschmidt said he noted that some individuals had signed twice, and he has eliminated duplicated signatures.

Commissioner Willner asked if the Board does not want to get County Council's feelings on their financial approval before the final meeting is held? He would think that this would be important. Initially, that is what the Commissioners started out to do...not as to which plan should be selected; but to determine if they would approve the financial aspect prior to making a decision as to which plan should be selected. Some of the people who forwarded letters have requested that they be notified as to date decision will be made, so that they can be present. Whenever the Council says yea or naye, we will let the individuals know.

Commissioner Cox said she has five (5) items she thinks need to be considered when the Board makes decision and she would like to get them on record now.

- 1) She thinks there was some information given at the hearing which was new to her and she thinks we need to definitely determine what Hwy. 57 is going to do at I-164. If it is going to be closed off where it now goes into 64.... section of it...or deadended or whatever.....she thinks that is very important for this plan.

(continued)

Commissioner Willner said he'd like to try and answer Mrs. Cox's comments as they are mentioned. On Friday, he spent the morning with the State Highway Commission and the Warrick County Commissioners at Elberfeld Block Company (one of the acquired properties at Coal Mine Rd. and Highway 57). There is going to be an entrance from Hwy. 57 to I-164. There is also going to be an entrance from Coal Mine Rd. in Elberfeld to I-164. They will have to go south slightly and then back north to get onto the Interstate, but the facility will be there.

Mrs. Cox said this was her last understanding. At approximately Coal Mine Rd., the present Hwy. 57 would meander over along Coal Mine Rd. and hook up into the I-164 and then I-164 goes into 64.

Commissioner Willner said he wouldn't say, "hook into directly", but there will be a means to get on.

Mrs. Cox said this was her understanding; but, officially, we've never had anything....

Commissioner Willner interrupted that he thinks they've already let the contract and that this is part of that contract. This is the first time he'd seen a complete set of mapsand there isn't a complete set in Vanderburgh County that he knows of until they let this contract. But that is where it shows -- if that answers one of Mrs. Cox's questions.

Mrs. Cox said she thinks so.

- 2) Another item is the amount of right-of-way that we're going to need in Plan A. She was under the impression that we had adequate right-of-way there to do that road....buying very, very little down where it intersects with Green River Rd. and she finds that this may not be the case now -- and she thinks that is a definite factor.
- 3) She also cannot substantiate the 6,000 traffic count that Commissioner Willner said that this Boonville-New Harmony Rd. was going to carry. She has tried -- but she thinks we need to get an accurate traffic count, because she did check with EUTS. What we have today is 530 vehicles and what is projected is 3,723 vehicles.

Commissioner Willner said that is probably correct; he might have looked at the wrong figure.

Mrs. Cox said that 6,000 cars per day can scare the daylights out of people.

Commissioner Willner said he took the Boonville-New Harmony traffic between the two Boonville-New Harmony Rds. and inserted the Green River Rd. traffic there (which was 5,300).....

Mrs. Cox interrupted, "No, today it is 4,100..."

Commissioner Willner said, "6,331.....that is the figure he had in mind.... but he was not in the exact area -- but he is close."

Mrs. Cox said that scares the daylights out of you.

- 4) Another item, the change in the rule including our secondary funding. She understands it would only take a matter of 2-3 weeks to get that road accepted for matching funds.

Commissioner Willner said he believes this was brought out, was it not....that it would not take very long?

Mrs. Cox said she thought about a year was mentioned....

Mr. Lindenschmidt said it was.....he believes Commissioner Willner said this, but he said it wouldn't be any problem.

Commissioner Willner said he doesn't recall saying that.

Mr. Easley interjected that he understands it will not take that long.

(continued)

Mrs. Cox said that is right -- but that isn't really a problem with the funding.

- 5) The next item is the slopes. She thinks that with regard to Plan B, we need to consider the slopes -- whether we're going to have adequate right-of-way to build out the ditches so they won't be deep and dangerous and possibly require guard rail -- that's a big "if" she thinks.

Commissioner Cox said she'd like to see those questions answered and made a part of the official record at either the final decision meeting or at the hearing or whatever the Board wants to call it. Also, she cannot see investing that much money -- she would likewhen Commissioner Willner talked with the highway people, did he say anything about ...do we have to build a 24 ft. road with 10 ft. shoulders? Do we have to do that? Does Commissioner Willner know?

Commissioner Willner deferred the question to Andy Easley, County Engineer.

Mr. Easley stated that he doesn't think he and Lee Gallivan got into a discussion concerning exact cross-section. He is trying to recall what their standard is for a road coming off an interchange. It seems to him that they normally desire some kind of a shoulder.

Mrs. Cox said she believes in previous discussions that it was brought up that their improvement they would have coming off the interchange to Boonville-New Harmony -- and they're going to do some realignment of that -- they are not following the present Boonville-New Harmony Rd. and it would be 24 ft. plus a 10 ft. shoulder.

Mr. Easley said he wouldn't be at all surprised, because if you need to pull over on the shoulder to get out of the moving traffic....

Mrs. Cox said, "Well, we had something similar on the new Highway 57 that was built to allow for expansion of the airport, where it widens out and right before you get to where you turn to go to Petersburg Rd. or Oakhill, the present 57 pavement narrows in to a different width than is the new Hwy. 57 which was put down.

Mr. Easley asked, "That's a passing blister isn't it?"

Mrs. Cox said, "No, no, no, no, no -- it's the width of the pavement. She was just thinking that maybe we don't have to do -- in light of these new traffic counts that are coming in -- maybe we don't have to push the panic button and build an expressway there. That was my point."

Mr. Easley said that Rose Zigenfus mentioned to him a couple of days ago that in tabulating our obligations and our projected program for road building, that she estimates that we're about \$8 million short of having enough money for our obligations if you think in terms of five (5) years. Over the long haul, he guesses he still -- it's a shame that realignment B couldn't be funded -- and that's something to think about. We'll certainly need all the highway construction money we can get.

Commissioner Borries said that even if we look at revised statistics on this proposal, Old Boonville-New Harmony Rd. is carrying 530 cars per day now and projections are 3,700. That's still seven (7) times more than the road would be carrying right now. That's a considerable amount of traffic and it's going to have some impact along those residences there. Based on his observations from driving out there on the weekend, it is going to be -- he really thinks we'll have to check carefully what that right-of-way there is that we have -- because it is a very narrow, old road and really is not in good condition and there are many big trees just really immediately to either side of that old right-of-way.

Mrs. Cox said she understands that this projected is only until the other accesses open up (such as Lynch Rd., Boonville-New Harmony, etc., and on down). She understands that this 3,723 cars is a projected number until these other interchanges open up, at which time this number is expected to drop. This is why she thinks we need to get the professional people here to get this on record before the Board makes a final decision.

Commissioner Borries said he thinks another thing the statistics might indicate would be how much traffic increase would go on Green River Rd. between those two intersections, because that is really going to increase the amount of traffic on Green River -- between where you're making a left-hand turn, you're going to have to have a light or some kind of access to a left-hand (which is how he thinks most of the drivers would be going)

(continued)

and he would think that that distance between Green River Rd. on south to where Boonville-New Harmony intersects and goes west -- there would be a heck of a lot of traffic in that stretch alone.

Mrs. Cox said she has those projections which says, "Green River Rd. south of the flashing light -- today it carries 4,133; projected is 1,810.....where it comes into west Boonville-New Harmony past 84 Lumber where it goes over and deadends -- and she is not certain -- they may be picking them up at Hwy 57. But today it is 1,076 and the projected is 2,566.

Mr. Borries said these figures do not add up to him. If he's talking about 3,700 that come off Boonville-New Harmony exit onto Green River Rd., they're going to have to go somewhere.....unless they want to stop and enjoy a view of Green River Rd. But those vehicles are going to have to go somewhere.

Mrs. Cox: "This is why I couldn't see 600,000 using this new Boonville-New Harmony and then dropping down to 500 plus on Green River Rd." So she thinks the Board needs some help here. Mr. Easley brought up a very good point; we also need to look at these projected costs for our transportation plan.....for what we're going to need those monies and what commitments we can actually make. It is good to have a new road. But it is also going to cost us -- and are we going to have to give up the Eichoff-Koresse interchange to do it? Or, are we going to have to give up Lynch Rd.? Or are we going to have to give up improving Green River Rd. on the other end where we go into I-164? She thinks the Board really has a hard job ahead of them to do the right thing.

RE: INTER-LOCAL GOVERNMENTAL AGREEMENT BETWEEN LEGAL AID SOCIETY AND CITY & COUNTY

President Willner said he has the original and three (3) copies of the latest revised draft of the above-referenced agreement. These revisions incorporate the changes recently received by Sue Ann Hartig. This should go before the next Commissioners' meeting as changes requested by County Council per County Attorney David Jones.

Ms. Hartig explained that three (3) changes have been made at the request of County Council. She and David Jones have talked and finalized the language. Basically, a Public Accountant can do the financial reports as well as a Certified Public Accountant. This saves us some money.

The language is clarified that while the Board that governs Legal Aid can do the management and administrative-type thing without ratification of the governmental officials, obviously all appropriations do have to go to the proper channels and go before Council.

The third change is clarifying that office space will be provided to the Legal Aid Society. It deletes the Room Number in case the time comes that the City/County want them to move and there is silence as to who pays for that...but it flips over to the other paragraph and says that everything is paid 50-50 by the City/County and Legal Aid will reflect that in their budget for the first time this year.

The Chair entertained questions. There being none, a motion was entertained.

Commissioner Cox asked if the correct version of the Agreement is No. 2095B dated April 5, 1986?

Ms. Hartig confirmed that this is correct.

Reiterating, Ms. Hartig said the first change can be found on Page 2, Section III, where it says that, "The City and County agree to continue to provide office space to the Society." In the previous draft, this was worded differently. The previous draft mentioned Room number and there was concern should they have to move. It indicated "at no cost to the Society", because her budget with which she was familiar had never reflected that.

Mrs. Cox said this version simply says that the City and County agree to continue to provide office space; it doesn't say who is going to pay for it.

Ms. Hartig said in the general section elsewhere it says the City/County will fund 50-50.

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Ms. Hartig said the second change is on Page 3, Paragraph V, where in next to the last line of the paragraph a final statement is added, as follows:..."without the ratification or approval of the City or County except as outlined above or provided by statute."

The third change is in Paragraph IX at the bottom of Page 5, where the words "or public accountant" were added. They currently use a public accountant and not a C.P.A., and this saves them about \$800 per year.

Mrs. Cox queried Ms. Hartig as to the meaning of an "independent certified public accountant"? Ms. Hartig said a C.P.A.....Mrs. Cox interrupted, "I know -- but what does the word 'independent' mean?" Ms. Hartig said, "Not a member of our Board, not an employee"

Ms. Hartig again stressed that the foregoing are the only changes.

Motion was made by Commissioner Borries that the Agreement which indicates 4/9/86 2095B Inter-Local Government Agreement Among the City of Evansville, County of Vanderburgh and Legal Aid Society of Evansville, Inc. be approved, with a second from Commissioner Cox. So ordered. (Agreement will now go to City Council and County Council for approval.)

RE: BURDETTE FINANCIAL REPORT

Chairman Willner presented the following Financial Report which had been submitted by Mark Tuley, Manager/Burdette Park. He asked if all the Commissioners received a copy?

Mrs. Cox said she did and she wants to thank Mr. Tuley for including the financial breakdown (as requested) with regard to miscellaneous income. It looks as though our vending machines are a very popular item at Burdette. The report was as follows:

1986 STARTING BUDGET

1986 Budgeted	\$ 493,811.00
1985 Encumbered by P.O.	230.63
1985 Encumbered by Contract	4,431.24
1986 Additional Appropriation	148,951.63
1986 Insurance Reimbursement	835.57
Total	\$ 648,260.07

EXPENDITURES & BALANCE 1/1/86 to 3/31/86

Pool	\$ 20.00
Rink	11,891.57
Rentals	16,427.56
Misc.	2,167.13
Total	\$ 30,506.26

3/31/86

Total Expenditures	\$ 140,049.74
Total Income	30,506.26
Total Deficit Before Improvements	109,543.48
Less Long Term Capital Improvements	- 34,119.21
Total Deficit	\$ 75,424.27

RE: COUNTY ATTORNEY - DAVID MILLER

Underpass/Overpass/Seaboard Railroad: Attorney Miller said that while he was out of the City last week, the Commissioners received correspondence from Hayes, Seay, Mattern & Mattern regarding a proposal for the conduct of some engineering studies on B and C Streets and Broadway. He did not know whether there was any necessity for him to render an opinion to the Board. He did look it over and from the legal aspect, the proposal is relatively clear and simple. He did not know whether the Commissioners had the County

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Engineer look it over.

Commissioner Willner asked if Mr. Easley wants to discuss the proposal from Mattern & Mattern at this time, while the County Attorney is on?

Attorney Miller said his only concern with language was whether or not the Engineer was satisfied with the scope of the duties as described in the proposal. The reasonableness of the price is a judgment call on the part of the County Engineer and the Commission. The obligations seem relatively simple and straight-forward and from a legal standpoint, the letter is fine.

Mr. Easley said he had indicated to HSMM that a letter-type agreement would be satisfactory. He said the Commissioners all have a copy of the proposal. He guesses the one question the Commissioners have to decide is whether they want HSMM to check the three (3) that they select as the most cost effective and leave it up to their judgment; or if the Commissioners want to specify Stinson Avenue, he has a copy of an aerial photograph that shows all the railroad crossings there. Mr. Hillenbrand is of the opinion that that will not be the most cost-effective location. He has seen the site and looked at it on account of the railroad tracks and it just involves a lot more structure.

Commissioner Cox asked if this would also include not only include the old route of Stinson but also apply to the extension of Barker Avenue over the railroad tracks?

Mr. Easley said the phraseology used in the first paragraph of the letter indicates, "propose to provide the engineering planning services to investigate and report on the feasibility, desirability, and estimated cost of constructing an underpass or overpass of the Seaboard System Railroad at the following locations or at any three (3) locations selected by Hayes, Seay, Mattern and Mattern as the most cost effective locations for the crossing".

Mrs. Cox said she understands that. And these are three locations that were previously discussed and they have quoted a price of \$10,900 to do --and they tell us what they are going to do. But her question is, "on Page 2 of this proposal in the last paragraph, it states that at the County's option they will also include as part of this proposal the original overpass (which was up Stinson) and what she had asked Mr. Easley about when this first came up was for them to take a look at Barker Avenue (the straight line shot) over the railroad tracks. Her question then is, "Are there as many railroad tracks over the projected extension of Barker Avenue as there would be?"

Mr. Easley said he thinks there are. When Mr. Hillenbrand was here (and he has ordered aerial photographs and will have those and then he will be able to select what he thinks are the three most cost effective) it was his judgment call that it is cheaper to cross two railroad tracks than it is five railroad tracks. And he will specifically do that and include that in a report --as to what the cost would be at that location -- but he doesn't think that would be one of the three most cost effective.

Mrs. Cox said it seems logical that this would be a very good thing to do -- because Barker Avenue is basically straight; it has access to Highway 62, a new fire station at the Park, and just to go on up and over and hook onto Old Henderson Rd. would seem logical. A lot of people have asked her about something like that. But if the engineering firm is saying that either the Stinson or Barker Avenue proposal will not be nearly as cost effective as these other locations then that would eliminate those two suggestions.

Mr. Easley said he believes this is what Mr. Hillenbrand is saying. Mr. Easley again said he has ordered three aerial photographs and he will enlarge these -- he's ordered a set for the County.

Mrs. Cox said it looks from the U.S.G.S. map handed to her by Mr. Easley as though the Barker Avenue Extension and the Stinson Avenue routes are basically the same number of tracks. The distance might be a little less on Barker. Mr. Easley said it is not when you think in terms of the money you will be spending. If you wanted to expand the scope of the study and get a study on a fourth location. But he has a feeling that Mr. Hillenbrand will not give us a cost estimate on that if we're trying to keep the cost down. He asked that Mrs. Cox remember that the last projection indicated we'd only have approximately 1,100 cars per day using the crossing -- based on study conducted by EUTS staff. Mrs. Cox said the question was posed to her, and she wants to be able to tell the people that it would be nice -- but cost prohibitive -- to take this option.

Mr. Easley said we may be looking at \$400,000 down around the Nurrenbern curves and he knows we'd be looking at \$1 million if we go to B or C street. This is his gut feeling

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because of the underground utilities, right-of-way constrictions, the houses, and he's sure that would be a \$1 million over-crossing even though it doesn't have any real estate constrictions. We'd need a lot of steel and concrete to get over the railroad tracks. As Mrs. Cox pointed out, five tracks is more than two tracks. It is up to the Commissioners. He does have the original proposal; HSMM would like for the Commissioners to return a signed copy to them.

Chairman Willner entertained a motion.

Mrs. Cox interrupted, "I want to make sure that I understand; on Page 2 where it says, 'At the County's option, we will also include, as part of this proposal, consideration of an overpass structure of the Seaboard System Railroad at the location of the original overpass which connected Old Henderson Road and Stinson Avenue. Consideration of this location will be in the same manner and detail as for the three locations described above.' What Mr. Easley is saying that those initially in conversations would be cost prohibitive?"

Mr. Easley said they would not be the least expensive. He would not say cost prohibitive; by inspection they would not be....

Mrs. Cox interrupted, "The other three would be less expensive than these two?"

Mr. Easley said that is correct.

Mrs. Cox said she sees no use in spending \$3,500 more.....

Attorney Jones asked if it is the decision of the Commissioners to exclude the option (the \$3,500 option)?

Mr. Easley asked if Attorney Miller needs a vote on this?

Attorney Miller said there probably should be a motion to either exclude or include the option, then he can mark up the Letter of Agreement in appropriate form.

Commissioner Willner said, "Well, an option really isn't an option if we don't say it is, right?"

Attorney Miller pointed out that right above where the Commissioners are preparing to sign, there is a reference to the optional work. If the Commissioners are excluding the option, then he believes the paragraph in the letter referring to the option should also be crossed out.

The Chair entertained a motion to exclude the option of the Stinson Avenue location.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox.

The Chair then entertained a motion to approve the Agreement with Hayes, Seay, Mattern & Mattern as to the proposal of engineering on Old Henderson Rd. and whichever they come up with in their studies for \$10,900.

Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

President Willner asked if Attorney Miller has any other business to bring before the Board today?

Extension of Cullen Avenue, etc.: Attorney Miller said he has talked briefly with a representative of the Eden East owners. There are certain private negotiations underway which contemplate the possibility of putting through Cullen Avenue (not in a straight line, because previous sales of property have precluded that possibility). What he previously reported to the Commissioners was accurate in that the Eden East people, having made a previous arrangement with the County during the rezoning process whereby an easement was granted to extend Royal Avenue from Oak Grove to Vogel, are not prepared to cede any land to the county without compensation and, as he said, they are negotiating privately with people who are interested that road go through and they promised to report back to him within the next 2-3 weeks concerning progress in this matter. He told them

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that the concensus of at least two of the County Commissioners was that it would be good for the county if that road were extended through and they understand that the Commissioners have asked them to take that under consideration.

Commissioner Willner said, "Fair enough."

RE: COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Reports: Commissioner Willner submitted copies of the Weekly Absentee Reports for the County Highway Garage and the Bridge Crew for period April 7 thru April 11, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the report was the following Work Schedule:

Gradall: Dig ditch - Hedden Rd., Upper Mt. Vernon, 11025 Big Schaeffer Rd., Outer Darmstadt Rd., Frontage Rd. and St. Joe Avenue.

Grader & Belt

Loader: Pulled shoulders on Broadway Ave., Felstead, Hillside Terrace, Nurrenbern Rd., Heiter Dr., DeShields Dr. and Speaker Rd.

Haul

Fill: To Drainage ditch off Wallenmeyer Rd.

Patch Crew:

9 E. Evergreen Rd., 6500 Old State Rd., 2411 Saratoga, Outer Lincoln, Green River Rd., Dieffenback Rd., Rose Ave., Bartel Rd., Korff Rd., Broadway Avenue, Old Lower Mt. Vernon Rd., Schlensker Rd., Westchester and St. Joseph Ave. intersection.

Grader: Grade, haul rock to roads, and rock roads on Burkhardt, off Olmstead, Oak Grove, Schissler, West off West Franklin Rd., Hillside Rd., Acre Dr., Buente Rd., Emge Rd., Motz Rd., and Motz Lane.

Backhoe: Fill well on Indiana Mounts Blvd. with backhoe and rock. Dig out curve on Dixie Flyer Rd. and fill with rock; to be patched with hot mix.

Removed trash from shop. Fill barrels on Old Henderson Rd. washout and move to shoulder of road. It is back to two lane road.

Weekly Work Report/Bridge Crew:

Cut out log jam on Petersburg Rd.
Concreted culvert pipe on Eichoff and Middle Mt. Vernon Rd.
Painted bridges on Baseline and Seven Hills Rd.
Cut brush on Old State Rd., Mohr Rd., #6 School Rd., Baumgart Rd., and Eissler.
Rip-rap and concrete Indian Mound Blvd., and painted guard rail on Nurrenbern.

Tony Hall worked in County Engineer's office all week
Joe Schapker worked in County Highway Office all week.

Lyle Rd. versus Westlake Drive: Mrs. Cox said she received a call asking why we did grade and haul rock on Lyle Rd. (which carries maybe 3 cars per day) and why we haven't done something about Westlake Drive? She is looking at the report, but does not see where any work was accomplished on Lyle Rd.

Commissioner Willner said he doesn't know that we graded and rocked Lyle Rd. But we did haul a load of rock to a culvert that was washed out so the farmers could get from one side to the other.

Mrs. Cox said, "No."

Commissioner Willner said, "Yes...what do you mean 'no'?"

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Mrs. Cox said that Commissioner Willner said he didn't know that this had been done. What she meant was, "Yes, it has been graded and rocked -- up to a certain portion of it -- about 3/10 of a mile." She didn't see where any culverts or anything had been installed.

Commissioner Willner said this wasn't one that was installed; it had just washed out. He doesn't know whether it is on the report submitted today or not; he can't answer that. Is there a problem with it, however?

Mrs. Cox said that people were questioning why ---our priorities -- why we did something on that road and haven't done anything yet to Westlake Drive? She told the individual she'd talk to Mr. Muensterman.

Commissioner Willner said he'd heard nothing about Westlake Drive. What is wrong with it?

Mrs. Cox said it is bad. There are ruts washed along the side of the road, into the road -- and gravel from along the side has washed over; there are a lot of potholes in it -- they wanted to do something about it last year and it wasn't done. These people that live on these roads who've had problems see these other things done and they question it.

Commissioner Willner asked where Westlake Drive is located?

Mrs. Cox said it is up Speaker Rd., past James, past Nolan, past _____ and it is the first one off the right -- it deadends at Speaker Rd.

Commissioner Willner said he believes he knows where that is and it is bad.....he'll look at it.

RE: COUNTY ENGINEER - ANDY EASLEY

As Mr. Easley placed materials on the easel, Commissioner Borries noted that there still exists a need for a longer cord on the microphone at the podium. He stopped in to see Mr. Ruston, but he was not available at the time.

Realignment of Frontage Rd. near Interstate 164: Mr. Easley said the Commissioners may have heard some discussion about his first topic of discussion. What he has on the easel is a planometric map of one (1) square mile that is bound on the west by Green River Rd., on the east by County Line Rd., on the south by Heckel Rd. and on the north by Millersburg Rd. He pointed out the new Millersburg Rd. Bridge. He then said that the existing old bridge on Heckel Rd. is marked at the bottom of the map. Mr. Borries and Mrs. Cox have a tintage strip off the east side of the section there. It has been suggested, and he pursued the suggestion -- that we contact the State, who was preparing and has acquired right-of-way for a frontage road to get back to Spencer Salvage Yard. They were planning to build 1/2 mile of road and then improve lane. He asked the State Design Engineers if they would be willing to pursue getting approval to relocate their frontage road along the road right-of-way of Heerdink Lane, which is an existing 20 ft. road 1 mile long in that location. They have expressed a willingness to cooperate and Mr. Eisenberger has acknowledged Mr. Easley's letter (which was written in December and was lost -- in any event it did not make it to Indianapolis). They are willing to do this. They do want a commitment from us to go ahead with the project. If they will do this, he told them we would acquire the right-of-way; he thinks we can get it donated (at least for designated portion, pointing to map). The people had signed a petition which Lee Stucki took around and they are in favor of this relocation. If we would do this, it is estimated that the county would build the southern half of the road for hard construction costs (Around \$100,000). We would need an additional 20 ft. of right-of-way on either side of the 20 ft. road. To replace the bridge, he estimates it would cost between \$250,000 and \$300,000. If the Commissioners do this -- and the only reason for doing this would be so this bridge would not be replaced. The bridge serves sixteen (16) families. He, Bill Bethel and Lee Stuckey went out and took a census -- and there are 16 people who live back there. When it comes to flood elevations, this bridge was always the first to go under water anyway during heavy rains and flooding conditions on Pigeon Creek. In response to query from Commissioner Willner, Mr. Easley said this is a big structure. Commissioner Borries said he believes it was built around the turn of the century -- and Mr. Easley confirmed that this is correct.

(continued)

By pursuing this, Mr. Easley said the county can probably save some \$120,000 to \$150,000. He believes the Commissioners may have heard some discussion about this and he believes they approve his working with the State to see if he can get their cooperation. They have, in fact, already paid for some of the right-of-way and we're working with people to get them to give the county some right-of-way and a designated area might be vacated. He doubts if the county would ever build a frontage road in designated area if the State did not build it. People in designated area said they'd rather have the road behind their house and Mr. Heilman has expressed a willingness to cooperate -- although he believes the property may currently be for sale. Mr. Easley entertained questions.

Commissioner Cox said she did receive a call from one of the residents in the area. She thinks the proposal does make a lot of sense, however the people who live up toward Millersburg Rd. and the west side of the present Heerdink are very, very concerned about all the big semies, tractors, trailers, etc., coming by very close to their residences, their bedrooms -- to get back to the salvage yard. This is a big concern to them.

Mr. Easley said the last comment he had from them -- originally the first proposal on the map showed the center of the proposed road on the quarter-section line. He has since gone out and looked at it and he agrees that vacant farmground on the east side of the sectionline could be shifted over -- and they said we could shift it over 30 ft. and take all the right-of-way east of the sectionline, that they would not have any strong objection. Lee Stuckey had a conversation with them and he is very good at meeting with people. That seemed to calm them down -- because their house must set at least 45 ft. from the sectionline; so the new right-of-way line would be 45 ft. from their house; and the center of the road would be an additional 30 ft. further east. If necessary, we could perhaps go a little further east; but he thinks this ought to be satisfactory. There just cannot be that much traffic on a road like that.

Mrs. Cox asked if the State indicated what type of road they'd build?

Mr. Easley said they'd build a 24 ft. wide frontage road; he doesn't believe it would have any shoulders. We would build a 24 ft. wide road for our portion.

Mrs. Cox said she understood that this state frontage road was put in simply to serve the salvage yard.

Mr. Easley said that is correct. Mr. Gearhardt, incidentally, has been very cooperative.

Commissioner Borries asked if the part the county would have to build -- is Mr. Easley talking in terms of 75% - 25% split? Mr. Easley said it would be all county funds and it would be an estimated \$100,000 worth of construction. He ran a tape on it right after lunch today: It is very, very flat; but it might require one culvert. However, since we're building this in lieu of a bridge, would that be eligible to come out of the Bridge Fund? He would think that if in this case it could be interpreted that way -- that was the whole purpose of this -- to save or conserve Bridge money.

Commissioner Borries asked, "What about the bridge on Heckel?"

Mr. Easley said that if we can get financing for this plan, then the bridge would be demolished.....unless the Commissioners would want to spend some renovation money on it. But it is narrow.....

Mrs. Cox said Heckel will deadend at I-164, right? Mr. Easley confirmed that this is correct.

Continuing, Mr. Easley said there are some 16 people who utilize the Heckel Rd. Bridge; granted, there may be some other building sites -- but he would be very surprised if within the next 25 years they have another five homes built back in there.

Mrs. Cox said that in other words, Audrey and Mary Lou Titzer who live at the southern end, rather than being able to come out Green River and go up Heckel to get to their property, they will now go on up Green River Rd. to Millersburg Rd. and down the new proposed Heerdink, which would take them a mile up and a mile down -- basically an additional two miles of travel. And people like the Titzers accept this?

Mr. Easley said "Yes". He said he must have left the signed petition in his office, as he doesn't appear to have it among the papers he brought with him today. But he thinks that everyone but one or two have signed -- and it is his understanding that Mr. Spencer would have no objection (although the petition had not reached his hands

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for signature at that point in time). Thus, basically they have received good reception in support of the project.

Commissioner Cox asked if we will need to have a Public Hearing on this if we decide to abandon the bridge? She remembers the last time that she and Commissioner Borries voted to abandon a bridge.....Mann Road.

Mr. Easley said the State has a contractor who is moving dirt (Koester) and time is of the essence. He told them that he felt the Commissioners would support this proposal (since he was authorized to make the contract on it). It would be very desirable for us (if we're going to hold a hearing) to get it done -- approved, the concept -- and he told them he would try to have the right-of-way and have it designed by June 1st... so their contractor can keep working on it. It is too bad that the letter was lost and it took them so long to get it and evaluate it in Indianapolis, but that is the way the wheels grind.

Mrs. Cox said, "So what you're saying then -- and we're talking about an area that is kind of low -- the elevations she sees are 382 ft., 383 ft. -- but, basically, what Mr. Easley is saying is that we can build an approximate 5/10 stretch of road for \$100,000?"

Mr. Easley said this is correct.

Mrs. Cox asked, "Why can't we do that on Boonville-New Harmony?"

Mr. Easley said that he computed 28 ft. width of stone one-half mile long; 8 inches thick. He comes up with a little over 3,500 tons -- and he thinks we could have it hauled and spread for \$14.00 per ton -- that's a little under \$50,000. If you take 24 ft. of asphalt one-half mile long and 3 inches thick, he gets 1,140 tons. Figuring that at \$35.00 per ton, it is just \$100 less than \$40,000. This gives you \$90,000; and if he throws in \$10,000 for miscellaneous for culverts, seeding, etc., he comes up with \$100,000 and he believes those prices are realistic. He doesn't think it will take very long to grade the one-half mile; they're not going to build a fill -- they're going to cut some ditches. We can do a lot of grading and seeding for \$10,000.

Commissioner Willner said the county can do a lot of it themselves. Mr. Easley said we could spread the stone and compact it with our own equipment. The 28 ft. of stone gives us some shoulder -- and we put 24 ft. of asphalt. It is an opportunity to save -- if all goes well -- as much as \$150,000 of county construction money which, otherwise, would be spent on a bridge. He realizes there may be a few people object to it, but.....

Mrs. Cox asked Attorney Miller if he doesn't think we will have to have a public hearing?

Mr. Easley said we could proceed with this -- and if we spent \$15,000 on the bridge and posted it, we might keep it open for another 10-15 years; but it is narrow and sooner or later somebody is going to try to pass somebody -- and somebody is going to end up on that end post of that bridge.

Commissioner Borries said it seems as though it is a conceivable idea. As Mr. Easley says, otherwise we'll have to build a bridge to give those people out there access. In response to query from Commissioner Borries, Mr. Easley said the bridge is some 86 ft. to 87 ft. -- it's a huge structure. He said if we're going to leave the bridge there, the catstone on the abutment probably ought to be replaced; it has a crack in it. Mr. Borries said he doesn't believe we can leave the Heckel Bridge open, whether we build this or not -- without building a new bridge there -- and that would just be extra expense. It was suggested by Commissioner Borries that we proceed with a hearing and receive input from those people affected. He guesses the alternative would be to let the State build the frontage road and end it at Heerdink Lane where it currently exists. But if we don't do this, according to what Mr. Easley is saying, really the only other alternative is to build a new bridge at Heckel Rd., which is going to service really a very few people.

Mr. Easley said for continued heavy loads to get into this area.....

Mr. Borries said, "Let's say we don't build this and just stop at the area designated in yellow on the map, how would the people like the Titzers, etc., get....."

Mr. Easley said he thinks the bridge -- it is narrow, but he doesn't think it can ever be beefed up to carry ready-mix trucks. And if people are to have access to normal

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highway loads in there -- although he has heard tales that there have been some pretty good loads go across it in conjunction with some of this interstate construction -- Millersburg Rd. Bridge was closed and they didn't always go around to Warrick County. He heard some tales that that bridge may be stronger than we realize so?

Commissioner Willner queried Mr. Easley concerning the access road and asked if it is a county road? Mr. Easley said he thinks this is a lane that goes back to..... Mr. Willner then asked again how many people we're dealing with...?

Mr. Easley said that he and Mr. Bethel counted sixteen (16) when they went back there.

Commissioner Willner asked how many along the upper existing roadway?

Mr. Easley said there are two owners.

Commissioner Willner asked if both had been contacted?

Mr. Easley said Mr. Gearhardt said he would grant us the right-of-way; and he has not yet spoken with the other property owner and received final agreement.

Commissioner Willner asked how many property owners we're talking about on the southern leg? If there are 16 homes, how many property owners are we talking about?

Mr. Easley said there would be three additional property owners from whom we'd have to obtain right-of-way.

Mrs. Cox said she just noted something else on the map -- from the aerial photos it looks as though there is a lane that comes from perhaps 1, 2 or 3 homes Mr. Easley stated that this is Gearhardt's property;

Mrs. Cox asked if he will have to make a lane to come out?

Mr. Easley said he believes it was noted in the letter that they would want the county to construct designated lane -- which would be an expense. But he'd be the only person who'd come off that road. But the Gearhardt's have no objection; they said they'd rather have the road behind them than to look out their front window and see a frontage road.

Commissioner Borries queried Mr. Easley concerning the sufficiency rating, according to Bridge Report, on Heckel Rd. Bridge?

Mr. Easley said it was built in 1899 -- so it is an oldie. The bridge report shows the length as 151 ft.

Mrs. Cox asked the name of the creek? Mr. Easley said it is Bluegrass Creek.

It was noted by Commissioner Borries that bridge report says remaining life of bridge is estimated at two (2) years.

Commissioner Willner asked Mr. Easley if the Board can have a week to review the matter? It was the consensus that the Board will take the matter under advisement for one (1) week.

Millersburg Rd. Bridge: Mr. Easley said he was out on Millersburg Rd. several times last week. They have the rock placed and finished up the final grading on the rock. Lawrence Titzer and Mrs. Tepool mentioned that twice a year, due to backwater -- apparently water still backs up and they have the Ohio River across a portion of the east approach just in front of their house. They said they thought it would be a very good idea if we had the money to raise that road another 1 ft. As you come off the road, there is a slight depression there (although it is 300 ft. long) it is about 1 ft. lower than the road further east. It is 380 ft. and it drops to about 378.5 ft.-- and the bridge is 384 ft. If the Board will recall, they authorized him to authorize extra work on the west approach and we brought that up to 380 ft. Apparently, Bill Jeffers said that 383 ft. (when Ohio River was at 44 ft. river stage) they had a 3-inch rain up between Millersburg Rd. and Princeton and they had all kinds of water to come down and hit that 44 ft. river stage and it blocked people from getting out. Since Heckel is going to be closed, this is a major collector in that area. He would like permission to authorize Deig to place \$6,000 of additional stone and rock to fill this swale. It is about 300 ft. long and would take about 200 ft. of asphalt and 200 ft. of stone

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and it would average 4 inches in depth. He thinks this will provide a smoother riding approach and most cars are reluctant to go through 1 ft. of water when traveling around the city or county during a heavy rain -- and this just might help keep the road open a little bit longer. When it gets to 381 ft., we'd probably have to close the road except perhaps to emergency vehicles.

Mrs. Cox queried Mr. Easley concerning the elevation of the road from the area he's talking about over to Heerdink Lane? Is that low, also? Mr. Easley said it is about 380 ft. As you approach the bridge from the east, they could get it up to about 379.5 ft. This is something that didn't really show up on the profile. If the Commissioners will recall, he thinks they first proposed building it up -- they had quite a long stretch of 384 ft., but it got to be too expensive and they dropped it. After he got involved with the bridges, he suggested that we raise it again to 380 ft., which he thinks is a compromise. Again, he thinks it would be money well spent. It is a little uncomfortable coming in increments; but sometimes engineers use what they call "successive approximations". When you're getting something built in the field, you stand back and look at it and you see the need perhaps for modifying the plans.

Mrs. Cox said this is why she asked if we do this part now, is he going to be coming back later on and asking to do another portion of Millersburg up to Heerdink?

Mr. Easley said, "No -- this is just the whole 300 ft. dip -- and they can put this down (weather permitting) tomorrow. He believes they are actually scheduled to put asphalt down on Thursday of this week."

Mrs. Cox said she knows Millersburg Rd. Bridge is open to traffic -- and the people do appreciate that.

Mr. Easley queried the Board concerning their pleasure?

Mrs. Cox asked, "We couldn't use bridge funds to do that?"

Mr. Easley said this is just a little easterly extension of the road -- it's within 500 ft. of the bridge. While it will average 4 inches in depth, there is one place where it will be 9 inches thick.

The Chair entertained a motion.

Motion was made by Commissioner Borries that the project, as described by the County Engineer, be approved, at a cost of \$6,000, with a second from Commissioner Cox. So ordered.

RE: ROAD RELINQUISHMENT/S.R. 57, SECTION C

It was noted by Mr. Easley that the State Department of Highways has returned the Relinquishment Agreement that they have signed on S.R. 57, Section C (across from the airport) for a total distance of 1.18 miles. The document was given to Joanne Matthews of the Auditor's office for filing.

RE: CHANGE ORDER NO. 17 - BURKHARDT RD.

Mr. Easley said Change Order No. 17 on Burkhardt Rd. has been initiated by the IDOH Area Engineer, Dale Lucas. If the Commissioners will recall, the sod slipped down the slopes when it got wet, before the root structure had a chance to get into the banks. They feel the only longterm solution to that is to put rip-rap at the bottom of the ditch and they have worked out an Extra Work Agreement with the contractor to perform the work by force account. That means time and material, and they have estimated the cost at \$40,337.77. Our responsibility would be 25% or approximately \$10,075.00. They request that the Commissioners approve the Extra Work Agreement. The nature of the silts out there is such that when they get saturated they are not very stable and they feel we'd have a continuing problem if we try to pack dirt back in there and put the sod back. They feel that Mother Nature has located the weak soils and they would like to repair it in this manner. The only other existing proposed change would be the one we haven't had anymore discussion on -- and that is the guard rail. He has had a meeting with Lee Gallivan and Dale Lucas, and is prepared to discuss this matter if the Commissioners first wish to act on the Extra Work Agreement.

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Commissioner Willner said he thought they were going to have a meeting and discuss all the problems re that one location. There's been some new movement on the telephone poles -- and he does not wish to take up the matters one at a time.

Mr. Easley said he will schedule meeting then, so all three matters can be discussed at that time. Commissioner Willner said they would meet at the site and discuss the three matters.

RE: ACCEPTANCE OF STREETS

EASTLAND ESTATES "C": Mr. Easley said the next matter he has for the Board's attention is the acceptance of some streets which he and Bill Bethel inspected prior to Mr. Bethel's heart attack. The first one is in Eastland Estates off Pollack Avenue. There are .194 miles of pavement; Green Cove and Southfield are brand new. They paved and all the joints have been sealed. No homes have been constructed. It is his recommendation that these streets be accepted into our road system for maintenance, as follows:

Greencove Avenue	.074 miles.....from Greenfield Rd., east 390 ft. to east side of said subdivision.
------------------	--

Southfield Road	.120 miles.....from Greencove Avenue south for 635 ft.
-----------------	--

The above are 6 inch concrete pavements, 29 ft. back to back of curbs.

Commissioner Cox said she has a question. In view of the problems that we're having in determining right-of-way widths, etc., heretofore whenever we accept a street into our program for maintenance -- that we also not just include the number of miles but also the right-of-way width.

Mr. Easley said that in the newer subdivisions that isn't really a problem. It's a recorded plat and

Commissioner Willner said it's only a problem when you come by a road via deer trail or wagon trail -- that's where there was a problem.

Mr. Easley said that the very old ones like Schlinsker, etc.,he gets calls all the time concerning the right-of-way of some of those ancient.....

Mrs. Cox said she is thinking of keeping our records here in the county current; rather than going over and having to look up on a subdivision road (you have to do that to present this) it would be just as simple to go ahead and put the right-of-way that is granted at the time that the Commissioners accept this -- it doesn't have anything to do with the amount of money we're going to get; we get so much per mile whether it is 5 ft. wide or 40 ft. wide. But this has been a question in the past and even with some of these new roads we've had to back and look it up.

The Chair entertained a motion.

Mrs. Cox asked if Southfield Rd. has a right-of-way of 50 ft.? Mr. Easley said this is correct. Mrs. Cox asked if Greencove also has a 50 ft. right-of-way? Mr. Easley said this is correct. Motion was made by Commissioner Cox that Greencove Avenue from Greenfield Rd. east 390 ft. to east side of said subdivision for .074 miles with a 50 ft. right-of-way and Southfield Rd. from Greencove Avenue south for 635 ft. with the approximate mileage of .120 and a 50 ft. right-of-way be accepted for county maintenance and sent to the reimbursement for reimbursement for road funds. A second to the motion was made by Commissioner Borries. So ordered.

BROOKVIEW SUBDIVISION (off Old State Rd.): Mr. Easley said there are two (2) streets to be accepted in Brookview (which is a long drive) as follows:

Brookview Drive	from Old State Road, east for 1,320 ft.
-----------------	---

Cove Court	from Brookview Drive, south 450 ft. to end of Court.
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These are 6 inch concrete pavements, 29 ft. back to back of curbs. It is his recommendation that these streets also be accepted. He and Mr. Bethel inspected these

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before Mr. Bethel had his heart attack.

Mrs. Cox asked if there is a 70 ft. right-of-way on Brookview? Mr. Easley said it is only 50 ft. Cove Court also has a 50 ft. right-of-way.

The Chair entertained a motion.

Motion was made by Commissioner Borries that Brookview Drive from Old State Road, east for 1,320 ft. and Cove Court from Brookview Drive, south 450 ft. to end of Court be accepted into county road system for maintenance (.335 miles total, with 50 ft. right-of-way)..and forwarded to the IDOH for reimbursement for road funds. A second to the motion was provided by Commissioner Cox. So ordered.

Unfilled Basements/Chickasaw Park Area: Commissioner Borries said he wanted to update Mr. Easley and the Commissioners concerning the problem with unfilled basements in the Chickasaw Park area. He received a call from Mr. Schmitt in the area and the State is beginning to fill some of those lots now.

Mr. Easley said they issued a purchase order to put sand in there. The women with whom he spoke (he thinks she talked to Commissioner Borries) -- he asked her that if there were anymore that needed it, to let him know. Commissioner Borries said he appreciates Mr. Easley's help re this matter.

RE: TRAVEL REQUEST - COUNTY RECORDER

President Willner read the following travel request:

April 8, 1986

Robert Willner, President
Vanderburgh County Commissioners
Civic Center Complex

Dear Sir:

This letter is to let you know that I am requesting permission to attend a conference of all County Recorders called by the State Board of Accounts, as per copy of letter attached. The conference is scheduled for Thursday, April 24 and Friday, April 25, at the Hyatt Regency, 1 South Capitol Avenue, Indianapolis, Indiana.

Thank you for your consideration.

Sincerely,

Bob Steele, Recorder
Vanderburgh County, Indiana

The Chair entertained a motion.

Commissioner Cox asked if this is a State-called meeting? President Willner responded in the affirmative. Motion was made by Commissioner Cox that the request be granted, with a second from Commissioner Borries. So ordered.

RE: VOTING PLACES FOR UPCOMING PRIMARY ELECTION/MAY 6, 1986

President Willner said he has a list of Voting Places for the upcoming Primary Election to be approved and advertised. He said he hasn't had an opportunity to review the list in its entirety and asked if the other Commissioners would like a few minutes to review the list?

Attorney Miller had left the room for a brief period and Mrs. Cox asked if he is still present? She asked if the other Commissioners know the deadline for advertising the Voting Places?

(continued)

President Willner instructed Mr. Jim Lindenschmidt to get Attorney Miller and ask him to check the State Statute with regard to dates insofar as advertising of Voting Places is concerned.

Commissioner Cox said she had received a call. The updated maps at the Voter's Registration office have changed some former boundaries in Perry and German Township. It seems that the Voter's Registration office was several years behind the Commissioners' Precinct Boundary Lines and, as a result, Perry Heights School (she thinks) is now in Perry 5 and they were wanting to know if they couldn't use the school now rather than driving clear over to Burdette Park. She thinks that if there is a public building within the precinct, the law says it shall be used as a polling place. She needs the attorney to interpret this.

In response to query from Attorney Miller and Commissioner Willner, Mrs. Cox said that Perry Heights School is now within the confines of the boundaries of Perry 5; and it is no longer in Perry 2. If there is no public building in Perry 2, then Perry Heights could be used.

Commissioner Willner asked if Mrs. Cox means we could have two (2) precincts voting at Perry Heights School?

Mrs. Cox said that is correct -- unless there is a public building.

President Willner said that while Attorney Miller is checking the State Statute, he'll proceed with another item or two on the agenda.

RE: CERTIFICATE OF INSURANCE

AIKEN MANAGEMENT CORP/Jesse F. Stock Insurance: Theatrical Performance "Mitzi Gaynor" at Vanderburgh Auditorium on April 16, 1986.....received and filed.

RE: FOLDING TABLES & FOLDING CHAIRS FOR PRIMARY ELECTION

President Willner said that we'd like to borrow 100 folding tables and 300 folding chairs for the Primary Election. The cost for the rental is \$250.00 (\$100 for the tables and \$150 for the chairs). The following letter has been received from Jon W. Hill:

April 10, 1986

Robert L. Willner, President
Board of County Commissioners
305 Administration Bldg.
Civic Center Complex
Evansville, IN 47708

Dear Bob,

The Board of Trustees has approved your request to borrow 100 folding tables and 300 folding chairs for the Primary Election.

The charge for the rental is \$250 (\$100 for the tables and \$150 for the chairs). Please sign both copies of the enclosed Bailment, and return them to me prior to May 5th. One copy will be returned to you after it has been signed by our Board.

Sincerely,

Jon W. Hill, Manager
Roberts Municipal Stadium

President Willner asked Mr. Lindenschmidt if we paid this amount for rental of tables and chairs previously? Mr. Lindenschmidt said the rental fee has gone up -- we paid \$75.00 the last time.

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RE: ALEXANDER AMBULANCE SERVICE/CLAIM

Commissioner Willner presented Quarterly Report from Alexander Ambulance Service for period ending 3/31/86, together with claim in the amount of \$64,528.57. He asked that Chief Deputy Auditor Sam Humphrey check the budget to ascertain what was allowed for Alexander Ambulance Service for 1986?

Mr. Humphrey replied that \$148,000 was allowed.

Mrs. Cox asked if they're asking for payment for the second quarter?

President Willner said they're asking for payment for the first quarter ending 3/31/86.

After brief comments it was noted that after the \$148,000 is used up, Alexander will not receive any further monies.

The Chair entertained a motion. Motion was made by Commissioner Borries that the claim in the amount of \$64,528.57 be approved, with a second from Commissioner Cox. So ordered.

RE: VOTING PLACES FOR UPCOMING PRIMARY ELECTION

In response to query from Commissioners, Attorney Miller advised that the Voting Places must be advertised one (1) time at least ten (10) days prior to the Primary Election.

Commissioner Cox addressed Attorney Miller and said her question was, "If there is a public building within the confines of the precinct boundaries, must we use it for a polling place?" She thought he law said "it shall be made available for the purposes of of voting".

Attorney Miller said this was not the question posed to him.

Commissioner Willner asked if Mrs. Cox said there was change in one of the precinct boundaries? Who did that?

Commissioner Cox said it was quite some time ago by the County Commissioners, but the Registration Office never did follow through and the Surveyor's Office prepared the maps and they went into effectthere are new boundaries in Perry and German Townships that were approved quite some time ago....and she thinks the way the oversight happened was that they went ahead and changed all those registrations within the city because it was a city election (we had no county election that year) and she thinks someone just forgot about it and didn't follow through....and then when the maps came out with the names that were listed on the registration sheets -- they didn't match up.

Mr. Bill Jeffers, Chief Deputy Surveyor, who was seated in the audience stated that the boundaries were changed in 1979.....Mrs. Cox interrupted, "And they were corrected last year during the year."

Commissioner Willner said that while the Board is awaiting a decision from the Attorney, he will recognize Mr. John Vezzozo, Board of Public Works, who is here to address the Board.

RE: EXTENSION OF CULLEN AVENUE

Mr. Vezzozo said he is requesting permission from the Commissioners for Mr. Easley to go out and talk to some people in the county; specifically those on Cullen Avenue just south of Oak Grove Rd. Some of those people are friends of his and they have called him --but they shouldn't have, because it is in the county. But he'd like for Mr. Easley to accompany him to talk with these people and see if the county would accept the plan they have for extending Cullen Avenue south. He talked to Mr. Harp a while ago (one of the individuals who have land there) and he has agreed to his portion of it. There is a group of doctors who have an area there and he believes they are agreeable, as long as the road bends a little bit.....

Attorney Miller said he talked with them today -- and they are agreeable, if paid --

Mr. Vezzozo said the group at the other end are agreeable to participate financially to get this road through -- as long as the county will back asking for the right-of-way

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through there to do this. And he thinks they will do it at no expense to the county except that the county would take the road over after the fact. He thinks it would be an inducement to that area. There is no way out. He doesn't know whether the Commissioners have been out there; but when ITT lets out at that Woosley Building, about 200 cars cut loose all at once and try to get onto Oak Grove Rd. and out by Kight Lumber Co. off Morgan -- and you just can't get there from here. That will be a real good access to the Signature Inn, Bob Evans, etc., and he thinks it will be beneficial. He believes it will be annexed before long and then it will be his headache. But if the Commissioners will approve -- he'll go out there with Mr. Easley and Mr. Easley can then inform the Commissioners as to what they are willing to do.

Attorney Miller asked if Mr. Vezzoso is suggesting some sort of use of condemnation power?

Mr. Vezzoso said, "No; all I'm suggesting is that they wanted to talk to me -- they talked to this group of doctors -- and they don't want to rearrange their plat -- but they will take a little off each one and there'll be a slight job in the road -- it won't be straight through -- but they're willing to do this at no expense to them, themselves, in that one area.

Attorney Miller said the information he received about an hour ago was that it was conditioned upon Mr. Harp making some agreements with them to provide them with more land from the Harp property.

Mr. Vezzoso said he guesses he and Attorney Miller should have gotten together -- because he talked with Mr. Harp less than an hour ago and he knew Mr. Vezzoso was coming down to the Commissioners' meeting. He is pretty willing to do just about anything to enhance that area out there. He's got more at stake, he guesses, than anybody. All he is asking is permission from the Board (if he's not interfering with county operation) for Mr. Easley to go with him to see what they will do and won't do and then he can bring it back to the Commissioners so they can make their determination.

Commissioner Willner said he is certainly interested in having something done other than that indicated to him -- two "S" curves.....that's baloney. He asked if he could substitute Rose Zigenfus rather than Andy? Mr. Vezzoso said that is up to the Commissioners. Commissioner Borries suggested adding Rose Zigenfus and sending Mr. Easley also. Commissioner Willner said Mrs. Zigenfus needs to be involved. He asked if Attorney Miller has a conflict of interest here?

Attorney Miller said he does not have a conflict of interest. He represents some of the people in the subdivision that John Vezzoso is talking about; but he does not represent the medical group or Mr. Harp. He has had transactions on the other side.

Commissioner Willner said that if Mr. Vezzoso and Mr. Easley need some legal input, then see Attorney Miller.

Mr. Vezzoso said this would be strictly for informational purposes. They've asked for his help to see if we could get something going to relieve the problems -- and we do have problems out there. If the Commissioners have ever been out there -- then they know it is a mess.

Commissioner Willner said that is correct. To keep it from getting any worse, he thinks that even if it costs some dollars that we need to do something.

RE: TABLES & CHAIRS FOR PRIMARY ELECTION

President Willner proceeded by again asking Jim Lindenschmidt how much we paid previously for tables and chairs from the Stadium? Mr. Lindenschmidt responded that we paid \$75.00. Commissioner Willner commented that now they're asking for \$250.00.

Commissioner Cox asked if they've increased their rental fees that much at the Stadium? Mr. Lindenschmidt said all he knows is that Mr. Hill's letter is what came back to the Commissioners, with the \$250.00 rental fee. Mrs. Cox said she doesn't know that we can get them cheaper anywhere else. Commissioner Willner said he knows a lot of places to get tables and chairs, but he doesn't think we can get them any cheaper.

Motion to approve bailment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

(continued)

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There was brief discussion as to which budget the monies for table/chair rental would come from. It was subsequently the consensus of the Board that it would come from the Commissioners' budget. However, Mr. Lindenschmidt had checked in the interim and advised the Board that it would come out of the Election Office budget, and a claim has already been made up for the table/chair rental fee.

RE: VOTING PLACES - PRIMARY ELECTION

Attorney Miller advised that State Statute 3-1-23-17, sub-section (b) says first of all that the Commissioners have to provide in each precinct a "suitable room in which to hold the election". No reference is made to "public buildings". It then says that in the event no such room is available within the confines of the precinct, the polling place may be located in a public building in an adjoining precinct -- so long as the public building is within a half mile of the nearest boundary of the precinct for which it is serving as the polling place. It provides that school buildings, fire stations and all other public buildings shall be made available without charge to the County Commissioners for holding such elections, but it does not say the County Commissioners have to use public buildings. It also says you can't select suitable rooms if the suitable rooms are also rooms in which "spiritous, vinous, malt or other intoxicating liquors are kept or sold". (Attorney Miller said, "Therefore, you could not use my kitchen, living room, basement, bedroom....and sometimes, my bathroom". Or, in other words, "You can't use my house".)

The Chair entertained a motion to approve the list of voting places.

Commissioner Cox said she assumes this list has been checked out and that Burdette Park is within 5/10 of a mile of Perry 5. Attorney Miller and Commissioner Willner advised they have not paced these off. Attorney Miller quotes, "It must be within 1/2 mile of the nearest boundary of the precinct for which it is serving as the polling place."

Commissioner Willner asked Commissioner Borries if he thought the Board should get a map of the precincts? Commissioner Borries responded in the affirmative.

Mr. Lindenschmidt said he thinks they have changed it for the next election.....

Commissioner Cox asked, "Why don't they change it for this election? Certainly, if we're going to change it, we ought to do it in the primary and not make a change between the Primary and General Election; she thinks this would be confusing to both the Republicans and Democrats who want to come and vote in the primary and then go back in the fall.

It was noted by Commissioner Willner that if the matter is deferred one (1) week that the Board would still have time to advertise within the specified period prior to the date of the election. It was the consensus of the Board that the matter should be deferred for one (1) week.

RE: OLD BUSINESS

Commissioner Borries said he did talk with Election Office officials this past week; he believes there were some concerns on the computer master list printouts -- there were some errors -- it had City County districts rather than County Council districts -- but that doesn't pose any problem. He understands they were to send Helen Kuebler corrected forms (Thornber, that is) and the printing of the ballots was going to be done locally and there seemed to be no problems in this area. But that was concern that if those errors had not been corrected on the part of Thornber there could be some tabulat problems. But from talking with Thornber officials, apparently there will not be. He expressed concerns that we certainly do not want any problems in this election because of some past problems that we've experienced in that area. He understands there is going to be a public test of that tabulator equipment. He has two conflicting dates -- but the latest he has seen from Helen Kuebler is 2:00 p.m. on Thursday, April 17th. (He also had 2:30 p.m. on April 22nd --but he doesn't think that date will hold up at this point.)

Commissioner Willner said the date he has (should the Commissioners be interested) is Thursday, April 17th, at 2:00 p.m. in the Election Office. (Room #214).

RE: SCHEDULED MEETINGS

(continued)

Thursday April 17 7:00 p.m.

Joint Mtg. re Open Door Meeting Law
with Evansville Courier Staff and
Attorney General's Office/Sterling
Rathskeller.RE: CLAIMS

Bowers, Harrison, Kent & Miller/David L. Jones: Claim presented in the amount of \$1,192.49 for litigation expenses. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASESRecorder's Office

Teresa Ritter	1806 Harmony Way	Release Dep.	\$12,800/Yr.	Eff: 4/9/86
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Knight Township Assessor

Jeffrey Allan Proctor	1201 Rosemarie	Clerk	\$35.00/Day	Eff: 3/19/86
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Circuit Court

Joseph Schaefer		P/T Intern	\$3.35/Hr.	Eff: 3/19/86
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Prosecuter

Peggy Kissel	1255 Bella Vista	ParaLegal	\$14,540/Yr.	Eff: 4/21/86
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Burdette Park

Arthur Pagett	1407 Howard Apt. D23	PTGC	\$4.00/Hr.	Eff: 3/25/86
Charles Coleman	645 Jefferson	PTRG	\$4.00/Hr.	Eff: 3/25/86
Perry Gostley	R.R.#1, Box 40	PTRG	\$4.00/Hr.	Eff: 3/25/86

RE: EMPLOYMENT CHANGES - APPOINTMENTSElection Office

William McKinley	1116 S. Linwood	Bal. Assem.	\$4.54/Hr.	Eff: 4/7/86
Mary Jo Mooney	5215 Monroe	Elec. Dep.	\$4.54/Hr.	Eff: 4/7/86

Circuit Court

Paul A. Miller	6400 Alameda Dr.	P/T Work Rel.	\$5.00/Hr.	Eff: 4/4/86
Lee Vandever	415 S.E. 1st	P/T Intern	\$3.35/Hr.	Eff: 4/1/86

Prosecutor

Dennis Vowels		Dep. Pros.	\$19,000/Yr.	Eff: 4/21/86
Peggy Kissel	1255 Bella Vista	ParaLegal	\$15,540/Yr.	Eff: 4/21/86

Burdette Park

Mark Walker	2904 Carolina	PTGC	\$4.00/Hr.	Eff: 4/3/86
Arthur Pagett	1407 Howard Apt. D23	PTGC	\$4.35/Hr.	Eff: 3/26/86
Charles Coleman	645 Jefferson	PTRG	\$4.35/Hr.	Eff: 3/26/86
Perry Gostley	R.R.#1, Box 40	PTRG	\$4.35/Hr.	Eff: 3/26/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 5:10 p.m.

(continued)

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PRESENT:COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride
Sam Humphrey

COUNTY ATTORNEY

David L. Miller

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers/Chief
Deputy

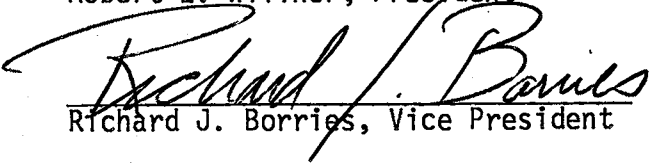
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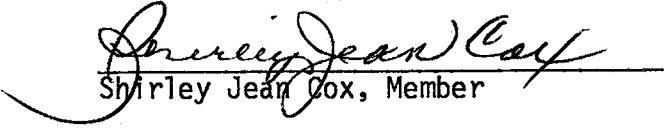
Sue Hartig/Legal Aid
News Media

SECRETARY:

Joanne A. Matthews

Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 21, 1986

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, April 21, 1986, in the Commissioners Hearing Room, with Vice President Rick Borries presiding.

Commissioner Borries called the meeting to order and subsequently entertained a motion concerning approval of the minutes of the previous meeting. He noted, however, that there are two corrections he would like to see made in the minutes. On Page 4, Paragraph 4, the figure given should be 6,000 rather than 600,000. Secondly, on Page 7, Paragraph 8, it should read Attorney Miller rather than Attorney Jones. With the inclusion of corrections noted, Commissioner Cox moved that the minutes of the meeting held on April 14, 1986, be approved as engrossed by the County Auditor, with a second from Commissioner Borries. So ordered.

The meeting proceeded with Commissioner Borries extending a welcome to the audience. He introduced himself and stated that Commissioner Robert Willner is out of town this week.

Commissioner Borries then asked a group of individuals in the audience if they are present tonight concerning Item #5 on the agenda (Petition re Repair of Church Rd.)? The group responded in the affirmative. Mr. Borries said there are three rezoning petitions to come before the Board tonight -- two of them being 1st Readings. Upon approval of the 1st Reading, they are then forwarded to the Area Plan Commission for the second step. If it will not inconvenience the group too much, the Board will proceed with the agenda, as printed, and the Board will be glad to hear any comments on Item #5 when that matter comes up on the agenda.

RE: REZONING PETITIONS

VC-5-86/Petitioners, Larry R. & Elizabeth Kemper: Common known address of the property is 7801 Old State Rd. Property is currently zoned Agricultural and requested zoning is C-2. Subject property is currently vacant and proposed land use is grocery store. Property consists of 12.7 acres and is located on Old State Rd. just south of Eissler Rd. The property is surrounded by R-1 (single family residential) and agricultural.

Commissioner Cox interjected that Commissioner Borries had just remarked that he'd been receiving several calls concerning this petition; likewise, she has received calls concerning this commercial rezoning in a residential area. But this is just a formality for the Board to move the petition on to Area Plan Commission. It will come back to the Commissioners. Thus, she moves that VC-5-86 be approved on first reading and forwarded to Area Plan. A second to the motion was provided by Commissioner Borries. So ordered.

VC-6-86/Petitioner, Peyronnin Investments, Inc.: Common known address is 6608 East Morgan Avenue. Property is currently zoned M-1 and a change to M-2 zoning is requested. Present existing land use is manufacturing and proposed land use is electrolytic processing. Motion was made by Commissioner Cox that VC-6-86 be approved on first reading and forwarded to Area Plan, with a second from Commissioner Borries. So ordered.

VC-4-86/Petitioner, Ethel R. Hamilton (3rd Reading): Attorney Les Shively of the law firm of Johnson, Carrol & Griffith approached the podium and was recognized by the Chair. He stated that he represents Ethel Hamilton, the petitioner. Briefly, this property is located at the intersection of Highway 62 and Red Bank Rd., which he is certain the Commissioners are aware has been developed extensively as commercial on two of the corners (the northeast corner and the southeast corner). This particular property is located just north of the right-of-way line for the highway and is right across Red Bank Rd. from the Old National Bank branch. Proceeding, Mr. Shively presented a location map to the Commissioners, saying he has highlighted in green the C-1 and C-4 uses in that particular area. At this particular time, they would request the change from present zoning to C-4. Mr. Shively then presented photographs to the Commissioners of the subject property and surrounding area. He said the Commissioners will note in the Staff Field Report (the last sentence of the report) under recommendation notes that the entire three corner area of this particular intersection under the Comprehensive Plan for the year 2000 is to be a commercial area. There is no specific use in mind at this time, and they do understand that the approval of this rezoning will require that a site plan will have to be submitted to proper authorities of the Area Plan Commission Staff to see that they do comply with the numerous requirements, egress-ingress requirements, etc., when specific use from this particular buyer when a longterm tenant is secured.

(continued)

He would note, however, that some positive things are already occurring with regard to this development. They have already taken steps to see that the easement on subject property is shifted to the north, so that when the property is developed the ingress/egress off Red Bank to this property will line up as closely as possible with the existing turn into the University Shopping Center, which he thinks alleviates a lot of concerns and sets this ingress/egress point further back from the intersection of Highway 62 and Red Bank Rd. That is essentially the petition, and he hopes he has attempted to answer some of the concerns that Staff had. He will also be happy to answer any questions the Commissioners may have at this time.

Commissioner Cox said it doesn't say on the Staff Field Report (although she feels sure) that sanitary sewers are available.

Mr. Shively said he doesn't know, but he would think they are. Certainly, Old National Bank probably has sanitary sewer along there and it probably wouldn't be much expense to extend that across the road. He thinks the apartments along there have sanitary sewer (Golden Towers, two other apartment complexes on the other side of the road)and if it is available, they have to tap into it.

Commissioner Cox asked if they have city water? Mr. Shively said they do have city water available.

Proceeding, Mrs. Cox said subject property is located almost in her backyard -- and she knows the property very well. It is low. It comes up even with the road and then makes a dip and goes back. They have a lot of drainage problems down the hill from this property (Golden Towers, Red Bank Rd., the big culvert under Red Bank Rd., the water going into Schmadel's Lake, out Schmadel's Lake into the farmland and on over to Rosenberger) and we're definitely going to have to have an excellent drainage plan -- because once you pull the grass and trees that are there now that is holding back some of the water....and to put down concrete.....is going to make it really bad. So this is a big concern.

Her other concern is the transportation plan within the complex. Red Bank is a very, very busy road. It is very narrow and there is a hill just before you get to the University Shopping and she would hope that there could either be a frontage road or something put in there with just one cut out on that road. Three and a half acres isn't very much and she understands they're asking to rezone 3.1 acres.

Attorney Shively said he will address Mrs. Cox's concern in order, if he can. He asked for the ingress/egress as well as relocation of that easement because, without disclosing some plans of some other clients, they will be developing a little further to the northand they plan to use same ingress/egress and not have multiple curb cuts to the road....and line it up with the existing road that goes to the east of the Shopping Center....so they will be working with Rose Zigenfus and those folks in seeing that it is properly designed.

Mrs. Cox said it is bad. You already have one coming out from the University 76 Station. Then there is another one there coming out from Old National Bank...and then you have the University Drive.

Mr. Shively said he is not certain, but does Old National come out onto Red Bank?

Mrs. Cox said that they are.

Mr. Shively said he believes this is only one-way, however.

Mrs. Cox said that people don't always follow.....

Mr. Shively said he understands that. He thinks it is important that everyone realize that those are excellent concerns and this is why.....but they understand that once a tenant or purchaser has a specific use, the specifics of this go back to these technical people who say, "Here are the ordinances, the regulations on these things...." so this rezoning would still be strictly under governmental regulatory scrutiny as it is developed." The problem right now is that it needs to be rezoned so they are in a position to make it attractive to potential investor. But the planning units and professionals of government work together in terms of seeing that the regulations of the zoning code and building code are followed.

(continued)

As for the drainage matter, assuming that Mrs. Cox is correct on those elevations -- and he does not know those particular elevations; but obviously if they are at a low elevation bad drainage would affect them. Thus, they have a self-preservation concern.

Mrs. Cox said they probably will need some fill. So if you use fill, the people down below are going to get the brunt of it. Because she is totally against granting any rezoning unless she can see what is going in there -- especially when on the map for the overall comprehensive land use this corner is not projected at this time to be as commercial in nature....(that doesn't mean that sometime down the line that it won't be) but she did talk to Mrs. Cunningham about this and she has assured Mrs. Cox that before any approval for any kind of retail development or any development that comes in there -- it doesn't come back to the Commissioners, but it would go to a Site Review Committee -- and to make it for the record, would Mrs. Cunningham please state who those people are who review?

Mrs. Cunningham said the Review Committee consists of the Delegate from the Area Plan Commission, which is presently Virgil Miller; the Director of APC (Mrs. Cunningham), Mrs. Rose Zigenfus (Director of EUTS) and the County Engineer.

Mr. Shively said a copy of the minutes of this proceeding will also be in the Area Plan Commission office and, as he understands it, when someone comes for a zoning use permit (which is prerequisite to get a building permit) that would automatically trigger what Mrs. Cunningham said -- so that is another stopgap in addition to the minutes of this meeting.

Commissioner Borries said he has one thing to add for the record is that there has been some correspondence received from General Growth Companies, which has a C-4 classification across the road from where this property is located. They express some concern (which he thinks Mr. Shively has addressed) that if there would be a lot of increased motor vehicle traffic congestion at that intersection, that the property owners would participate to help ease that situation. He believes that Mr. Shively has addressed that.

Mr. Shively said that he thinks the standard which has been around locally for the past 3-4 years, that turn blisters and things like that which are necessary to put in, the costs are always borne by the developer customarily, and he thinks that is the way General Growth is cooperating -- and he doesn't think these particular people would be any different. The letter from General Growth Companies read as follows:

March 31, 1986

Evansville Planning Commission
Civic Center Complex
Evansville, IN 47715

Re: Ethel R. Hamilton Property

Dear Sirs:

I am an attorney representing General Growth Limited Partnership, owner of property adjacent to the above-referenced parcel of land. After reviewing the proposal to rezone the Hamilton property to a C-4 classification, I would take this opportunity to voice the following concerns.

In the event the reclassification of the Hamilton property to C-4 would create increased motor vehicle traffic congestion at the intersection of State Road #62 and Red Bank Road, then, in that event, the cost of the necessary improvements to such intersection should be the burden of Mrs. Hamilton. I would, therefore, request that any consent to the rezoning of the subject parcel be contingent upon the petitioner's submission of plans for the improvement of the above-referenced intersection, and agreement to bear the costs of such improvements, if approved.

Thank you for your time and consideration. In the event you should have any questions regarding the position set forth herein or wish to further discuss the same, please do not hesitate to contact me.

Sincerely,

Gregory A. Leopold, Attorney

(continued)

COUNTY COMMISSIONERS
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cc: Stan Saddoris

Commissioner Borries expressed appreciation to Mr. Shively for his presentation and asked if anyone is present who wishes to remonstrate regarding this particular rezoning request? There being none, a motion was entertained.

Motion was made by Commissioner Cox that VC-4-86 be approved on 3rd Reading, with a second from Commissioner Borries.

The Chair then asked for a roll call vote. There were two (2) affirmative votes. Commissioner Borries declared the motion passed. So ordered.

RE: TRAVEL REQUEST - DRUG & ALCOHOL DEFERRAL SERVICE

Commissioner Borries read the following letter:

Mr. Robert Willner, President
Vanderburgh County Commissioners
Civic Center Complex
Evansville, IN 47708

Dear Mr. Willner:

This letter is to request reimbursement for two staff members to attend a training program in Indianapolis on April 30, 1986. Inasmuch as they will both be riding in one car, the specific amount requested is \$65.00 for mileage and \$20.00 for registration and lunch for a total of \$85.00.

This training program is sponsored by the State Division of Addiction Services and is specifically job related. In addition, the credit they will earn is essential in their maintaining their counseling credentials.

I would appreciate your attention to this matter.

Sincerely,

William M. Campbell
Director

Motion was made by Commissioner Cox that the request be approved, with a second from Commissioner Borries. So ordered.

RE: PETITION FOR REPAIR OF CHURCH ROAD

Commissioner Borries presented the following Petition from Church Road residents to the secretary, with request that it be entered into the record:

April 9, 1986

We, the undersigned residents of Church Road, south of Marx Road, (or neighboring residents) respectfully request that the Vanderburgh County Commission take necessary and immediate actions to repair Church Road to its previous condition, that being a finished, paved road. Deterioration over the last several winters, compounded by the corrective maintenance practice of dumping large volumes of gravel on the road, has rendered this section of Church Road (approximately three tenths of one mile in length) as nothing more than a gravel road. Our specific concerns are as follows:

- . Devaluation of real estate
- . Danger to our children
- . Wear and tear of automobiles
- . Health concerns and nuisance from dust

As taxpayers seriously concerned about our personal well being and property, we insist that immediate action be taken on this matter. (It was subsequently noted that forty-four signatures were affixed to the petition.)

(continued)

The meeting proceeded with Mr. Borries recognizing Mr. Randall H. Bauer. Mr. Bauer stated that he resides at 3800 Church Rd. He said there are seven (7) households on Church Rd. represented at tonight's meeting. On the petition are names of residents on Church Rd., as well as neighboring residents, who share some of their concerns re the dust and the deterioration. Their purpose in being here this evening is to give some input to the Commission regarding the planning of budgeting in 1986 for road repairs. They are aware of the public hearing scheduled for May 14 and they certainly plan to attend same. However, they are also aware of the Commission's commitment to develop their road repair plans by April 23rd (this Wednesday). They are here to urge the Commission to consider Church Road in those plans.

Church Rd. is approximately 8/10 mi. in length total. Their focus tonight is on that portion of Church Rd. south of Marx Rd., which is about 3/10 mi. in length. They have approximately fifteen (15) families who live on that segment of the road. The road was paved for many years prior to its deterioration. All of those present who live on the road built their homes or purchased their homes when the road was in good condition. Road deterioration began several years ago and so did their efforts to have it repaired. They petitioned the Commission four (4) years ago for major repairs. As a result of that petition, he believes they had some minor patching which took place. But during the winter of 1984 and 1985, the road deterioration became so severe that the county dumped literally tons of white rock onto the road. Today, what used to be a paved road is nothing more than a gravel road.

Their concern is the devaluation of their property, the safety of their children -- and he says "safety of their children" because of the large rocks in the road which end up in the middle of the yard, which can either hit the children from cars passing by or from power mowers hitting the rocks, the wear and tear on their automobiles -- not to mention the many, many problems associated with the dust. The dust is just a tremendous problem and it is one that none of them planned on when they purchased their homes on that road.

Last week they provided a copy of their petition to the Commission for review prior to attending tonight's meeting. Tonight he has the original version of said petition and he also has photographs of the road -- which might give the Board a feel for what the residents are talking about. Their hope is that, once the Commission fully understands the degree of deterioration of Church Road, that it will place appropriate priority on its repair. All they're really asking tonight is for the Commissioners' fair and objective consideration of their concerns. (Mr. Bauer then presented the original petition to the Board, together with photos for their review.) He said he and the other residents present would be glad to answer any questions the Commissioners may have.

Commissioner Cox said she was hoping that this job would have been done way before now. But they ran into a snag with the drainage, which is not much of a concern perhaps to those people who live up on the knoll; but for the ones who live at either end -- out toward Marx and down at the other end where it dead-ends -- this is a concern and they had started to work on the drainage and there was kind of a difference of opinion as to how it should be handled; and then she thinks bad weather set in so it put us at a standstill. But Mr. Bauer is absolutely right; the road is bad -- the pictures even look better than the road is. She just drove it this past weekend again. She looked for and could see what looked like drainage tiles still laying on the west side of Marx Rd. in someone's yard -- they were just laying there -- it didn't look like they were buried or anything -- and she didn't get the name on the mailbox. The photo she's looking at now shows a small drainage tile under a driveway. Mr. Bauer look at the photo in question and explained to Mrs. Cox that this is his driveway. He said that is a drainage tile that goes the entire length of his property and does feed into Lawrence Hahn's (?) yard, where he assumes she saw the large drain tile. What Lawrence did to try to prevent the water's laying there during summer months was to put a small plastic drain tile in the bottom of the ditch. He thinks it has worked to prevent the water laying in the ditch. He doesn't think he has any drainage problem or concern with that. He doesn't think that anyone at the north end on the knoll has any concern whatsoever with drainage, as pointed out by Mrs. Cox. There is a problem -- or little concern -- at the entrance of Church Rd. at Marx Rd., there is also a culvert there and he thinks that has been plugged up or blocked off for some time. To him, that is a minor problem; it is not one that he sees as a major obstacle. It does accumulate water during periods of rain; but really no one has complained about that or is concerned about that. It would be nice if that could be repaired; however, he does not see that as an obstacle.

He is not really familiar with the drainage problem as you go down the south end of
(continued)

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Church Rd. However, if there is a drainage problem there, they certainly sympathize with that group and would like to see something done to correct it. But he also hates to see the repaving of Church Rd. (especially that upper portion, which if any of the Commissioners have been out to see the road would realize that the gravel that was dumped on the road was dumped on that upper portion -- it wasn't dumped on the hill down toward the area where the drainage problem is).

Mrs. Cox said the thing of it is is that there is no sense putting down a surface on either end of this unless we have the drainage flowing the right way. She asked if County Engineer Andy Easley is present?

Commissioner Borries said he was here a few minutes ago. He requested that Mr. Easley be asked to re-enter the meeting.

Continuing, Mrs. Cox said she certainly would like to see the drainage corrected and she doesn't think it is that big a problem. Andy Easley is a licensed engineer who ought to be able to figure out the best way for the water to flow and give the Board some suggestions. Mr. Lindenschmidt said it was on the list this year to be repaved. It was supposed to be on the list last year.

Commissioner Borries interjected that he shares Commissioner Cox's comments regarding the drainage. This will be a problem that we will have to address when we repave. He said the Board is pleased to say that they hope the County Council will appropriate money. It looks as if, from a temporary situation this year, we're going to have more money than in the past to repave roads. It is a very expensive and tough thing to do. Commissioner Borries said that Mr. Bauer's presentation was very good -- and he's almost apologetic that the residents have to come to do such things. However, he wants to assure the residents of Church Road that it is not that the Board doesn't care about their road or any other road. It's just that it is a tough problem when you have 500 mi of road to do and the uncertainties of what the weather can do and it does point out that we're going to try -- they're working with Andy and all the Commissioners have suggested various roads and they're trying to get a road study together -- but they have asked Andy Easley to help them in driving these. They want to spend some time in these subdivisions this year. This is a big problem, because if you again go with strictly traffic counts, you might get some of the major roads -- but roads like Church Rd. and the subdivision roads just wouldn't get treated. This is the Board's dilemma at times; they want to do roads like Church Rd., but from time to time (and it is unfortunate) they cost as much to pave as some of the major county roads. As Jim Lindenschmidt has pointed out, Church Rd. is on the paving list and the Board hopes they can do this road. In any event, he assures the residents the County will make every effort to do this. He appreciates the efforts of Mr. Bauer and his neighbors in coming down. From the photos, it is obvious that they do have a problem and the Board will do everything they can to get that taken care of this year.

Commissioner Cox said she thinks the residents' concern is had they not had a fairly nice asphalt surface -- because we do have a lot of gravel roads out in the county -- and it has been allowed to go down. Usually they don't go down that fast unless you have some drainage problems or unless the base isn't as good as it should be.

Mr. Bauer said he had one last comment -- to Andy and anyone else who might want to come out to see the road. First of all, any of the neighborhood residents would be more than happy to meet with whomever comes out at any time. If there is a drainage problem -- first of all he thinks they will find that they'd be willing to do anything if there is a drainage problem. He has walked down the road and it doesn't appear to be an insurmountable problem.

Commissioner Borries asked Mr. Bauer if when he purchased his home the road was asphalt? Mr. Bauer responded in the affirmative. He said that around 1978 another layer of asphalt was put on top of the road (he thinks this was a cold application). During 1984, the road got so bad that it started mounding up and mud was coming up through....

Commissioner Borries asked if Mr. Bauer thinks the last time something was done was around 1978 or so?

Mr. Bauer said that about four years ago (around 1982) he thinks the county came out and did some blacktop patching of holes. That was o.k., but it didn't really solve the problem. In fact, those same spots are the ones where the mud eventually came through. Since then the county has come back a couple of times and spread gravel. He thinks

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one of the residents called around Christmastime and the county came back out the next morning and graded the road. He doesn't know whether they dumped anymore gravel on it but, again, that is just not solving the problem.

Commissioner Borries asked how old Mr. Bauer would say the road, itself, is? Any idea when that pavement was laid?

There was brief conversation among the residents.....

Mrs. Cox interjected that records indicate the road was accepted May 11, 1964 -- Church Road -- the entire section (9/10 mi. from New Harmony Rd. south to the ditch).

Mr. Bauer said he purchased his home in 1977 or 1978 and the road was still in fine shape at that point. It was starting to show need of repair, but it was still a blacktop road.

Commissioner Borries said that Mr. Easley has made some suggestions -- where some roads are beginning to alligator and show this wear and tear. If the county is able to do slurry sealing when that wear begins, they can sometimes delay the deterioration of roads. Again, it is a big job and one that is ongoing.

Mr. Bauer said he and his neighbors understand that limited funds are available. Again, this is their reason for being present. They feel that their road is much more deteriorated than the Commission realizes. In fact, the road is nothing but gravel.

Mrs. Cox said that basically Mr. Bauer is right -- it's just a gravel road.

An individual in the audience was recognized by the Chair and asked to approach the podium, state her name and address, then offer her comments.

Clara Evans stated that she resides at 3500 Church Rd. (at the dead-end where all the drainage problems are). The road is one-lane in front of about three (3) houses there, plus they have other drives that go off. She asked that when the county starts to work on the road to please notify the residents in this area, because they have to get their vehicles out. She drives a school bus and has to get in and out. There are other families who go to work at other times. The drainage is bad at their end of the road and she thinks this is what held up most of it. She talked to Bill Bethel a year and a half ago and he promised her then that the problems would be taken care of and the road repaved. They've had several people come out to look at the road. Mrs. Cox has been out there and looked at it. It got so bad last summer that she again called Mr. Bethel and asked whether he could put some oil on the road. At that time she was led to believe that there wasn't money available to repave, etc., so she asked if he couldn't at least put some oil on the road to cut the dust? He said he didn't really want to, as he was afraid the neighbors would complain about the oil on their cars. The dust is particularly bad at the other end -- but it is also bad at her end of the road. The whole road has deteriorated -- and she has lived there seventeen(17) years.

Commissioner Borries requested that the Church Rd. residents please attend the meeting concerning the roads, if at all possible. He knows it is often difficult for residents to attend during daytime hours. By Wednesday of this week, he hopes they will have a list of the roads -- but they will make every effort to see that Church Rd. is a part of that list this year. The Board will make this known to Council -- they will try to do that on Wednesday. Again, he appreciates Mr. Bauer's excellent presentation. For the record, the petition presented contained forty-four (44) signatures of Church Rd. residents/neighbors.

RE: COUNTY ATTORNEY - DAVID L. JONES

Attorney Jones said he had provided each of the Commissioners with copies of two (2) ordinances, and he has the originals to present today for approval and signatures.

ORDINANCE ESTABLISHING A NON-REVERTING "INSURANCE PREMIUM AND LIABILITY RESERVE FUND" FOR VANDERBURGH COUNTYAttorney Jones said the first ordinance concerns the establishment of an insurance fund. This, in effect, is the enabling ordinance for the county's self-insurance program. Basically, we have already started doing these things

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and the Board has approved it. It is set up in the format of a joint ordinance because it concerns a fiscal matter and, therefore, it requires that the County Council pass it. It basically tracks what we are doing. The key provision which needs to be in ordinance form is the creation of the non-reverting reserve insurance fund, so that those monies do not revert to the general fund at the end of the year -- they can be kept separately. It also authorizes all those payments in connection from insurance premiums, claims, fees, etc. Attorney Jones entertained questions.

Commissioner Cox asked how many times this has to be advertised?

Attorney Jones said it can be passed tonight if it unanimous. There is no penalty provision in it. It could be passed tonight and forwarded to County Council.

Commissioner Cox said the Commission talked about this quite some time ago; this is simply just the legal verbiage we use to make what we're doing legal. She asked if Commissioner Borries has any questions?

Commissioner Borries said that he does not.

Attorney Jones said the ordinance will have to be advertised. But it can be effective as of tonight, because it does not have a penalty provision in it. The same is true of the other ordinance to be presented for approval.

Commissioner Cox asked if we need a date to advertise subject ordinance?

Attorney Jones said, "No; just so it gets done and is sent on to the Council."

Commissioner Cox moved that the Ordinance Establishing A Non-Reverting "Insurance PREMIUM And Liability Reserve Fund" for Vanderburgh County be approved, signed, and advertised, as required, with a second from Commissioner Borries. So ordered.

Commissioner Borries said a roll call vote will be required to make it unanimous. He then asked for a roll call vote, with two (2) affirmative votes being cast. Motion unanimously passed.

ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF COUNTY CORRECTIONS FUND -- Attorney Jones said this ordinance is as a result of a State Statute just passed this year by the State Legislature. Basically, it provides that the County Legislative Body may adopt an ordinance before May 1st of each year and can elect to receive deposits from the Department of Corrections. The deposits received from the State go into a County Corrections Fund. There are three (3) levels of funding that are set out in the Statute. The levels of funding that are set out in the Statute relate to the amount of monies that each county can receive from the state. Those levels of funding are determined in the Statute in accordance with an average number of misdemeanants that are sentenced from each of the counties in the state to the state. In a nutshell, to summarize, that statute basically -- what they are doing with this legislation -- is to try and alleviate (because of all the lawsuits and bad court decisions on the state corrections facilities for overcrowding and what not) that problem rather than go out and build massive new prisons, trying to reduce the amount of the population in the state, so as to eliminate some of that overcrowding and reach compliance with court orders. So what they have done is to create a carrot and stick with this statute. They will give us carrots (in the form of money) back if you keep your misdemeanor prisoners instead of sending them up to the state facility or state farm -- if you keep them in your own facilities. They give you the ability either to do it in the County Jail or you can put them out in any community correction facilities that the county has. Fortunately, we are one of those counties in the state that have a full range of community corrections facilities to take care of misdemeanants in the county outside the jail. The stick comes in with the carrots in that if you elect whatever level of funding, you cannot send anymore prisoners up to the state than provided in that level. If you elect Level III, which is the level that is being selected by this ordinance, you cannot send any prisoners up there -- not any of those misdemeanor prisoners up there. They must be kept in the county. But that Level III carrot is the highest level funded in a maximum amount of funding. He had the numbers at one time.....Mrs. Cox handed the Attorney some documents. Attorney Jones said he did have a meeting with Judge Miller of Circuit Court and he also spoke with Sheriff Shepard and Commissioner Willner. He had started on this and asked that Attorney Jones draw this ordinance up as soon as possible, as the Board will note that it has to be approved by May 1, 1986 if we were to try and get the funding. It would also require that this ordinance will have to be in the hands of the Secretary of State before May 1, 1986.

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Commissioner Borries said one concern he has on this -- he remembers reading in one of the newspapers almost a decade ago now where they described the Indiana prisons as a "Hoosier Timebomb" and he doesn't think we've probably made many corrections since those days. He doesn't think much has been done to correct the problems in the prisons. He guesses what concerns him is, "How do we know in all the shift here of some of these things that keep coming back to the local units, and with reading reports that our jail is so crowded -- again, to our credit, we have had a pretty strong and very rare community corrections base program in this county. But how do we know if we're going to get enough money to run this?"

Attorney Jones said that in the conversations he had with the Judges and the Sheriff, it is his understanding that the Judges have all met. First of all, the facilities that Judge Miller has for the Work Release, are large enough to take this overflow. They have calculated (and we'll have to go back to the Judge and the Probation Department of Work Release to verify this) -- but it is his understanding that they came up with a figure of something like \$10.00 per person per day that it would cost them above and beyond what they've already got in terms of their actual space. In other words, from their existing operation (revenue source) they are covering their expenses at a certain level. The marginal add-on would come out at \$10.00, because the sum of the basic is paid. We have a contract with the Federal Government, by virtue of the \$1/4 million grant we got that starts at like \$33.00 a prisoner and it escalates up over a period of time to something like \$36.00, so there's a substantial difference in the expenses per day per person -- that is where the county capitalizes because you take them out of the jail. We'll pay that per diem that is higher than what it would cost to put them out there. The care has to come in. In effect, they are not going to be housed in the jail, so you go add to the population of the jail and take the misdemeanants (that is, those who have relatively minor offenses that are not violent -- we're not talking felonies.) In addition, the courts have been holding regular meetings with the Sheriff to make sure that they move those cases through there. Backlogging the cases was one of the contributing factors to getting that high jail population. Moving those cases through gets them out of there. We'll be able to send them out with this money. The key thing has to be on the medical care. The medical care is not included in this. If these people get sick or have some extraordinary medical expense, it is picked up by the State. If it happens down here in custody than it is picked up by us. And the courts and judges have to screen those cases and not hold those long-term cases.

Commissioner Cox noted that in the Work Release Program, they charge the participants a certain amount of rent. It comes out of the monies that they're making in their jobs. They are enlarging the facility to accommodate more people. Her question concerning this ordinance is that this money stays in the fund at the end of the year and does not revert back. And it also says that the County Council (fiscal body) would administer such funds. She has read the statute and she doesn't see what these funds could be used for under this statute.

Attorney Jones said it is in the statute. The uses of the funds include expenditures for community corrections programs, detention center, Work Release programs, prisoner medical expenses .. it is defined in the statute where these funds can be spent.

Mrs. Cox said, "O.K. I didn't see it in the ordinance -- that is what I meant. It says "Corrections funds may be used only for funding the operation of the county's jail, jail programs or other correctional facilities". In other words, it could be used for any expenditures in the jail, such as the improvements we had done. It could be used in that way.

Attorney Jones said, "Subject to approval by the Council."

Mrs. Cox said she guesses it could be used for shortages in food or anything along that line.

Attorney Jones said, "Or indigent medical care. That is the one that keeps coming back on us."

Commissioner Borries remarked that the new welfare law only looks like they are going ...like they didn't do anything with the HCI.

Attorney Jones said he does not have a copy of that. He has been looking at some summaries of some new bills. We have quite a few significant changes.....

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Commissioner Borries interrupted, "They said that they were going to freeze it at a certain level -- and he doesn't know whether that is 1985 or 1986 or what that level was going to be. Then, supposedly, counties would have a 5% increase and then the State was going to take care of the rest." That was his understanding.

Attorney Jones said we're going to have to do some other things. He will have to get the bill. He doesn't know what is going to change, if anything, with Hillcrest -- until he can see the actual bill itself. All he has received is summaries. He did not think that anything would change other than saying that county employees are suddenly state employees. Those folks down the hall (Welfare) are going to have to start paying rent. The state will have to calculate the space they occupy, what the county pays for that space to the Building Authority, and draw up a lease with the State and start charging the State of Indiana for that office space, effective January 1, 1987. We would then have to draw up an inventory of all of the properties used by the Welfare Department which is owned by Vanderburgh County. The State then has to pay the county 27% of the market value of all that property on or before January 1, 1987. On top of that, the County Welfare Board is now abolished and there is a new County Welfare Advisory Board. All five (5) members of that new board will be appointed by the County Commissioners beginning July 1, 1986. Again, he doesn't have the details of that bill. He doesn't even know the requirements with regard to the Advisory Board. Are these staggered terms? Do they have to be residents here or there? He doesn't know if there are particular qualifications until he sees the bill. He just knows that this is something with which we have to deal.

Commissioner Cox asked, "David, say we do elect to pass the Ordinance before us here can we, at a future date (say after a year is up) elect to delete it?"

Commissioner Borries said the whole legal system is complicated -- he understands that. He guesses his concern is -- he also thinks at times that he isn't sure that misdemeanants need to go into jail. He is concerned that if we're going to start a program like this with so many things -- that we just have enough money to do it. That's the thing.

Commissioner Cox said, "If I understand it, Judge Miller's Work Release Program is self-sustaining. There is nothing on the local taxpayers. It is partially federally funded and then the participants pay in. What this is doing here, the State is just paying us \$3,500 for every misdemeanor that we do not send up to them -- for keeping them here." She agrees with Commissioner Borries -- we've all been out there and seen the program and she thinks it's an excellent program. That is the answer as far as she is concerned -- to have a rehabilitation program where a person can perhaps get some dignity back and become a little bit productive and get back into society. And there isn't the stigma attached in being in or attending a Work Release program that there is in being sent to the Indiana Department of Corrections. This would also save us (she doesn't know how much, it would have to be figured) some transportation costs in getting the people from here up to the IDOC. It concerns her that these funds that are going to come in -- that they be divided up and used in the areas where they are needed -- and they will -- because Attorney Jones said the Judges and Sheriff are backing this and that is about the only two areas lined out in the Statute where the money could be used for any type of funding. However, can we undo this at the end of....?

Attorney Jones again said he doesn't have the bill with him; he would think that in any statute that if you can adopt it that you can rescind it.

Commissioner Borries says the summary says, "A County Legislative Body may adopt an ordinance before May 1st of each year"....so he would assume that the Board could review it. If they do nothing it stays in place. If they vote to end it, they would have to do that before May 1st of any given year, according to the way the ordinance reads. Continuing, Commissioner Borries said he is impressed with that program. Again, his concerns are not any criticism of the program. But he just doesn't want us to get into a situation here where we're struggling for funds, and that could certainly spell the ruin of any good program.

Attorney Jones said that the level of \$3,500 per year per prisoner (Level III) is based on an average of 46 per year. That 46 figure is the multiplier. If we elect Level III, we get the \$161,000 up front at the beginning of the year and not quarterly or at the end of the year. If we elect either of the other two levels, they spread it out. So under Level III, we'd have the benefit of the funds up front, even though we may not have the bodies in there. So if that money is invested, we can in effect draw interest on it without having to use it -- so that is another kind of built-in carrot in taking

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that level. He thinks the Board's concerns in the case of Vanderburgh County are not as great as they would be in a smaller county, simply because of the sophistication of the community corrections system that we have in this county. We have more types of facilities than most other places in order to deal with the situation. The Work Release Program is the most cost-effective department in the county. It makes money. Every one of those people has a job; they pay fees; they pay room-and-board; the money is taken out of their pay to pay their families; to pay their obligations, to make restitution or whatever it is that they do. Those jobs, in effect, keep these families off welfare and poor relief.....and otherwise reduce other tax burdens, as well as paying for their own keep. Every one of those that we can place rather than having them sitting in a facility where they don't have a job and where their families are going to be dependent upon everyone else becomes even more significant. So the impact of something like this is even greater than it appears to be on the face of it.

Commissioner Borries noted that they also manufacture items which are sold -- so they make their expenses and, he imagines, a small profit which is put back into the fund.

Commissioner Cox asked if this Ordinance needs to be advertised before the Board can approve it?

Attorney Jones said, "No; if it is passed we can just advertise it. It has to be up there by May 1st."

Commissioner Cox said, "It has to be up there by May 1st, but we certainly don't want it not complying with what it is supposed to comply with....."

RE: INTRODUCTION OF STUDENTS FROM NORTH HIGH SCHOOL

Commissioner Borries said he sees some individuals in the audience who have nobly endured part of this meeting. He would like to recognize them at this time. They are completing part of their Merit Badge. He said if the individuals would call the Commissioners' office (426-5241) or would like to come down next week, they can receive a copy of the official minutes of this meeting, which will verify that they were present. The Commissioners commend them for doing so -- and for hanging in there tonight. The individuals are Jason Ringer and Bill Goldsmith. Mr. Jerry Goldsmith, the father of Bill Goldsmith, has also been in attendance tonight. The Commissioners are glad they came. He asked the students where they attended school? They responded that they are students at North High School. Commissioner Borries said it is quite an honor to be working on that Merit Badge.

RE: BRIDGE NO. 2 - NISBET STATION RD.

The Chair recognized Mr. Harry Elpers who was seated in the audience and indicated he wished to speak. He said he would probably be much more effective were Commissioner Willner here. He lives in northern Vanderburgh County and Commissioner Willner is familiar with his problem. He asked Commissioners Borries and Cox if it would be better if he came back to next week's meeting?

Mrs. Cox said that if Mr. Elpers would like to state his problem, she'll be more than happy to come out and take a look.

Mr. Elpers said the reason he is here is because he thinks there is a need to replace the Big Creek Bridge on Nisbet Station Rd. He and Commissioner Willner have discussed this (although not in great detail) several times. The bridge is sub-standard from the point that it measures 15 ft. 7 in. wide. They have a real problem in trying to move their equipment. As it is now, they have to move in excess of five (5) miles to get to a field of 140 acres which is only 1/4 mile from his home. As Mr. Willner mentioned, there has been some study done on the bridge. He did not disclose what the study was, however. Were Commissioner Willner here, he might disclose that. Do Commissioners Borries and Cox know anything about this study?

Commissioner Borries said he is sure it has been included in the County Bridge Report. He asked Mr. Lindenschmidt for a copy of the Bridge Report. He asked Mr. Elpers if he knows how old the bridge is? Mr. Elpers said it has been there a long time; his guess is 70 some odd years. Since Mr. Willner did a study on this, he'd probably know. Again, Mr. Willner is familiar with his problem.

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In perusing the Bridge Report with County Engineer Andy Easley, the Commissioners determined that the structure is Bridge No. 2 and is actually 15 ft. 5 in. wide.

Continuing, Mr. Elpers said he is a member of the Big Creek Drainage Association. They have extended their membership from some 24-30 members to approximately 60 members, including producers of the Upper Buente Ditch and the Maidlow Ditch. Consequently, this puts additional stress on that bridge. As a result of the February rains of 4, 5 and 6 inches anywhere they live. His property lies on the south side of the bridge... and water is flowing from his land south to north and when it does that there is a lot of debris under the bridge which restricts the water flow. He's had the Soil Conservation Service look at this, and in order to correct his problem they conceive another problem, that being that possibly if we raise the water level -- it may do severe damage to the bridge. There is also possibility that the water coming out the side could do some damage to his neighbor, who is Marcelus Baehl. He guesses the best timetable for this thing would be to build the bridge first and then do his work.

In response to query from Mr. Easley, Mr. Elpers said his main objection to the bridge structure is the narrowness of it. It was verified by the Board that the bridge is 15' 5" in road width from curb to curb. Mr. Elpers said this makes it difficult to move farm equipment across the structure. It was also verified via the bridge report that the structure was built in 1910 (It is 76 years old; Mr. Elpers was pretty close with his 70 plus years estimate concerning the age of the structure).

Commissioner Borries said that for record purposes, the structure is Bridge No. 2.

Mr. Elpers said he guesses his question is, do the Commissioners have to abide by what they read in the record? If there is a need, where do we stand on this? He guesses he should look at it as a community project as opposed to looking at it from the standpoint of personal interest.

Commissioner Cox said the County Bridge Report is very important, and having just received same, she has not had an opportunity to review it...the cumulative bridge monies we have and the proposed bridge projects that we have on line right now -- and how those are going to fit in. Mrs. Cox noted that the County has \$800,000 approximately to spend each year in the cumulative bridge fund -- and that is approximately what we take in.....

Mr. Elpers interrupted that perhaps he really can't quote Mr. Willner as saying, the bridge could be replaced as early as 1986 or 1987, he's not sure (or, perhaps he could quote him as saying that).....but as to how Mr. Willner came to this conclusion he does not know. He won't hold him to that -- but he believes this is what he said. unless Mr. Willner is not aware of the latest study.....

Commissioner Borries interrupted, "No, I'm sure he is. They need to look at this bridge. They know where it is. As for Andy Easley, it is incredible all the things he has to do from time to time -- but perhaps we can look to Dan Hartman, too, to give us some estimates for what replacements might cost on a structure such as this. Perhaps there are some creative things we can do to cut costs. If there is some way to drop the truss, it seems as though that might help. He doesn't know how the deck is on this structure.

Mr. Elpers asked if the Board is familiar with the new bridge on Baseline built about three years ago? He thinks this is a very effective bridge. As he understands it, he believes it was replaced at nominal cost as opposed to a large sum of money -- much less than \$100,000. They're not asking for a beautiful bridge; they are just asking for something effective. They do not intend to have a \$1 million bridge out there. They just need wider road width, as noted by Mr. Easley. The current width is just terrible. There is no way you can farm effectively with that kind of a bridge.

Commissioner Cox told Mr. Elpers that what she thinks the Board will have to do, because they do have to comply with the recommendations of the bridge study or they get into a lot of trouble with the state and federal governments on some of these bridges -- and she is sure that Andy has not had a chance -- she has started through categorizing the number of bridges we have to do now; we know we have to some of them now and some of them in 1987. If we're going to have \$800,000 to do what they say we're going to have to do -- if not, we will have to ask for some local option income tax money to get that done. She asked Mr. Easley if he's had a chance.....

In response to comment from Commissioner Cox that they're saying the length is 300 ft.-----

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Mr. Easley reviewed the report and said he believes what they mean by the 300 ft. is the approaches. He said the bridge is a 75 ft. span (but it is a clear span) ---it is just too narrow.

Mr. Elpers said to sum it up, he appreciates the time the Board has devoted to discussing this. He wasn't expecting an answer today anyway. He just did want to make the Commission aware of the problem so that it is a matter of record --

Commissioner Borries said he appreciates Mr. Elpers' coming down to the meeting.

Mrs. Cox asked Mr. Elpers how long he has farmed the 140 acres? He responded, "My lifetime". Mrs. Cox asked if he's been going five miles out of the way all that time -- then said, "No, farm equipment wasn't that big."

Mr. Elpers said they have to creep through with 14 ft. equipment. With 12 ft. equipment you can move through there. Anything over 15 ft., it is impossible to move it through there.

Commissioner Borries expressed appreciation to Mr. Elpers for coming to today's session. He and Mrs. Cox will check with Commissioner Willner concerning this problem and take the matter under advisement to see what can be done.

RE: COUNTY HIGHWAY DEPARTMENT

Commissioner Borries said that Bill Bethel is in Room 2107 at St. Mary's Hospital and it is reported that he is holding his own. We're optimistic at this point concerning his surgery and other related problems that resulted in his hospitalization. He's doing fine.

The Commissioners have also received word now that Lee Stuckey went into the hospital concerning a leg problem and is scheduled for surgery. He is not certain as to Mr. Stuckey's room number.

It was also noted that Harry Tornatta is also hospitalized.

Weekly Work Reports/County Highway Garage: Commissioner Borries presented copies of the Weekly Report for the County Highway Employees for period April 14 thru April 18, 1986.... report received and filed. Attached to the report was the following Work Schedule:

<u>Gradall:</u>	Dig ditch on Nisbet Station Rd., Boonville-New Harmony Dig soft spot out of road on Millersburg Rd. and Dixie Flyer Rd. to be patched with hot mix. Install tile at 4408 St. Joe Avenue and Boonville-New Harmony Rd.
<u>Pull Shoulders:</u>	McDowell Rd. and Schutte Rd. (completed) Did not finish Broadway and Streuh-Hendricks Rd.
<u>Graded & Finished:</u>	All rock roads in bottoms. Hauled rock to Happe, Seminary, Lyle, Long, King, Hickory Ridge and Newman.
<u>Clean Trash:</u>	Off Newman Rd. and hauled away. Spent two days on this job. Also had "No Dumping" signs installed.
<u>Patched with Hot Mix & Rolled:</u>	(Used new rollers). Completed the following: Happe Rd., north from Old 460 to Mill Rd., Voight Rd., Denzer Rd., Telephone Rd., River Rd., Waterworks Rd., Pollack Ave., Outer St. Joe Avenue and S. Weinbach. Fisher Rd. (not completed) Culvert wedged in on Old Henderson Rd.
<u>Graded with Small Grader:</u>	Completed Meadow Lane, Staub Lane, Seib Rd., Magnolia Lane, Moffett Lane, and Mimosa Lane.

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COUNTY COMMISSIONERS
April 21, 1986

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Picked up trash off St. Joseph Ave. Ditches.
Removed concrete post from Radio Rd. and Walnut Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew:

Painted guard rail on Nurrenbern Rd.

Rip-Rap: #6 School Rd., 7915 Darmstadt, Schaefer Rd., Seven Hills Rd., west of 57, Mohr Rd., Railroad overpass, Schlensker Rd., Green River Rd. and Church Rd., Fischer Rd., Fleener and Darmstadt, 3240 Bromm Rd. by mail box.

Rip-Rap
Culverts: Peerless, Schutte Rd., Woods Ave. & Franklin, Baumgart & Heinlein Rd., Concrete abutment of bridge on Old State Rd. by 4-H Center.

Replace: Culvert pipe on Koring Rd., with 18" pipe. Completed.

Rip-Rap: Short Mill Rd. off Mesker Park, Baehl Rd. and Streuh-Hendricks.

Picked up loose concrete pipe from culvert job on Millersburg Rd. and returned to the garage.

Tony Hall worked in office of County Engineer all week.

Joe Schapker worked in County Highway office all week.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Highway Garage and the Bridge Crewreports received and filed.

Old Henderson Rd.: Commissioner Borries also submitted the following letter from Acting County Highway Superintendent Cletus Muensterman concerning Old Henderson Rd.

April 17, 1986

Robert L. Willner, President
Board of Commissioners
Vanderburgh County
Civic Center Complex - Room 305
Evansville, IN 47708

Dear Mr. Willner:

The Vanderburgh County Highway employees filled in the banks on the above road with dirt fill, bricks, concrete blocks, and concrete pilings, some being hauled to the worksite from where the City Garage was once located from the Vanderburgh County Highway Garage, and also from the airport.

We also painted and placed twenty (20) barrels filled with sand, along the side of the road, so that when the river rises again and washes out, the barrels will fall, enabling us to pinpoint the trouble spot.

Also, these barrels should act as a deterrent, keeping vehicles from driving on the shoulders of the road.

We have completed this work, and we are submitting photos to substantiate our report on the work we performed.

Sincerely,

Cletus Muensterman, Acting Superintendent
Vanderburgh County Highway Department

Koring Rd./Installation of Culvert: Commissioner Borries requested that Commissioner Cox read into the record the following telephone message concerning installation of culvert on Koring Rd.:

"4-18-86

Mrs. Cox at 3417 Koring Rd. phoned the office to thank the men
(continued)

who put in the culvert on Koring Rd. Not only did she commend them for a job well done, but commented on their very good manners.

Message received at 1:45 p.m."

Commissioner Cox stated that it is always nice to receive a "thank-you".

RE: COUNTY ENGINEER - ANDY EASLEY

Millersburg Rd. Bridge: County Engineer Andy Easley said he has a couple of items to report today. First, last Friday they put the base asphalt on the Millersburg Rd. Bridge. He thinks it's looking very good.

Lynch Rd. Inspection: This afternoon he was with Lee Gallivan and they made a final acceptance inspection of Lynch Rd. between Oak Hill Rd. and U.S. Highway 41. He wanted to view the Marathon signs which had been relocated and a couple of other minor things. He says he will report that it should be given a final greenlight by the Federal Highway Administration.

Commissioner Cox asked if Mr. Gallivan is still in Evansville?

Mr. Easley said he believes Mr. Gallivan indicated he will be in and out of Evansville until Thursday. He normally stays at the Executive Inn. Continuing, Mr. Easley said he has nothing else that requires the action of the Commissioners today.

Beaver Dam: Commissioner Cox asked if anything more has been done with regard to the beaver dam?

Mr. Easley asked if Mrs. Cox read the article in the paper? She indicated she did. Mr. Easley said the Work Replease people were supposed to get back to him with more of their thoughts. He thinks they seemed to be interested and thought they could structure a work party to handle this. He told them that perhaps the county could pay for the highline rig to help get the logs out of the creek. He wouldn't be at all surprised if they don't agree to do it.

Mrs. Cox stated that sitting back and looking at it -- it's only going to get worse.

RE: ORDINANCE/COUNTY CORRECTIONS FUND

Attorney Jones said the Board needs a motion that the Ordinance pertaining to County Corrections Fund be approved, signed and advertised, with a copy being forwarded tomorrow to the Secretary of State. In response to query from Commissioner Borries, Attorney Jones said it should be published once, as a matter of course, to show what was passed.

Motion was made by Commissioner Cox that the Ordinance Concerning Establishment of Funding of a County Corrections Fund be approved, signed and advertised and that the Auditor be instructed to send a copy of this Ordinance to the Secretary of State tomorrow, that being Tuesday, April 22, 1986, with a second from Commissioner Borries. So ordered.

Commissioner Borries asked for a roll call vote. There were two (2) affirmative votes. Motion unanimously carried.

Ordinance/Insurance Fund: Attorney Jones said a copy of this Ordinance should also be forwarded to the State Board of Accounts. He thinks they want to see that one real bad. Commissioner Borries said they have already had a roll call vote on this one... and, in response to Attorney Jones' instructions, this Ordinance will now go to County Council for their approval. The Ordinance with regard to the County Corrections Fund does not need Council approval.

Commissioner Borries said that for the record the Ordinance re the Insurance Fund will need passage by the Vanderburgh County Council and that will be forwarded to them for action at their next official meeting.

(continued)

409.

Commissioner Cox asked if she could correct her last motion to say that the County Auditor be directed to file two (2) copies of the Ordinance with the Secretary of State, because it has to be received by them prior to May 1, 1986.

RE: ACCEPTANCE OF CHECK FROM HELFRICH INSURANCE AGENCY, INC.

The meeting proceeded with Commissioner Borries reading the following letter from John Hodge of Helfrich Insurance Agency, Inc.:

April 17, 1986

Board of Commissioners
County of Vanderburgh
305 Administration Bldg.
Civic Center Complex
Evansville, IN 47708

Gentlemen and Lady,

When we began the All Lines Aggregate Program for the County's insurance on 2-1-86, we wrote separate coverage for Police Professional and Public Official Liability. At the time that these coverages were obtained we were only able to secure a \$300,000 limit of liability for the Police Professional. In order to secure the Public Official Liability limit of \$1,000,000, we had to agree to obtain a \$500,000 limit on the Police Professional, if and when it became available. It is now available and the limit must be raised to the \$500,000 or the Public Official Liability Policy will not be continued.

The additional premium to raise from \$300,000 limit to \$500,000 limit is \$21,085.00. Enclosed is an invoice for this amount plus a credit memo for the cancellation of the property policy that was replaced on 2-1-86. The net credit of \$10,671.00 is evidenced by the enclosed check.

I hope that this is not confusing, but encourage you to contact me at any time to discuss any insurance matter.

This should complete all the charges necessary for the changeover to the County's new risk management program.

Thank you for the opportunity to serve your needs.

Very truly yours,

HELFRICH INSURANCE AGENCY

John D. Hodge

Attorney Jones asked if Commissioner Borries said from \$300,000 to \$500,000 per person on insurance?

Commissioner Cox asked if we have to pay the first \$500,000 now?

Attorney Jones said if he understands what they are saying, because they are making us take the coverage up from \$300,000 to \$500,000 -- but is it per person per occurrence?

Commissioner Borries said that it doesn't say.

Attorney Jones said it confuses him, because the tort claim immunity says that you are not liable for anything above \$300,000. If we have no liability above \$300,000, why do we have to go from \$300,000 to \$500,000?

Commissioner Cox asked if the Legislature didn't put a cap on that?

Attorney Jones said the only thing on a law enforcement officer is a 1983 civil rights act which states if he claims immunity it doesn't cover.

Commissioner Borriessaid a check for \$10,671.00 is enclosed. However, if the Board

(continued)

wants to delay this until the Attorney can get some clarification on this ...

Attorney Jones said, "No, you either do it or you don't have any of the coverage -- so you have no choice."

Commissioner Borries said the invoice shows cancellation was for 2-1-86.

Attorney Jones said we're getting a credit.....

Commissioner Cox said, No, I don't think it is. We're getting a credit on a cancellation and getting an invoice for \$21,000, which means we owe \$11,000 more -- isn't that right?

Commissioner Borries said, "No. At one time we were to get a \$31,756 credit and the Professional Liability Limit increase from \$300,000 to \$500,000 amounted to \$21,085. That leaves a net credit of \$10,671.00.....so we still have the credit. It is just less than anticipated due to the increase.

Mrs. Cox asked, "Then we do have the \$500,000 coverage? Mr. Borries said this is correct. Mrs. Cox said she would still like an opinion as to whether we need \$500,000.

Attorney Jones said that Civil Rights Actions (Federal Constitution) are not subject to the State Tort Claims Liability Limits. That is only if it is a state tort. Following further brief comment, Attorney Jones said he will call John Hodge.

Motion was made by Commissioner Cox to accept check in the amount of \$10,671.00 from Helfrich Insurance Agency, Inc., which represents a return premium on our Professional & Public Official Liability to be signed and deposited into our insurance fund, with a second from Commissioner Borries. So ordered.

RE: REQUEST TO MOVE THREE (3) HOUSES

Commissioner Borries said requests to move three (3) houses have been received from Elmer Buchta, Inc., as follows:

<u>Tax Code No.</u>	<u>From</u>	<u>Tax Code No.</u>	<u>To</u>	<u>Owner</u>
4-111-2	2054 Eastland Dr.	12-108-27	3618 E. Riverside Dr.	Nelson DeTalent
17-146-6	4220 Morgan Ave.	2-312-1	5111 Heckel Rd.	Charles Hall
-	2017 Polaris Ave.	-	3400 Blk. N. Burkhardt	Jack Durcholz

The first two would be moved as soon as possible. The last house on the list would be moved the first week of May.

Commissioner Cox asked if Roger Lehman has seen all of these? Commissioner Borries said they came to the Commissioners from the Building Commission, so he assumes he has seen them. He requested that Mr. Lindenschmidt be certain that either Mr. Lehman or someone in the Building Commission signs off on these, to let the Board know that they have seen the requests. Some traffic would be tied up.

Motion was made by Commissioner Cox that the requests from Elmer Buchta concerning the aforementioned properties be approved, subject to the approval of Roger Lehman in the Building Commission office, with a second from Commissioner Borries. So ordered.

RE: VOTING PLACES - MAY 6 PRIMARY ELECTION

It was noted by Commissioner Borries that the list of Voting Places in the various precincts needs to be advertised. A related item is a list of Precinct Changes.

Commissioner Borries said that apparently there are other changes. Is that correct?

Margie Meeks said she had just been notified that Ward 1, Precinct 6 and Ward 1, Precinct 13 -- the Baptist Church; will not allow them as we originally thought. She just received the call. Glen Koob just called and said they will not allow them to vote there unless they will pay \$100.00. Commissioner Cox said they will be getting \$60.00, as two (2) precincts vote there. She thinks David Jones needs to research this. She doesn't know that this is really legal. She didn't think you could go out

(continued)

of your precinct unless you went into a public building -- and a church is not described, by statute, as being a public building. "Public" means "government-owned". She did not think you could go outside the boundaries of a precinct unless you used a public building.

Mr. Lindenschmidt quoted, "May be located in a public building in an adjoining precinct if the public building is not more than one-half mile from the closest boundary of the precinct for which it is a polling place."

Commissioner Cox said, "It says 'may be used', doesn't it?"

Mr. Lindenschmidt said he had just talked with Glen Koob in 1-6, and she has requested to go to Nativity School, which is across the street.

Commissioner Cox said the Board needs an interpretation.

Commissioner Borries said Attorney Jones had gone to research the statute. His own question would be, "Has someone contacted Nativity?" Mr. Lindenschmidt said they had not; she just called and wanted to know if it would be o.k. to use Nativity. Commissioner Borries said one of his first elected offices was on the Nativity Parish Board, but he no longer is on that Board. He does attend that church and is a member there. Their pastor, Father Joseph Ziliak, is the person who would have to be contacted. He doesn't know who the president of the Parish Board is at this time.

Mr. Lindenschmidt said he thinks we have a problem here. Ms. Koob called after the Commissioners' meeting started and said they'd just found out that they could not use the voting place they used previously.

Commissioner Cox noted that there had been a problem with Ward 1, Precinct 11, also. Mr. Lindenschmidt said that has been resolved. The voting place will be Alders Gate United Methodist Church at 5130 Lincoln Avenue. Mrs. Cox asked if that is located in the precinct? Messrs. Borries and Lindenschmidt advised that it is.

In response to comments concerning Attorney Miller's interpretation of the statute last week concerning voting places, Commissioner Cox said he interpreted that where it says "it shall be made available for use as a voting place" -- he said he didn't think that it meant we had to use it; rather, if it were a fire station or a school, the people had to make it available if the Board wanted to use it as a voting place. But if we could find another polling place in the precinct we did not have to use it. In addressing Attorney Jones, Mrs. Cox said, "The thing is David, if you cannot find a voting place in your precinct, what kind of a building can you use outside the boundaries of your precinct? She thought the only thing was a public building.

Attorney Jones said, "In the event no such room is available within the boundaries of the precinct, such polling place may be located in a public building in an adjoining precinct if the public building is not more than one-half mile from the closest boundary of the precinct for which it is the polling place. Only a public building; a church is not a public building. A public building is paid for by public funds -- that means tax monies. So, a church is definitely not a public building; so it is not authorized in any circumstance. Not only that, under this a public building cannot be used if it is more than one-half mile from the closest boundary of the precinct. You may have to get some porta-jons out there and use them in the precincts."

Commissioner Cox noted there is another problem. East Side Christian Church is designated voting place in Ward 2, Precinct 7, and it says it is located in Ward 2, Precinct 9. Mrs. Cox continued scanning the various voting places, indicating approval of same. She noted that Ward 5, Precinct 8 (St. Anthony School Gym) -- it says it is located in Ward 5, Precinct 5. That is not a legal voting place, is it?

Commissioner Borries said that if there are no public places within that particular place.....

Attorney Jones corrected Mr. Borries by saying, "....in a suitable place".

Mr. Lindenschmidt asked what happens if there is no public building within one-half mile of your precinct and you can't find one in your precinct? What do you do then?

Commissioner Borries said he also supposes that if a church consents -- he'd say you

(continued)

obviously can't make decisions without the consent of the church -- that they wish to hold an election that they, in effect,.....that that is a public place and no one could be denied as a voter from entering into that place on election day.

Attorney Jones said that doesn't make it a public place. It makes it a suitable place to hold an election under that statute.

Commissioner Borries said, "I understand that, Counsellor, I'm just saying that if they open their doors to the public on election day and have agreed to do so, that it is a public place at that point -- it is suitable."

Attorney Jones said, "If all other possibilities under that statute are exhausted, he doesn't think the Board has any choice. They have to find someplace to hold the election. If you carry out the string and there is no suitable room in the precinct, you go to the next level and there is no public building within one-half mile outside and then there is no public building anywhere, you do what you have to do to get the election done -- that's all."

Mr. Lindenschmidt said there was a problem a couple of years ago with one of the voting places.....this was the Salvation Army; they weren't going to let them vote there if anyone smoked.

Commissioner Cox said they had a change in directors (or whatever the title).....

Deputy Auditor Sam Humphrey said that no one comes in his polls that smokes...that's that.

Mr. Lindenschmidt said that's alright; but if you have an Election Board and someone on it smokes, what do you do then?

Mr. Humphrey said they wouldn't serve on his Board. They may be smokers, but they go outside.

Commissioner Cox said the only thing she knows to do is to go ahead and advertise the voting places. But she would leave the 1-6 and 1-13 blank.

Commissioner Borries said he would be happy to talk with Father Ziliak concerning Nativity Church. But he would agree that the voting places for 1-6 and 1-13 could not be advertised until someone is contacted. In response to query from Mr. Lindenschmidt, Commissioner Borries said they no longer use Nativity as a school, with the exception of a couple of classrooms on Sunday for religious instruction.

Motion was made by Commissioner Cox that the Notice of Voting Places for the May 6, 1986 PRIMARY Election be approved, with no voting place at this time for Ward 1, Precinct 6 and Ward 1, Precinct 13, and be advertised as required by law, with a second from Commissioner Borries. Commissioner Borries then asked for a roll call vote. There were two (2) affirmative votes. Motion unanimously carried.

Commissioner Cox said her second motion would be that when these two voting places are secured that they, too, would be advertised. A second to the motion was provided by Commissioner Borries. So ordered. (Note: Voting Places were secured prior to pick-up of legal ad; thus, all voting places were advertised at once in the Courier & Press on Friday, April 25, 1986.)

RE: OLD BUSINESS

Commissioner Borries asked Commissioner Cox if she has any matters of old business to be discussed at this time? Mrs. Cox responded in the negative. Commissioner Borries said, "Nor do I."

RE: SCHEDULED MEETINGS

Thursday	April 23	2:00 p.m.	Council Hearing re Wheel Tax & Road Requests
Thursday	May 15	4:00 p.m.	Legal Aid Society/Annual Mtg./Council Chambers

There was some question as to all of the matters that would be discussed on Thursday. However, neither Commissioner Cox nor Commissioner Borries had a published agenda for the meeting. Mrs. Cox said that Commissioner Willner had indicated he'd like a decision on Boonville-New Harmony insofar as the funding is concerned. Mr. Borries

(continued)

said that Commissioner Willner is not here to speak to that. He did ask for a funding decision in some way. Mrs. Cox said that could not be done on Thursday, as that would have to be advertised. Commissioner Borries said he doesn't know whether it is possible to look at that on that day. Mrs. Cox said the Commissioners had just received those Projected Costs from EUTS on county projects for the next year and she hasn't had an opportunity to study same. She believes the Commissioner also need to look at these and she hopes these were also sent to the Council members. Does Commissioner Borries know whether they received copies?

Mr. Borries said he doesn't know for sure; but he would assume they were. Perhaps rather than assuming they did receive copies, the Board needs to forward copies to County Council members. He has asked Rose Zigenfus to be present at Thursday's meeting to answer any questions the Council might have. Again (and he is speaking personally here -- and from comments he's received from citizens) he thinks clear needs have been demonstrated for the continuation of the Wheel Tax for this current funding in view of the road projects we have ahead of us. He has also asked for some information from Indianapolis/Marion County concerning their county's Wheel Tax. They have one even much higher than ours and even bond floats -- and he'd like for Council to be aware of that kind of information as well.

Commissioner Cox asked that Joanne Matthews make sure the County Council members receive a copy of the EUTS information sheets. She doesn't see how Council could make any decision re funding without benefit of something like this.

Commissioner Borries said he agrees that Council should have this information. If possible, he'd like for copies to go to them tomorrow.....rather than assuming that copies have already been sent.

Commissioner Cox said she is going to call Rose Zigenfus tomorrow, because the projections do not show happening what is happening on the plans.

Commissioner Borries queried Commissioner Cox concerning the distance between various spots, saying that is probably important, too. Mrs. Cox said too awfully far, because construction is going on right now. She tried to call Lee Gallivan and he wasn't in the Indianapolis office and now she finds he is down here in Evansville.

RE: NATIONAL SECRETARIES' WEEK/DAY

Commissioner Borries said this entire week is National Secretaries' Week and Wednesday is National Secretaries' Day. He certainly wants to enter into the record the Board's appreciation for Joanne Matthews and Margie Meeks and all the work they both do.... and the long hours.

Commissioner Cox said she read the article in the paper and it says, "Don't send secretaries flowers; give them respect and a raise."

Commissioner Borries said, "Joanne, it's too bad they don't have those Council budget hearings during National Secretaries' Week! That would help."

Commissioner Cox said, "You all do a fine job and I do appreciate it very much."

RE: CLAIMS

Charles Althaus: Claim in the amount of \$303.50 for Indiana Coroners' Seminar. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

A claim was also signed to cover transfer of funds from Acct. 130-300 into Acct. 428.1. Commissioner Borries said since the self-insurance fund is created this is for the self-insurance account. Motion to sign claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Recorder

Dieanna J. Krepps 7121 E. Gum St. Real Estate Dep. \$12,800/Yr. Eff: 4/21/86

(continued)

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COUNTY COMMISSIONERS
April 21, 1986

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There being no further business to come before the Board at this time, Commissioner Borries declared the meeting adjourned at 9:45 p.m.

PRESENT:

COUNTY COMMISSIONERS

Richard J. Borries
Shirley J. Cox

COUNTY AUDITOR

Sam Humphrey,
Chief Deputy

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

OTHER

Les Shively, Atty.
Randall Bauer & Church Rd. Residents
Harry Elpers/Nisbet Station Rd.
Jason Ringer/Student-North High School
Bill Goldsmith/Student-North High School
Jerry Goldsmith
Clara Evans/Church Rd. Resident
News Media

SECRETARY:

Joanne A. Matthews

Robert L. Wilner, President

Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 28, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 28, 1986, in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion for approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on April 21, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

President Willner said Commissioner Borries will not be present for today's meeting; he is home recuperating and the Board wishes him well.

County Highway Superintendent Bill Bethel was released from the hospital yesterday and is doing fine. The Board also wishes him well.

RE: AUTHORIZATION TO OPEN BIDS FOR DUMP TRUCK FOR BURDETTE PARK

Motion was made by Commissioner Cox that the County Attorney be authorized to open bids received on dump truck for Burdette Park, with a second from Commissioner Willner. So ordered.

RE: POOR RELIEF - PIGEON TOWNSHIP

Charles Clark/252 E. Mulberry: President Willner stated that there is a Poor Relief Appeal to be heard by the Commissioners today. He called the name of the applicant three (3) times, but there was no response from the audience. A representative of the Pigeon Township Trustee's office was present. It was noted, however, that since applicant is not present the appeal cannot be heard.

RE: LAMBERT PROPERTY - HECKEL RD.

The Chair recognized Mary Lambert, who was seated in the audience, and asked that she approach the podium to offer comments concerning a lot she owns on Heckel Rd.

Mrs. Lambert said they purchased a lot in 1977 from Charles Riley. There were three (3) lots available (approximately 1 acre of ground). They split the property in the middle. Her sister built her house on one-half the property and the Lamberts have the other half. The Lamberts made payments on the property for five (5) years to Mr. Riley. As soon as they got it paid for they got the deed to the property. Mr. Riley said it was a subdivision, platted and recorded as "Cottage Grove Subdivision". The Lamberts purchased Lots 10, 11 and 12 on a 5-year contract sale. Once the Lamberts had the deed to the property, they put it up for sale with Emge Realty. Emge Realty said there is a problem with that property -- that they just can't sell it because you can't build on that property. She asked them why and they told her they didn't know, she'd have to "go downtown". She came downtown and talked to Sam Elder of the Health Department. He gave her a letter indicating that whenever they got ready to build, sell the property or whatever, the "TO WHOM IT MAY CONCERN" letter was all she would need. The Lamberts had the property sold at the time, but then were told they couldn't build because a law was passed seven (7) months after they bought the property that said you had to have one (1) acre of ground to build on; thus, they couldn't sell it. They had it listed with Miss Wood and she said it couldn't sell because of the aforementioned law. She came downtown with Mrs. Lambert and they were advised they couldn't build. Thus, she has property paid for, has a deed to the property, and they can't do anything with it. Thus, they tell her the property is worthless now. She has the papers from the contract sale, the letter/document from the Health Department and the deed to the property with her today.

Commissioner Willner said he presumes the reason the Lamberts cannot build is because the Health Department will not give you a

Mrs. Lambert interrupted, "They gave me a paper that tells me where we need to build. ----a three bedroom house....."

Commissioner Cox commented that she thinks the problem more or less is that we had an unwritten code in our ordinance that said that in order to build outside the city limits or in any area that wasn't hooked up to a sanitary sewer system that you needed at least

(continued)

one (1) acre of ground, in order to make sure that the septic system for your home would work properly and not create problems for the neighbors. And you are absolutely right -- that did go in -- it never was in writing, but this was passed recently (1984) -- it was put into the ordinance that the minimum size for a lot outside the city limits that does not have sanitary sewers would be one (1) acre. The reason for doing that was simply because of the need for the sanitary sewers to work. Mrs. Cox asked if the Board could see the letter from Mr. Elder?

Commissioner Willner asked what date the letter was signed?

Beverly Behme of the Area Plan Commission stated that Mr. Elder subsequently rescinded the letter.

Commissioner Willner asked, "He has rescinded this letter?"

Ms. Behme said, "Yes. We have a file in the office on this if you would want to see same."

Commissioner Willner said, "I guess we'd better. We're going to have to answer these people's complaint -- that's for sure." Addressing Mrs. Lambert, Commissioner Willner said he believes he talked with her previously.

Mrs. Lambert said that he did. They had the property sold in 1983.

Mr. Easley queried Mrs. Lambert concerning the size of the lot. She said it is approximately 1/2 acre of ground. Her sister went ahead and built on the other half and she has already sold her house.

Ms. Behme said the original subdivision was for one (1) acre. There was a septic permit issued for the 1 acre for the original house. Since that time, she broke off 1/2 acre, and left 1/2 acre with the house -- which they can't even do that now. It says in the subdivision ordinance that you have to leave one acre with the existing house, too. She will go to her office and get the file.

Mrs. Cox noted that the document she has states "located at 4909 Hecke1 Rd." -- whose address is that?

Mrs. Lambert said they gave her that address when she came downtown; they said that is where the lot was located (because the house next door was 4911 Hecke1 Rd.).

Commissioner Willner addressed Andy Easley and said they had talked previously about this and Mr. Easley was going to see if city water and city sewer was a possibility out there. There are no plans that anyone knows of?

Mr. Easley said he doesn't think there are any sewer extensions planned in the near future. How far off Green River Rd. is this lot?

Mr. Lambert said they are the third lot off Green River Rd.

Mr. Easley said there is a sewer over towards Oak Hill Rd.

Mr. Willner said there is one at Millersburg Rd. and Green River Rd. -- the new housing project.

Mr. Easley said there is one down at the Day School.

Commissioner Willner said he understands that that same sewerhow far is that?

Mr. Easley said that is a mile.

Mr. Willner said that at the rate Green River Rd. is going, it might not be too long....

Mrs. Cox said the Lamberts have been caught in a situation; it's like if we had a store operating here and we pass a law that says no commercial operation here -- we can't force that person to go out of business. They have to be grandfathered; her concern here is that a septic system would work property in a 1/2 acre area. Mrs. Lambert said her sister had built on the other half?

(continued)

Mrs. Lambert said, "She's already sold her house and moved."

Mrs. Cox asked, "But she had a septic system?"

Mrs. Lambert said, "That's right."

Mrs. Cox asked, "And they had no problems or anything with the system?"

Mrs. Lambert said, "Not that I know of."

Commissioner Willner asked that Mrs. Lambert take a seat and when the Commissioners have the file, they will review it to see if they can do anything.

RE: ORDINANCE RE PARKING/VANDEBURGH AUDITORIUM - BETTY LOU JARBOE

President Willner said Betty Lou Jarboe, City Clerk, is here to discuss ordinance re parking at Vanderburgh Auditorium.

Mrs. Jarboe asked if Kim Bitz, Manager/Vanderburgh Auditorium, is present? It was noted that he was here but had left. President Willner requested that Mrs. Jarboe proceed.

Mrs. Jarboe said she didn't know the Commissioners were even considering this ordinance until she read the legal in the March 3rd newspaper. She was subsequently given a copy of the ordinance. Unfortunately, there are quite a few problems she has with the ordinance.

Mrs. Jarboe directed the Board's attention to Page 2, citing the following:

- (b-1) No vehicle shall be or remain parked or standing in or upon the parking area in excess of one half hour unless the vehicle displays a valid permit for parking in that area or displays a valid handicapped license.

Mrs. Jarboe said it does not say how long a period the vehicle may remain. Are we going to have no time limit whatsoever on people who have permits? 1/2 hour parking for people who don't have permits? As for the handicapped license, there is no way that her meter police can enforce those. The State came along two years ago and passed a State Law that supercedes our local handicapped ordinance and "we" do not have the police power (when she says "we", she means her meter police) to issue that ticket. It is written on a state statute -- like they would for a speeding ticket, running a red light or any moving violation. Her meter police do not have the police powers to enforce that part of the ordinance.

In sections (2) and (3) of part (b), we run into the same thing, again, as to whether there are going to be any time limits.

Section 3 (Signs and Markings) -- She needs to know who will pay for having the signs and markings made since this is, in essence, in a county area. With regard to this building, her office and the Building Authority work together insofar as the parking lots are concerned. But she didn't know what kind of arrangements we wanted to have.

She also has another problem. Does anyone know how wide that drive is? The side closest to the building is designated a fire lane. Would it be wide enough that a fire vehicle could get in there should an emergency arise?

On Page 3 (Permits, Persons Authorized to Hold) -- in the 4th line up ("whose duties requires both the parking of his vehicle, etc. -- that runs the same as the lots around here. But we also have listed in there the news media. She wonders why we put the news media in there, since we made the agreement all the news media have those free parking spaces in the front rows back on the 9th Street Lot? They already have designated slots on that lot -- and she wonders why we'd have them have more?

She also has a very large problem with Section 6 (Removal and Impoundment of Illegally Parked Vehicles). Her department does not tow vehicles; they work in conjunction with the Police Department, who tows vehicles. It states in there that the officer is to try to find the owner and give them notice in writing of the fact of the removal and then further down it says that in the event the vehicle is not returned to the owner within a 3-day period.....who is going to return the vehicles? She never returns cars. She's not in that business.

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In Section 7 (Penalties) -- "Any operator or owner of a vehicle who illegally parks any vehicle on the drive shall be subject to a civil penalty of not less than Ten Dollars (\$10.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation." She doesn't have the parking tickets in order to write these violations. Her tickets are all pre-printed with the penalties on them and also the penalty as to what happens if they don't pay them within 30 days. She has just gotten a supply of new parking tickets which they're going to be starting into -- and she bought at least a two years' supply. She would have to have specially printed tickets for this.

She would also like for the attorney to give her a definition of (b) "Each day a violation exists shall be considered a separate violation, and the court may assess a monetary civil penalty for each day the violation exists."

Does that mean for each day a person does not pay the ticket that it constitutes a violation? Or does it mean for each day that they park there?

Attorney Miller said he is sure that is what it means. He hasn't seen the ordinance; the other county attorney drafted it. But he knows that's what that means. It doesn't mean every day you don't pay.

Mrs. Jarboe asked, "Which county attorney?"

Mr. Miller responded, "David Jones".

Mrs. Jarboe said, "David Jones says he hasn't seen it."

Mr. Lindenschmidt said, "David Jones signed it."

Mrs. Jarboe said, "I know. In any event, these are the problems I've outlined."

Commissioner Willner asked, "How about Section 8? Is that alright?"

Mrs. Jarboe said she doesn't mind patrolling and seeing that the cars are removed. She knows we have a serious problem of people who work in this building -- who found out (not through her telling them) that that was a piece of county property and that she has no authority to ticket vehicles on same. So she has kept her hands off it. People who work in this building (some of them on the third floor for the city) have been parking all day over there -- knowing they cannot be touched. She knows we have a problem there; but she has a problem here where she has a Councilman calling her about this ordinance, wanting to know where it is and why it hasn't been presented to the city? She told him that quite frankly she has quite a few problems with it. She doesn't think that the way it is written right now that it is even enforcable. She doesn't have the tickets to enforce it; she needs to know who is going to do the signage and the painting because of that expense; it needs to be stressed here that her meter police do not have the authority to ticket handicapped; and the matter of the towing. The way the towing section is written right now, she just doesn't believe she can live with it.

Commissioner Willner said the ordinance was passed the 24th day of February. Did they not contact her prior to that?

Mrs. Jarboe said she knew nothing about this. No one ever spoke to her or asked any questions or anything about it. She had no input whatsoever. She only knew about it because she reads legal ads (it comes with the job, you know).

Commissioner Willner said the Board needs to assign David Jones to the task of revamping the ordinance. He will be in touch. He expressed appreciation to Mrs. Jarboe for bring the problem to the Board's attention.

Mrs. Jarboe said she wants the Commissioners to know that this is why this hasn't been given to the City Law Department to be worked on -- because we need to go back and write one that is enforcable.

Commissioner Willner said, "Good enough; we'll do it. We need to do something; I don't know what is right and what is wrong -- but this parking all day, it wasn't meant for that."

Mrs. Jarboe said that, quite frankly, she doesn't think there is any way that we could

(continued)

have permit parking. It just doesn't want to work. Too many people seem to get permits and then who is to say that people who have permit with the county can park on this lot wouldn't have a meeting over there and go park on that lot and get upset because their stickers weren't really for that lot, etc. It just seems to stir up too many problems. If anything, it needs to be nothing but a short term in/out type of parking and something that her meter police can enforce. No 15 minute or 5 minute zones -- she can't assign someone to sit over there to do that.

Commissioner Willner said, "And nothing over a \$10.00 ticket."

Mrs. Jarboe said, "No."

Mr. Bitz had entered the meeting while Mrs. Jarboe was speaking and stated that the Auditorium will take care of the signage and painting.

Commissioner Willner said the Board will ask David Jones to get in touch with both Mrs. Jarboe and Mr. Bitz to see if we can come up with something that is workable.

Mrs. Cox asked, "Nothing has been put up yet? No signs? No painting? No anything?"

Mr. Bitz said that nothing has been put up.

Mrs. Jarboe said the fire lanes have to be signed; in order to honestly ticket those -- they have to be signed.

Commissioner Willner expressed appreciation to Mrs. Jarboe for her comments.

RE: LAMBERT PROPERTY - HECKEL RD.

Ms. Behme returned to the meeting, having retrieved the file on the Lambert property. Commissioner Willner asked that Attorney Miller review the file. He explained that the Lamberts purchased Lots 10, 11 and 12 in Cottage Grove Subdivision on Heckel Rd. The file shows that this is an unrecorded plat. The Lamberts then divided the property, with half to the Lamberts and half to Mrs. Lambert's sister (who subsequently built a house and later sold same). The half of the lot retained by Mrs. Lambert -- the Health Department says you can't build on it. Is there any relief for the Lamberts? Such as relief under the grandfather clause or anything if their soil would be able to absorb...

Attorney Miller said he supposes the Lamberts could apply for a variance....

Commissioner Willner asked, "From whom?"

Attorney Miller said it has to be done through Area Plan Commission. It is, by no means, assured that Area Plan will grant the variance --

Ms. Behme said the Health Department has jurisdiction insofar as septs are concerned.

Attorney Miller said the problem is that they have to put in a septic system and the septic system requires an acre. He can sure sympathize with the Lamberts. In response to query from Attorney Miller, Ms. Behme indicated there is already a septic system on the other 1/2 acre of the property, which did belong to Mrs. Lambert's sister. (The original house had an acre and a septic, then they divided the property.) Commissioner Willner said he understands that Mr. Elder has rescinded his letter to the Lamberts.

Commissioner Cox said he has not really rescinded the letter; he has just made a ruling and that is what went into the County ordinance --and Sam (Elder) has said -- even though it is not in writing -- that a lot of times an acre is not enough because of the porosity of the ground. What she is saying is that these people have been caught up in a situation -- just like you had a business out here in the county and you were running your little commercial business/store and we pass a law that says "this is all residential". What do you do with the little guy who is out there with his business after you pass the law?

Attorney Miller said that is taken care of by grandfather clause.....

Mrs. Cox said that is the same way the Lamberts were when they started buying the

(continued)

property. The one (1) acre stipulation wasn't in the ordinance.

Attorney Miller said the trouble with that is that it requires a use to be in place -- and their use was not in place at the time the ordinance came along. He has seen this problem arise several times.

Ms. Behme said this has happened to about four lots and it has a twofold problem. The Health Department regards it as "existing septic must have an acre"so they actually need two (2) acres rather than one. So it is a double problem.

Mrs. Cox said they got the permit to put the septic system in on the one house -- it's there now. If it is working on that individual's half acre of ground

Ms. Behme said they have a whole acre, because there is nothing on the other half acre...

Attorney Miller said, "They're taking advantage of that entire acre."

Commissioner Cox said that as far as she is concerned, if Sam Elder says the septic system will work on this half acre of ground, she has no problem in waiving the one acre requirement for these people.

Attorney Miller remarked, "Sam won't say it -- I just know he won't say it. But I can tell you this, I don't believe at this point that the Vanderburgh County Commissioners have any jurisdiction or function in this matter. These people are in a very unfortunate little crack here and the best thing I think they can do short of waiting for the sewer line to get out there so they can tap in is to consult private counsel to see if they can't find a way to obtain a variance.....

Mrs. Lambert said they have; they had Sig Laubhardt....

Attorney Miller said, "He's a fine lawyer and if he couldn't find anything, I've got to regretfully say that this Board has no jurisdiction and just can't help you -- as much as they might like to -- they have no powers to grant a variance or even entertain a petition for one. It doesn't come under their jurisdiction."

Mr. Lambert asked, "Whose jurisdiction is it?"

Mr. Miller said, "The health Department's -- Sam Elder's."

Ms. Behme said that if the APC had a letter from Sam Elder dated today that stated what ground the Lamberts had would support a septic system, then they would issue a permit.

Commissioner Cox said, "In all fairness, when I spoke with Mrs. Lambert on the phone, I felt she had such a letter -- and I think she thought she had such a letter, too.

Ms. Behme said, "It has to be currently dated."

Continuing, Mrs. Cox said that when she asked Mrs. Lambert, she stated that Mr. Elder had told them exactly --and has approved it -- and Mrs. Cox didn't feel that it would be that much of a problem -- because that is the only reason we stuck to the requirement for an acre of ground.

Attorney Miller said, "I understand; but at this point it is out of your hands...As much as you would like to help people in a situation like this.

Commissioner Willner said, "I think I asked you to ckeck with your neighbors; you did say you wanted to sell your 1/2 acre, right?"

Mr. Lambert said that is correct; they have a new house and do not need a house on Heckel Rd.

Mrs. Lambert said they did not tell her to get a permit when she got the letter. She came to every office down here. They had buyers for the property when she got the letter. She went from office to office asking, "Where do I go now; what do I do? They told her to go to Mr. Elder's office and he told her that would take care of it and they could do whatever they wanted with the property. They were going to allow three (3) houses in a space that you can't even put two (2) houses in now.

(continued)

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Commissioner Cox said, "That's exactly right -- and these people were doing what they were advised to do at that time; and here the law has changed after they were given the advice -- and it's a very sad situation."

Mr. Easley asked, "Are there any grandfathers recognized under this at all?"

Ms. Behme said it would be the HEALTH Department's jurisdiction to say that. It is if it's a recorded subdivision. If the subdivision was platted in 1983 and recorded at that size they would have to issue permits every day for it -- and they have.

Mr. Easley asked if Ms. Behme remembers the parcel in McCutchanville (the Schiffers)?

Ms. Behme said that she does; that is the same situation.

Mr. Easley said, "Sam issued a permit last year for a septic tank -- he did issue a permit....."

Commissioner Willner asked, "How about a field bed?"

Mr. Easley said he did issue a permit for a field bed.

Mr. Willner said, "A septic tank and a field bed are two separate things...."

Mr. Easley said, "O.K. He issued a permit for a field bed and it was something like .65 acres.....does Ms. Behme remember the one? They took the permit up to the Area Plan Commission (he's not trying to embarrass anyone) and the APC would not honor Sam Elder's piece of paper. He's trying to help find solutions -- and this is a similar problem.

Commissioner Willner asked, "What happened? They still haven't built?"

Mr. Easley said, "No. The Schiffer's son wanted to build a house and we figured a way to get the 600 lineal ft. of field bed that Sam Elder wanted on that parcel (on Southeast Browning Rd. -- and all the other lots are smaller than this lot -- and the parcel has existed for 15-16 years). I'm sympathetic to them and I think it is a policy matter that needs to be resolved between Elder and the APC --and there should be the right of appeal. In this country there should be some way to appeal to get grandfather consideration, Mr. Counsellor."

Attorney Miller said, "There probably is; but you come to a point of diminishing returns. I would say that the best possibility that you have is to go back to Mr. Elder and remind him of the situation last year and maybe get together with him and the Area Plan people; if somebody can satisfy Elder that an appropriately safe field bed can be placed on this ground, then you can get the letter you need. Beyond that....."

Commissioner Cox asked, "What do they do if they go to Area Plan and they turn them down?"

Attorney Miller said, "I didn't know about the incident of last year; but....it seems to me that if Elder and Area Plan work together that you solve that problem at the threshold."

Commissioner Cox said, "I thought Area Plan was a recommending body on a lot of things -- and that recommendations had to come to an official legislative....."

Attorney Miller said, "It sounds to me like -- rather than Area Plan, was it the Building Commission?"

Mr. Easley said, "No; because I helped the Schiffers select a location for a field bed and they worked on this for a two-year period. They have owned the property for 16 years and their son wanted to build a house -- just like if you had a lot and your son could buy it from you...."

Commissioner Cox noted, "If it said in our ordinance -- like it says on the sidewalks -- it says you must have sidewalks and rolled curbs and gutters. But the Commissioners have the right to waive that requirement. If the ordinance said something like that, whose authority it would be to waive such as this then it would be the Commissioners' authority. Right now it doesn't speak to it.

(continued)

Mr. Easley said he thinks Mr. Sam Elder should have the last word; if he feels that a septic tank and field bed will work -- if they can drill a hole in the ground and get into an old coal mine and it won't cause any health or sanitation problems --and if it's on 1/4 acre and Sam Elder feels it will work -- it should be respected.

Attorney Miller pointed out, "It's really a matter of public health and that's the man that has to answer."

Mr. Easley said, "Right."

Commissioner Willner said one other thing. He is sure the Lamberts asked their nearby property owners if they wanted to buy the property? The Lamberts acknowledged that they had..and they received negative response.

Commissioner Willner then asked, "Did you ask them if you could buy 1/4 acre from them? The Lamberts said they did. Mr. Willner said, "And the answer to that was also no?" The Lamberts said that is correct.

Commissioner Willner said it seems as though he has exhausted all his means. It looks like the common answer is Sam Elder.

Mr. Lambert said, "They still send me a tax bill every year." Mrs. Lambert said they will go talk with Mr. Elder.

Commissioner Willner extended apology to the Lamberts, saying he is sorry the Board cannot help.....

Commissioner Cox said she, too, is sorry. She understood Mrs. Lambert had the letter from Sam Elder.

Mrs. Lambert said, "I did -- but it wasn't any good." (The letter previously received from Mr. Elder was handed back to the Lamberts.)

RE: BIDS - DUMP TRUCK/BURDETTE PARK

At the request of President Willner, Attorney Miller read the bids received on dump truck for Burdette Park, as follows:

<u>Tom Wood Pontiac-GMC, Inc./Indianapolis, IN :</u>		
One 1986 1-Ton Cab & Chassis	\$10,086.00	Bid in Order
Optional/Painted West Coast Mirrors	14.00	
(F.O.B. Evansville, IN)		
<u>Cooke Chevrolet Co., Inc./Evansville, IN:</u>		
One 1986 Chevrolet Chassis Cab 84"	\$10,153.57	Bid in Order
<u>D. Patrick, Inc./Evansville, IN:</u>		
One 1986 Ford F350 1-Ton Cab & Chassis	\$10,299.00	Bid in Order
<u>Kenny Kent Chevrolet Co., Inc./Evansville, IN:</u>		
One 1-Ton Chassis Cab 84" C.A.	\$10,493.86	Bid in Order
<u>Hendrickson & Sons Motor Co./Boonville, IN:</u>		
One 1-Ton Cab & Chassis Truck	\$10,371.00	Bid in Order
*Certified Check in amt. of \$517.55 enclosed		
<u>Hendrickson Enterprizes, Inc./Boonville, IN:</u>		
One 1-Ton Dodge Model D/350 C&C	\$10,111.74	Bid in Order
<u>Asher Truck & Trailer, Inc./Evansville, IN;</u>		
Firm unable to bid at this time, because International does not build this size truck.		

With regard to bid from Tom Wood Pontiac-GMC, Attorney Miller said they point out that Wright Motors and Asher Truck & Trailer, Inc. of Evansville are both qualified to perform all warranty work. But they don't offer to come down and perform warranty work, themselves.

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An individual in the audience indicated he wished to speak and was recognized by the Chair, with President Willner requesting that the individual state his name, address, for the record.

Mr. George D. Morgan said he resides at 7201 E. Gum Street in Evansville. He asked what the Commissioners are receiving bids in reference to?

Attorney Miller said the bids are for a 1-Ton 1986 Model Cab & Chassis for Burdette Park, which meets all the minimum requirements and specs, as advertised.

In response to query from Mr. Morgan, Commissioner Willner explained the County advertised for a truck for Burdette Park. Originally, we tried to grandfather it or piggy-back it, but we finally had to completely advertise.

Attorney Miller continued by stating that the truck bid by Cooke Chevrolet is in stock and delivery can be affected upon receipt of purchase order.

Delivery on the truck bid by D. Patrick can be affected in 90 to 120 days.

No delivery date was indicated on bid received from Kenny Kent Chevrolet.

With regard to bid from Hendrickson & Sons Motors, Inc., model is not indicated; however, they only sell Chevrolets, Pontiacs and Buicks. Their bid says they cannot meet Bid Requirement No. 6. They feel it would be unprofitable to meet this requirement. Requirement No. 6 says "Any bidder whose repair facilities are located more than three (3) miles from the corporate limits of the City of Evansville shall, during the life of the warranty, pick up and deliver the vehicle requiring service at no extra cost or where service work is expected to take place within the corporate limits of the City of Evansville, the address and business name of location must be specified." They decline to meet that specification.

In response to request from Commissioner Willner, Attorney Miller repeated Bid Requirement No. 6. "Any bidder whose repair facilities are located more than three (3) miles from the corporate limits of the City of Evansville shall during the life of the warranty pick up and deliver the vehicle requiring services, at no extra cost. It says "No extra cost to the city". Of course, there wouldn't be any cost to the city....

Commissioner Willner said he did not believe Bid Requirement No. 6 was a good one -- better strike that one.

Mr. Dorsey said he believes if the Attorney reads further on that, it also says the vendor has the option of telling us where it can be serviced within the city.

Commissioner Willner asked, "Why don't you say within the 'county' then, not within the 'city'. It's a county bid. Mr. Dorsey indicated this will be changed.

Continuing, Attorney Miller said that with regard to the bid from Hendrickson Enterprises, Inc. of Boonville, IN, no delivery date is specified.

Delivery dates were only specified on two of the bids: Cooke Chevrolet said immediately and D. Patrick said 90 to 120 days delivery. The other bids do not make any direct reference to delivery date.

There was brief consultation between the Commissioners and Commissioner Willner asked Commissioner Cox if she has any problems with the bid received from Cooke Chevrolet? Mrs. Cox said, "None whatsoever; it is in stock and we need that truck out there now -- not in 90 or 120 days.

Commissioner Willner entertained a motion.

Motion was made by Commissioner Cox that the bid for the dump truck for Burdette Park be awarded to Cooke Chevrolet in the amount of \$10,153.57, with a second from Mr. Willner. So ordered.

COUNTY ATTORNEY:

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Heckel Rd. Bridge: Attorney Miller reported that on April 22, 1986, he wrote to the State Board of Accounts regarding the bridge on Heckel Rd. and the run-around road that was discussed during the previous Commissioners' meeting. He did that after checking the Cumulative Bridge Funds statute. As the Commissioners requested, he has developed a personal opinion concerning the matter and he is prepared to advise the Board as to his own opinion. He has not received any response to his letter to the State Board of Accounts, which requested their input. His own advice to the Commissioners on the matter is that, if this road that travels from Heckel Rd. to Millersburg Rd. is built in conjunction with or as part of a project to either replace or improve the bridge that is in place and if it is an essential element of the bridge repair, and in his view of the facts of the situation say that it is because these people will be stranded back there without emergency vehicle access, without any way to get in or out or do anything -- it is his opinion that the bridge funds can be used for the construction of this road and he is willing to write the Commissioners a letter to that effect. If the State Board of Accounts feels differently then, in his opinion, they have had an opportunity to tell him and they haven't.

Commissioner Willner said he agrees with that and he appreciates Attorney Miller doing this forthwith. He had sixteen (16) families who were chasing him down wherever he went, wanting to know if they were going to be left high and dry or had to go two (2) miles around each time they traveled to and from Evansville. It was most important to them, and he agrees with what Attorney Miller says -- and he appreciates the fact that at least they feel a little better about it now.

Commissioner Cox said, "They're still going to have to go two miles around."

Commissioner Willner said, "Until the bridge is.....I would like to see the bridge replaced at some point. Because if you replace the bridge the road will have to be built. We'll go ahead and build the road and put it on the Federal Aid Projects list...."

Mrs. Cox said, "If we rebuild the bridge, we can't use bridge funds to rebuild this road."

Attorney Miller asked, "To rebuild it? Not to rebuild it, but if you...."

Mrs. Cox interrupted, "What Mr. Easley was proposing was that we not replace that bridge. In the event we did not replace that bridge and use the money, he wanted to know if the monies that we would use to replace that bridge could be used to extend a frontage road (Heerdink Avenue). If we're going to replace that bridge, then that is bridge monies and we can't use those monies to extend Heerdink Rd. down."

Attorney Miller said, "While you're replacing the bridge the people are going to be stranded back there; how are you going to get them out? As I understand it, Heckel Rd. is going to be bisected by I-164 and will not offer these people any access."

Mr. Easley said, "Heckel is going to be cut off; County Line is almost closed; and if, and when, we replace the bridge, if we demolish the bridge in order to put up a new bridge, they will be landlocked. And we will have to have a temporary means to get out. Since I made my presentation, I happened to think about the fact that a decision had not been made to demolish the bridge and not to replace the bridge -- and we need the road, regardless. It is a 150 ft. span; I suppose it would be possible to build a low level crossing on the creek at great expense. If you do that, you'd probably have two floods that would close it. Because, it would take many, many months to replace that bridge."

Attorney Miller said, "My understanding is that the State Highway people have agreed to move a frontage road in order to accommodate this road....."

Mr. Easley said, "That's right; and if we don't act quickly and get them to do that, we will then have to build either more road to tie in with the frontage road where they propose it; it makes a lot more sense to go ahead with this and then evaluate the alternatives that the Commissioners have. In conjunction with this, I need an expression that we will build the frontage road and we will participate with the state."

Commissioner Willner said, "I think we need to wait for this letter from the State Tax Board. What is the time limit? Do you need to go now?"

Mr. Easley said they had called him last Wednesday, wanting a letter from the Commissioners -- one way or the other. He doesn't know how we want to phrase the letter, but....

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Commissioner Willner said there is no question about it; we have to do that road. The bridge may be decided at a later time -- but the road has to go.

Mr. Easley said if the Commissioners will authorize him to write to Mr. Eisenberger of the State, and we will commit ourselves to move ahead with that project to try to acquire the right-of-way by June 1st, etc.

Commissioner Willner said, "I don't have any problem....."

Mrs. Cox asked, "Do we not have the right-of-way for an extension of Heerdink?"

Mr. Easley said we have 20 ft. of right-of-way; if we're going to go ahead with this, he'd like to go ahead and get an additional 20 ft. on either side. Lee Stuckey contacted the people. They have no objection, basically, to the road being improved. There is the old right-of-way and he guesses that at one time horses and buggies went through there in dry weather.

Commissioner Willner said he has one question. He had a phone call from one property owner. He is saying that he doesn't mind that 20 ft. if the state is going to give him the other one back. So he doesn't want both ways.

Mr. Easley said, "I can't commit the state; all I can say is that I will negotiate the best that I can. He's lost some off the east end. If is going to lose some off the west end, we'll have to pay him for the blanket -- that's all I know. He will be compensated. But they will build nothing on the east end; maybe I can get that....."

Commissioner Willner commented, "That's what I'm saying; if he can get that 20 ft. back that they were going to use for the road -- then he has no problem with the other end. He just doesn't want it to come off both east and west."

Commissioner Cox noted that the only other problem were those neighbors who would live north of the salvage yard and the traffic coming up very close...."

Mr. Easley said we agreed we'd take 60 ft. (He thinks he knows where Mrs. Cox is talking aboutat Millersburg & Green River Rd.)

Mrs. Cox said there is a Mr. Hirsch who lives thereand he has a residence that would be very close to the road. He is concerned about the big trucks, etc., that come back to the salvage yard -- passing right by his bedroom window.

Mr. Easley said we would not be on his property; they would be a fairly good distance from his house. He and Lee Stuckey went out there and looked at it and he has to agree (the farmer said he'd give us whatever right-of-way we needed entirely off his property).

Commissioner Willner remarked, "He said he had no problems if the state didn't need that 20 ft., then he could take it off the west instead of the east."

Mr. Easley said he'll probably get it back; but he's not certain how this is going to work. He may have to return some money.

Commissioner Willner said, "Whatever..."

Commissioner Cox said, "I just want to make sure now that this isn't going to bother those people out there, because the State was going to put that frontage road in to service the salvage yard only.....and run straight on out and hook up with I-164."

Mr. Easley said, "No, there is one other man there that...."

Mrs. Cox said, "I'm not saying other people won't use it, but that was to service them and I just don't want to create problems for those people out there. If you'll assure me that this isn't going to create problems for those residents -- because, you know it was just going to be the regular little road that is there now (Little Heerdink) dead-ending."

Mr. Easley said, "It's not open; it is an unimproved right-of-way."

Mrs. Cox said, "Well, if we are going to open it, then a lot of times there will be more traffic and I want to make sure that these people aren't going to be inconvenienced."

(continued)

And if you assure me that everything is going to come off what would be the east part of it and it is not going to be so close as to cause problems, then o.k."

Mr. Easley said, "There's a half-section line there; Lee said the man told him (Mr. Easley has never met the gentleman) that if we could keep it off his property he felt it would not bother him.....that is my understanding. Lee is very good about communicating other people's wishes, so I have every reason to believe....."

Commissioner Willner said, "I guess we should wish Lee a 'speedy recovery', too."

Mr. Easley said he had an operation and has a very sore injury from which to recover.

Commissioner Willner said, "I understand it was a job related injury..."

Mr. Easley said, "That is correct; that is correct."

Commissioner Willner said he thinks he's talked to a goodly part of it; the only one who had any reservation was the individual who did not want to lose 20 ft. off both the east and west ends; he doesn't know how we can guarantee that, however, because we are dealing with the State.

Mr. Easley said the State has been fairly cooperative; they have been reasonable. In dealing with the engineers he's had very good luck. They have the regulations and they have to go to the Federal people.....

Commissioner Cox moved that the County Engineer forward a letter of Agreement to extend Heerdink, with a second from Commissioner Willner. So ordered.

Mr. Easley said he would write the letter for the signature of the Commissioners' President; he thinks they would like to take that to the Federal people.

RE: ORDINANCE RE PARKING/VANDEBURGH AUDITORIUM

Commissioner Willner handed the ordinance re parking at Vanderburgh Auditorium to Attorney Miller, with the request that he give it to Attorney David Jones and ask that he come up with a revised ordinance.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Morley & Associates/Burkhardt Rd. (Construction Engineering): Mr. Easley said he has a claim to present in the amount of \$1,762.49 for construction engineering on Burkhardt Rd. for March. It is in accordance with their agreement and it is his recommendation that the claim be approved. Commissioner Willner asked whether Mr. Easley has made any progress in scheduling the meeting re Burkhardt Rd.? Mr. Easley said that he hasn't been able to set that up yet. Mr. Willner asked if we're going to see Burkhardt Rd. finished within that time frame or....? Mr. Easley said he will see what he can get set up. Commissioner Willner said he believes there is a new development with SIGECO; he understands there is a new price on those poles that we need to talk about. Mr. Easley said he'd heard that. Continuing, Commissioner Willner said we still need to talk about the guard rails, the rip-rap in the bottom of the ditch and the telephone poles. He would like Burkhardt Rd. not to be drug out like Lynch Rd. Let's make our decisions and get the thing cleaned up. Mr. Easley asked if Commissioner Willner has a suggested time? Mr. Willner said he couldn't care less -- as long as it is soon. He thinks we need to move and make the painful decisions and get it wrapped up. Mr. Easley asked if Wednesday afternoon after lunch would be agreeable? Mr. Willner said he is not under any meeting schedule at this time. He is going to try to have the Millersburg Rd. Bridge dedication on Wednesday at 4:00 p.m. If Mr. Easley wants to schedule the meeting re Burkhardt Rd. prior to that time, it is o.k. with him. Mrs. Cox asked if the Millersburg Rd. project is completed yet? She understands it needs more rip-rap on the banks. She doesn't understand -- she knows we have one resident out there who was supposed to have a talk re the entrance to his property. Mr. Easley said that is an item that Bill Jeffers had as part of the right-of-way agreement and the work is to be done by county forces. It is improving an existing driveway and has nothing to do with the main bridge project. Mrs. Cox said, "It was part of the project; we asked the man for the right-of-way and he gave it to us and didn't charge us a penny for it -- has Mr. Easley talked with him?" Mr. Easley said he talked with him today

(continued)

427,
and is to meet with him at 4:00 p.m. tomorrow afternoon (April 29th). He told him that last Thursday when he talked with him and he told him that it would take about two weeks to get everything together to take care of his needs. And he apparently was happy with what Mr. Easley told him. Deig Bros. has about four more hours of work to do -- but whatever the Commissioners want to do.

Commissioner Willner said that if Mr. Easley can set up meeting re Burkhardt Rd. prior to 4:00 p.m. Millersburg Rd. Bridge dedication -- fine.

Motion was made by Commissioner Cox that the claim to Morley & Associates be approved, upon the recommendation of County Highway Engineer, Andy Easley, with a second from Commissioner Willner. So ordered.

RE: APPROVAL OF ROAD PLANS - UNIVERSITY HEIGHTS #4

Mr. Easley said he has two small street plans that need to be approved. The first one is in a small subdivision -- it's LeMay Drive in University Heights #4. The developer has had it graded and they are about ready to pave it. It is 1,100 ft. in length. It is a small residential street that connects between University Heights #3 and existing LeMay Drive. These plans were prepared by Mr. Mike Fitzsimmons. He then presented the plans to the Commissioners for their perusal. Mr. Easley said it is a 24 ft. wide street, 1,100 ft. long.

Commissioner Willner asked Mr. Easley for his recommendation.

Mr. Easley said it is his recommendation that the plans be approved. The street was designed in accordance with County standards -- what he is presenting is just the road plan.

Motion was made by Commissioner Cox that the road plan for LeMay Drive in University Heights #4 be approved as per design submitted, with a second from Commissioner Willner.

In response to query from Commissioner Willner, Mr. Easley said the developer plans to use asphalt and fresh stone. Commissioner Willner asked, "No gutters?" Mr. Easley said, "No. There are a couple of culverts that go in there." Commissioner Willner asked Mr. Easley if we have a grade? Mr. Easley said, "3%, 4½.....".

Mrs. Cox said there is just one thing that bothers her about this. These plans were done by Mr. Easley's engineering firm. Mr. Easley said that is correct. Mrs. Cox said, "Then you're going to have to approve them. She's hoping that he is now a full-time employee of Vanderburgh County -- she doesn't know whether there is a conflict of interest -- she just notice the "Andy Easley Engineering" on the plans. Did he obtain a ruling from the County Attorney? Mr. Easley said he didn't prepare the plans; but they are prepared by a firm in which he has an interest. They do conform. If Mrs. Cox would like for Dan Hartman or Dick Eifler to look at the cross-section.....

Mrs. Cox said, "It's not that I doubt you at all, Andy. I'm strictly talking here about the fact that it creates a little bit of area for suspicion.....I don't doubt that the plans are correct."

Attorney Miller explained, "Mrs. Cox question is based upon potential conflict of interest. There is a statute that speaks to that. Let me read the statute."

Mrs. Cox said she would appreciate Attorney Miller checking the statute -- for Andy's protection, as well as anybody's.

Mr. Easley said he and Lee Stuckey will look at these streets before they pave them...

Mrs. Cox interrupted, "Now, Andy, please don't --please understand; I have full confidence in your ability to draw the plans and to say that they are adequate. It's just like her having a concrete company or an asphalt company, and selling it to the county -- Whether it is a service or a product, I think that it has a little bit of an impropriety there and if it's legal we need to determine that it is legal. It may come up again. We need a determination on it for your protection as well as ours. That's all I'm concerned about. It in no way has anything to do with your ability as an engineer. I have confidence in that ability."

Commissioner Willner said he thought we'd done that once before.

(continued)

Mr. Easley said he also has another set of plans for approval.

Mr. Willner said the Board would call upon him in a few minutes, again, when the Attorney finishes his deliberations.

RE: COUNTY HIGHWAY

Weekly Absentee Reports: President Willner presented copies of the Weekly Absentee Reports for the County Highway Garage and the Bridge Crew for period April 21 thru April 25, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for the County Highway Department.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Installed title on Kleitz Rd. Finished digging ditches on Heckel Rd.

Front Loader: Finish cleaning gutters and median on St. Joe Ave. Started on Lynch Rd., but did not finish.

Patched w/ Hot Mix: Patched with hot mix and finished River Rd., Saratoga and Kings Run intersection, Burkhardt Rd., Marx Rd., Fisher Rd., Millersburg Rd., Cemetery Rd., St. Joe Avenue, Larch Lane, 2218 Sheridan and Tennis Rd. Not finished were Berry Court, Berry Dr., and Church Rd.

Worked on Washout Along Shoulders: On Broadway and Felstead, Reiter Dr., DeShields. Put 53's on Upper Mt. Vernon Rd., Middle Mt. Vernon Rd., Mohr Rd., North side between St. Moseph Ave and R.R. Underpass on hill.

Cut Bleeders on Frontage Rd.

Graded & Rocked & Spread Rock: Green River Rd., Outer Darmstadt, Nuebling, Sensmeier, Kirchoff, Summertime Lane, West Chapel Rd., Kneer, Nuebling, Kissel, Wright, Baehl and Folz Rd.

Repair road break in with concrete at 6920 Pinehurst - Twickingham Ct.

Repair bad places with dirt and grass seed where snow plows ran into or backed into driveway banks on Baseline Rd., Volkman Rd., and 7 Hills, and 5 Dollar Rd.

Weekly Work Report/Bridge Crew: Submitted for the same period was the work report for the Bridge Crew.....report received and filed.

Rip-Rap wash-outs around culverts on Peerless Rd., Waterworks Rd., Schutte Rd., Koring Rd., and Crestmont Drive.

Paint guard rails on St. Joseph Ave. and Mill Rd.

Cleaned bridge on Broadway and Johnson Lane, also straightened guard rail.

Replace guard rails on Fisher Rd.

Pick up straw for new Millersburg Rd. Bridge shoulders.

Replace culvert on Happe Rd. off Cypress Dale.

Tony Hall worked in Mr. Easley's office all week.

Joe Schapker worked in office all week at the County Highway Department.

Weekly Work Report/Work Release Program:

(continued)

Cut bad places on Scott Rd. south-west of I-64.

Seeded and fertilized, also put straw on shoulders and banks of Millersburgh Rd.

Cut bad places on Old 460 humps in road.

Accident Report: An employee working as a flagman was struck by a four-wheeler and was injured. Knowledge of extent of injury: Ligament in right arm was pulled.

RE: BUILDING COMMISSION - REQUEST TO MOVE HOUSE

President Willner presented the following letter from Elmer Buchta, Inc.:

April 22, 1986

Building Commission
310 Civic Center
Evansville, IN 47708

Dear Sir:

Elmer Buchta, Inc. requests a permit to move a house from 1925 Chickasaw (Tax Code #4-93-21) to Margybeth (Tax Code #13-48-9).

We will travel on Chickasaw south to Pollack and continue west on Pollack to Vann. We will travel north on Vann to Covert and continue west on Covert to Weinbach. We will travel south on Weinbach to Pollack and east on Pollack to Boeke and south on Boeke to Margybeth.

The house is owned by Chuck DeVall. We would like to move as soon as possible. Comair will escort the move.

Sincerely,

Jim Brace, President

Motion to approve request was made by Commissioner Cox, subject to the approval of Roger Lehman of the Building Commission. Commissioner Willner noted that Mr. Lehman had initialed his approval on the request letter. A second to the motion was made by Commissioner Willner. So ordered.

ACCEPTANCE OF CHECKS:

Evansville Cable T.V., Inc.: It was noted by Commissioner Willner that a check in the amount of \$9,436.98 for franchise fee/1st Qtr. of 1986 was received, together with the following letter:

April 25, 1986

Mr. Robert Willner, PRESIDENT
Vanderburgh County Board of Commissioners
395 Administration Bldg.
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

Enclosed you will find a check in the amount of \$9,436.98 which represents the first quarter payment of 1986. Please note that this payment represents a considerable increase over the first quarter of 1985, which was \$8,285.56.

Our present plans for future expansion for Evansville Cable are still in the area of Old State Rd. to Baseline Rd., south on Browning Rd., to Schlensker Rd. We are looking at 8.5 miles of construction in this particular area. Make ready work has been assigned by Southern Indiana Gas and Electric Company, and we are hopeful of reassignment from Indiana Bell that we can get construction make ready completed quickly.

(continued)

We are also looking at an area on Mesker Park and Kremer Rd. and an area on Middle Mt. Vernon Rd. Presently, there is a subdivision being built on Old State Rd. across the bridge by the Old State Golf and Country Club with another 135 homes when completed.

Basic 23 which is our expanded basic will start next Thursday, May 1. To date, we have put out through our cable stores over 19,000 boxes. As we have indicated in the past, we are spending about \$1.8 million in capital and presently employing some 40-50 people to make this transition possible. As we have indicated, Channel 11, WPIX, New York will be the new independent we will be carrying with all of the Yankee ballgames.

The next quarter payment we will make will be based on the concept of 3% for the month of April based on the same formula we presently use, then we will be paying for May and June 5% of our gross revenues. Franchise fees should go up substantially.

We at Evansville Cable again would like to thank the County Commissioners for giving Evansville Cable the pleasure of serving residents in the county with cable TV service. If the Commissioners have any questions, please feel free to call me at any time.

Best regards,

Robert D. Ossenbergl
Vice President & General Mgr.

Motion to accept check for deposit into the General Fund was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Wells Cable T.V.: Check in the amount of \$112.68 for franchise fee for 1st Qtr. of 1986 was presented. Motion to accept check for deposit into the General Fund was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: PROCLAMATION - SOIL AND WATER STEWARDSHIP WEEK

It was noted by Commissioner Willner that he has the following Proclamation to be approved and signed by the Commissioners:

P R O C L A M A T I O N

WHEREAS, the well-being of our people depends upon the production of ample supplies of food, fiber and other products of the soil; and

WHEREAS, the quality and quantity of these products depend upon the conservation, wise and proper management of the soil and water resources; and

WHEREAS, protection of our surface waters from pollution is dependent upon protection of soils from being blown or washed into those waters;

WHEREAS, conservation districts provide a practical and democratic organization through which landowners are taking the initiative to conserve and make proper use of these resources; and

WHEREAS, the soil conservation movement is carrying forward a program of soil and water conservation in cooperation with numerous agencies and countless individuals;

NOW, THEREFORE, I, in full appreciation of the value of our soil and water resources to the public welfare, and desiring to honor those who protect those resources, do hereby proclaim May 4-11, 1986

SOIL AND WATER STEWARDSHIP WEEK

in the County of Vanderburgh

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County to be affixed.

(continued)

COUNTY COMMISSIONERS
April 28, 1986

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Done at the City of Evansville
in the County
of Vanderburgh
this 28th day of April, the Year of
Our Lord one thousand nine hundred eighty-six.

BOARD OF COMMISSIONERS/VANDERBURGH COUNTY

Robert L. Willner
Shirley Jean Cox

ATTEST:
Alice McBride, Auditor

Motion to approve Proclamation was made by Commissioner Cox, with a second from Commissioner Willner. So ordered. Commissioner Willner said he believes he has said before that Vanderburgh County is one of the leaders in Soil and Water Conservation. One needs only to drive through the county and see that almost every farm has some structure or way to preserve our God-given grounds and soils. So he thinks they do a good job. Commissioner Cox said she certainly concurs. There is a lot of no-till farming going on and a lot of things are happening. Commissioner Willner said it was nice to note sometime ago that the Four Rivers Soil & Water Conservation District did a rural survey on what the rural areas most desired and he thinks Jack is doing a breakdown for the county on those things -- and it was interesting to learn that roads, streets and bridges were 5th; 4th was the return of the people to the family life. Pollution was 3rd....as to where individuals placed their interest.

RE: PRECINCT CHANGES FOR 1986 PRIMARY ELECTION

President Willner said he has a list of the Precinct Changes for the 1986 Primary Election, which was voted on last week, to be received and filed as part of the record.

In response to query from Commissioner Willner, Mrs. Cox said the changes for Ward 1, Precincts 6 and 13, were received in time to be advertised. However, they were not received in time to be made a part of last week's minutes. List of Voting Places for the 1986 Primary Election and a complete list of Precinct Changes for the 1986 Primary Election are attached hereto, as Supplements I and II.

RE: CLAIMS

Ohio Valley Engineers: President Willner noted that he has an invoice from Ohio Valley Engineers in the amount of \$ 6,875.00. He asked if Mr. Easley has seen this bill? Mr. Easley said that he has not. Mr. Lindenschmidt advised that it was dropped off at the Commissioners' office last Friday afternoon. Mr. Easley said he was under the impression that we had made a progress payment on this and Commissioner Willner concurred. He asked that Mr. Easley check out the invoice and get back to the Board.

Continuing, Commissioner Willner asked Commissioner Cox if she talked with Mr. Boyd? Is he doing what she requested?

Commissioner Cox said she hasn't seen anything more than the white book. Commissioner Willner said, "Neither have I. That's why I'm asking you. You did talk to him? Is he going to incorporate your wants?"

Mrs. Cox said she did talk with Mr. Boyd and she doesn't know. He said he wasn't planning on going into any of that kind of detail work.

Commissioner Willner asked, "What was it you asked? Can I help on it?"

Mrs. Cox said that rather than to say "some ditching", "some..."

Mr. Willner asked, "You want detailed drainage?"

Mrs. Cox said, "Bob, I tell you -- we talk about this. You ask me every meeting what I want. It is in the minutes of the meeting. I think right now the whole idea of this road management plan is to prepare something that our foremen can take our men out to a work site and do the job properly. Specific things that need to be done at the work site. I think the time has passed when we stop eye-balling county projects and
(continued)

give our employees a detailed work plan and the proper equipment with which to get the job done that we need to do here in the county.

Commissioner Willner said, "Drainage was always been done by the County Highway Department, but I have no problem with that. I'll talk to him and see if he can't get that in the road study. Drainage and what else?"

Mrs. Cox said, "Ditches, culverts, what kind of a layer -- if there needs to be bases put in, there needs to be a binder coat -- how much binder coat? Whatever kind of topping; hot mix; cold mix; a sealer -- are we going to use a sealer on it? These things are what she is talking about. How deep to dig the ditches? How much to pull the shoulders? We've gone out and I asked you two weeks ago to go look at the shoulders on Middle Mt. Vernon Rd. and you said you would. Have you had a chance to do it?"

Commissioner Willner said, "Yes. I don't think--from the information I received it was not done at that time. Have they finished Middle Mt. Vernon Rd.? I understand there is going to be some more. The culvert study. He asked Mr. Jeffers if that is going to be made a part of the record? Does he have any input?"

Mr. Jeffers said they didn't complete it last year. They completed Armstrong, Scott, 40% of German -- he'd have to look at the record. But they probably finished 35% of the county.

Commissioner Willner said he will get with Mr. Jeffers and Bob Brenner to see what...

Mr. Easley said that Mr. Hall is working on the culverts in Section D; he's got the county divided into 12 sections for the bridge inspection.

Mr. Willner asked Mr. Easley if they will continue to work on that, and Mr. Easley responded in the affirmative.

Mrs. Cox asked, "Who's doing this now?"

Mr. Easley said, "Anthony Hall".

Mrs. Cox said, "We're paying an engineering firm to do what we are now having to do ourselves."

Mr. Easley said we have two bridge inspections; only one at present. Some of those bridges were inspected last summer and fall.

Mrs. Cox apologized, saying she thought Mr. Easley was talking about the road study.

Mr. Easley said they are going back, checking the condition of the bridges...

Commissioner Willner said, "The bridges and culverts will be a combination thing."

Mr. Easley said that many of these culverts are blocked -- unless somebody shines a flashlight through them -- we don't know who they're being maintained by.

Mrs. Cox said, "That's right....that's right."

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion.

Mrs. Cox said she doesn't believe it's a matter of "old business", but she did receive the following letter from Kurtz Auction & Realty Company:

April 23, 1986

Mrs. Shirley Jean Cox
c/o Vanderburgh County Commission Office
City-County Bldg.
Evansville, IN 47708

Dear Mrs. Cox:

We want to call your attention to our company.

(continued)

Kurtz Auction & Realty is happy to be located in Evansville and to be a part of the action in Vanderburgh County. We have been a reputable auction and real estate firm for forty-three years; through five offices in the Tri-State area we currently conduct more than two hundred sales per year, many of them in Evansville.

Our list of clients includes many repeat customers. We can sell anything. Sales have included residential and commercial businesses and buildings, machinery, equipment, development and agricultural properties, livestock, antiques, collectibles, junk, lake property -- even an island.

We offer a complete service from listing to closing and including advertising, promotion, conducting the sale, handling monies and settlement procedures.

As you consider authorizing the sale of real or personal properties, please allow us to submit proposals for handling the sales for you. Our fees are competitive, and our interest in doing a first-rate job for Vanderburgh County is keen.

Very truly yours,

KURTZ AUCTION & REALTY COMPANY

Gerald J. Schaffer

Mrs. Cox said she would have this letter made a part of the record and when we have our county auctions, she would ask that this company be contacted, along with the others for handling our auction of county surplus property. She said the company is located at 101 S.E. Third Street.

Mr. Morgan, who was seated in the audience, asked when the auction is scheduled?

Commissioner Willner asked if he is talking about the surplus property?

Mr. Lindenschmidt said it has been advertised and is scheduled for May 12th....two (2) weeks from today. Commissioner Willner said the sale was held up a week in order for the attorneys to make a decision as to whether --a new State Law says you have to give clear deed; but that only affects the sale of surplus property at the County Treasurer's level. It doesn't affect what the Commissioners do here. When the Commissioners sell the surplus property, the County actually owns it. It is not a tax sale. That part of it is already over with before the Commissioners get it. But the sale of surplus real estate will be the first thing on the agenda two (2) weeks from today.

RE: SCHEDULED MEETINGS

Wednesday	April 30	4:00 p.m.	Dedication of Millersburg Rd. Bridge
Wednesday	April 30	2:30-3:00 p.m.	Meeting re Burkhardt Rd. Project (to be held at Morley 's Field Office on Maxwell Avenue)

RE: COUNTY ATTORNEY - DAVID V. MILLER

Attorney Miller said that as he understands Mr. Easley's position at this point, he is presenting to the Commissioners plans for a series of streets to be constructed in the county. The drawings were prepared by his private office and he is telling you that they have been prepared in accordance with county standards, in his opinion. Is that right? Commissioner Willner acknowledged that this is correct. Attorney Miller said the question is, "Does that constitute a conflict of interest under the statute?" The applicable statute is Indiana Code 8-17-5-1, which contemplates the hiring of the County Engineer and 8-17-5-5, which speaks to what other duties a county engineer might perform in his private practice. A reading of these statutes together clearly indicates that it is contemplated by the statute that a county engineer is going to be responsible for the supervision of the design, construction, planning, traffic and other engineering functions of the County Highway Department and that he shall prepare or cause to be prepared all surveys, estimates, plans, and specifications, which are required. Section 5 speaking to potential conflicts of interest, speaks only to work for other governmental units and provides that the Highway Engineer shall not enter contracts or agreements to

(continued)

provide engineering services for pay to other local governmental units, provided that he can enter into contracts to provide engineering services for pay with the Board of Commissioners of two or more counties or, at the direction of the County Board of Commissioners, he may perform as part of his official duties, highway engineering work for cities and towns within the county. In this particular situation, Mr. Easley is simply expressing his opinion that the work of his own professional organization meets the standards of the county and I find nothing in the statute to prevent him from doing that. As a matter of fact, as I read Chapter 8-17-5, the writer (it seems to me) clearly contemplated that he would remain as a private engineer as well as a public employee and I do not see anything at this time that prevents him from expressing the opinion he expressed. His firm was paid to do a job and he is telling you, in his private capacity, that they did it.

Commissioner Willner expressed his appreciation to Attorney Miller. He said he sees Sam Biggerstaff in the audience. Mr. Nussmeier is no longer with us, but Mr. Nussmeier did the same thing for eight (8) years and Sam Biggerstaff has done it for God knows how many years.....and he has gone through this several times.

Mrs. Cox said she knows this is what they criticized Don Stucki for -- doing business with the city -- so she just wanted it on record that this is legal for Mr. Easley to do. It may be legal. But from an ethical standpoint, she does not think it is right. That's all she wants to say.

Mr. Easley asked Mrs. Cox if she would prefer to have a letter from a consultant of her choice to say that they have reviewed the design....?

Mrs. Cox said, "No, Andy, I don't. I'd rather have another engineering firm submit this plan and you, as County Engineer, to approve it. That's what I'm saying."

Mr. Easley said this is the second time, he guesses, that this has come up in three years.

Mrs. Cox said, "Well, I questioned you when you were submitting things to the Area Plan Commission and you were, more or less, a part-time county employee. But the first of the year I understand that all changed and that you are now on as fulltime County Engineer, and that you have more to do than you can handle doing our work --

Mr. Easley said, "Mike Fitzsimmons, who is a registered professional engineer, prepared these plans.

Mrs. Cox said, "I just have to express how I feel."

Mr. Easley said there is no relaxation in the thickness of the asphalt

Mrs. Cox said, "I already thought I was perfectly clear in saying I had no questions concerning that part of it....."

Commissioner Willner asked Mrs. Cox if she would entertain approval of the plans?

Mrs. Cox said, "Yes, I will."

Mr. Easley said, I have another set of plans, also, for approval.

Mrs. Cox said she had already made a motion and it was seconded. The Commissioners just did not vote on it.

Commissioner Willner said he would again second the motion on Parcel #4 of University Heights concerning LeMay Drive. So ordered.

Harmony Woods Lane - Section A: Mr. Easley said the other plans to be approved concern Harmony Woods Lane, located in a small subdivision off S.R. 65, just north of Hwy. 66. This street is 400 ft. in length and is a minor cul-de-sac with a pavement width of 24 ft. It is on the west side of Highway 65. It is in Phase I of this subdivision. The grade is 8% and it flattens out to 1%.

Mr. Willner said, "You are asking for design approval?" Mr. Easley said this is correct.

(continued)

COUNTY COMMISSIONERS
April 28, 1986

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Mr. Easley said that, in fact, they had specified 7 inches of crushed stone, which is 1 inch more than County standards.

Mr. Willner asked, "8% grade -- will be asphalt? Mr. Easley responded, "Yes; 3 inches of asphalt."

Proceeding, Commissioner Willner asked Commissioner Cox if she is comfortable concerning the subject plans?

Commissioner Cox said, "I'm not anymore comfortable with it than I was the other one morally and ethically, but we don't want to hold up the developers/builders on something like this. But I still have reservations about it and, subject to the interpretation of the County Attorney, then I would move that the street plan for Harmony Woods Lane, Section A, be approved, as submitted." A second to the motion was provided by Commissioner Willner. S- ordered.

Proceeding, Commissioner Willner asked Mr. Easley if Mr. Fitzsimmons is seated in the audience? Mr. Easley acknowledged that he is. Commissioner Willner requested that Mr. Easley introduce Mr. Fitzsimmons, saying he had never met him.

Mr. Easley introduced Mr. Fitzsimmons, saying he grew up in Evansville and graduated from the old Mater Dei High School. He is a graduate engineer of Purdue University and a registered Professional Engineer in the states of Indiana and Florida. He and Mr. Easley worked together for the city under Mayor Frank McDonald for five (5) years. Mr. Fitzsimmons then worked for Mr. Easley for ten (10) years prior to moving to Florida for five (5) years. He then decided he liked Evansville better than he did Florida and returned a year ago. He is running Mr. Easley's firm, so Mr. Easley can spend his mornings with Lee Stuckey and Bill Bethel and his afternoons with other people.

Commissioner Willner asked Mr. Easley if he had anything else to report? Mr. Easley responded in the negative. Commissioner Willner said he was glad to meet Mr. Fitzsimmons.

RE: EMPLOYMENT CHANGES - RELEASES

Circuit Court

Denise G. Karcher	940 Varsity	P/T Intern	\$3.35/Hr.	Eff: 4/18/86
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Burdette Park

Sally Behme	2875 Washington Ave.	Rink Guard	\$4.00/Hr.	Eff: 4/18/86
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Circuit Court

Denise G. Karcher	940 Varsity	P/T Intern	\$3.35/Hr.	Eff: 4/21/86
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Recorder

Dienna J. Krepps	7121 E. Gum	R.E. Deputy	\$12,800/Yr.	Eff: 4/21/86
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County Treasurer

Candace S. Mosby	3808 Van Meter Ct.	P/T	\$35.00/Day	Eff: 4/15/86
Rose Mary Muensterman	6025 Broadway	P/T	\$35.00/Day	Eff: 4/28/86
Gina S. Wilmes	2200 Sunburst Blvd.	P/T	\$35.00/Day	Eff: 4/28/86
Marlene R. Brannon	831 Nottingham Ct.	P/T	\$35.00/Day	Eff: 4/28/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:20 p.m.

(continued)

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COUNTY COMMISSIONERS
April 28, 1986

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PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Shirley Jean Cox

COUNTY ENGINEER

Andy Easley

PURCHASING

Tom Dorsey

COUNTY AUDITOR

Alice McBride
Sam Humphrey,
Chief Deputy

AREA PLAN

Beverly Behme

OTHER

Betty Lou Jarboe/City Clerk
Mr. & Mrs. Lambert
George Morgan
Mike Fitzsimmons/Easley Engineering
Duncan Cooke/Cooke Chevrolet
News Media

COUNTY ATTORNEY

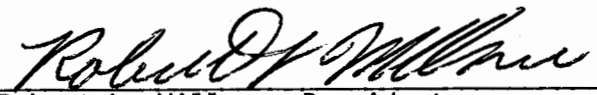
David V. Miller

AUDITORIUM

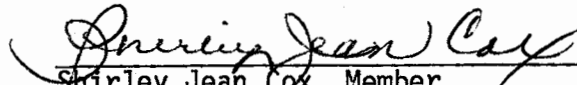
Kim Bitz

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

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COUNTY COMMISSIONERS MEETING
MAY 5, 1986

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MINUTES
COUNTY COMMISSIONERS MEETING
MAY 5, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 5, 1986, in the Commissioners' Hearing Room, with President Willner presiding.

Since it was the first meeting of the month, the session was called to order by Chief Deputy Sheriff Lee West, who declared the Commissioners in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Cox that the minutes of the meeting held on April 28, 1986, be approved as engrossed by the County Auditor, and reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: REQUEST FOR SIDEWALK WAIVER - LAKESIDE VI SUBDIVISION

The Chair recognized Mr. Roy Foster, who was present to request waiver of sidewalks in Lakeside VI Subdivision. Mr. Foster said that last year, when they got Lakeside IV and V and Brookshire V approved, they offered at that time to put sidewalks down both sides of Kingswood Drive. They subsequently came back and a designated parcel of ground was approved for condominiums. As can be seen on the plans he is sharing with the Commissioners, this has subsequently been replatted as R-1, and they will be building single-family units as opposed to condominiums. The area where they have installed sidewalks is designated in "red" on the map. They had agreed to install sidewalks in the area designated in "blue" on the map. When they had this redone into single-family units, the Area Plan Commission and Traffic required that they put in a deceleration lane. This has subsequently been installed. The only other thing he would ask (and perhaps the Board can tell him to whom he should speak concerning same) is that he needs to request a STOP sign for the area coming out onto Newburgh Rd., so no one drives thru and drives out onto Newburgh Rd. without stopping. (Comment was made that he should consult Traffic Engineer.)

Mr. Foster spent several minutes perusing the plans with the Commissioners.

Commissioner Willner subsequently queried Mrs. Cunningham concerning the recommendation of the APC. Mrs. Cunningham said that from the minutes of the APC, she believes she can speak for the committee and say that they are happy with the installation of the turn lane and she does not believe they would find it necessary to have sidewalks on both sides of Kingswood Drive. They would rather have the turn lane and sidewalks on one side than to have sidewalks on both sides. Mr. Foster did advise the APC in their meeting that he was going to come back to the Commissioners to request a waiver of sidewalks on one side. Mrs. Cunningham said that one reason they thought the turn lane so important was because this is where the I-164 ramp is going to be.

Following further perusal of the map and brief discussion, President Willner entertained a motion.

Motion was made by Commissioner Borries to waive sidewalks on the east side of Kingswood Drive in Lakeside Terrace VI, except for Lots 235, 236, 237, 238 and 239. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY

President Willner introduced Attorney Tom Massey, and explained that he is sitting in for Attorney David Miller. Mr. Miller will be here shortly.

RE: BURDETTE PARK - LETTER OF INTENT RE PUBLIC TOILET FACILITY

President Willner said he has a Letter of Intent concerning architectural services re new Public Toilet Facility for Burdette Park. County Council has given Mr. Tuley \$30,000 for this project. The Letter of Intent from Jack R. Kinkel & Son Architects is ready for the Commissioners' signatures, but the matter will be deferred until Attorney Miller arrives and reviews same.

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RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley presented a copy of the following letter written to the IDOH following the Commissioners' vote last week with regard to Heerdink Lane:

May 1, 1986

Mr. John P. Isenbarger, Director
Indiana Department of Highways
1101 State Office Building
100 North Senate Avenue
Indianapolis, IN 46204-2249

Re: IDOH Project I-164-1(3) P.E. & R/W, Contract R-15521
Interstate 164 in Vanderburgh County
Local Service Road #2 Along Heerdink Lane

Dear Mr. Isenbarger:

The County Commissioners are in receipt of a copy of Mr. Robert E. Woods' letter dated March 27, 1986, to Mr. Andrew Easley, Jr., the County Highway Engineer, a copy of which is enclosed.

The County Commissioners have voted to request the Indiana Department of Highways to cooperate with the Vanderburgh County Board of Commissioners by constructing Local Service Road No. 2 on contract R-15521 approximately 700 ft. further west in order to become part of the proposed county road improvement project along Heerdink Lane extended.

The County Commissioners will make every effort to have the right-of-way for the road acquired by June 1, 1986. The County has completed all field survey work for the design of the road. The construction plans are approximately 50% complete.

The County agrees to be responsible for the construction of the 2600 ft. of road across the south half of Section 36. The County agrees to accept the responsibility of connecting the existing driveways to the new Heerdink Lane Road.

The County does not plan to acquire any right-of-way from the Spencer property in the S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 36. We intend to locate the North 2600 ft. of the road within the West 60 ft. of the E. $\frac{1}{2}$ of the N.E. $\frac{1}{4}$ of Section 36 and the South 2600 ft. of the road will probably be located in the West 60 ft. of the E. $\frac{1}{2}$ of the S.E. $\frac{1}{4}$ of Section 36.

The Board of Commissioners sincerely appreciates the Indiana Department of Highways cooperation in this matter. If any additional information is required, please contact Andy Easley, the County Highway Engineer at (812) 426-5211.

Very Sincerely,

Robert L. Willner, President

cc: Richard Van Cleve, IDOH

In summary, Mr. Easley said the letter advises them of our intention to cooperate with the State. It summarizes some statements in their letter and informs them as to what we have been doing. He asked the Board if this reflects the Commissioners actions? The Board indicated approval of the letter.

Claim/Deig Bros.: A claim in the amount of \$5,129.58 for labor and material for the County Line Rd. Bridge just north of Ruston Lane across Bluegrass Creek. This is the final payment. About three weeks ago the Board authorized Mr. Easley to have Deig place said asphalt. Mr. Easley has inspected the work and recommends approval of the claim. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

(continued)

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In response to query from Mrs. Cox concerning the bridge, Mr. Easley said they call it the Ruston Lane Bridge, because Ruston Lane almost runs into the bridge -- it's probably actually 40 ft. north of Ruston Lane. The bridge was constructed in late 1985 and there was some thought that the county might pave it, themselves. After paying the claim to Deig, Mr. Easley said this will leave approximately \$20,000 in the account.

Claim/Deig Bros.: Claim in the amount of \$52,096.27 for labor and material to date to construct the new Millersburg Rd. Bridge. (We are retaining almost \$23,000.) This claim does reflect everything they have performed out there. On this project, Mr. Easley said he thinks we'll wind up with approximately \$5,000 left in the account after we pay the retainage. This week they will be cutting out the soft spot that developed and will be putting back deep straight asphalt in there.

Commissioner Cox asked if Mr. Easley did determine that we do have enough of the rip-rap along the sides of those walls there? Or, did he speak to them about that?

Mr. Easley said he hasn't authorized anymore rip-rap. He thought perhaps we'd discuss that to see whether we wanted to replace that ourselves or have them go ahead and place some more.

Mrs. Cox said she doesn't see anything on the Deig invoice for rip-rap.

Mr. Easley said that Item #13 "Sloped wall 12" revetment type" is the rip-rap. (He would have called it rip-rap; but that is what that item is.) He does think that perhaps we could use a little more rip-rap underneath that one storm drain and perhaps a little on the north side. Insofar as the county placing some additional material themselves, there is not a great deal of savings. It almost takes a clamshell to place it, unless you dump over the side and go down there to rearrange it. He will take another look at that. He will agree that we could use a little more in there.

Mrs. Cox asked if she understood Mr. Easley to say they were going to lower those culverts in that one ditch on the south side of the road?

Mr. Easley said he doesn't know of any tiles that have to be lowered.

Mrs. Cox said the ditch is about 6" to 8" lower than the existing tiles and there was water standing in the ditch when the Commissioners were out there.

Mr. Easley said they are placing culvert pipe in that this morning -- he was out there around 10:00 a.m. In response to query from Mrs. Cox as to who is doing that, Mr. Easley said the county is. Mrs. Cox asked, "That wasn't part of Deig's contract?" Mr. Easley said it is not. That was part of that right-of-way agreement that Mr. Hicks called about. Mr. Easley was out there when they were unloading the 200 ft. of pipe that the homeowners purchased and we brought our 40 ft. length of pipe which we agreed to put under Mr. Hicks' driveway.

The Chair entertained a motion. Motion was made by Commissioner Borries that the claim to Deig Bros. in the amount of \$52,096.27 be approved, with a second from Commissioner Cox. So ordered.

RE: BURKHARDT RD./PROGRESS REPORT

Mrs. Cox asked if Mr. Easley has a report on Burkhardt Rd. She didn't make the meeting, because she couldn't find the trailer....but, she did try.

Mr. Easley said it isn't a trailer; it is a building -- he thought there was a sign there that said "Field Office".....but Mrs. Cox said she didn't see it.

Mr. Easley said he does have the Change Orders today, to be considered by the Board.

Change Order No. 17 & Change Order No. 18 -- Mr. Easley read the following letter from Mr. Morley of Morley & Associates:

March 11, 1986

Vanderburgh County Commissioners
Room 305 - Civic Center Complex
Evansville, IN 47708

(continued)

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Re: Burkhardt Road Improvements
IDOH Contract #R-15023
Our Project #81-468-5

Dear Commissioners:

Enclosed is Change Order No. 17 (I.C. 115) and Change Order No. 18 (I.C. 626) for Force Account work to be performed on the Crawford-Brandeis Ditch. The work shall involve placing revetment rip rap and plastic filter fabric along the side slopes of the Crawford-Brandeis Ditch in areas that have failed as a result of the lowering of the ditch. In addition, swales, ditches and field drain outfalls that flow into the Crawford-Brandeis Ditch shall be protected with revetment rip rap and plastic fabric to prevent future slide problems.

This work has an estimated cost of \$40,337.77 as noted in the enclosed documents. Because this work is to be constructed under a Force Account Agreement with the Contractor, the final cost of this improvement shall depend upon the field conditions encountered and the subsequent amount of time involved to complete the repairs. This estimate was based on the Contractor's prediction that the work could be completed in ten working days as stated in their letter of November 27, 1985.

We have reviewed the unit prices for equipment, labor, and materials with Mr. Dale Lucas, I.D.O.H. Area Engineer, and he agrees that the prices reflect reasonable rates for the type of work involved with these repairs and that he recommends its approval.

Based on this review, we recommend to the Board that they accept the prices quoted by the Contractor and execute the I.C. 115 and I.C. 626.

Upon execution of these forms, please return them to our office so that we can forward to the IDOH for approval.

As always, if you have any questions, please feel free to contact us.

Sincerely yours,

James Q. Morley, P.E., L.S.

Change Order No. 19 -- With regard to Change Order No. 19, Mr. Easley presented the following letter:

April 28, 1986

Vanderburgh County Commissioners
Room 305 - Civic Center Complex
Evansville, IN 47708

Attn: Mr. Andy Easley

Re: Burkhardt Road Improvements
IDOH Contract #R-15023
Our Project #81-468-5

Dear Sir:

Enclosed is I.C. 115 Extra Work Agreement, Change Order #19 to replace the existing guard rail on the bridge structure over the Crawford-Brandeis Ditch.

The installation of Special "D" type guard rail on the bridge structure is being required by Mr. Lee Gallivan, Highway Engineer with the F.H.W.A.

As always, should you have any questions, please feel free to contact us.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer

(continued)

Mr. Easley said the estimated cost of this change order is \$3,317.00.

Commissioner Willner asked, "And the old guard rail would be placed with the County Highway Department?" Mr. Easley acknowledged that this is correct.

Proceeding, Mr. Easley presented map to the Board and said he believes the "blue" area designated is where the guard rail will be installed per Change Orders 2 & 4 and the "yellow" (as a result of the guard rail being deleted) when they approve the Crawford-Brandeis Ditch channel modifications -- as the job now stands, when they complete it it will be half guard railed -- and half will not have guard rail. There is an area south of Division St. (where the ditch is actually the most shallow) that will not have any guard rail. There is an area north of Oak Grove Rd. up to Morgan that will not have guard rail.

Commissioner Willner queried Mr. Easley concerning the cost.

Mr. Easley said this carries a price tag of \$44,671.23. If the Commissioners will recall, both Lee Gallivan, the Federal Highway Engineer, and Dale Lucas, said the guard rail has (as it now exists) been installed in accordance with Federal guidelines.

Commissioner Willner queried Mr. Easley concerning his recommendation.

Mr. Easley said that after the private conference with them, he would recommend that we respect their opinion and not ask for any additional guard rail. He knows this is difficult for some of us to comprehend. But they gave us the regulations and we have read them (in fact, we have a copy of the regulations here) and he would say he would think that everytime he goes against their State and Federal regulations he seems to lose -- so he thinks he'll recommend that we concede to their recommendations.

Commissioner Willner queried Mr. Easley concerning his recommendation on the box culvert guard rail?

Mr. Easley said he would recommend that we approve it.

Commissioner Willner said, "Now the light poles."

Mr. Easley said he guesses the Commissioners have all seen the SIGECO power poles on Lincoln & Division that ended up less than 6 ft. from the edge of the shoulder when they were relocated. Lee Gallivan requested that we obtain an estimate from SIGECO to adjust these locations so they will fit the dimensions that the Federal Highway would like to see us conform to. To relocate these poles, SIGECO's last estimate was about \$29,500. Mr. Bob Gulick of SIGECO was present and confirmed that this estimate was correct. However, in subsequently reviewing the area, they have determined that possibly they will be able to eliminate at least one more pole and perhaps three more -- so the cost could be reduced even further. Mr. Easley continued by saying that since we have been advised that this would have to be paid for by the county, if the Board thinks they have another reduction coming, we could perhaps postpone action on that.

Commissioner Willner said he would like to see a vote as to whether or not we want to change them. He'd like to get Burkhardt Rd. cleared up.

Commissioner Cox asked what the federal recommendations are for spacing of utility poles from the shoulders? There is a pretty nice shoulder on the right-hand side of that road when you're driving south on Burkhardt. In driving north, you have no shoulder -- you're right on that ditch.

Mr. Easley said he believes they consider it a hazard if...is it 6 ft. or 8 ft.?

Mr. Gulick said they want you 6 ft. from the edge of any pavement --and they call the shoulder a pavement; but if we have a curb and gutter it's only 2½ ft.

Mr. Easley asked Mr. Gulick what we presently have? Mr. Gulick said we have 2 ft. almost -- not quite. 2 ft. from the edge of the pavement on the shoulder.

Commissioner Cox asked if the right-of-way is there to move the poles? Mr. Easley said it is not.

Commissioner Willner entertained further questions of Mr. Easley. There being none, a motion was entertained concerning the placement of rip-rap in the amount of \$40,337.77;

(continued)

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the guard rail over the box culvert in the amount of \$3,717.00; and the removal of telephone poles -- with the dollars to be decided at a later date, but under \$29,500.

Mrs. Cox asked, "Removal or relocation?" Mr. Willner responded, "Relocation".

Motion was made by Commissioner Cox that Change Order #17 in the amount of \$40,337.77 for rip-rap to shore up the Crawford-Brandeis Ditch be approved, with a second from Commissioner Borries. So ordered.

Mr. Easley said he has a point of clarification. As part of Change Order #17, they have a Change Order #18 attached, which adds an item for plastic filter cloth which goes under the rip-rap. The two of those total \$40,377.77.

Mrs. Cox said she would then amend her motion to read Change Order #17 and Change Order #18, with a second from Commissioner Borries. So ordered.

The Chair then entertained a motion concerning Change Order #19.

Motion was made by Commissioner Cox that Change Order #19 to replace 50 lineal feet of guard rail at the box culvert on Burkhardt Rd. in the amount of \$3,317.00 be approved, with a second from Commissioner Borries. So ordered.

The Chair entertained a motion concerning relocation of utility poles.

Commissioner Cox asked if Mr. Willner wants a motion to conceptually approve the relocation of the light poles on the west side of Burkhardt Rd. to conform to federal regulations? Mr. Willner said that is correct.

Motion was made by Commissioner Cox that the Board conceptually approve the relocation of utility poles on the west side of Burkhardt Rd. to conform to federal regulations, with a second from Commissioner Borries. So ordered.

Commissioner Willner asked if there is any motion on the guard rail? Hearing none, he would assume that takes care of the problems. He asked Mr. Gulick to continue to work on the utility pole situation and when deliberations are complete, to give data to Mr. Easley.

RE: EUTS/LYNCH ROAD EXTENSION - ROSE ZIGENFUS

The Chair recognized Mrs. Rose Zigenfus, who had entered the meeting. Mr. Willner said he believes Mrs. Zigenfus has some information on the Lynch Road Extension.

Mrs. Zigenfus said she spoke with the Federal Highway Department this morning. They asked her to officially notify the Commissioners that on April 28, 1986, the Lynch Road Environmental was approved by Federal Highway. That brings us to the design stage. Mrs. Zigenfus said that what we need to do now is to look at the RFP process for design.

Commissioner Willner said, "Good; that guarantees us a Lynch Road Interchange with I-164, is that correct?" Mrs. Zigenfus said it is not -- not with federal highway dollars. That can be done if we want to design it that way.

Commissioner Borries said he still has a question on that. Again, we haven't set any definite times as to when Lynch Rd. is going to go -- as to which one is going to go first. Is there going to be a grade separation? Mrs. Zigenfus asked, "For the Lynch Rd. Project? Not that I am aware of." Mr. Borries said, "Then Lynch Rd. will have to be going over the interstate as she would see at this moment?" Mrs. Zigenfus said that will be determined during the design phase, of course; but the consultant process needs to begin by September 1, 1986....it has to be in design by then.

Commissioner Cox said this is very good news to hear; hopefully, we can get the County Council to take another look at the local option income tax money and commit more of these funds to our Lynch Road project. She guesses the comment was made at the last Council meeting that these projects are far down the road. The reason they are far down the road is because of the funding. And if we can get more bucks in here immediately to start on this, we can forge right ahead on this Lynch Rd. There is no reason it has to be 1989, 1990 or 1991; if we get the dollars committed, then we ought to be able to move right on with it and she would certainly like to see it happen. She would also like to see Eichoff-Koressel happen!

(continued)

RE: ANNUAL REPORT TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Commissioner Willner said he has the Annual Report of the Board of Commissioners of Vanderburgh County for year ending April 30, 1986, which goes to the State Superintendent of Public Instruction. Said report require approval and signatures of the Board. Motion to approve report was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: LETTER OF INTENT RE PUBLIC TOILET FACILITY FOR BURDETTE PARK

President Willner said the County Attorney has just agreed that the Letter of Intent from Jack R. Kinke1 and Son Architects concerning public toilet facility for Burdette Park is in order. The Letter of Intent gives the architect responsibility to see that the facility is constructed at or under \$30,000 and the architect fee will be 12% of the construction contract. A motion was entertained.

Motion was made by Commissioner Borries that the agreement be approved, with a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY

It was noted by President Willner that the following reports were received from the County Highway Department:

Weekly Work Report/County Highway: The Weekly Work Report for employees at the County Highway Department for period April 28 thru May 2, 1986 was submitted..... report received and filed. Attached to the Work Report was the following Work Schedule:

Grada11: Finished digging ditch on Felstead Rd., off Broadway Ave. Install driveway culvert at 6409 St. Joe Ave. Also, cleaned same ditch. Installed driveway culvert on 273 W. Mill Rd. driveway. Install tile on Tupman Rd. driveway. Worked on shoulders on Upper Mt. Vernon Rd., also shoulders on Old Boonville Hwy. and Hogue Rd.

Graded: Trapp Rd., Baehl Rd., Armstrong, Schmitt Rd., Maasberg, Wallenmeyer Rd., Emge Rd., Buente Rd., Goebel Rd., Roth Rd., Shore Rd., Seminary Rd., Mann Rd., and Bixler Rd. Haul rock to all of these roads that were graded, if they needed it. Haul 53's to Booker Rd., Peerless Rd. to put on shoulders where we installed new culverts.

Dig out soft spots in roads with backhoe and add rock for base on Scott Rd. (west) off of Hwy. 65.

Haul trash from garage, St. Joe Ave., and S. Weinbach Ave. Finish cleaning gutters on Lynch Rd. Also, clean loose rock from the intersections and along gutters in New Melody Hill area.

Patch with hot mix - Green River Rd., from Highway 57 to Petersburg Rd., Millersburg Rd., Berry Ct., Holly Hill and Berry Lane, Selzer Rd., Schmuck Rd., Mahrenholz off of Schutte Rd., and Crestmont Dr.

Repair washout at corner of Meadow Lark Lane and Caren Drive. Also seeded corner of Schmuck and Schissler Rc. where bank was cut down.

Installed weight limit signs on Hirsch Rd., which was torn up on weekend of April 25th and 26th by heavy trucks.

Weekly Work Report/Bridge Crew: Also submitted was the Weekly Work Report for the County Bridge Crew for the same period.....report received and filed.

Installed two 18" culverts on Booker Rd. Rip-rap around culvert pipe ends and added 53's with some slurry concrete to keep pipe from washing out.

Paint guard rail on St. Joe Avenue and Baseline.

(continued)

Paint bridge on Old State Rd.

Cut weeds away from guard rails on Heinlein and Birch Lane; Baseline Rd. and St. Joe Ave.

Replace guard rails at Hitch and Peters Rd.

Straighten guard rails on St. George Rd. and Oak Hill Rd.

Tony Hall worked in Mr. Easley's office all week.

Joe Schapker worked in the County Highway office all week.

Weekly Absentee Reports: Submitted for the same period were the Weekly Absentee Reports for the County Highway Department and the Bridge Crew.....reports received and filed.

HIRSCH ROAD DAMAGE: President Willner said he has a set of photos which have been submitted, which show damage done to the road during the past week. They thought it was a contractor who did the damage and the County Highway Department has told them not to use the road and they are now going up to the highway. President Willner called the County Attorney and he, in turn, called the company involved and asked them not to use it and they said they would not.

In showing the photos to the Board, President Willner said this is the new section that was paved (not by County crews, but by Deig).

Commissioner Cox asked if there is a load limit posted on the road?

President Willner said there is a sign there that says 9 Ton Limit -- but he does not believe there is an ordinance to coincide with the sign.

Mrs. Cox asked if these contractors' equipment weigh more than nine (9) tons?

President Willner said that constitutes a problem.

In viewing the photos, Mrs. Cox said it looks to her as though it is a bad base. She stated there was a problem with the borrow and compaction out there on that.... she said there was a problem with the fill brought in and that is what the big controversy was with Nussmeier -- he didn't want to finish the contract, because he couldn't get the dirt from the borrow to compact good -- and that may be part of the problem.

Mr. Willner said these are the same trucks that are using Burkhardt Rd. There was no excuse to use Hirsch Rd. We understood that they had to have a way to get to the job site, and we told them to use Burkhardt Rd. In any event, the company was contacted and they are not using Hirsch Rd. anymore. He doesn't know whether they will make restitution or not -- we will try. He said they are now building a road from Pigeon Creek to Morgan Avenue -- that is where these trucks were going. But they could have gone up and used the highway (Morgan Avenue) and then come down and used Burkhardt Rd. -- but they wanted to take a shortcut. In any event, he will keep the Board informed on the situation.

WEST MILL RD.: It was noted by President Willner that Mr. Oglesby called the Commissioners' office on Thursday, April 29th, to compliment the crew (Ray Cook and Bob Smith) for doing such a good job on 2730 West Mill Rd., and wanted the Commissioners to know that he appreciated it. (A driveway culvert was installed.)

RE: PETITION RE PROBLEMS ON FELSTEAD RD.

President Willner submitted a petition received from the Sarabeth Lane Association. Noting that it was addressed to Commissioner Cox, he asked if she wanted to tell the Board about the petition. (The petition was addressed to Shirley Jean Cox, with a copy to Bill Bethel of the County Highway Department.) Commissioner Cox read the petition, as follows:

(continued)

April 15, 1986

Shirley Jean Cox
Vanderburgh County Commissioner
305 Civic Center Complex
Evansville, IN 47708

As members of Sarabeth Lane Association (a private road), the undersigned hereby petition the County to take necessary action to correct drainage problems on Felstead Rd. from Broadway Avenue to 1300 Felstead which, at this time, has a direct effect on our subdivision.

We are in the process of installing a larger culvert (a size recommended by the county) at our expense to handle 180 acres that drain through our culvert. We are receiving additional water from Felstead because ditches have been filled in either by individuals or soil settlement. We are asking the county to clean out or make ditches on both sides of Felstead Rd. so the water does not jump the road and come onto our subdivision. Also, there is a culvert under Felstead (where the creek flows) that needs cleaning out.

We feel we are doing our part by installing a larger culvert, but need your help to accomplish the total job. Should you need additional information, please feel free to contact our president, Mr. John Branam.

Randall Stone/1601 Felstead
Mr. & Mrs. John Branam/5815 Sarabeth Lane
Ray Joyng/5919 Sarabeth Lane
Dennis Johnson/6013 Sarabeth Lane
Joe Stagg/6016 Sarabeth Lane
Robert Neisen/6014 Sarabeth Lane
Louis Buschkill/6008 Sarabeth Lane
Tom Feldhaus/5918 Sarabeth Lane
Don Bolin/5411 Bridgeview Dr.
Mr. & Mrs. Terry Gourley/5906 Sarabeth Lane
Mr. & Mrs. Robert Reason/5816 Sarabeth Lane
Venita Bevinger/1649 Felstead

President Willner asked that the petition be referred to Andy Easley, County Engineer, and asked that Mr. Easley investigate and advise the Board as to the problem.

RE: AGREEMENT CONCERNING COMPENSATION OF COUNTY ATTORNEYS

It was noted by Commissioner Willner that Attorney Miller is now present and the Agreement concerning compensation of County Attorneys can now be submitted for the Board's approval. In response to query from Commissioner Willner, Attorney Miller advised that the agreement is the same as that currently in effect, with the exception that it states that Attorney David L. Jones is with the law firm Frick & Powell. In response to query from Commissioner Cox as to whether checks are made payable to the County Attorneys or the law firms, Attorney Miller said he believes they are made payable to the attorneys. However, County Auditor Alice McBride advised that for some time now, in accordance with State regulations, checks are made payable to the law firm -- for tax purposes.

Motion was made by Commissioner Borries that the agreement be approved, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID V. MILLER

PARKING ORDINANCE/VANDERBURGH AUDITORIUM: President Willner asked Attorney Miller if he has anything to report. Attorney Miller said his office has initiated an effort in the past week to either sit down with or correspond with the City Clerk in order to re-write the parking ordinance for Vanderburgh Auditorium. He should have something to submit to the Board within a week or so which will meet her needs as well as the county's needs as much as possible.

(continued)

COUNTY COMMISSIONERS
May 5, 1986

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HECKEL RD. BRIDGE/ROAD: Commissioner Cox asked if the Attorney did send the Board the letter concerning use of bridge funds for the run-around road? Attorney Miller said that he did. A couple of days after the Commissioners' meeting he received a response from the State Board of Accounts. Essentially it said, "It's not really my department but.....". But they expressed an opinion that if it was necessary in conjunction with the bridge construction that it would be o.k. to build a temporary road. If it is not necessary, then it wouldn't be permissible. But they were going to pass it on to the Assistant Attorney General who may, or may not, respond.

Commissioner Cox asked, "But it had to be a temporary road?"

Attorney Miller said they used "temporary" because his letter had reference to "temporary". Depending upon the difference for the expenditure for a temporary road and a permanent road, he is not so sure that he would agree -- but he doesn't have the numbers at this point, and he guesses the Board doesn't either.

Commissioner Willner said, "No, but we will."

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Roger Lehman of the Building Commission was present concerning house moves requested by Elmer Buchta, Inc., as follows:

2054 Eastland Drive to 3816 E. Riverside Drive
4220 Morgan to 5111 Heckel
Polaris to 3303 N. Burkhardt Rd.
1925 Chickasaw to Margybeth

It was subsequently noted that the first three moves were approved by the Board on April 21st and the latter move was approved by the Board on April 28th. (Mrs. Cox noted that an o.k. was noted on the bottom of the requests.)

Monthly Reports: Mr. Lehman said he is also presenting monthly reports from the Building Commission for January, February, March and April (just in case he forgot to provide copies previously). It was noted by Mr. Lehman that the houses in April exceeded any one month total dating back to the 50's. They have issued 106 house permits (city and county combined) for the month of April (there were probably 92 in the county, alone) so that is a substantial gain. They are also approximately \$20,000 over revenue as compared to this time last year and approximately \$50 million in value ahead of last year.

RE: TRAVEL REQUESTS

Human Relations Commission: President Willner read the following letter re travel request from the Human Relations Commission:

TO: County Commissioners
FROM: Jacqueline LaGrone/Director, H.R.C.
SUBJECT: Request for Travel/Mark Sebree
DATE: April 28, 1986

Commissioners, I would like to request, at this time, a travel allowance for Mark Sebree, the County employee in our office. Mark has not received any formal training since replacing Darrell Collins last year. There is an annual Indiana Consortium workshop to be held in Indianapolis, IN the first week in June. The travel allowance will include: Registration, 2 nights lodging, transportation and meals (2½ days).

To make it possible for investigators to develop the necessary skills and improve techniques in the area of civil rights, it is imperative to periodically attend workshops. The workshop in Indianapolis will be conducted by professionals and attended by all local Human Relations Commission staff in the State of Indiana.

Additional information will be forthcoming.

(continued)

Commissioner Cox asked if they have money in their budget?

Commissioner Willner said the letter doesn't say; he would imagine they are asking out of the Commissioners' budget.

Mrs. Cox asked if we'd have to pay all of it?

Mr. Willner noted that the county only pays one investigator's salary (Mark Sebree) -- so they are requesting that we send this particular employee to the workshop. He would imagine the rest would be attending through the city.

Motion to approve the request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

County Auditor: President Willner read the following request from the County Auditor:

TO: County Commissioners
FROM: Alice McBride/County Auditor
RE: Travel Request
DATE: May 5, 1986

The State Board of Accounts is calling a conference of all County Auditors pursuant to IC 5-11-14-1 to be held on Thursday and Friday, May 22 and 23, 1986 at the Hilton at the Circle in Indianapolis, IN.

This is to request permission to attend for Petty Powless (First Deputy) and me, with reimbursement for lodging nights of May 21 and 22, per diem and mileage at 25¢ per mile.

Thank you for your consideration.

Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COUNTY TREASURER

Commissioner Willner presented the following interest report from the County Treasurer for period through May 1, 1986:

Money on Deposit--Invested \$500,000.00 (\$100,000.00 each with each of the S&L), Dec. 28, 1985, at 7.65%. Estimated Income at maturity is \$38,145.21. Maturity date is Dec. 26, 1986.

Local Roads & Streets (216)--Invested \$1,400,000.00 Jan 8, 1986 at 7.40%. Estimated income at maturity is \$48,922.22. Maturity date is June 27, 1986.

Revenue Sharing (506)--Invested \$300,000.00 Jan. 10, 1986, at 7.6%. Estimated Income at maturity is \$10,640.00. Maturity date is June 27, 1986.

Reassessment (249) -- Invested \$1,300,000.00 Jan. 14, 1986, at 7.9%. Estimated Income at maturity is \$99,561.94. Maturity date is Dec. 29, 1986.

Cum. Bridge. (203)--Invested \$2,000,000.00 Jan. 21, 1986 at 7.475%. Estimated Income at maturity is \$65,198.61. Maturity date is June 27, 1986.

Monies on Deposit -- Invested \$2,000,000.00 April 14, 1986, at 6.425%. Estimated Income at maturity is \$23,915.28. Maturity date is June 20, 1986.

Monies on Deposit -- Invested \$3,000,000.00 April 17, 1986 at 6.40%. Estimated Income at maturity is \$30,400.00. Maturity date is June 13, 1986.

Monies on Deposit -- Invested \$1,500,000.00 April 25, 1986, at 6.40%. Estimated Income at maturity is \$9,333.33. Maturity date is May 30, 1986.

(continued)

COUNTY COMMISSIONERS
May 5, 1986

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Monies on Deposit -- Invested \$1,500,000.00 April 30, 1986 at 6.30%. Estimated Income at maturity is \$7,875.00. Maturity date is May 30, 1986.

Advances to date:	(1) School Corp.	\$1,315,000.00
	(2) City	1,182,000.00
	(3) Levy	75,000.00
	(4) Knight Twp. Fire Fighting	<u>12,500.00</u>
	Total	\$2,584,500.00

Additional Advances prior to June settlement:

(1) School Corp.	\$6,250,000.00
(2) City	4,500,000.00
(3) Levy	?
(4) Knight Twp.	-0-

Interest Received to date:	County Revenue	\$80,560.10
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Interest to be Received when current Investments mature:

County Revenue	\$109,668.82
Local Roads & Streets	48,922.22
Revenue Sharing	10,640.00
Reassessment	99,561.94
Cumulative Bridge	<u>65,198.61</u>
Total	\$333,991.59

Monthly Report: Also submitted was the County Treasurer's Monthly Report for period ending March 31, 1986.....report received and filed.

Commissioner Cox stated that the Treasurer is receiving some bad checks, one of which is from the Vanderburgh Auditorium for \$675.00 (Talents Unlimited). Who is Talents Unlimited? There is also one from Burdette Park (James M. Gaddey) for \$54.00. Mrs. Cox said she thought we made them give us certified checks. Who is Talents Unlimited -- does anyone know? That's \$675.00. I thought we asked for certified checks or something on those.

Attorney Miller said this was a problem some three to four years ago -- and we talked about getting certified checks or cashier's checks -- after we had to sue two or three of them.

Mrs. Cox said they passed this bad check on March 16th at the Auditorium. It was received from Talents Unlimited for auditorium rental.

Attorney Miller said that if we have an address, they are liable treble the amount of the check in Small Claims Court -- no questions asked. He said he will write letters on those if he can get copies of the checks.

Commissioner Willner asked that he contact the County Treasurer's office.

RE: REQUEST TO GO ON COUNCIL CALL - JUNE

Commissioner Willner said that in the last legislation, the legislators passed a law to give the County Commission the authority to appoint seven (7) people on the Property Real Estate Taxation Board for commercial, industrial and residential. Four (4) people are to be appointed for the financial institutions, commercial, agriculture and residential. The other persons are appointed by the Township Assessors and the County Assessor would be the chairman. The individuals appointed by the Assessors & Commission are to be paid by monies set aside by the County Council. There are six (6) members who need to be paid for their services. He would request that the Commissioners go on Council Call to request \$20,000, which would constitute \$45.00 per day, the same as the Board of Review. A motion was entertained.

Motion to place Commissioners on June Council Call was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

(continued)

Commissioner Cox asked how Commissioner Willner arrived at the \$20,000 figure?

Mr. Lindenschmidt explained they allowed \$45.00 per day per person; they didn't have any idea how many times they'd meet, but figured two (2) days per week for the period of June 1, 1986 to March 1, 1987 (the Board's tenure) which was \$19,600 and some odd dollars.

In response to Mrs. Cox's query, Commissioner Willner said that once they meet, the Taxation Board, themselves, will have to determine how often they will meet -- so for the time being, it is just a guesstimate. Mrs. Cox questioned whether or not they could appropriate monies beyond 1986; but Commissioner Willner said that if you have a contract with these people, you can encumber the monies.

RE: OFFICE CLOSING - MAY 6 PRIMARY ELECTION

It was announced by President Willner that all County offices will be closed tomorrow, May 6, 1986, for the Primary Election. He extended Good Luck to each and everyone.

RE: OLD BUSINESS

President Willner entertained matters of old business.

Commissioner Cox said she has an item, although it is not old business. But she would just like to know if her fellow commissioners will agree to send a letter of congratulations to the Reitz High School Choir for placing first in the Indiana State School Music Association Contest last Saturday in Indianapolis -- and send a congratulatory letter to both the Choir and to their Director, Mr. James Haygood.

Commissioner Willner said, "Certainly -- and wish them well on their day off. They received a day off for that -- that seems to be the new policy of the School Board. If you win a state anything -- you get a day off."

RE: SCHEDULED MEETINGS

Wednesday	May 7	2:30 p.m.	County Council Meeting
"	"	6:00 p.m.	Area Plan Commission Meeting

RE: CLERK OF THE CIRCUIT COURT

President Willner submitted the monthly report for period ending March 31, 1986 from the Clerk of the Circuit Court.....report received and filed.

RE: CLAIMS

PENNCO: A claim was presented for excise lines tax.....it was determined that this claim will be held until Attorney Miller can check this out with John Hodge. It was noted by Commissioner Willner that the documents indicate "Surplus Line Tax on Insurance Premiums". A letter from Chuck Peters was also attached. Commissioner Cox asked, "We pay tax on insurance premiums?" Attorney Miller said this is the first time he's heard of anything like this and he will contact Mr. John Hodge and get back to the Commissioners. Commissioner Willner said the claim will be deferred for one (1) week, until the Board receives advice from Attorney Miller.

Jerry Schenk & Assoc., Inc.: Claim in the amount of \$1,250.00 for loss control services for April, 1986 was presented. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. (It was noted that this was for Burdette Park and the County Highway Garage.)

Soil & Water Conservation District: A claim in the amount of \$1,250.00 for one-half year for the S&WC District (Acct. 130-304). Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

(continued)

COUNTY COMMISSIONERS
May 5, 1986

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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Cumulative Bridge Fund

Delbert Pinkston 208 Jefferson Inspector \$16,232/Yr. Eff: 4/1/86

Election Office

Edna L. Henry	305 N. Tekoppel	Dep. Clerk	\$4.54/Hr.	Eff: 5/1/86
Clara Louise Berry	1308 Bellemeade	"	"	Eff: 4/30/86
Casey E. Randolph, Sr.	130 W. Inglefield Rd.	Bal. Assem.	"	Eff: 5/1/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

Tom Massey
David V. Miller

COUNTY ENGINEER

Andy Easley

EUTS

Rose Zigenfus

AREA PLAN COMMISSION

Barbara Cunningham

BUILDING COMMISSION

Roger Lehman


OTHER


Roy Foster
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 12, 1986

Subject	Page No.
ACCEPTANCE OF STREETS & STORM DRAINAGE/RIDGE SUBDIVISION	
Balsam Lane----- 550 Feet (0.10 mi.)-----Approved -----	6-7
(40 ft. right-of-way)	
APPOINTMENT TO LEVEE AUTHORITY BOARD	
Mark Van Dusen reappointed for 3-Yr. Term; Eff. 7/1/86 thru 6/30/89--App'd. ---	20
APPROVAL OF MINUTES ----- (May 5, 1986) -----	1
BIDS	
Bid Specs for Equipment in Sheriff's Kitchen & Laundry Equipment in the Jail approved; to be advertised May 16 and 23 w/Bid Opening 6/2/86-----	2
CLAIMS	
David L. Jones--(Final w/BHK&M)-----\$2,728.00 -----Approved -----	22
Helfrich Insurance Co./2nd Install./Work Release--\$3,750-----Approved -----	22
B.M.B. (Green River Rd. Storm Sewer) ----- \$1,982.85-----Approved -----	3
United Consulting Engineers----- \$2,803.45-----Approved ----	3-6 & 9-15
Ohio Valley Engineers---(Road Study)----- \$6,875.00)-----Approved---	7 - 9 & 15
COUNTY ATTORNEY - DAVID V. MILLER	
Claim re Tax on Insurance Premiums----Atty. Miller contacted State Insurance Commissioner who, in turn, has referred to Atty. General-----	3
Parking Ordinance/Vanderburgh Auditorium---Revised Ordinance in Progress-----	3
Letters re Bad Checks-----Atty. Miller has written -----	3
COUNTY ENGINEER - ANDY EASLEY	
Claim/B.M.B., Inc.----see CLAIMS above-----Approved -----	3
Claim/United Consulting Engineers---see CLAIMS above-----Approved ---	3-6 & 9-15
Claim/Ohio Valley Engineers---see CLAIMS above-----Approved---	7-9 & 15
Discussion re Eichoff-Koresse EIS & Location Study -----	7-15
Boonville-New Harmony-----Board approved Plan "B" -----	16-18 & 21
Burkhardt Rd. Situation north of Oak Grove---A. Easley to pursue-----	15-16
Chickasaw Park Area Problems/A. Easley to pursue w/IDOH -----	18
COUNTY HIGHWAY DEPARTMENT/WEEKLY REPORTS -----	18-20
ELECTION EQUIPMENT -----	20-21
Request from Mater Dei to use (4) Voto-Matics-----Approved -----	
(Certificate of Insurance submitted)	
Ltr. from Commissioners to Election Board requesting that Voto-Matics not leave the Complex without prior approval of Commissioners & Certificate of Insurance -----	
Meeting re Problems experienced during Primary Election/R. Willner to set up --	21
LEGAL AID SOCIETY/ANNUAL MEETING -----	22
REQUESTS TO GO ON COUNCIL CALL	
County Engineer-----re Pigeon Creek Log Jam-----Approved -----	15
Commissioners re Engineering Fee, etc., re Boonville-New Harmony -----	18-21
SALE OF COUNTY-OWNED SURPLUS PROPERTY -----	1
SCHEDULED MEETINGS -----	22
SHERIFF'S DEPARTMENT	
Notice to Bidders-----Specs approved for advertising(see BIDS above)-----	2
Request to Transfer Old Kitchen & Laundry Equipment to Work Release---App'd.--	2-3

453.

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 12, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 12, 1986, in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion for approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, May 5, 1986, be approved, as engrossed by the County Auditor, and the reading of same waived, with a second from Commissioner Cox. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

The meeting proceeded with President Willner saying the sale of county-owned surplus property is the next item on the agenda. For the general information of those in the audience who are present to bid on subject property, 11-9-21-73-20 at 809 Line Street is not for sale; it was redeemed prior to today.

9-29-13-42-12 (1319 E. Sycamore St.): Bidding was opened, with President Willner indicating that the Commissioners should probably set a minimum bid limit.

Commissioner Cox asked whether Commissioner Willner has the appraised values. He acknowledged that he does. The appraised value of this particular piece of property is \$750. He queried the other Commissioners as to whether they want to establish a \$50 minimum bid limit, saying all of the parcels to be sold are appraised at a value in excess of \$500 (three at \$500; three at \$750; one at \$800) -- so he would think that the Commissioners wouldn't take anything less than \$50. It was the consensus of the Board that a \$50 minimum limit should prevail.

Bidding commenced at \$50, with a final bid of \$575.00 from Mr. Wade Hummel. The property was sold to Mr. Wade W. Hummel of 1602 John Street for \$575.00.

11-7-21-57-17 (703 S. Governor St.): Bidding was opened at \$50.00, with final bid of \$50.00 being submitted by Dorothy Joest in behalf of the City of Evansville. The property was sold to the City of Evansville for \$50.00.

11-8-21-60-14 (775-777 S. Elliott St.): Bidding was opened at \$50.00, with a final bid of \$200.00 from William Hamilton. Property was sold to Mr. William Hamilton of 512 E. 5th Street in Mt. Vernon, IN for \$200.00.

11-9-21-76-8 (913 S. Elliott St.): Bidding was opened at \$50.00, with final bid of \$150.00 from Mr. John Hall. The property was sold to Mr. John Hall of R.R.#8, Box 89A for \$150.00.

11-10-21-90-3 (920 S. Governor St.): Bidding was opened at \$50.00, with a final bid of \$50.00 from William Hamilton. Property was sold to Mr. William Hamilton of 512 E. 5th Street in Mt. Vernon, IN for \$50.00.

11-21-23-52-7 (1219 S. Grand): Bidding opened at \$50.00, with final bid of \$225.00 from Mr. Phillip Britton. The property was sold to Mr. Phillip Britton of 1215 S. Grand for \$225.00.

10-5-25 (R.R.#2 S. Red Bank Rd.): Bidding opened at \$50.00, with a final bid of \$100.00 from Mr. Otis Futrell. Property was sold to Mr. Otis Futrell of R.R.#1, Red Bank Rd. for \$100.00.

Motion was made by Commissioner Borries that all of the above-listed bid prices be approved, with a second from Commissioner Cox. So ordered.

President Willner asked if the County Attorney had any comments with regard to the properties sold. Attorney Miller said the Commissioners received the deeds to subject properties in December of 1985, and they are selling the property to get it back onto the tax rolls. His office will prepare deeds for the new owners and deliver same to the Auditor's office who, in turn, will have the deeds recorded prior to issuing the deeds to the new owners.

(continued)

RE: SPECIFICATIONS FOR EQUIPMENT FOR SHERIFF'S KITCHEN & LAUNDRY EQUIPMENT FOR JAIL

President Willner asked Sheriff Shepard if he wishes to speak to the equipment for the Sheriff's Kitchen and Laundry Equipment for the Jail? Sheriff Shepard said the specs have been turned in. The Sheriff said that if his memory serves him correctly, they met with Council in the jail and the money for subject equipment has been appropriated. His department is sorely in need of the equipment and he would like to get the specs approved.

Commissioner Willner asked Mr. Tom Dorsey of Purchasing if he has the specs? He acknowledged that he does and both Lee West and Ken Collins have reviewed and approved same. The Chair entertained a motion.

Commissioner Cox said she needs to know when the specs will be advertised, the date of bid opening, and under "General Bid Requirements" in the specs, we need to include the hour of whenever we're going to accept the specs.

Commissioner Willner said he has a note that says they can advertise these bids on May 16 and 23, open bids on June 2 and then o.k. if we so desire.

Commissioner Cox queried Mr. Dorsey as to what hour should be put under Item #1 under general bid requirements?

Mr. Dorsey said the hour would be the normal meeting time; they generally do not fill that in until the specs have been approved, in the event the Commissioners want to extend the bidding period, etc. In response to query from Commissioner Cox, Mr. Dorsey said we have to take bids until the actual meeting time.

Commissioner Cox said, "I didn't know that."

Commissioner Willner said, "We always do -- we always have to set the time."

Mrs. Cox said, "I didn't know we could take them up until 2:30 p.m.; I thought we could set any time that we wanted to."

The Chair entertained a motion.

Motion was made by Commissioner Cox that the minimum specifications for kitchen equipment and commercial walk-in freezer and laundry equipment for the Vanderburgh County Sheriff's Department be approved and advertised as required by law, with bid opening set for June 2, 1986. A second to the motion was provided by Commissioner Borries. So ordered.

RE: REQUEST TO TRANSFER OLD KITCHEN & LAUNDRY EQUIPMENT TO WORK RELEASE

President Willner said he has a letter from Sheriff Shepard requesting that the old kitchen and laundry equipment be transferred to Work Release.

Sheriff Shepard said he would like to speak to this and was recognized by the Chair. Mr. Shepard said that the Work Release out on Third Avenue does a very fine job (under the guidance of Judge Miller and Allen Henson). They are currently in the process of enlarging their kitchen and their dormitory facilities for more work release inmates. The equipment the Jail now has is operational to date; however, some of it leaks, it is old and needs parts replaces. Work Release has the time and manpower to do this; they can take the equipment out there and overhaul it completely with the labor they have out there and they have requested that it be transferred to them. Since the Commissioners own the property and are responsible for it, he is requesting that the Commissioners reassign this equipment to Work Release when it is taken out of the Jail facility.

Commissioner Willner said the items to be moved to Work Release include the following:

- 1) Combination steam table/work table with sink
- 2) One gas-fired kettle
- 3) One mixer
- 4) Two clothes-washing machines
- 5) One gas-fired clothes dryer

(continued)

COUNTY COMMISSIONERS
May 12, 1986

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A motion was entertained by the Chair.

Motion was made by Commissioner Cox that the request be approved, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - DAVID V. MILLER

The Chair called upon County Attorney David Miller for a report. Attorney Miller said nothing has come up this past week that needs reporting.

Insurance Premium Tax: Attorney Miller said he is making inquiry concerning the \$6,000 tax that related to insurance premiums. He learned that the State Insurance Commissioner passed that along to the Attorney General's office. Attorney Miller said he is not sure that he agrees that that tax is payable. The Insurance Commissioner thinks that it is. However, he will see what the Attorney General thinks and advise the Commissioners concerning this claim at that time.

Parking Ordinance/Vanderburgh Auditorium: Commissioner Cox queried Attorney Miller as to whether he is making any progress on the Ordinance re parking at Vanderburgh Auditorium? Attorney Miller said that he is. Cedric Hustace of his office has been in touch with Betty Lou Jarboe and a revised ordinance should be ready in the next week or so for the Commissioners' consideration.

Letters re Bad Checks: Commissioner Cox said she believes Attorney Miller had said he would be willing to write letters concerning bad checks received by the County. Has he done this yet?

Attorney Miller said he believes he has; he has notes about two (2) bad checks that were given to him and he is certain that those letters went out. The Commissioners should have received copies of those. Mrs. Cox said they usually do -- but she didn't receive copies of subject letters. Attorney Miller said he is really surprised that Mrs. Cox didn't receive copy of the letters.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said that he has three (3) claims for the Commissioners' approval and one street to be accepted for county maintenance.

Claim/B.M.B., Inc.: Claim in the amount of \$1,982.85, which is retainage on storm sewer installed on North Green River Rd. This was completed last fall....and he believes it was overlooked. It is his recommendation that the claim be paid. In response to query from Commissioner Willner, Mr. Easley said that if the Commissioners will recall, Mr. Neville paid \$13,000 on that. We have previously paid \$17,800.

The Chair entertained a motion. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/United Consulting Engineers (Indianapolis): Mr. Easley said the next claim is to United Consulting Engineers of Indianapolis. This is the firm that is doing the environmental statement and location study for the Eichoff-Koressel Rd. Claim is in the amount of \$2,803.45. The reason for this claim is that it's a progress payment and final payment for this environmental assessment and location study that is essentially 50% complete. The reason they have informed him that they need to consider it completed is because of a decision that was made approximately a year ago (March 11, 1985) that the Commissioners have indicated that they would like to have the location study consider a 4-lane road. If we go the four (4) lanes in the location study, it becomes an Environmental Impact Statement, because it has quite an effect on several houses out there.

Commissioner Cox said, "Andy, as I recall the discussion on this, I thought Koressel Rd. was always targeted for enough right-of-way to widen it out to four (4) lanes in the future. But, for the present, to make it a nice 2-lane with nice shoulders on it. So now what are we asking for out there?"

President Willner said, "Let's see if I can explain that. It was put in the Tip as strictly a 2-lane road and the consulting firm started with their Environmental Impact Statement which was to be a partial one for a 2-lane road. Then, I guess as the Commissioners thought about it and wanted to make it a 4-lane road, I guess the Tip

(continued)

adjusted their minutes to show State and now we need to do that. I'm not sure just as to who put that in as a 2-lane road. It goes back many, many years -- even before probably I was here -- and that is a long time."

Commissioner Cox said, "Now we had a contract with these people; what did that call for? And I was under the impression that we were going for enough right-of-way to 4-lane that out completely in the future, if needed. But right now, a nice 2-lane -- nice shoulders on each side -- that was from day one. I never knew that we ever changed our minds on that -- and I've been in on the discussions since 1981, Bob."

Commissioner Willner said, "What you say is correct."

Continuing, Mrs. Cox said, "And when UCT came in, they knew exactly what we wanted and so did these other bidders. And UCT was low and said they would do all of this for -- what was it? -- \$20,000 or whatever the figure was -- and it was an ungodly low figure and it was questioned at that time. They were really going to do what we wanted to do. So now, we've paid for this and it is not any good -- is this what we're....?"

Commissioner Willner interrupted, "No, that is not correct. They will use what they have....."

Mr. Easley commented, "They've got a lot of information that we've looked at and studied -- aerial photography; they have made an appraisal of the impact on crossing the L&N/Seaboard and we discussed overpasses versus underpasses. Now that the tip has been amended for 4-lanes....."

Mrs. Cox asked, "What are we talking about? A 2-lane or a 4-lane? And, how much right-of-way are we talking about right now? You can buy 120 ft. of right-of-way and only put a 2-lane road there. I think the right-of-way is the key thing here -- not the number of lanes that we're going to have. You can always extend this on out.... they were confused at that time. We always knew what we wanted....."

Commissioner Willner asked, "Rose, can you shed some light as to how Eichoff-Koressel Rd. started out to be a 2-lane right-of-way instead of a 4-lane right-of-way?"

Mrs. Zigenfus said she was not here during the initial conversation. But, according to the EUTS study, the long-range plan was adopted back in 1977 and the project called for the road to be extended -- for the road to be a 2-lane facility with enough right-of-way for that only. That is the way their documents listed it. When they learned that they wanted enough right-of-way for 4-lanes, they had to go back and amend the tip and, consequently, amend Area Plan's Comprehensive Plan....and that is where they are at this point.

Mrs. Cox said, "Andy wasn't here either, I don't think. Were you here in the very beginning (speaking to Mr. Easley)? Rose, what is the traffic count out there -- what is the projected count? Are we going to need a 4-lane road out there?"

Commissioner Borries said, "No -- there won't be a 4-lane road; it will be 2-lane."

Commissioner Willner chimed in, "It will be a 2-lane road."

Mrs. Zigenfus said, "What we're going to do at this point, Shirley, United Consulting Engineers indicated that we needed to amend the Comprehensive Plan to state the project would include acquisition for four (4) lanes."

Mrs. Cox said, "We've always wanted that. I cannot see why this is a change. We have always wanted that from day one, Bob, and you know it."

Commissioner Willner said, "United Consultants works from the Tip Program. Everything that they do must be in the Tip Program before they proceed..."

Mrs. Cox said, "United Consulting Engineers had a contract with the County Commissioners of Vanderburgh County to do what we asked them to do."

Commissioner Willner asked, "May I finish?"

Mrs. Cox said, "Yes."

(continued)

Continuing, Commissioner Willner said, "Before they can do any federal monies, they have to pay attention to the Tip period. And the Tip said a 2-lane right-of-way. O.K.? Now, if you say, 'How did that happen?', I don't know. You're going to ask, Whose fault is that?' -- and I can't tell you."

Commissioner Cox asked, "Where is our contract with United Consulting Engineers?"

Mr. Easley said he believes he can find a copy of it in his office. Would the Commissioners want him to get same?

Mrs. Cox said, "We spent hours on this. I mean, I came to all these meetings on this Eichoff-Koressel and interviewed I don't know how many engineering firms (four or five came in) -- and spent hours on this. It was done before Andy Easley came on board -- absolutely."

Attorney Miller asked, "Andy, are they now saying that their contract price has to change?"

Mr. Easley said, "I think they are."

Mrs. Cox said, "They definitely are."

Mr. Willner said, "Sure they are. They are also saying that many of these dollars that we're going to pay them today or have paid them recently are wasted dollars. That is what they are saying....and that's very important to me."

Mrs. Cox said, "I don't hear them saying that. Where do you hear them saying that?"

Commissioner Willner said, "I say that because I called them and talked to them."

Commissioner Cox said, "Well, hey, we can't operate on people calling and talking on the phones. This is a business -- this is Vanderburgh County...."

Commissioner Willner asked, "Why don't you call them?"

Mrs. Cox said, "I'm not going to call them and talk to them on the phone. I want something in writing to give to these people."

Commissioner Willner said, "They will. They will have something in writing."

Mr. Easley said, "I was afraid we might have that reaction. I didn't know how much all of you appreciated the tip being amended and changed and the scope of it. And I can understand the scope has been changed from an Environmental Assessment to an Environmental Impact...and looking at the areial photographs, it has quite an impact on quite a number of houses. So I can appreciate it -- and it will take approximately two (2) years for the study...."

Mrs. Cox said, "Well, we need some help out on the west side right now. When USI lets out at 2:00 p.m., cars are lined up from Red Bank Rd. way back to Felstead Rd. until that light changes north at Red Bank. But most of them come on down (I don't know why) to St. Joe; but there is a bottleneck of traffic all along there. And to delay this project another couple of years -- I think I asked when we were talking to these people about the corridor location studies -- and yes, that was going to be in there -- and all of this -- and now here we're two to three years down the road and haven't done a thing. And this is really very, very sad."

Commissioner Willner said, "I wouldn't say we haven't done a thing. Rose, do you know what year that was put on the tip that way? Was it in 1977?"

Mrs. Zigenfus said, "The long-range plan was adopted in 1977...and it was probably around 1980 (although she'd have to go back and check) that it went into the tip."

Commissioner Willner asked, "Is there a possibility of finding out?"

Mrs. Zigenfus said there is and she can go back to the office now and check that out.

Commissioner Willner asked that she do that, saying he'd like to know for his own sake, also.

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Proceeding, Commissioner Willner said he has a claim to United Consulting Engineers in the amount of \$2,803.45....what is the Board's pleasure?

Commissioner Borries commented, "We want to hold here until Attorney Miller has an opportunity to review the contract to see what advice he might give us here. We obviously have to be in the correct order with the tip. We've amended the tip and the scope of what we need to do in this particular contract. If this puts us in line with the tip, then I think that's where we have to go -- because I think the project has to go. "

Mr. Easley asked if the Commissioners would like to proceed with the street acceptance while they wait for Attorney Miller to review the contract -- to keep the meeting moving? Commissioner Willner acknowledged that they would.

RE: ACCEPTANCE OF STREETS & STORM DRAINAGE IMPROVEMENTS/RIDGE SUBDIVISION

The following letter was submitted by Mr. Easley:

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets and Storm Drainage
Improvements in The Ridge Subdivision

Dear Mr. Willner:

The undersigned has made an inspection of subject street and storm drainage improvements on April 25, 1986. These street improvements were constructed during the summer of 1985 and the spring of 1986.

All streets are paved with six (6) inches of concrete and have been constructed in accordance with the approved plans. All joints in the pavement have been sealed and the curbs have been properly backfilled. All storm drainage inlets and storm sewers have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed streets in subject subdivision:

Balsam Lane..... 550 ft. (0.10 miles)

We are enclosing a sketch of the subdivision showing the completed street.

It is recommended that the street and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel, County Highway Superintendent
William D. Thomas, Developer

Mr. Easley said that Ridge Subdivision is up off Evergreen Rd. The small storm drainage inlet is at the east end of the street, where the stormwater is collected and goes down into a lake (east of Balsam Lane).

The Chair entertained a motion.

Commissioner Cox queried Mr. Easley concerning the width of the right-of-way for the road. Mr. Easley said he believes it is 26 ft. with a 40 ft. right-of-way, which is permitted for a cul-de-sac. It will never be extended. There are basically six (6) lots in the subdivision -- and one building site at the east end of the addition.

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Motion was made by Commissioner Cox that Balsam Lane (550 ft. or 0.10 miles) with 40 ft. right-of-way be approved for acceptance into the county road system, with a second from Commissioner Borries. So ordered.

Claim/Ohio Valley Engineers: Mr. Easley said that Ohio Valley Engineers, who is working on the Road Study, has submitted a claim (Progress Payment #2) in the amount of \$6,875. At his request, they wrote a letter which clarifies what is to be included in the Road Study -- so he can determine how complete it is. He has checked the letter and the invoice in the amount of \$6,875.00 and it is his recommendation that it be paid. This will leave a balance on the contract of \$6,250.00. Most items are over 90% complete at this time.

In response to comment from Commissioner Willner that the claim is blank, Mr. Easley explained that Ohio Valley Engineers did not submit a completed claim, just an invoice. Therefore, he will have to complete the claim and have it signed. The invoice is, however, attached to the claim and the invoice amount is \$6,875.00. A motion was entertained.

Motion was made by Commissioner Borries that the claim be approved.

Commissioner Cox commented, "So what they did was not a road maintenance plan, which is what she has been concerned about. He did a Vanderburgh County Road Study, which he has listed here.....he's proposed to provide under my agreement with Vanderburgh County. This is the first time I have seen anything in writing. I am sure the man did what he says he has done here. But, Bob, in all fairness, you misled me. If I had known it was simply going to be a road study and not a road maintenance plan I would never have participated in it, personally."

Commissioner Willner said, "Shirley, I'm sure I didn't mislead you. I didn't even vote for it. I think you are very much mistaken."

Mrs. Cox asked, "What do you mean? You didn't vote for what?"

Commissioner Willner said, "For this road study."

Mrs. Cox said, "Well, we couldn't find out. You were the one who made the arrangements. There was nothing in writing."

Commissioner Willner said, "I made no arrangements -- none whatsoever. I asked you several times to call them and make them."

Mrs. Cox said, "Now wait a minute; I mean when this came up in December you said you had contacted various companies about this road management plan....."

Commissioner Willner said, "That I did."

Continuing, Mrs. Cox said, "But you didn't have anything in writing to say what you had talked to them about."

Commissioner Willner said, "Because he was supposed to talk to you, to County Council, and to the Chamber of Commerce and see what they wanted -- not what I wanted."

Mrs. Cox asked, "Well, how could he quote a price when he didn't know what we wanted?"

Mr. Willner said, "He quoted a price for a road study as approved by the Purdue Road School, as far as I know."

Mrs. Cox said, "Well, what I had wanted here was a specific road maintenance plan for Vanderburgh County -- this is certainly not what I had in mind as a maintenance plan. It is not a maintenance plan -- it is a study, that's right -- it combines all of our roads and our bridges (which we've already paid somebody else to do)..."

Commissioner Willner said, "He is not doing a bridge study."

Mrs. Cox said, "He's included bridges in every one of his reports."

Commissioner Willner said, "He's just putting the bridges on a computer; that's all he is doing. But if I read his report correctly, he did say he found six (6) that were

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not on the Bridge Report; is that correct, Andy?"

Mr. Easley said, "I believe at the bottom of Page 1 of his letter he indicates ten (10) bridges that weren't on the Bridge Report."

Commissioner Borries remarked that there are some points mentioned in Mr. Boyd's letteron the fourth page, he mentions that, "It was never our intention to locate every pot-hole and mud puddle on every county road and to describe the best way to patch every pot-hole and to drain each mud puddle. Vanderburgh County has a top-notch Highway Department with experienced employees who are perfectly capable of doing an excellent job of maintaining Vanderburgh County Roads, and, without a doubt, Vanderburgh County has the best County Roads in Southwestern Indiana. The Number 1 problem faced by the County Highway Department is that they don't have sufficient funds to maintain all County Roads in a perfect condition."

Continuing, Commissioner Borries said that, based upon his ride to Indianapolis yesterday to attend his neice's graduation from nurses training, he was shocked at the condition of Highway U. S. 41. He doesn't know of any study that anyone would have that would be able to determine the number of pot-holes on U.S. Highway 41 between Evansville and Terre Haute. It is unbelievable...and this is a State Highway. They have put blacktop on it in spots. To coordinate much of this, he thinks it is going to have to be done with the use of the computer; this study is going to have to be implemented with the use of computers and the material updated. But the drainage can change from month-to-month or day-to-day. If you have a 6 inch rain, you're going to have a lot of drainage problems. If you have a dry spring -- like we're having now -- you're going to have less drainage problems. Rhetoric aside, he thinks what we need to do is to implement much of the material that this person -- he says it is his understanding to provide an independent, impartial report on the total Vanderburgh County Road Program and make recommendations on modernizing and improving same. And he has done so -- he's made recommendation to establish a Vanderburgh County Highway Engineering Department, which would be located in the county (perhaps at the garage) and work full time on several road projects. Mr. Borries said he thinks we're going to have to look at some way to use Andy's time and that of other people as we get complaints and as we get changes on road surface -- and there are drainage problems -- and this material is going to have to be put on discs and enter it into computer -- so we have some active hard-copy files. But minute-by-minute the day-to-day drainage situation is going to be impossible, as long as you have far more private property than you do public property in terms of the roads and impact on same. And a six inch rainstorm is going to change everything. So I definitely feel we need to use this material and use it in a way that it can help us identify critical areas and then update that material, as needed, with discs. And I hope that you would agree."

Mr. Easley said he thinks that the material which Mr. Boyd has presented is well organized and summarized and can be -- he thinks we should work towards getting a small computer for the County Garage and keeping it current. And just like we are starting our paving program, when we were checking this season, some people -- we had no records out there to indicate the last time the roads were paved (like on Hogue Rd and various roads, where no one has ever kept a running record of when they were paved) -- and it would be very useful in a pavement maintenance program.

Commissioner Willner asked Mr. Borries if he made a motion with regard to the claim to Ohio Valley Engineers?

Commissioner Borries said he moved that the claim be allowed. Commissioner Willner said "I'll second it."

Mrs. Cox interrupted, "Bob, I'm not doubting that he hasn't done what he has said he has done here. But it is a road study and not a maintenance plan; and I still think we need a road maintenance plan. I don't care whether Andy does it or who does it; we need a road maintenance plan. I understand we're having some problems on Millersburg Rd. -- and it's brand new pavement."

Mr. Easley commented that he was out there this morning. There is a 1 ft. strip on the north edge of the pavement. Apparently Deig missed another soft spot. But I was out there and made the decision that we thought we had them all -- and they are putting some very heavy loads on that with that I-164 construction. There is plenty of base there. We had a rain in March that didn't dry very well -- and they dug out soft spots and had some compaction equipment out there -- and sometimes on projects in the early

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spring -- we're actually two months ahead of ourselves as we sit here the early part of May....."

Mrs. Cox said, "I'm just very disappointed, because we're back to square one where the squeaky wheel gets the grease; and we have no plan to satisfy the people in Vanderburgh County -- telling them that in 1991, 'Yes, you're down for major reconstruction of this road; in between now and then we're going to pot-hole it' and keep that word. And not tell them, 'We put you on last year, but we didn't put you on this year'....with no reason whatsoever. And I think that is what we need; an overall road maintenance plan of what we're going to do. If not, we're going to keep pouring the money and the gravel and the asphalt into the side ditches -- down into the creek -- and it's money wasted. I'm just very, very disappointed that we couldn't come up with this kind of a study -- and I'm sorry, Bob, but I had to express the way I feel and I think you know that."

Mr. Easley remarked, "I think when the first snows come we will have a very well carried out paving program in Vanderburgh County during 1986. I think that insofar as the work that has been done, it will be quality -- and there won't be gravel in ditches."

Commissioner Borries said, "I think you have to start with a lot of information and then implement that....and I want to emphasize that. I hope we don't have to write to the State of Kentucky to get some ideas on that; whoever was giving advice on U.S. Highway 41 he doesn't think will need a computer, because that road needs to be repaired immediately -- parts near Sullivan and Terre Haute are shocking -- and this is a major route between here and Indianapolis...and it's shocking the shape that road is in. Again, rhetoric aside, I think we definitely need an overall plan; but I don't know that we want to use the State of Indiana as a model -- unless they're going to do some mass repaving of U.S. Highway 41. What we need to do is to implement a plan -- not something we can talk about -- but something we can use. Therefore, computers are going to enter --and, again, we will have to build up information (just as we did on the County's Codification of ordinances) -- a record of what we have done, so that we know where we are and can implement that thing on a regular basis and use it on a regular basis. That's what's important. Whatever plan we might receive tomorrow is going to be outdated tomorrow. We're going to have to constantly use that to make it flexible enough to make it an ongoing, usable type of tool."

Commissioner Willner said, "It is my contention that insofar as roadbuilding, Indiana ranks well below the medium of all fifty (50) states -- well below average in dollars spent on roads and bridges. And, counties are even worse than that. I like good roads, too. But you've got to understand that there comes a time when you say, 'Should I spend dollars? Or, should I just do the best I can with what we have?' And that is what Vanderburgh County has been doing -- and I think they have been doing a very good job of it. Let's compare them. If you want to talk about Vanderburgh County roads let's compare them with something. And let's go see. That's the way you can do it. You can say, 'I don't like this program; I don't like that program'. But let's go compare them and then you can see what Vanderburgh County roads are like."

Moving on, Commissioner Willner said he seconds the motion made by Commissioner Borries to approve the claim to Ohio Valley Engineers in the amount of \$6,875.00. So ordered. He told Mr. Easley that he looks forward to Mr. Easley's approval of the final audit. He understands Mr. Boyd is going to make a visual inspection of some of the roads yet, then make some final recommendations -- and he looks forward to receiving same.

RE: UNITED CONSULTING ENGINEERS/EICHOFF-KORESSEL RD. CONTRACT

Attorney Miller approached the podium and said he would point out to the Commissioners that a quick review of the contract shows in Appendix "A" the consultant obligates itself to make a Location Study and prepare a Location Study Report for the Eichoff-Koresessel Project and the language in Appendix "A" says the study is to be based on existing traffic data and projection made thereupon. He said he has to assume that, based upon the discussion he heard earlier today, that part of the existing traffic data was a Tip Plan which shows this road to be projected as a 2-lane road at that time. Further on in Appendix "A", the document says that if an EIS Section 4-F Statement, Section 106 (Procedures on Archeological Testing Soundage) is required, the service to provide such additional work shall be considered a major change and the scope of the work and such change shall be resolved in accordance with Item #12, "Changes in Work of the General Provisions Set Up By the Agreement". Item #12, with reference to changes in the work, saysand the time for performance of the work as modified shall be determined by the local public agency and the exercise of its

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honest and reasonable judgment and the consultant shall not commence the additional work or change the scope of the work until authorized, in writing, by the local public agency and the IDOH.

Appendix "C" makes reference to the work schedule -- and part of the schedule that is contemplated makes reference to an Environmental Study, as opposed to an Environmental Impact Statement, and requires that there will first be an Environmental Study. As soon as the local public agency gives notice to proceed, an Environmental Study will be done. Some times limits are set forth -- and near the end of this schedule it says that what will be provided is an Environmental Assessment. An Environmental Assessment is different from an Environmental Statement and it does not require the same kind of work. I would say, therefore, that notwithstanding what the understanding of one or another of the individuals who were discussing this agreement might have been, this engineering firm appears from a first look at this contract to be within its right in asking the Commissioners to approve a change in this description of the work that is going to be required if the tip has changed in order to widen the right-of-way to such an extent that an Environmental Impact Statement will now be required, rather than an Environmental Assessment. All I can tell you is what is in this agreement

Mrs. Cox interrupted, "What is the date on that agreement?"

Attorney Miller said, "I have an unsigned copy here, but it is dated January 6, 1984."

Mrs. Cox asked, "And you do not have a copy of the advertisement we did of the specs? Do you have that there, Rose -- what we asked them to bid on?"

Mrs. Zigenfus said she doesn't have it -- but she is sure it would be in their files.

Commissioner Cox said, "I know we advertised for bids on this."

Attorney Miller said, "The contract is reasonably clear that it does not contemplate an Environmental Impact Statement for this...."

Mrs. Cox said, "No, it was to be an Environmental Assessment with corridor location study. I asked that specific question -- if they were going to have the corridor location studies."

Attorney Miller said, "Yes, that is a specific part of the description in Appendix "A"; you're exactly right."

Mrs. Zigenfus said, "I might just add that when a project has to acquire additional right-of-way, that automatically puts it into an Environmental Impact Statement, which indicates to me that what wasn't mentioned was that probably we're talking about additional right-of-way."

Commissioner Cox asked, "Then what right-of-way were we talking about? You weren't here; Andy wasn't here. I've got minutes and I'm going back and look and see if I can find it."

Attorney Miller said, "The additional right-of-way you were discussing on this map is this dotted area involving a section between the two roads -- that's the additional."

Mrs. Cox said, "We had three phases, I think. One was from USI to Diamond Avenue; the other one was from Diamond Avenue up (which would have been Koressel) -- we're past Hogue Rd. Eichoff runs through Perry and up into German and Eichoff runs up to Hogue Rd. and then Koressel. So our first leg was to Diamond Avenue and the second was from Diamond Avenue on north and the last phase was where it hooked in with the present State 65, which is Cynthiana Rd., and went up to Indiana 64. Does it say in here how much right-of-way? We always talked about the 2-lane road...."

Commissioner Willner said, "But they followed the Tip Program; and what I'm trying to ask you -- I didn't know the Tip put it in as a 2-lane right-of-way and I'm sure you didn't. But that is what happened."

Mrs. Cox said, "Well the Tip Programs shows it as a 4-lane now; we're not going to build a 4-lane."

Commissioner Willner said, "We're going to acquire right-of-way for a 4-lane road; but

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we're only going to build a 2-lane road."

Commissioner Cox said, "Right. But it will go on the Tip Program as four lanes..."

Commissioner Willner said, "No".....and this was echoed by Mrs. Zigenfus.

Commissioner Cox asked, "What was wrong with the first Tip Program?"

Mrs. Zigenfus said, "It didn't allocate enough right-of-way for a potential 4-lane road."

Mrs. Cox asked, "What right-of-way was allocated?"

Mrs. Zigenfus said, "Just what you see."

Commissioner Willner explained, "Just enough right-of-way for a 2-lane road." He asked if Mrs. Zigenfus can find out who was on the "Tip" when that was.....

Commissioner Cox said, "David Gerard talked to us about it and"

Mrs. Zigenfus and Commissioner Willner read off names of those on the Tip at that time (some of the names read by Mrs. Zigenfus were inaudible) and included: Virgil Gearhardt, Robert Davies and G. D. Gibson.

Commissioner Borries said this mentions that this change in the proposed could/would require amendment in the Comprehensive Plan by EUTS, but I don't think that was ever done until recently.

Commissioner Willner said, "That's exactly right."

Commissioner Cox queried the other Commissioners concerning the proper identification of road that goes up through Warrick County (the new road off Division Street) that they built to go on around and you go up to Rockport that way -- she said the Commissioners talked about that being the kind of road (a nice wide, two-lane with shoulders) --

Commissioner Borries said it is due north right outside Alcoa.....actually a State Highway. (It was identified by Mr. Gulick of SIGECO as Highway 61). When the Commissioners sat and talked about Koressel, they said that a road like this was what they wanted.

Commissioner Willner said, "I understand what we wanted; but the Tip never did say that -- and they work from the Tip, because that is where the federal money comes in -- from the Tip, not from the Commissioners."

Mrs. Zigenfus said the Transportation Study Committee amended that Tip to reflect that project with the acquisition of right-of-way for four (4) lanes but only to build two (2) lanes. It then went to Area Plan Commission last Wednesday and they also approved it and amended their Comprehensive Plan..."

Commissioner Willner said, "And now we're doing the same."

Mrs. Cox asked, "So what will the right-of-way be now -- 100 ft.? That's what they're saying here in this letter. It says, 'The corridor to be reserved should accommodate a 4-lane pavement. The right-of-way width should be approximately 100 ft. Two lanes of pavement, bordered by paved shoulders would be constructed initially and then expanded to four lanes when warranted.' This is dated March 11, 1985 -- and that is what they were going on; 100 ft. of right-of-way, 2 lanes of pavement bordered by paved shoulders."

Attorney Miller said, "Well, that's the change; that is what they're going on now. But I'm not sure it is 100 ft."

Mrs. Cox asked, "Well, how much right-of-way do we want now?"

Commissioner Willner asked, "Rose, how much right-of-way are they saying now. Do you know?"

Mrs. Zigenfus asked, "We don't need to make that decision at this point, do we?"

Mr. Easley said, "100 ft. to 120 ft." In the filler we may very well need 120 ft.....
(continued)

Commissioner Willner said, "I'm not sure -- but we do need to clarify that. We were talking about whether we'd have a grassy median or whether there'd be no grassy median the two highways, right?"

Commissioner Borries said, "Well, they're going to have to study how to acquire additional right-of-way to have less impact in regards to the people...."

Mr. Easley said, "That's part of what they're going to do, as I understand it."

Mrs. Cox asked, "Well, what have they done? What is this claim for? Is it for work between March 11, 1985 and now? What are we paying for? If they knew in 1985 that we needed approximately 100 ft. of right-of-way and two lanes of pavement, then why have they continued to do this? Why didn't they stop it in 1985 and tell us, 'Hey, look, we gotta get our horses in the same race here.' I don't understand it."

Attorney Miller asked if there is an itemized list for services?

Commissioner Willner said he has a letter indicating they're talking about 100 feet of right-of-way.

Commissioner Cox asked, "Where has that been? Is that another letter dated April 30th? I never ever saw that letter, Andy, until right now. You're very good about providing copies of everything, but I've never seen that letter."

Mr. Easley explained that this letter was attached to the invoices and he did not get a copy of that, so he didn't hand any copies out. The letter read, as follows:

MEMO TO RECORD

Re: Projects M-E 180(1) and RS-6582(1)
Eichoff Rd. - Koressel Rd.
Vanderburgh County, Indiana

A meeting was held in the Vanderburgh County Commissioners Conference Room at 2:00 P.M. on March 11, 1985, for the referenced project. Those individuals in attendance are shown on the attached page. Specific items discussed at the meeting included:

- 1) The corridor to be reserved should accommodate a four lane pavement. The right-of-way width should be approximately 100 feet. Two lanes of pavement bordered by paved shoulders would be constructed initially; expansion of this cross-section to four lanes would occur when warranted by future traffic volumes and development trends. This change in the proposed cross-section and right-of-way width will require an amendment to The Comprehensive Plan by EUTS.
- 2) The 100 foot right-of-way could require additional residential relocations due to the proximity of some houses to the existing pavement. Curb and gutter sections could be used to reduce the right-of-way impact on adjacent properties.
- 3) The Commissioners did not express a preference about alternate alignments A or B. They prefer a grade separation at the south terminus, S.R. 62, as well as a grade separation at the railroad tracks. They do not prefer an underpass at the tracks because of anticipated drainage problems. Both an underpass and overpass structure would be presented in the Environmental Assessment with the determination of structure type made at the design stage. A major determinate of structure type would be cost which the Commissioners wish to minimize.
- 4) The consultant is to contact the railroad for updated train traffic counts and future plans to add another line through the project area.
- 5) After the completion of construction of the referenced projects connecting S.R. 62 to S.R. 66, the Commissioners would like the I.D.O.H. to construct a road of similar cross-section to that proposed north from S.R. 66 to I-64. This would connect S.R. 62 to I-64 and function as the western belt around Evansville. The Commissioners would relinquish control of the portion of the belt between S.R. 62 and S.R. 66 (Eichoff-Koressel) to the I.D.O.H.; in exchange, the I.D.O.H. could return S.R. 65 from I-64 to S.R. 66 to Vanderburgh County.

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This is my understanding of the events of this meeting. If there are any changes, please advise.

Jeffrey A. Vlach

cc: All Attendees

(Attendees were listed, as follows:

Robert Willner/County Commissioner
Shirley Cox/County Commissioner
Richard Borries/County Commissioner
R. Andrew Easley/County Highway Engineer
David Gerard/EUTS
John Staley/UCE, Inc.
Jack Waldroup/UCE, Inc.
Joe Brown/UCE, Ind.
Jeff Vlach/UCE, Inc.

Returning to the subject of the UCE invoice, Commissioner Cox queried Commissioner Willner concerning the invoice. He said it states, "Work Completed 9/1/84 to 4/30/86. For Environmental Statement and Location Study and Report on the two listed projects, in accordance with our Agreement dated January 24, 1984, Eichoff Rd."

Commissioner Cox asked Mr. Easley if we have received a Location Report?

Mr. Easley said he thinks we have two routes: One that serves where Eichoff ends 800 ft. north of Hogue -- one goes to the east and the other goes north towards the "S" curve to the east; and that is the Location Study for the connection.

Mrs. Cox asked, "In this study that they right now, have they done a 100 ft. study? And what they're saying here now is that we need 120 ft. -- is that what they're saying?"

Commissioner Willner said he thinks we should get a representative of United Consulting Engineers, Inc. to explain what happened between the two. He thought he understood it, but he is not too sure.

Mrs. Cox said if they will come down, we have the corridor location studies there; and we're only talking about an additional 20 ft. (it might be 10 ft. on each side) -- with what they've already done, it shouldn't take them too long to get through the other part of it.

Commissioner Willner said they assured him that no part of their work would be duplicated.

Commissioner Borries stated, "This is only for the Environmental Assessment on the Location Study and Reportas I understand it, that section has been completed...."

Mrs. Cox said, "But, Rick, in their environmental assessment did they assess environmentally 100 ft. of location corridor -- possible corridor location study? See, that is what it says in the letter, and you we assumed that they would when we met with them in March 1985...and they continued to do the work up until 4/30/86. Certainly they wouldn't have gone ahead and not adhered to what they said March 11, 1985."

Mr. Easley said he had a meeting in Indianapolis last year as part of this study, when we talked to the Department of Natural Resources and their concern about a small area of wetland and we agreed that if we had to take the wetlands that we would try to replace it and USI has come forward.....

Mrs. Cox interrupted, "That's right; in fact, they wanted Peerless Rd., which was a very bad idea."

Mr. Easley said, "I suspect the decision that was made in March 1985, they didn't realize the impact of acquiring right-of-way for four (4) lanes -- they didn't realize the impact of that until just recently. Or they said they were waiting for the tip to be amended -- and they sat up there a whole year and waited? I don't know; but I think the thing was on a low priority shelf (if I may be candid).

(continued)

Mrs. Cox asked, "Well, would it be possible to get these parties down here so we can talk with them to see what they have done and see what 20 more feet would do? Because I think we really need to go to County Council before all the funds are allocated out to see if they won't put some funds into the Lynch Road and Eichoff-Koressel Rd. extra -- so we can get these projects going now. I don't know what we've got in this assessment up until now -- I really don't."

Mr. Easley said, "Well, I think this probably delays the planning but does not delay the construction -- if you can understand."

Mrs. Cox said, "Right; and I have no objection to paying them more money for going back and looking at the extra 10 or 20 feet, but I want to know if that's all we're going to have to do here. If they get all of this for \$20,000 odd dollars...."

Mr. Easley said, \$33,000; but my understanding is that the environmental work they have to do is much more thorough and involved than just the environmental assessment that apparently they have done to date. They can build on what they already have done, but just because the road is wider doesn't mean that they will have to look at just 10 more feet on each side; they've got to look at additional possible impacts that the proposed route might have with respect to the space that they've already worked on -- that is what I understand from the contract. There is a huge difference in responsibilities. It may be comparable to the difference between an auditor's review and an auditor's certification. Would the Board want him to request UCE to attend a meeting prior to a Commissioners' meeting or.....

Commissioner Willner said, "You can try one more time; I don't care if you want them to come down. I did talk to them and here is what I was led to believe and what probably happened. When they go to receive federal funds, they must work from the Tip Program (not the Commissioners' wishes, desires or agenda). And they knew that the Tip had to be modified. They went ahead until the end of where they would have to duplicate their services, waiting for that Tip to be modified. They absolutely did not do any double work. And they are telling us now that if the Tip is modified (which it has been -- early last week) that now that it is modified to go to a 4-lane corridor, we must have the full impact. The work that they have already done is well within the scope of the 2-lane, so we have absolutely done nothing. But we do need to modify this agreement to do the full Environmental Impact Study. The rest is all the same. It's not a real big deal; but if you want them to come down"

Commissioner Borries said, "This is also my understanding and based on what they have done and have to do, Rose, this would be based on State regulations, is that right?"

Commissioner Willner said, "Absolutely."

Commissioner Borries continued, "These are State Regs that we're talking about here. Back to what Bob said, we're not starting from square 1 here; they could proceed with a wider scope of what they have to do, because the State says that upon examining all of this, all of these projects come from Ft. Wayne, Gary and Hamilton County -- that you have to widen the scope and we're moving along now in that direction to get everything in order, is that correct?"

Commissioner Willner said, "That is correct. Now the only thing that I think where I was miffed -- and perhaps you all were -- is that the Tip said 2-lane. I did not know that until they called me and told me. I just didn't know that."

Commissioner Cox said, "But we're talking about having the right-of-way there to make a 4-lane in the future."

Commissioner Willner said, "That's exactly right; that's what we're trying to do here."

Mr. Easley said, "To use federal money to acquire the right-of-way, the environmental ramifications have to be considered. It's very complex and..."

Commissioner Willner said, "And I did talk to him about..."

Mrs. Cox interrupted, "So the tip program now says 4-lanes..."

Mrs. Zigenfus said, "It says 'consent to improve the facility to a 2-lane upgraded facility with additional right-of-way for future expansion...'"

(continued)

465.

Mrs. Cox said, "That is the way it should have been from the very first."

Commissioner Willner said, "That's exactly right; now you're talking. If you want people to come down -- fine. I don't think there's any big problem."

Mrs. Cox continued, "That's the understanding I had from the very first -- didn't you?"

Mr. Willner said, "Absolutely!"

Commissioner Borries said, "Well, my understanding was that it was going to be a 2-lane facility with enough right-of-way that it could eventually be...."

Mrs. Cox said, "That's it exactly -- there was never any doubt in my mind."

Commissioner Willner queried the Board concerning their pleasure. Shall we have United Consulting Engineers come down? Or shall we go ahead and approve the change to have Eichoff-Koressel include enough right-of-way to include two more lanes of roadway?

Commissioner Cox said, "Well, personally I'd like for them to come down. I know this is an extra trip. But if they can't pay for it, don't we have travel money? I think this is important enough that they come down and they sit there and we have a secretary there to transcribe the discussion -- so we know exactly -- I've heard 100 ft. right-of-way might be enough; we might need 120 ft. -- but we need to know exactly. To me, a 2-lane or 4-lane facility means nothing. It's the right-of-way that is the important thing here that we need to study."

Mr. Easley said, "Well, if they're going to continue with the agreement, we need to amend the agreement -- and they probably need to bring that down anyway. I would think that under the circumstances that it would be in order for them to bring the amendment to the agreement and come down with a full explanation so we'll all understand it and know what is going to take place."

Commissioner Willner entertained a motion to agree with the Tip Program and that the Commissioners wish to have a 2-lane road with

Commissioner Borries interrupted, "I move the Board adopt Tip's recommendation."

Commissioner Cox provided a second to the motion. So ordered.

Motion was made by Commissioner Borries that the claim to United Consulting Engineers, Inc. be allowed, with a second from Commissioner Cox. So ordered.

RE: PERMISSION TO GO ON COUNCIL CALL/PIGEON CREEK LOG JAM

Commissioner Willner said today being the 12th of the month, the Board needs to give Mr. Easley permission to go on council call for enough dollars to let a contract for the Pigeon Creek log jam. He knows that Mr. Easley said we might get participation from other counties. That being fine, well and good. But Mr. Easley needs to go on Council call for "X" number of dollars (to be determined by him prior to May 15th) and the dollar amount must be specified by the 15th for purposes of advertising. But he can be over and above the required amount. A motion was entertained. Motion was made by Commissioner Borries that Mr. Easley be placed on Council Call concerning monies for removing Pigeon Creek log jam, with a second from Commissioner Cox. So ordered.

RE: BURKHARDT RD. SITUATION NORTH OF OAK GROVE RD.

Commissioner Borries said he does want to express some concern --he went out and talked to an individual on election day eve around 6:00 p.m. or thereafter -- regarding the Burkhardt Rd. situation on a curve north of Oak Grove Rd., where they have installed some curbs on Burkhardt. There is a hump in the road that is making travel very difficult for some vehicles. (Mr. Easley asked if it is D&L? Mr. Borries acknowledged that is is.) He said he again wants to express concern and ask for Mr. Easley's help re negotiating with the engineers of the construction firm to see if we can't modify that some way?

(continued)

Mr. Easley said he has been out there. Mr. Borries had mentioned that they placed some stone. The stone has been paved and it was done in accordance with instructions from Dale Lucas, the area engineer for the IDOH. That is technically an IDOH contract, of which Vanderburgh County is paying 25%. Lee McClellan was going to attempt to give it a supreme test by running a lowboy over it. There are no gouges in the asphalt and they did have one vehicle that came in there that had some kind of a tailgate that did break a well. This was before they put down the additional asphalt and rock. D&L is apprehensive and the State Highway Department is optimistic -- and Mr. Easley asked Lee McClellan to find a lowboy that was typical of the lowboys that come in -- to give it a test. Mr. Easley thought he was going to do that Friday afternoon, but he has not had a report back on the test. Mr. Easley said he is working on it and we may have to tear out a six foot strip to lower the camel, but it is not a big project. It is a little frustrating and he thinks D&L is just apprehensive right now.

Commissioner Borries said there does seem to be something funny when you look at it -- that hump there. North of there, without that curb, they are perfect. It's just right there that the problem occurs. He will appreciate it if Mr. Easley will continue to work on this problem. He went over it several times in his car, but he was the only person in it -- but when you go over it with a load of equipment -- he thinks somebody might get a real thrill going over that thing.

RE: BOONVILLE-NEW HARMONY RD.

Commissioner Willner said that while both Mr. Easley and Rose Zigenfus are present, he would also like to make a decision on the Boonville-New Harmony Rd. The Tip was also amended to approve Plan "A", which is the new road for Boonville-New Harmony. Is that correct? Mr. Easley said, "Plan "B". Commissioner Willner said he then needs approval from this Commission to proceed with that and he guesses we need to hire a consultant for that, also, to get that program rolling. If he does get permission from this Commission, then he would go to Council to see if dollars are available for that project. A motion was entertained.

Commissioner Cox asked if EUTS or the Tip include either one or the other? Or, did Commissioner Willner just recommend Plan "B"?

Mrs. Zigenfus said that originally the Tip was written this year to describe the project as Plan "A". A week ago, the Policy Committee left it up to the Commissioners as to whether they wanted EUTS to amend the Tip. If they want them to amend it, they will. Once they have given their blessing on Project "B".....

Mrs. Cox asked, "What's in the Tip Plan right now?"

Mrs. Zigenfus said, "It's Plan 'A'; that is the way it was originally written up."

Mrs. Cox said, "Plan 'A' is in the Tip Plan and the technical advisors said 'A' Plan but the EUTS Policy Committee now says Plan 'B'."

Mrs. Zigenfus repeated, "The EUTS Policy Committee is leaving it up to the County Commissioners. They feel that either plan is fine and they will do whatever the County Commissioners want to do."

Mrs. Cox, "So, it is not in the Tip Plan in any way--it's up to this Board."

Commissioner Borries said, "We held a hearing a few weeks ago and asked for input from residents. There were residents who attended the EUTS meeting and spoke strongly in favor of Plan 'B'. Do we have any count at this point now of feedback from those people who attended the hearing regarding"

Mr. Lindenschmidt said he doesn't think there has been any change from what it was before...it was 120 some odd to 2 in favor of Plan "B".

Commissioner Borries said he went into roads and fields with those two (2) -- if that is what the count is -- and certainly heard his concerns on that.

Mrs. Cox said that when she looked at it, we had two letters for Plan "A", three letters for Plan "B" and the others were petitioners names on a petition. They were not individual letters; it was just a petition that someone had taken around to the neighborhood. This is all she saw -- and Jim Lindenschmidt did show her the file.

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She would say that if this Board decides to build a new road, then we certainly ought to put something down for the year 1986 to do to Boonville-New Harmony east off of Green River. That road is deplorable.

Commissioner Willner said, "I'll go along with that -- it's in my district."

Mrs. Cox said, "It's not in your district -- it's in everybody's district -- everybody votes on us!"

Commissioner Borries said he would think that if they put in Plan "A" they'd have to put in a significant amount of money to implement it past Green River Rd. perhaps over some railroad tracks over Highway 57, which I think would be a real significant amount of money -- in order to complete what he would feel would be a very disruptive plan in regards to the road.

There is also the third alternative, which we've never talked about -- since we had very little input when these hearings were held. I attended hearings out there at a church. I remember hearing residents' concerns in a lot of different areas. But, again, in the planning process it seems like there were some decisions made there at the State level -- or someone's level -- and there was very little input from local officials. So we could always do the other alternative. They planned this interchange. We could do nothing -- just leave the road as it is. But Commissioner Borries emphasized that he is not in favor of that. The impact of cutting down trees, going into peoples' front yards and still end up with two "T" intersections on Green River Rd. is a real horror story in the future, in his opinion.

Commissioner Cox said she doesn't think the two "T" intersections is as much a horror story as the very dangerous stretch of Boonville-New Harmony from Green River east up to County Line Rd. It is narrow; it is winding -- and it's paved almost to where the trees are. And she saw this as an opportunity to go in there and take out some of the curves and realign that road and get it fixed up. She doesn't ever foresee us ever needing to go over and hook up to Highway 57, because Highway 57 is going to go up and she thinks it's Old Coal Mine Rd. or something that follows along -- and it's going to go on over and hook up to the I-164 spur. So when people coming off of 64 go down I-164, if they want to go to the airport, they are going to take that. They're going to take the Highway 57 exit to get down there. They're not going to come down to Boonville-New Harmony.

Commissioner Willner said, "They're going to go to our four-lane facility on Lynch Rd.; that's where they're going to come off."

Mrs. Cox said, "I would think airport traffic would, because the new terminal is going to be built to open out onto Highway 57 -- so that way they could come directly on down and get off there. You know, I was just thinking -- you've all driven it and you all know that it is a dangerous stretch of road right now. We've had several accidents out there that resulted in fatalities and if we're going to build a new road (that's what you all want to do) -- I would like for us to also look at doing something to Boonville-New Harmony. No matter how big a road you're going to have, there are going to be people get off and continue on Boonville-New Harmony to Green River Rd. And it is very dangerous -- and it is "pot-hole" and bumpy."

Commissioner Borries said, "I think we'll have to look at that. But I'm always remembering the remarks of the fire chief who spoke out there (and, Bob, I think you mentioned something to the EUTS Committee) that his support Plan "B" would have been that if that is not built with those intersections still emptying out onto Green River Rd., again you have to come back to the fact that the State planned those exits off Boonville-New Harmony Rd. That is going to amount to more traffic than there is currently. If someone said, 'Well, we're just planning this for the heck of it and there is actually going to be less traffic on Boonville-New Harmony Rd.', then the logical conclusion of the planner would be, 'Then, let's don't do anything'. But we're going to see increased traffic on that -- and we're going to see increased traffic to the extent that that road is going to have to be changed, as I see it. And rather than have the fire chief say he is going to have to station his emergency vehicle right down there in between those two curves there, it seems to me that in the sense of good planning that we would want to match up our intersection and make that exit -- since it is going to be carrying more traffic than it is now -- a better one."

Commissioner Cox said, "Yes, I heard him say that and preface it with, 'My God, 6,000

cars using that every day -- I'm going to have to station two ambulances down there.' He did make that statement, but I think it was with the understanding that there were going to be 6,000 cars coming off there and there was going to be an increase -- and what it is going to be, we really don't know. But you are right; we do need to make a decision on it and get moving on it and get it done and over with before we get traffic pouring down from I-164."

Commissioner Willner entertained a motion.

Motion was made by Commissioner Borries that the Board accept Plan "B" for Boonville-New Harmony Rd. project, with a second from Commissioner Willner.

President Willner then asked for a roll call vote: Commissioner Cox, no; Commissioner Borries, yes; Commissioner Willner, yes. President Willner declared Plan "B" approved. He said the next question concerns Mr. Easley's recommendation as to whether we go out for bids --

Mr. Easley said that since we're really kind of "under the gun" and it is a relatively small project, he thinks the preliminary assistance we got from Lochmueller & Associates (he liked their approach to the project) -- and he thinks they're in the position to get right on it if --we're going to have to pay for this engineering anyway, right? It is local dollars. We could deviate from our normal selection procedure. If we were getting reimbursed, we'd have to go by the usual selection procedure.

Commissioner Willner said, "Before we let any contract, I have to go to Council to get some dollars. What I need to tell them is -- that either the State or the Federal personnel said, "Don't take a long time to do this" -- so if we can agree on Lochmueller, we can use his price (\$53,000 category) -- Commissioner Willner asked Mr. Lindenschmidt to get Lochmueller's proposal to verify the cost. In any event, if we can agree at least to give him the project if Council appropriates the money, then we can use his figure for the design.

Mr. Easley said that before we can design it, we have to have an Environmental Assessment -- so we first have to have that done.

Commissioner Willner asked, "He will do both, right?"

Mr. Easley said he believes the Environmental Assessment conceivably wouldn't exceed \$5,000.

Commissioner Willner said Mr. Lochmueller has it outlined in his proposal -- so if Mr. Lindenschmidt gets that, then the Board will know what they are talking about.

RE: CHICKASAW PARK AREA PROBLEMS

Commissioner Borries said he has one other item for Mr. Easley, while the Board is waiting for Mr. Lindenschmidt to return with the proposal. He had a call from a resident in the Chickasaw Park area, who appreciated the work done over on Audubon Drive (where the State Highway has taken the property). This individual called re a house that is going to be left on the northern-most side of where that highway is going to be in Chickasaw Park. He is again concerned that they have taken houses over there and not filled in the area (there are two houses on Chickasaw Drive that have not been filled in). The other concern he has is that on this property -- that no one is cutting the grass; no one is maintaining the property at all. What we have here is a nice neighborhood where the people cared for their property and no one is doing that. Could Mr. Easley inquire as to what the State intends to do about all this grassy area here that is growing up. That hurts a lot of pride in what some people saw as a fine neighborhood. It is certainly changing now. He asked that Mr. Easley check with the State to see how they do the mowing, how often, etc. This person takes pride in his property -- and he wants that to be maintained -- and it doesn't look as though they are going to do anything.

RE: COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Reports/County Garage and Bridge Crew: President Willner presented the Weekly Absentee Reports for County Highway personnel and Bridge Crew for period

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May 5, 1986 thru May 9, 1986.....report received and filed.

Weekly Work Report/County Highway: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Installed 240 ft. steel pipe east of new Millersburg Rd. bridge in ditch. Still need a few loads of dirt to cover pipe.

Installed drain pipe at 8121 Old State Rd. Finished digging ditch on Millersburg Rd. east of bridge.

Dug ditch to Young Rd.

Patched w/Hot Mix: Finished Koring Rd., Brookdale Dr., St. George Rd., Cunningham, Winding Way, Rode Rd., Rosser Dr. Still must finish Little Schaeffer Rd.

Old Back Hoe: Cleaned rock from intersection of Darmstadt Rd. and Evergreen Rd., Mt. Pleasant Rd., Berry Lane and Holly Hill. Dug out intersection of Green River Rd. and Millersburg Rd. Soft road, added 53's.

Grader: Graded and rocked County Line Rd. east of Seven Hills, Hornby Rd., Young Rd., Ruston; clean and sweep Cunningham Rd. and Winding Way.

Mower: St. Joe Ave., also Mediums, finished Westchester Dr. area.

Reworked shoulders with cold mix on Red. Bank off Upper Mt. Vernon Rd. north, Red Bank south of Hogue Rd.

Installed new side boards on all trucks that needed them.

Weekly Work Report/Bridge Crew: Submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

Clean and cut weeds and grass on bridges at Heinlein Rd. and Birch Rd.; also, bridges and culverts on Broadway and weeds on First Avenue bridge.

Replace guard rails on Pollack Avenue.

Clean log jams under First Avenue bridge. Repair washout on west side of road by bridge. Added rip rap. This was 150 ft. south of Rax Restaurant.

Repair sewer and drains on Cunningham Rd.

Added concrete to culvert that runs under Green River Rd. and Heckel Rd., then dug road out because it sank more and added 53's in large wash-out under road.

Painted guard rails on Baseline Rd.

Andy Easley's Office: Worked out of Mr. Easley's office; Millersburg Rd., inspected bridges on Mill Rd. and Henze. (Tony Hall & Delbert Pinkston) Old Petersburg Estates: Checked thickness of concrete and found it not to be up to the specifications. Pictures taken of this project. Also worked in Mr. Easley's office.

County Highway Office: Joe Schapker worked in office all week. Absent on Wednesday, May 6, 1986 (Sick Day).

Weekly Work Report/Work Release: Also submitted for the same period was the Weekly Work Report for the Work Release program:

Cutting out bad area with concrete saw at the intersection of Millersburg and Green River Rd.

Also cut out with saw road that was torn up on Hirsch Rd., by a contractor hauling too heavy loads.

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Cutting bad areas on Old State Rd., from Baseline to I-64.

Commissioner Willner said he understands that Bill Bethel, County Highway Superintendent, was back at work this morning for a short period -- then went home. (Mr. Bethel had recently been released from the hospital following heart surgery.)

RE: APPOINTMENT TO LEVEE AUTHORITY BOARD

President Willner noted that the Board needs to make an appointment to the Levee Board, and he subsequently entertained a motion.

Motion was made by Commissioner that Mr. Mark Van Dusen of R.R.#8, Roth Road, be reappointed to serve on the Levee Authority Board. His present term expires on June 30, 1986. The reappointment would be for a three-year term, which would be from July 1, 1986 thru June 30, 1989. Mr. Van Dusen has been contacted and has consented to serve another term. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REQUEST TO USE VOTO-MATIC BOOTHS

Commissioner Willner said he has the following request letter concerning use of Voto-Matic booths:

May 8, 1986

County Commissioners Office
Administration Bldg., Room 305
Civic Center Complex
Evansville, IN 47708

TO WHOM IT MAY CONCERN

Our Student Council is preparing for our Spring General Elections. As in the past several years, I requested by phone the use of four portable VOTO-MATIC booths. I was asked to submit this letter in writing for approval at a County Commissioners' meeting.

Would it be possible to borrow four (4) booths to be used on May 20, 21, and 22? I would be able to pick these up at the County Commissioners' office on May 19 and return them personally. The booths would be set up only during the established times for voting. Our appointed Election Board and I will be present during the time of voting. Therefore, I feel certain that there would be no damage to the booths. I will have a Certificate of Insurance from our Diocesan Insurance Office regarding this matter.

We appreciate your cooperation in the past and thank you for your consideration of our present request.

Sincerely,

Sister Donna Marie Herr
Student Council Adviser

p.s. I believe we used only three voting booths last year, but would appreciate a fourth one this year, if possible.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Proceeding, Commissioner Willner said he does believe that some of these voting machines have been going out of the Civic Center without the Commissioners' approval and without insurance. He believes the Commissioners need to write a letter to the Clerk of the Election Board and see that this does not happen in the future.

Commissioner Borries asked, "Who is doing this?"

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Commissioner Willner said he'd rather not say -- but it did happen.

Commissioner Borries asked if it isn't normal procedure to do what Mater Dei has done here, to request permission from this Board?

Commissioner Willner said, "Yes -- I think that is appropriate and then we know the insurance is there and I don't mind it. But just to let them go out without insurance and without permission from this Board is totally wrong." He asked Commissioner Cox if she would agree -- to ask the Election Board not to let any of these Voto-Matics go out of this complex without authorization from the Commissioners and insurance?

Mrs. Cox indicated her agreement.

Commissioner Borries said that, based upon his observations on election night, things seemed to run very smoothly ... Mr. Ryan of Thornber was down; we didn't suffer the problems that one of the other counties did in regards to some problems they experienced with equipment. But there were some individual complaints heard on the part of Board members; he assumes that these are going to be forwarded to the County Clerk and to the Election Board. But there were some complaints in regards to the procedures that each of the Clerks had to use. Their worry in some precincts where he was was that there is going to be a problem flipping over all this information again -- so perhaps we can hear from the Clerk as to any problems she heard and perhaps what Thornber and these officials might do to correct some of these -- or what their suggestions might be for the fall.

Commissioner Willner said he thinks perhaps that we might have a meeting and go through all the procedures, etc., He will see if he can get that together.

RE: BOONVILLE-NEW HARMONY/ENGINEERING FEE PROPOSAL

Proceeding, Commissioner Willner said the engineering fee proposal from Lochmueller & Associates on Boonville-New Harmony was \$53,800 and that was field survey, aerial photograph, road and right-of-way design, design study report and soils investigation. The soils investigation could change, but he didn't think so because it is all flat land.

Commissioner Willner said this is just engineering. Where does the Board get the figure on the environmental?

Commissioner Borries asked if the Board could ask Lochmueller to submit something in writing on that? It will be an EIS, won't it?

Commissioner Willner asked Mr. Easley to get a complete analysis of what the dollars will be. He then entertained a motion to approve Commissioners going on Council Call for subject dollars. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. He asked that Mr. Lindenschmidt prepare the Appropriation Request when Mr. Easley provides the dollar amount....so the Commissioners can go on Council Call. (Mr. Easley to provide figure prior to May 15th.)

RE: CERTIFICATE OF INSURANCE

Robert T. Hamilton Golf Foundation.....for insurance purposes.

RE: OLD BUSINESS

The Chair entertained discussion on any matters of Old Business. There were none.

RE: WATER PRESSURE PROBLEMS ON WEST SIDE

Commissioner Cox said she thought perhaps Mr. Mark Tuley would be present today. She has had a number of calls concerning the water pressure on the west side -- the people who live on Felstead Rd., Rosser Rd., Cliffwood Drive, etc. The blame was being put on Burdette Park's filling the pools. We've not even started filling the pools yet. Mark Tuley told her than when we do start filling the pools at Burdette that they do not start the water running until after 10:00 - 10:30 p.m. and they shut it off at 4:00 a.m. to give the system a chance to build up. She got the calls last week and Burdette was not filling the pools at that time. She didn't bring it up last week because the Water Department was working on it. They have tried installing a new line out

(continued)

there, which they said would take care of the problem. But, it hasn't. She just wants people to know that it isn't Burdette Park siphoning up all the waterbecause this starts in April. They start having problems with the water pressure in April and May. There are quite a few swimming pools out there. The concerns she sees are why do people get a permit to put a pool in on City water with the water pressure so very low -- and, also, there are fire hydrants out there. If there is a fire there is going to be very, very low pressure. One woman held the receiver of the phone up to the water facet ...and all you could hear was air coming out of it. It took about ten minutes to get a glass of water. All they're getting is air coming out of the pipes (and Mrs. Cox demonstrated) and they've got a problem out there...and it is not due to Burdette Park.

Commissioner Borries said he'd made a call out there last year and Mr. Tuley said they made a lot of effort to try not to fill the pool during hectic hours (6-8:00 a.m. or in the evening when people are bathing, doing the dishes, etc.). So he would say that what Mrs. Cox is saying with regard as to when they fill the pool is correct -- it is very late into the night or extremely early morning. He is certain the increased water demand has something to do with it. They were going to do some work on Rosser; this is the source of most of the complaints he's received. Mrs. Cox said it is all high up there and this is what Gary Leich of the Water Department told her. He said the higher up you are, the lower your pressure is to begin with.

Commissioner Willner said he also received some calls and he, in turn, called Mark Tuley, who said he wasn't using any water. He thinks the residents are watering their gardens and yards and filling their pools. Mark Tuley talked to the Water Department. They did put a by-pass in there at one time, but it hasn't really taken care of the problem. But that is the Water Department's problem and not ours.

RE: SCHEDULED MEETINGS

Wednesday May 14 7:00 p.m. Public Hearing/County Council re Roads & Streets in Vanderburgh County

Commissioner Willner said he will be present and he asked that all of the Commissioners plan to attend. If they have any roads they want to look at prior to the meeting, feel free to do so.

RE: CLAIMS

David L. Jones: Claim in the amount of \$2,728.00 for litigation expenses. Motion to approve the claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Helfrich Insurance Co. Claim in the amount of \$3,750.00 for Accident Insurance Policy (Work Release Program) - 2nd Installment. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ANNUAL MEETING/LEGAL AID SOCIETY OF EVANSVILLE, IND.

President Willner announced that the Annual Meeting of the Legal Aid Society of Evansville will be held at 4:00 p.m. on May 15, 1986 in Room 307 of the Civic Center. The public is invited to attend. The agenda will include the Annual Report, Election of Officers and other business. The meeting of the Board of Directors will convene immediately after the Annual Meeting.

RE: EMPLOYMENT CHANGES - RELEASES

County Recorder (Correction)

Teresa Ritter	1806 Harmony Way	Release Deputy	\$12,800	Eff: 4/18/86
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Center Township Assessor

Michael David Moers	1776 S. Norman	P/T Deputy	\$35/Day	Eff: 5/12/86
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Circuit Court

Debra K. Hayden	118 Sacra Dr.	Intern	\$3.35/Hr.	Eff: 5/2/86
Patricia Coy	6609 E. Walnut Lane	Secretary	\$5,200/Yr.	Eff: 5/2/86

(continued)

COUNTY COMMISSIONERS
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Election Office

Charlotte Shetler	7109 E. Walnut	Dep. Clk.	\$4.54/Hr.	Eff: 5/7/86
Mary Jo Mooney	5215 Monroe	"	\$4.54/Hr.	Eff: 5/7/86
Fred C. Roeder	8744 Big Cynthiana Rd.	Supv./Bal.	\$5.70/Hr.	Eff: 5/1/86
Edna L. Henry	305 N. Tekoppel	Dep. Clk.	\$4.54/Hr.	Eff: 5/7/86
Clara Louise Berry	1308 Bellemeade	"	\$4.54/Hr.	Eff: 5/7/86
Casey E. Randolph, Sr.	130 W. Inglefield Rd.	Bal. Assem.	\$4.54/Hr.	Eff: 5/7/86

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Surveyor (106)

Minielli, Mike J.	3316 Wimberg Ave.	Rod Man	\$16,232/Yr.	Eff: 5/5/86
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Center Township Assessor

Deborah Lee Toon	11,051 Kahre Ct.	P/T Deputy	\$35/Day	Eff: 5/12/86
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Treasurer's Office

Mary Jo Mooney	5215 Monroe Ave.	Clerk	\$35/Day	Eff: 5/8/86
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Circuit Court

Debra K. Hayden	118 Sacra Dr.	Intern	\$4.00/Hr.	Eff: 5/5/86
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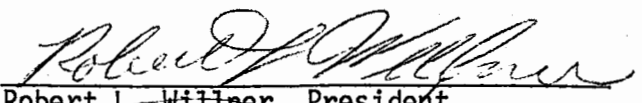
There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:55 p.m.

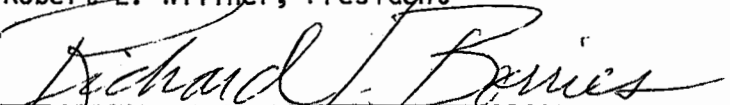
<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride Sam Humphrey, Chief Deputy Auditor	David V. Miller
	<u>COUNTY ENGINEER</u>	<u>PURCHASING</u>	<u>EUTS</u>
	Andy Easley	Tom Dorsey	Rose Zigenfus
	<u>SHERIFF'S DEPT.</u>	<u>OTHER</u>	
	Sheriff Clarence Shepard	Wayne W. Hummel (Bidder) Dorothy Joest (Bidder) John Hall (Bidder) William Hamilton (Bidder) Phillip Britton (Bidder) Otis Futrell (Bidder) Unidentified Bidders Martha Calkin/Auditor's Office News Media	
<u>SECRETARY:</u>	Joanne A. Matthews		

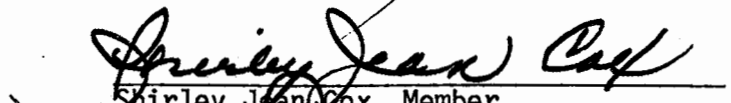
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Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

corrected pg #12
letter.

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 19, 1986

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, May 20, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes be approved, as engrossed by the County Auditor, and the reading of same be waived.

Commissioner Cox noted, however, that due to oversight in transmittal of documents, the letter from United Consulting Engineers, Inc. included on Page 12 of the minutes of the May 12th Commissioners Meeting was not the most recent letter from the firm (which was dated April 30, 1986 and attached to invoice from UCE) and requested that the letter of April 30th be incorporated into the minutes.

Commissioner Borries amended his motion to approve the minutes of May 12th, subject to the inclusion of the letter of April 30th from United Consulting Engineers, Inc., with a second from Commissioner Cox. So ordered. (Copy of UCE letter of April 30th is attached herewith as Supplement No. 1, and same has been incorporated in the original minutes of Commissioners' Meeting of May 12, 1986.)

RE: AREA PLAN COMMISSION - REZONINGS

VC-7-86/Petitioners, Mark Fehrenbacher & Wilbur Fehrenbacher: Common known address of property is 309 N. Elm Street. Present existing land use is a vacant church and proposed land use is small office and warehouse. Current zoning is R-1 and requested zoning is C-4. The Chair entertained questions concerning VC-7-86. There were none. A motion was entertained. Motion was made by Commissioner Borries that VC-7-86 be approved on 1st Reading and forwarded to Area Plan Commission, with second from Commissioner Cox. So ordered.

VC-8-86/Petitioner, Doug Parrish: Common known address of property is 1020 Mt. Pleasant Road. Present existing land use is mini-warehouse operation and property is zoned M-2. Petitioner is requesting a step-down in zoning from M-2 to an M-1 and R-0 to bring existing mini-warehouse operation into compliance and allow addition of managers' quarters. This property is located in an industrial park and is surrounded by M-2 zoning. There is ample room to provide the required number of parking spaces. Setback requirements will be addressed whenever development plan is submitted for approval. The Chair entertained questions concerning VC-8-86. There were none. A motion was entertained. Motion was made by Commissioner Borries that VC-8-86 be approved on 1st Reading and forwarded to Area Plan Commission, with second from Commissioner Cox. So ordered.

VC-9-86/Petitioner, Mid-South Development Co., Inc.: Common known address of property is 5020-5120 Carriage Drive. Current land use is agricultural and proposed use is commercial warehousing. Property is currently zoned C-1 and C-4 zoning is requested. The petitioner is requesting a change in zoning from C-1 to C-4 for a wholesale warehouse club for over-the-counter sales. The area to be rezoned consists of 3.8 acres. The total area to be developed is approximately 10 acres. The warehouse will be located on the C-4 property to the north. A small portion of the building will extend across the rear of the lots to be rezoned. The remaining portion of this property will be used for parking, to allow for commercial sales; the petitioner has provided four (4) times the required number of parking spaces necessary for a wholesale broker or establishment. Retail sales for wholesale establishments require one (1) parking space per 500 sq. ft. The building will be 100,882 sq. ft. Property to the north, west and south is commercial. The property to the east is zoned R-3 multi-family residential. Petitioner will be required to provide screening on the parking area along the east property line. EUTS and County Engineer's recommendations must be followed to lessen the added traffic impact on Vogel Rd. and Carriage Drive. The Chair entertained questions concerning VC-9-86. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-9-86 be approved on 1st Reading and forwarded to Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-10-86, Petitioners, Kenneth J. & Barbara A. Helm: Common known address of property is 6678 Kratzville Rd. Present existing land use is residential. Proposed land use is office and residence. Current zoning is R-1 and requested change is to an R-0 zoning. The premises affected are on the north side of Kratzville Rd., a distance of 200 ft. west

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of the intersection of Kratzville Rd. and First Avenue. The applicant requests change in zoning to allow future expansion of doctors' offices located on adjoining lot to the west. Across Darmstadt to the west is Highland School and across Kratzville to the south is the Highland Inn and a laundromat. Remaining surrounding areas are predominantly residential, with commercial spot development along First Avenue and Darmstadt Rd. The Chair entertained questions concerning VC-10-86. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-10-86 be approved on 1st Reading for forwarding to Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-5-86/ Petitioners, Larry & Elizabeth Kemper: The common address of subject property is 7801 Old State Rd. Present land use is vacant. Proposed land use is grocery store. Property is currently zoned agricultural and requested change is to C-2 zoning. Petitioner requests to rezone this 12.7 acres parcel. The property is located on Old State Rd., south of Eissler Rd. Property is surrounded by R-1 (single family residential) and agricultural. Grocery stores with a total area of less than 3,000 sq. ft. are allowed in C-1 zoning. C-2 zoning is required for grocery stores with a total area of more than 3,000 sq. ft. Petitioner proposes to construct a grocery store with a total area of 5,000 sq. ft. Adequate parking is provided. Petitioner proposes two curb cuts, one on Old State Rd. and one on Eissler Rd. EUTS recommendations should be followed. Petitioner has not submitted plan for future development of the remaining portion of this 12.7 acres parcel.

Commissioner Willner asked if someone is present to represent the Kempers?

Mr. Arthur Forrester approached the podium and identified himself. He stated he is a realtor and friend of the petitioners. He said they had proposed a rezoning for the purpose of putting in a grocery store. There seemed to be a lot of opposition to the amount of land for which the rezoning was requested. They would be willing to cut that down considerably, completely eliminating a portion of that property -- leaving it as it is. Their purpose was not to put in a large commercial development. Rather, to put in a grocery store and a few complimentary-type businesses, such as a Child Care Center. They were planning to put in a curb cut to help the flow of traffic. There would be an exit lane going into that property. It would not be a "Stop-N-Go" type facility (as mentioned heretofore) but a regular grocery store. It would not be a chain store -- and they would be open to suggestions from the Commissioners.

The Chair entertained questions.

Mr. Jim Marchand was recognized by the Chair. He approached the podium, identified himself, and stated he is a neighbor. He said he is not here for pay tonight -- he is usually here as a "hired gun" as it were. He lives pretty close to the subject property himself, and when some other people found out he planned to say some words on behalf of himself, he was asked to say some words in behalf of the entire group. He does live a little further away than some of the other people, but he felt strongly enough to come up here and say some words regardless, because he thinks that even as far away as he lives (and he lives at 7019 Old State Rd.) he is affected by it. He thinks that really the main thrust of this is that there is nothing in this entire area that is commercial -- from the intersection of Campground/Stringtown Rd. where Old State deadends up there -- approximately a mile away -- to the south; there is nothing commercial from there all the way down to where this site is and past it to Highway 41 on the other end of Old State Rd. (which is several miles), nor is there anything commercial from Old State to Highway 41 directly easterly or to the Darmstadt Rd., directly to the west. You have a huge ocean or sea of area that is all R-1 residential. Perhaps there are a few duplexes or apartments here and there; but there is nothing commercial whatsoever. Surrounding immediately adjacent to this is agricultural and R-1. What do they want to do? They want to hop from A to C-2 (that big jump to medium commercial, which allows taverns, bars, pool halls -- a hundred different kinds of retail establishments, laundromats, gas stations -- the whole bit). Mr. Marchand said he thinks one of the attractive things about this area is this historic Old State Rd. They tell him it doesn't have an ascertainable right-of-way. He inquired and found it is thought that maybe the right-of-way there is about 33 ft. There is a 24 ft. pavement; it is a narrow, old winding road with hills, curves, etc., passing through this attractive residential area that has built up and been attractive for many, many years. If they go in there (whether it is this petitioner or someone else) and put something like the C-2 (he doesn't care what it is) -- this will open the door for that unusual (because it's unspoiled) area to gradually deteriorate into other commercial. Attorney Marchand said he has been involved in rezonings throughout his practice and he finds -- and he thinks

(continued)

most of those present know that when something commercial gets into an area -- if it gets in -- it tends to draw other commercial. So this scenic old street, road, or whatever you want to call it, which has been this way for a hundred years (all residential and farmland) will suddenly start going commercial. Now, what does that do to the people immediately around? Of course, it depreciates the residential property in the immediate vicinity. What does it do to me down the road? Somebody is going to try to put one of those commercial establishments down my way -- or down the other way -- so this is his personal interest. But when you think about it -- my goodness, we talk about spot zoning. As long as he has been handling zonings he's heard of "spot zoning". Well, spot zoning is when you go in and put something entirely different in a certain type of area. This is not really "spot zoning"; this is something worse. Because there is nothing whatsoever comparable to this C-2 commercial use within miles and miles and miles. So he doesn't call it "spot zoning"; he calls it "pin-point zoning". If there can be something worse than that old tired phrase "spot zoning", this is it. He's been up here many times on controversial rezonings -- things that had shades of gray to it; things to recommend it; things to oppose it -- but, gentlemen, there is nothing whatsoever to recommend this. Usually you have something already approaching commercial nearby....or some kind of need for the commercial; or, somebody is being harmed or somebody's property can't be used or anything. But they said nothing to recommend this. They simply came up and said they'd like to do it. We haven't heard any reason as to why -- and he can't think of any, because all of the people he is representing here tonight (and he thinks the Board knows that he filed -- he believes it is part of the record -- petitions with over four hundred names; and he has more with him tonight. He thinks he has another 50 some odd signatures -- so that makes 450 signatures opposing the rezoning. All of these people tell him that they have plenty of shopping in the area and they don't want the neighborhood spoiled. They shop at Stop-N-Go if they want the short-order type of shopping; they can go to Campground and Old State and Stringtown, where they all come together; and there is an old commercial area that has been there for a hundred years. There's plenty of adequate drugstores, filling stations, taverns and Stop-N-Go type of stores up there. If you want to do heavier shopping, you either go down to North Park or the other shopping centers; or the people who live on the northerly end of this subdivision go to Darmstadt. He knows a lot of people go down there where there is plenty of shopping there. But they don't want this -- they are perfectly satisfied to go and shop at the other places that are located conveniently and which do not destroy the neighborhood.

Now, what are we talking about? I don't know what these people want. They tell us it's a Stop-N-Go; then it's a Key Market; they talk about 12 acres; they talk about dropping some of that out....He doesn't think they really know what they want -- and he suspects that if this is rezoned that it could go into anything. Now, they are talking about 12 acres. He checked the sizes of some of the other shopping centers in this vicinity and found that the old North Park Shopping Center is 12 acres (which is where Wesselman's is located). The North Park Village Shopping Center is approximately 12 acres; and the shopping center where Target is located down on First Avenue is also approximately 12 acres. So if they are really serious about what they first talked about, they are talking about a pretty huge commercial development -- something that could really create traffic problems, drainage problems and everything else. Now, if they want to drop some of that off, it really makes no difference -- as these people don't want the commercial in there, because whether it is two (2) acres or twelve (12) acres, it still breaks the whole area and comes in with that pin-point type zoning that attracts the other commercial which gradually erodes the area into something other than modest houses, nice houses and very nice houses. It completely erodes the whole thing when you start C-2 commercial.

In talking about traffic, whether it is big commercial or small commercial, Old State (a he lives there) is a heavily traveled, narrow road. Since he moved there in 1970, he has seen it get busier and busier because there is more and more subdivision development to the north. The traffic is so heavy that sometimes you almost have to jump to get to your mailbox -- to get over there and back -- he calls it the Old State Speedway. There are a lot of wrecks along there. He can personally testify that once or twice a year they haul somebody out of the ditch in front of his house, and in front of his neighbor's house. In fact, Charlie Nicholson still has a fence that has a hole in it from someone who hit it a few months ago. So there is a lot of traffic and it is a narrow road and they do have wrecks along there. The subject development is located just north of a curve and a hill. The original plan was that they would put an entrance down there and now they're talking about changing that. Frankly, Mr. Marchand does not know what they are going to do. But if they put an entrance down on that commercial development where he talked about in the first place, Mr. Marchand said he is sure that sooner or later one of those fast-driving people that the residents experience out there is going to

(continued)

come over that hill and down that curve -- and there will be that entrance -- and this will possibly create a wreck or two. They have wrecks down where he lives where they just fly off the road. Also, every morning, you can see lots and lots of school children along the road catching the school busses. He thinks that anything that adds to the traffic problem on Old State Road is something that should not be encouraged..... whether it is this or something else -- and commercial always creates more traffic.

There may be drainage problems in there; he understands the ditch that runs through this property drains into the big drainage ditch that passes by his house. In 1970, he knows that ditch overflowed and caught a few houses across the road from him. He thinks that any kind of commercial development that you put in there with all the concrete and flat walks -- as everyone else knows -- that doubles the run-off and could possibly contribute to another drainage problem in there again. He saw it once; he hasn't seen it for a long time and he hopes he never sees it again. But he thinks that if this is put in there that it will contribute to another drainage problem.

Mr. Marchand said he thinks these are all really side things; the real issue is this "pin-point zoning"; this absolutely unnecessary pin-point zoning that just violates every rule of planning. We talk about planning; we're going to have residential here, commercial here, and something else here in different areas -- and they come in with a pin-point of this sort and it just violates every rule he can think of. And he wouldn't have the guts to come in here and take a person's money and tell them he could try to get them rezoning if they came to him. He thinks he would have sent them elsewhere..... because he's never seen such a horrible example of planning; and he doesn't think if the Commissioners vote the way they usually do, that they can see their way to approve this. He thinks they will have to turn it down.

There are a few other people present tonight -- an attorney for Guthrie May (has a subdivision in the area) and other individuals. If they want to say something, he doesn't want to take up their time -- so he will stop.

The Chair entertained questions of Attorney Marchand. There being none, President Willner asked if anyone else is present who wishes to speak in behalf of the remonstrators.

Mr. Bob Becker was recognized by the Chair. He approached the podium and stated that he resides at 8910 Old State Rd., which is about one half north of this piece of property. He thinks he'd like to ask that everyone present who is in opposition to this petition to stand. The room was filled to overflowing with individuals both seated and standing, and there were approximately fifteen (15) remonstrants standing outside the room who could not even get into the room. All in all, there were approximately 75 remonstrants who demonstrated their opposition.

Continuing, Mr. Becker said he is speaking on behalf of himself and his family, as well as in behalf of his mother-in-law (Mrs. Carson) who is in the audience and who owns one hundred of the prettiest acres in Vanderburgh County north and east of the subject property. Also, as pointed out by Jim Marchand, on behalf of the Guthrie May & Co., who developed the Strawberry Hill Subdivision to the southeast of the property. On behalf of himself and his family and those he represents -- they do not want and they do not need any commercial development in their neighborhood. When he first heard that a petition had been filed to rezone this property, he really couldn't believe it. As Jim Marchand said, he couldn't believe that anyone would be so brazen as to come in and ask to put a commercial development in the heart of some of the nicest rural residential area in this county. But that is exactly what this petitioner is trying to do. Again, he guesses he is echoing some of the thoughts related by Mr. Marchand; but, in his experience, he has never seen a more blatant attempt to ask this Board to engage in spot zoning than the petition before them.

The Area Plan Commission indicated in a meeting a week and a half ago what it thought of this petition by giving it a unanimous and resounding denial. They ask that the Board of Commissioners do the same tonight.

The Chair entertained questions of the Commissioners. There being none, the Chair asked if there are any other remonstrators who would like to be heard? There being none, President Willner said the Board will allow Mr. Forrester a few minutes for a rebuttal.

Mr. Forrester stated that they are aware of the establishments at Campground and Stringtown Rds. He checked and found it is zoned C-1. He assumes that was probably considered "pin-point zoning" at that time, also; he is certain that was all agricultural and resi-

(continued)

dential when that was done. They have not been vacillating. Originally they said they wanted to put in a store in there of 3,000 sq. ft. The reason they are asking for the rezoning to put that in there is because there is a lot of traffic out there. And that amount of traffic indicated to them that there would be a market for a store in that area. Generally, anytime a zoning is asked for in any area, you do have remonstrators. He submits that if you turn down the petitioner everytime a zoning is requested that there wouldn't be any grocery stores for people to shop in. Insofar as the traffic out there is concerned and the speed of the drivers, he's seen the same thing that these gentlemen talked about -- that is why they have come back and proposed an exit lane to get that traffic off there that pulls in. The reason they came back and asked for less land, was that there was going to be so much objection that there'd be a lot of heavy commercial stuff go in there if the 12 acres is rezoned. That is why they came back and said they would cut down to the portion the Commissioners feel is acceptable. This covers his comments at this time.

The Chair entertained questions of the Commissioners or Mr. Forrester.

Commissioner Cox said she has two questions:

- 1) The first question concerns the petitioners site plan. It shows what she assumes would be an entrance off Old State Rd. -- or would it be an exit? Or, would it be both an entrance and an exit?

Mr. Forrester said it was going to be wide enough for both.

Commissioner Cox asked if he is planning to egress and ingress in both curb cuts?

Mr. Forrester acknowledged that this is correct.

- 2) Mrs. Cox said her other question was -- and Mr. Forrester got away from the microphone before she had a chance to ask him this -- but he said if there were any suggestions the Commissioners might have....she was wondering -- is Mr. Kemper here tonight?

Mr. Forrester said that he is present tonight.

Mrs. Cox said then that Mr. Kemper can tell the Commission -- would he be willing to make a subdivision out there similar to what is in the area now? Just drop the request for commercial and think in terms of putting in a subdivision out there?

Mr. Kemper said it would be a possibility.

The Chair entertained further questions of Mr. Forrester.

Mr. James Marchand interjected that he thinks he can say that there would no objection to a subdivision going in.

Commissioner Willner interrupted -- "a residential subdivision".

Commissioner Cox said, "That is what I meant."

Commissioner Willner entertained further questions of Mr. Forrester. There being none, President Willner said he believes he failed to ask whether anyone else wanted to speak in favor of the petition.

There being none, President Willner asked that the record show that petitions have been presented, as follows:

- 1) A petition with forty-six (46) names
- 2) A petition with three hundred seventy-four (374) names
- 3) A petition with approximately fifty (50) names

He asked that the record also state that he does not vouch for their authenticity or as to whether there are any duplications, but the Commissioners will retain the petitions.

Commissioner Cox asked that Commissioner Willner pass the petitions to her for perusal, and he complied with the request.

(continued)

President Willner continued by stating that the Area Plan Staff Field Report indicates that it is 12.7 acres parcel zoned agricultural. The new zoning would be C-2 for grocery store. Property is located on corner of Old State Rd. and Eissler. Again, property is surrounded by R-1 (single family residential) and agricultural. C-2 zoning is required for a grocery store of this magnitude....with total sales area of more than 3,000 sq. ft. Area Plan Commission voted eight (8) no votes and there was one abstention. He guesses the abstention was Commissioner Borries, who would cast his vote here tonight. Is there anything that Mrs. Barbara Cunningham would like to add?

Mrs. Cunningham said the property in question would not have to be rezoned if the petitioner pursues subdivision activity. Subdivisions can go in R-1 zoning.

The Chair entertained comments concerning any other pertinent information of which the Commissioners should be aware at this time.

Mr. Don Blume stood and was recognized by the Chair. He stated that he resides at 7501 Old State Rd. When the petitioner says he has egress on Eissler, ask him where Eissler goes? It only goes one way -- it comes right back on Old State Rd. There is only way to get out of that place and it's Old State Rd. When he dumps them on Eissler, he dumps them right here (to designated point on map) and they go right here (to designated point on map) and they go back out onto Old State (again, pointing to designated point on map). So when he says he has two (2) entrances, that is not correct.

President Willner thanked Mr. Blume for his comments.....and there was much applause from the audience.

The Chair entertained further comments. There being none, a motion was entertained.

Motion was made by Commissioner Cox that VC-5-86/Larry & Elizabeth Kemper -- requesting zone from Agricultural to C-2 be approved, with a second from Commissioner Borries.

Commissioner Willner said the motion for approval has been made, with a second to the motion. He would now ask for a roll call vote: Mrs. Cox, no; Mr. Borries, no; and Mr. Willner, no. President Willner said the request was denied by unanimous vote.

President Willner said, "To the Petitioners, I'm sorry that everybody else in the county says 'no' to your petition. I wish you'd re-evaluate your position and, as Mr. Marchand said -- it's good for residential zoning." (There was extensive applause, as President Willner thanked the residents for attending tonight's session -- and they expressed appreciation to the Commission verbally as they exited the meeting.)

VC-6-86/Petitioner, Peyronnin Investment, Inc.: The common known address of the property is 6608 E. Morgan Avenue. Present existing land use is manufacturing. Proposed land use is electrolytic processing. Currently the property is zoned M-1 and an M-2 zoning is requested. This is the Third Reading for this petition.

Mr. Drew Bannon(?) representing Peyronnin Investments, Inc., was recognized by the Chair. He approached the podium, identified himself, and said the Petitioner is requesting change from M-1 to M-2 zoning in order to accommodate the Shannon Spectronics on this property. They are a new business composed of principals who are very interested in this type of business and Peyronnin feels they will be a contribution to the community and, hopefully, this will be a successful venture. He is hoping there are no remonstrants opposed to the petition. Considering the area there, hopefully, will not be any remonstrants.

Commissioner Borries said that, as a rule, he has learned that there are negotiations from time to time that go on; or someone will change it here when it comes to a final vote. But this particular petition was unanimously approved by the Area Plan Commission.

President Willner said he believes the Petitioner will need to apply to the Air Pollution Control Board for insulation permits and construction permits, and operating permits prior to the commercial business. The Petitioner shows 17 parking spaces on the site plan and has room for more in order to meet the required number of parking spaces. Petitioner requests zoning change to allow electrolytic plating. The property is located in an industrial subdivision north of Morgan Avenue, east of Burkhardt Rd., and is surrounded by industrial zoning. Ingress/Egress will be from existing access road on the north side of subject property. The Chair then asked if there are any remonstrators present? There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-6-86 be approved on 3rd Reading, with a second from Commissioner Cox. The Chair then

(continued)

asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. President Willner said the request was approved by unanimous vote.

RE: COUNTY ATTORNEY - DAVID JONES

President Willner called upon County Attorney Jones for his report. Attorney Jones said he has several matters to bring before the Board today.

Claim/Home Insurance Company: The first matter concerns a claim from the Home Insurance Company on a loss they paid to Bruce Darden(?). The date of loss was October 1, 1985. They originally had the case settled and, apparently, after they issued the settlement draft the party renegeed on the agreement. Then it was arbitrated -- apparently under the insurance policies it went to arbitration and the insurance company lost on the arbitration. They then submitted a letter to the Commissioners, which was forwarded to him for attention (dated April 26, 1986) explaining all of this -- and saying that under the county's deductible for liability policy we now have to pay them that excess. Because of the circumstances, he sent a letter and questioned why when they told us they had it settled for a certain amount that the thing came undone. And, was it negligence on the part of the insurance agent that handled the case and settled it. When you give somebody money you get a release. Once you get a release, that's it. It's gone and they can't come back on you. Then, if they hadn't had it wound up, why were they billing the county if they said they settled it and really didn't? He talked to John Hodge about that letter. They now come back and explain all of this -- it's their policy that they don't get written releases on claims under \$1,000. He thinks that when all is said and done, they have an additional \$415.99 and he is as satisfied as ever that it is due under the terms of the policy. He asked Alice McBride if that just comes out of the county's insurance fund, or do they need to file a blue claim?

Mrs. McBride advised that a blue claim will have to be presented.

Mr. Jones said he will ask them to send a letter, together with blue claim.

Elizabeth May vs. Kenneth Collins, Paul Bickel, Vanderburgh Co.: Attorney Jones said the next matter concerns a case that he has been defending for some time. It actually had been in the Vanderburgh Superior Court; we got it dismissed, but it was dismissed without prejudice. The Plaintiff got some Indianapolis attorneys and refiled it in February. The case is called Elizabeth May vs. Kenneth Collins, Paul Bickel, Vanderburgh County. He thinks this is also one of these cases that something like a year and a half ago maybe or two years ago where we had an Executive Session and he discussed it, because of a new case on conflicts of interest -- and when you're defending both the unit of government and its employees you have to make certain disclosures. He asked if the Board recalls this particular case? It concerned a lady who was arrested in an accident for drunken driving and in the jail she became hysterical and flipped around and broke her arm. She then sued and said she was strip-searched and abused, etc., etc. We had gotten to the point in the federal lawsuit where the parties had to make specific allegations. When the Plaintiff did that, the Plaintiff specified something that did not appear on the face of the complaint. That something else appears to the law enforcement liability carrier (Great Southwest, who sent this letter of May 16th to which he is referring) and says, "We don't cover that 'something else' under the law enforcement liability policy. That something else referred to a policy of the county. That sounds in Public Officials Liability, which is a different insurance company. When that cropped up, he sent it to John Hodge and he put the county's carriers on notice. He then sent it to Hartford. Hartford sent a letter back (of which he has a copy in his files) and declined coverage. However, Hartford was the General Liability Carrier for the county at that time as opposed to Official Public Liability. We then submitted it to Home Insurance, who had the coverage and they declined to do anything. He asked John last week to have Home Insurance put that in writing. Southwest has now forwarded this letter and has advised you in reference to his prior correspondence to the Commissioners. What Attorney Jones would hope would happen is that the Board have the other County Attorney defend that part of the suit, since that firm has had some prior contact by his being there. But that part of it he could not handle, since he is already handling the deputy's part of it for the law enforcement liability carriers. He is defending the law enforcement. He does not think ultimately that anything has changed in terms of who is liable and who is not; but this is something the Plaintiffs created when they added some language in their specifications. It's all in the letters of the insurance company. But he thought he'd better explain it, because you need a pretty good understanding of different types of liability insurance policies to follow that.

(continued)

President Willner requested that Attorney Jones forward documents to Attorney David Miller, and Attorney Jones indicated he would do so. He said that if it is ultimately determined that this is something that is covered, as in most policies, then this particular insurance company will reimburse the county. If it's covered by Public Officials Liability, and that company has declined it, then the county could ultimately get reimbursed for that.

Commissioner Willner asked, "David, if it was thrown out of court one time, how come it could get refiled? Is that standard procedure?"

Attorney Jones said, "You have a two dismissal rule; unless a case is first dismissed with prejudice, then it is allowed to be refiled. If they dismissed it on their own without prejudice it appeared it was going away and they went to Indianapolis and got some other lawyers and refiled it in Federal Court. It's like eating your cereal twice."

Ordinance re Special Uses: Attorney Jones said there was an Ordinance prepared and submitted for Special Uses by the attorney for the Area Plan Commission?

Commissioner Willner said, "No, I guess that was prepared at my request -- the copy was for Attorney Jones' information and review, so he could add/subtract his thoughts on same. I read it; it is very restrictive; but if you like it, it will save a lot of needless zoning."

Commissioner Willner asked Attorney Jones: if he has a copy to give to Commissioner Cox?

Commissioner Cox said a copy can just be put in her mail box; the Board is not going to act on it today.

Attorney Jones said he has reviewed the ordinance. He thinks it's purely a question -- insofar as terms of form, etc., he has no problems with it -- but what do the Commissioners want in terms of substance.

Commissioner Willner said the idea they're after is that the individual who has a one-person operation (such as a beauty shop) has relief other than trying to rezone his residential property, which his surrounding neighbors do not want.....and he does not want. Nobody wants to rezone it. Yet, he wants to be able to operate himself without another employee, etc., etc. Commissioner Willner said he really believes this is a good thing....but he would ask that the others read the ordinance and provide their input.

Attorney Jones said another thing, this is the first time that the Commissioners have set up a procedure for the Commission to get involved in Special Uses, since the statute was changed. Had they not done so, they would not be involved in that process. The way the statute is worded, the Commissioners would have to set up an ordinance to put themselves back into that system.

Commissioner Willner asked, "That leaves us out, too, doesn't it?"

Attorney Jones said, "No, this says that it goes first to APC and then it comes back and the Commission can modify it or change it...."

Commissioner Willner asked, "You mean this ordinance?"

Attorney Jones said, "This one does that first; then it creates/adds a Home Occupation or Special Uses.."

Commissioner Willner said, "We don't hear Home Occupation; that is done by the Board of Zoning Appeals."

Commissioner Cox said, "Area Plan doesn't hear Special Uses now; so what you're recommending is that they go back to the APC now?"

Attorney Jones said, "It starts there, then it goes to the BZA....."

Commissioner Willner said, "I think they're letting the city look at it; but it's probably more critical out in the county. Really, though, I can't say that."

Commissioner Borries said, "No, they have a lot of the same thing in the city."

(continued)

COUNTY COMMISSIONERS
May 19, 1986

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Attorney Jones gave the ordinance to Jim Lindenschmidt and asked that he make copies for the Commissioners, etc.

RE: COUNTY SURVEYOR

President Willner presented the following letter, which was submitted by the County Surveyor's office. Attached is another letter saying they have done considerable work insofar as the surveyor's crew is concerned (some 80 hours, he believes) and they want to present the material to the County Engineer. They would like to continue working; anything their staff can provide -- they will be happy to do so if Mr. Easley will let them know as soon as possible. Commissioner Willner requested that both letters be incorporated into the minutes.

TO: Mr. Robert L. Willner, President/Vanderburgh County Commissioners

FROM: Bill Jeffers, Chief Deputy Vanderburgh County Surveyor

RE: Heerdink Lane

Attached is a letter and some plans and profiles of the survey requested by Andy Easley for a project your board is considering.

Please enter the attached letter into your board minutes today.

If you or any board member have any questions or suggestions regarding the survey, please forward them to our office. Andy should lay out the proposed roadway over our submitted survey and let us know if he needs any additional field work to complete his design. For example, if he intends to design a curve at the point where the section line meets Spencer's Lane, we need to lay out his curve in the field and cross-section the centerline for him.

What we present here should be sufficient to begin the road design and to plan for needed right-of-way.

* * * * *

May 19, 1986

Board of County Commissioners
Vanderburgh County Indiana
Attn: Robert L. Willner, President

Attached is a copy of a topographical survey completed by the Vanderburgh County Surveyor, Robert W. Brenner, and his staff at the request of the Vanderburgh County Highway Engineer, Mr. R. Andrew Easley. The plan view of the survey details the West Line of the East Halves of the Southeast and Northeast Quarters of Section Thirty-Six, Township Five South, Range Ten West. Included on the plan view are existing roads, lanes, adjacent property owners and other information pertinent to your study to improve/construct Heerdink Lane north of Heckel Rd.

The profile view drawn under the plan view plots the existing profile of the land along the survey line described above. The sea level based elevation given on the plan and profile coincide with data used and provided by the Indiana Department of Highways for the I-164 project presently under construction immediately to the east of the submitted survey.

Also available to your highway engineer are several cross-section sheets prepared by our Chief Draftsman, Charles Davis, and on file in our office. The cross-section sheets plot the existing elevations fifty (50) feet either side of the centerline proposed by Mr. Easley.

While some information may have to be altered or added during the design period, the data provided by this survey should be sufficient for Mr. Easley to begin designing the Heerdink Lane improvement and initiate right-of-way acquisition. If additional survey information is required, Mr. Easley should notify us immediately so we may schedule the field crew.

(continued)

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The survey presented to you by our office represents approximately forty (40) hours field work by our four man crew and approximately forty (40) hours drafting time by our chief draftsman. We continue to enjoy working with you and your staff to provide services to the taxpayers of Vanderburgh County and look forward to continued coordinated efforts.

Sincerely,

Robert W. Brenner
Vanderburgh County Surveyor

cc: R. Andrew Easley (w/attachment

* * * * *

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Street & Storm Drainage Improvements/Chapel Hill Subdivision, Section "A":

Mr. Easley presented the following memo:

May 16, 1986

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Street Improvements in Chapel Hill
Subdivision, Section "A"

Dear Mr. Willner:

The undersigned has made an inspection of subject street and storm drainage improvements on May 9, 1986. These street improvements were constructed during the summer of 1985 and the spring of 1986.

All streets are paved with three (3) inches of Hot Asphaltic Concrete on six (6) inches of crushed stone base and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed streets in subject subdivision:

Chapel Hill Drive-----1,130 ft. (.21 mile)

We are enclosing a sketch of the subdivision showing the completed street.

It is recommended that the street and storm drainage improvements in the subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel, County Highway Superintendent
Rick Broerman, Developer

Mr. Easley said the subdivider has constructed the street in accordance with county standards and he recommends approval. He believes that Bill Bethel has also looked at the subject street. It does not have curb and gutter -- and it's an asphaltic street.

Commissioner Cox queried Mr. Easley concerning the right-of-way? Mr. Easley said it has 60 ft. right-of-way.

(continued)

COUNTY COMMISSIONERS
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Commissioner Cox said that on our other list of roads, we show a Chapel Hill Drive at .10 miles. Is this an additional stretch of this Chapel Hill Drive that they're petitioning to have accepted?

After brief discussion and review of county map, it was subsequently determined that there is a Chapel Hill listed in the County Road Study.

Commissioner Willner asked Mrs. Cox if the study shows a West Chapel Hill? He knows there is a West Chapel Hill.

Mr. Easley said there is a section of Chapel Hill off Eichoff Rd.

Commissioners Willner and Borries said this is correct. Commissioner Borries said he has had some residents complain about the road and they have done some work on West Chapel.

Continuing, President Willner said Mr. Easley has indicated the aforementioned portion of Chapel Hill does meet specs and he recommends approval. Is there a motion?

Motion was made by Commissioner Cox that Chapel Hill Drive (1,130 ft. or .21 mile) with 60 ft. right-of-way be approved for county maintenance and submitted to the IDOH for reimbursement costs, with a second from Commissioner Borries. So ordered.

Commissioner Cox queried Commissioner Borries and Mr. Easley as to how Chapel Hill is spelled on the map. Commissioner Borries said it is C-h-a-p-e-l; but, again, they are looking at West Chapel Hill. It was the consensus that the correct spelling is C-H-A-P-E-L, apparently, since the spelling was taken off the plat.

Subsequent discussion revealed that there is a West Chapel Drive and a Chapel Court -- in a new subdivision. However, Commissioner Willner said West Chapel Drive must not be a county-accepted road, as it is not included in the County Road Study. Mr. Lindenschmidt said that Chapel Court is a trailer court.

Street Improvement Plan/Burkhardt Center Subdivision: Mr. Easley said he has a street improvement plan for Burkhardt Center Subdivision, which is east of Burkhardt Rd. and north of State Rd. 62 (known as the Boonville Highway locally). Peyronnin Investments has a little industrial park and they want to build another phase of it. They have submitted plans for 1,900 l.f. of road to run east of Burkhardt Rd. with a 50 ft. right-of-way. It will be a 27 ft. wide pavement. They have committed themselves, he believes, to curb, gutters and asphalt.....implied by their drafting.

Commissioner Willner asked if Mr. Easley is asking for design approval?

Mrs. Cox asked, again, where it runs?

Mr. Easley said it runs east off Burkhardt Rd.

Mrs. Cox said they have part of that. Is it right adjacent to their industrial development? Mr. Easley said that it is.

Mr. Easley said they now have seven (7) lots and they are going to add another twenty-four (24) lots.

The Board spent several minutes perusing the plan. Commissioner Borries asked if there will be any truck traffic there? Semis? It was the consensus that there will be. Commissioner Borries said his only concern is that we will have to do something to the road at a designated point, particularly when the Interstate 64 construction is completed. It is going to take some work. He wonders if they wouldn't have a blister or something in designated area? Commissioner Willner said he agrees with Mr. Borries. In response to query from Commissioner Cox, Mr. Easley said they show that half the right-of-way (30 ft.) was dedicated and there is a right turn lane. That would give us a total of 60 ft. right-of-way between Highway 62 and the Old Boonville Highway...and he doesn't think we'll have all that much traffic going through there.

Commissioner Borries said he would like to have some assurance that we either have right-of-way there, or if they want to do a blister.....he is concerned that they have a blister there.

(continued)

Mr. Easley said he has at times suggested that perhaps a subdivision like this -- that we consider asking them to widen and put curb and gutter (or widen existing road)....

Mrs. Cox said it is going to be a little hard to widen -- with all those ditches there.

Mr. Easley said this is true; there are storm drainage pipes going in.....

There being no further comments, the Chair entertained a motion. Motion was made by Commissioner Borries that the street plans be approved, with a second from Commissioner Cox. So ordered.

Commissioner Borries said he would ask that Mr. Easley talk with the developer and express the Board's concerns to make them aware of some turning problems?

Mr. Easley said he will. He will tell them that we expect the right-turn lane to be improved -- because they have shown it on their drainage plan.

RE: DENZER RD. - DITCH WORK

Commissioner Cox said the Commissioners get a lot of calls from people expressing their concerns. However, she wants to note that she received a call from Mr. Stallings out on Denzer Rd., informing her that the ditch work he had requested quite a long, long time ago was completed and he felt it was an excellent job -- and it worked absolutely fantastically during the downpour we had. She did call the County Highway Department and express her thanks.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

It was noted by President Willner that Bill Bethel, County Highway Superintendent, is back today. He hasn't completely gotten his voice back yet -- so he asks that Mr. Bethel submit the reports for the County Garage and the Bridge Crew, without reading same, and they will be incorporated into the minutes.

Mr. Bethel submitted the reports to the Board, and said he wants to thank everyone for the cards and flowers and everything received while he was in the hospital. Maybe he'll have his voice back next week.

President Willner said it is nice to see that Mr. Stuckey is also back -- so now we have a Superintendent and an Inspector back.

Weekly Work Report/County Garage: Mr. Bethel submitted the following Work Report for employees at the County Garage for period May 12 thru May 16, 1986.....report received and filed.

Gradall: Finish digging Young Rd. ditch, also Denzer Rd. ditch. Dug ditch and installed culvert at 6710 Rosser Drive. Started digging ditch on 7201 Harmony Way.

Paver-Big Roller & Small New Roller: Paving Cunningham and finished paving with binder on Winging Way and Elmhurst. Cleaned rock from Memory Lane, Rode Rd., Nelrose and Vista View with back-hoe.

Small New Roller: Patched with hot mix on Karendale Ct., intersection of Millersburg Rd. and Green River Rd., Heckel Rd. and Green River Rd.

Backhoe: Dig out 5411 Westhaven Dr. and add 53's. Haul dirt from Hirsch Rd. and add 53's for Work Release.

Mowing Machine: Mowed Old State Rd. from Baseline to County Line, Volkman from Old State to Hwy. 41, Inglefield Rd., Schraeder Rd. from 41 to Barton; from Highway 41 to Old State.

Had to refill four (4) barrels with sand on Old Henderson Rd. at wash-out where county filled in washout along river bank, resulting from someone's careless driving.

Filled in shoulders on Red Bank Rd., also Mohr Rd. off St. Joseph, also shoulders on

(continued)

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8004-8008 Old Boonville Hwy., Fuquay and Newburgh Rd. Also added 53's in washout on St. Wendel Rd., shoulders on Felstead and Broadway.

Cut bleeders on Petersburg Rd. and Old State Rd.

Hauled 73's to Melody Lane off Red Bank Rd.

Removed tree on Hillview Rd., also on #3 School Rd. Haul 11's to yard.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

Finished repairing drain on dead end of Cunningham. Also finished concrete over this area.

Building wall along Elm St. to keep shoulder from washing into yard.

Cut weeds and grass around Baseline bridges and culverts, also on Oak Hill Rd.

Cut bleeders on bridges, clean shed and build barricades.

Work Release Program

Digging out soft spots on Hirsch Rd. filling in with 53's.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the employees at the County Garage and the Bridge Crew.....reports received and filed.

RE: BURDETTE PARK - FINANCIAL STATEMENT

President Willner presented the following Financial Statement submitted for Burdette Park:

1986 Starting Budget

1986 Budgeted	\$ 493,811.00
1985 Encumbered by P.O.	230.63
1985 Encumbered by Contract	4,431.24
1986 Additional Appropriation	148,951.63
1986 Insurance Reimbursement	835.57

Total 1986 Budget	\$ 648,260.07
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Expenditures & Balance 1/1/86 to 4/30/86

Total Expenditures	\$ 185,901.19
Total Balance	\$ 462,358.88

Income 1/1/86 to 4/30/86

Pool	\$ 80.00
Rink	15,033.37
Rentals	22,903.67
Miscellaneous	2,947.13
Totals	40,964.17

4/30/86

Total Expenditures	\$ 185,901.19
Total Income	40,964.17
Total Deficit	144,937.02
Less Long Term Capital Improvements	- 51,510.48
Total Deficit	\$ 93,426.54

(continued)

RE: COMPLAINTS RE DITCH ALONG BOEHNE CAMP RD.

Commissioner Cox reported that she had received complaint calls regarding the east ditch along Boehne Camp Rd., where they're building the new condominium or apartment development at the corner of Highway 62 and Boehne Camp Rd. The rains that we'd have have washed the mud and erosion down from the open areas where they have disturbed the soil and this has filled the ditch, so that when it rains now the water is coming across the road. She doesn't know whether this is the developer's responsibility or ours; but it would be the east part of Boehne Camp Rd. north of Highway 62.....maybe a two or three block area is involved.

RE: ACCEPTANCE OF CHECK FROM SCHOOL CORPORATION

A check from the Evansville-Vanderburgh School Corporation in the amount of \$1.00 for rent of West Heights School was presented. Motion to accept check for deposit into County General Fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: HOLIDAY OFFICE CLOSING

It was announced by President Willner that all County offices will be closed on Monday, May 26th, in observance of Memorial Day. Thus, the next Commissioners' Meeting will be held on Tuesday, May 27th, at 2:30 p.m. A Drainage Board Meeting will be held subsequent to the Commissioners' Meeting.

RE: SCHEDULED MEETINGS

President Willner asked if the Commissioners are aware of any scheduled meetings, other than the Commissioners and Drainage meetings on Tuesday, May 27th.

Commissioner Borries said he can't recall whether the Commissioners ever did anything specific (although he knows other boards have done such a thing) -- but did the Commissioners, as a Board, take any position on the Doppler Radar System? He recalls speaking at a hearing held by Congressman McCloskey....

Commissioner Cox said she thinks the Board did.....

Commissioner Borries said it struck him again during the stormy weather we experienced this past week.

Commissioner Cox said that both she and Commissioner Borries were at the meeting held in City Council Chambers, which was sponsored by the gentleman from somewhere in Kentucky....Henderson, she believes. That was one of the early meetings -- but there have been several meetings held. She thinks she recalls from the records that the Board sent a letter; in fact, she believes Commissioner Borries reported that the Board had sent a letter asking that we be considered.

Commissioner Borries said he just wanted it to be on record that the Board had sent a letter. That Shamrock Apartments was just something else. He doesn't know how in the world that thing just missed St. Mary's Medical Center -- but it just took the whole roof off the Shamrock, that's all there is to it. He does hope that the Board is on record and that the National Weather Service will give us some consideration on that.

Kick-Off for Operation City Beautiful/Keller-Crescent: President Willner noted that the Kick-Off for Operation City Beautiful will be held at 4:00 p.m. on Wednesday, at Keller-Crescent.

It was subsequently noted that the Commissioners did indeed send a letter concerning the Doppler Radar System to Congressman McCloskey on October 15, 1985. President Willner asked that a similar letter also be sent to the National Weather Service.

RE: APPOINTMENTS

President Willner said he doesn't have all the appointments to be made ready yet; he will try to have this ready for Tuesday's meeting. This would be on the Board of Review and the new Land Assessment Commission.

(continued)

COUNTY COMMISSIONERS
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RE: OLD BUSINESS

The Chair entertained matters of old business. There were none.

RE: CLAIMS

President Willner announced that he has no claims to be presented today.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Voter's Registration

Lucille Musgrave	4304 Pennington	Extra	\$90.00	Eff: 5/26/86
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Knight Township Assessor

Annette L. Ellsperman	10335 St. Wendel Rd.	Deputy	\$35/Day	Eff: 5/19/86
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Superior Court

James O. Dunaway, Jr.		Summer Intern	\$157.50/Wk.	Eff: 5/12/86
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Voter's Registration

Edward Schmidt	1301 Schenk Rd.	Extra	\$30.00/Day	Eff: 5/6/86
Lillian Carnaghi	10 Taylor Avenue	Extra	"	"
John Gugin	411 Schreeder	Extra	"	"
Wayne Kirk	8302 Spry Rd.	Extra	"	"

EMPLOYMENT CHANGES - RELEASES

Voter's Registration

Lucille Musgrave	4304 Pennington	Extra	\$90.00	Eff: 5/7/86
Edward Schmidt	1301 Schenk Rd.	"	\$30.00/Day	Eff: 5/7/86
Lillian Carnaghi	10 Taylor Avenue	"	"	"
John Gugin	417 Schreeder Ave.	"	"	"
Wayne Kirk	8302 Spry Rd.	"	"	"

Election Office

Sandie Deig	1301 April Dr.	Supv.	\$5.70/Hr.	Eff: 5/10/86
Carol Primm	805 S. Villa	Dep. Clk.	\$5.40/Hr.	"
Sylvia Loviscek	632 S. Harlan	"	\$4.54/Hr.	"
R. Warren Thompson	4 S. Boehne Camp Rd.	Supv.	\$5.70/Hr.	"
Gerald F. Wohlhueter	1806 Conlin Ave.	Bal. Assem.	\$4.54/Hr.	"
John Lee Jones	820 S. Governor	"	"	"
William McKinley	1116 S. Linwood	"	"	"
Mary Jo Mooney	5215 Monroe	"	"	"

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:00 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
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Robert L. Willner
Richard J. Borries
Shirley Jean Cox

Alice McBride

David L. Jones

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

AREA PLAN

Barbara Cunningham

(continued)

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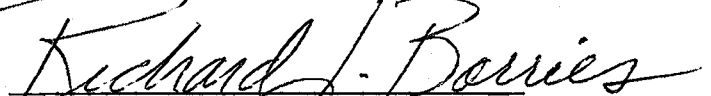
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OTHER

Larry & Elizabeth Kemper
Jim Marchand, Atty.
Bob Becker
Arthur Forrester
Don Blume
Approx. 75 Remonstrants re VC-5-86 Rezoning Petition
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

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MINUTES
COUNTY COMMISSIONERS MEETING
MAY 27, 1986

The Vanderburgh County Board of Commissioners met in session on Tuesday, May 27, 1986, at 2:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, May 19, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID L. JONES

Acceptance of Check: Attorney Jones said a check from Howard County was recently received in the amount of \$204.00. Check was held subject to clarification of same. Howard County has now indicated the check was in conjunction with case of Doris Dunivan vs. David M. Dunivan, Howard County Case #84-DOM-1325 vs. Our No. 16696. The check should be accepted and deposited in the County General Fund.

APC/Commissioner Case/Angel: President Willner asked Attorney Jones if he received copy of letter from Insurance Company indicating they were not going to cover the case of Area Plan Commission/County Commissioners vs. Angel? Attorney Jones responded that the firm of Bowers, Harrison, Kent & Miller is handling that matter.

RE: COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Reports: President Willner presented copies of the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew which had been submitted for period May 19 thru May 23, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Dug ditch on the corner of Ward Rd. and Swinging Way Ct. west. Completed. Digging ditch on 7201 Harmony Way. Completed. Dug ditch on Little Schaeffer Rd. and Sprindale. Completed. Dug ditch from 6633 to 6800 Schaeffer Rd. and Sprindale.

Paved with Hot Mix: Hot mix surface mix completed Cunningham Rd., Winding Way. Paved with hot mix base coat on Memory Lane, Melrose, Rode Rd., Vista View, Ashwood and Voight Rd.

Patch with Hot Mix: St. Joe Rd. from St. Wendel Rd. Completed. #3 School Rd. Completed. Hillview Rd. Completed. Hitch-Peters Rd. Completed. Green River Rd. Completed.

Mower: Old Princeton Rd., Darmstadt Rd., Old State Rd., Browning Rd., Hillsdale, Eissler, Nuebling, Outer St. Joe Ave., Schenk, Orchard, Boonville-New Harmony Rd., Petersburg Rd. and part of Baseline, Lynn Rd., Pollack and Fuquay.

Mow-Trim: Broadway and Felstead intersection. Broadway and County Line Rd. west; 7410 Harmony Rd. Intersection of Schutte Rd. and Broadway.

Small Riding Mower: St. Joe Ave.; also, medium on St. Joe Avenue. Weeds cut out of ditch around County Highway Garage. Had truck on Melrose and Cunningham working with Work Release to haul concrete, which was dug out of road that was caved in, and then poured slurry concrete in holes. Dumped dirt on culvert on Millersburg Rd.

(continued)

Weekly Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

Finish building up washout on Elm St.

Installed guard rails; straighten and paint them on Nurrenbern Rd.
Also cut weeds and grass around culverts, bridges and guard rails.

Take up concrete forms from sewer on Cunningham Drive.

Build up around bridge, repair culvert and guard rail on Heppler Rd.

Dig out and repair culvert and drop-box on St. Joe Rd., behind St. and Mini-Mart.

Work Release Program:

Cut out bad places on Melrose and Cunningham Rd. Dug these out and added slurry concrete to fill underground washouts.

Dug cut out places on Hirsch Rd. and added #2's.

RE: DEFERRED COMPENSATION PLAN - CHARLES H. EDGE

The Chair recognized Mr. Charles H. Edge, Area Director of the Public Employees Benefit Services Corporation (PEBSCO). PEBSCO is service organization specializing exclusively in the design, implementation, marketing, administration and servicing of deferred compensation programs for public employees. They are in the process of revamping or reservicing the county via contacting different department heads (like they're doing in the city). Since they're in the city already and they are having extremely good rapport with everyone there and they have found the value of the program insofar as tax benefits. The program is not being changed around or altered by any of the tax laws being affected, even though the IRAs and some of the other programs have been affected. At this time, the new tax laws are not having any effect whatsoever on the Deferred Compensation. Mr. Edge can you can defer 25% of your gross salary or \$7,500 you cannot exceed \$7,500 of your gross salary. Since the 1970's was the first time that public employees could really defer any of their income -- and those public employees coming in at lastone of the benefits this program has which other kinds of programs do not have, is that you can also buy life insurance in this program with your before-tax dollars, which means you can buy discounted life insurance. This is just part of the program. They don't push this very hard. The way the program works, those people who today are saving the regular way without the deferred compensation plan, if they go to the bank and put \$50.00 in savings account envelope, when it got to savings account or the window and they opened up the envelope they'd find \$65.00. If you planned to save \$50.00, you'd have to earn \$65.00, because \$15.00 of the \$50.00 savings is taxes. What they allow under the Deferred Compensation Program is that you get to keep the \$15.00 taxes plus the savings, which means you can put the \$65.00 into your account. Mr. Edge said he's not going heavily into the workings of this because of the time involved; but, you can give yourself a raise in pay without affecting your take-home pay in some instances. Mr. Edge continued by referring to illustrated chart. The IRS does limit you to 25% (on what you're depositing in term insurance in the program) of what you're depositing in investment account. The chart depicted figures for participants who also elected to purchase the Survivor's Income Plan as well as the Investment Plan. Their beneficiaries are also able to pick up sums other than those in the investment account. These are the two basic features of the plan that make it possible to accumulate funds in the account. There are two plans which help to accumulate funds in the investment account: Guaranteed Fixed Account, which is currently paying 11% interest. The other is the Variable Contract -- that is you can put it in the Money Market Fund or Mutual Funds. Persons in the city and county participating in this program made somewhere like 35% off their money -- and he thinks that is pretty good growth.

Mr. Edge said there are some charges in this program and he wishes to remind the county of what these are. It is still a very low cost charge program. One of the accounts you will see only has a \$12.00 annual charge. Money participates all year long; at the end of the time, you have a \$12.00 charge. The charge you don't see is the Assessed Management Fee, which is .55 of the interest in the Fixed Account. That is not total interest; they have declared 11% interest and they then give the participant net interest which is 10.45%. At the beginning of each year, they also tell you the lowest possible interest rate. This year it is 10.05%. Regardless of what the

(continued)

interest rates do this year the rest of the year, participants will not receive less than 10.05%.

The other one he calls the "may see" charge is where if you decide you've been with the county and you leave the county and you want all your money out at one time, there is a possible 4% surrender charge. There are ways to avoid that. If you want to take your money out over a 3-year period of time or something like that. You can avoid the 4% charges. He is not going into full details at this time; but for those who are interested, he will go into this later. The way you take your money out of the program? As long as you're a county employee, the funds will remain in the county program. If you quit, retire or get fired or whatever, then you can take your funds with you or leave them in the account and let them accumulate -- or you can start drawing the funds out on a monthly basis. If you have an extreme hardship or catastrophe, then we'll discuss this issue at a later time. The basis of the whole program is that at age 65 (you won't have to wait until age 65; but if you did, you'd have a little better tax break--but any year you start drawing the funds out is the year that you start paying taxes). There is no extra paperwork at the end of the year. Your W-2 form will show two figures; that figure which has been charged against the Social Security Benefits and the other one, which is actually for income purposes. So you don't have to subtract anything off your Form 1040 or make any explanations or anything like that. At the end of the program where they give this presentation, they hand out attendance cards, and at the bottom of the card there will be three questions: 1) Do they want to enroll in the program? 2) Do they have any questions about the program? 3) I'm not interested at this time. So whatever they check on the attendance is how PEBSCO responds. So far they've had a very good response.

In closing, Mr. Edge said he has some prospectus available which he will leave with Mr. Lindenschmidt. There are some seven or eight programs available. He knows he made a hurried presentation; if there are any basic questions, he will be glad to answer same. Otherwise, he appreciates the time allotted by the Commissioners for his brief presentation today.

Commissioner Willner expressed appreciation to Mr. Edge. In response to question from Commissioner Willner, Mr. Edge said he'd had the plan since 1980 and there are currently over 100 participants in the county. However, they have not been truly contacting employees or servicing the county. Those who are participating contacted them. He will be contacting the County Department Heads and setting up a time schedule to present the program to the departmental employees.

Commissioner Willner asked if this is agreeable to the other Commissioners, or are there questions?

Commissioner Borries asked Mr. Edge if he is a representative of the National Association of Counties? Mr. Edge responded that he is with PEBSCO. Commissioner Borries said that a couple of years ago we had someone from the Indiana Association of Counties come -- and they discussed a different program. We have some people who are on this program. His concern is that we've had comments from some of the individuals who are on this program that there hasn't really been enough service contact. For example, one individual who is enrolled at a lower interest rate. Now, because of greater flexibility, the individual actually has switched plans. But, as we all do, unless you have a regular service person come in and speak with people, persons really don't know what to do. So the aforementioned individual probably lost some interest that could have been gained. He guesses his question is related to his concern then -- is there going to be someone to be a contact person for people who would sign up for this particular program; or who want to change their existing program/account that we could contact on a regular basis? Mr. Edge said that would be him; he is from Owensboro, KY and he can get here in approximately 45 minutes. In response to Commissioner Borries' question (and he does want to emphasize this) there is an 800 number on the back of the folders. Anyone who has questions concerning their account or who might want to make changes, they can call that 800 number and there are two things they can get. The representative at the other end of the line will be able to tell them exactly what is in their account right to the penny; and the representative will answer any question about the fund. And the representative will advise him so he, in turn, can come and service the account. The way they've worked it so far is that they've been putting stuffers in the checks. What they're going to do now is to start with the Department Heads -- just like they're starting all over -- and doing it from that point. There is a lot of interest in this program. He will be leaving literature with Cindy Mayo in the Auditor's office.

(continued)

The Chair entertained further questions or comments. There being none, a motion was entertained.

Commissioner Borries asked Mr. Edge if his request at this time is merely to provide information to the employees concerning the plan at this point? Mr. Edge said his request is to make full service to all Department Heads and to familiarize them with the program. Each presentation takes about 15 minutes. It will answer all questions and supplies will be distributed. PEBSCO does understand that if people have had their money in the Money Market at 7% or 6½%, they should have been over in the C.D. Fund or 20th Century Fund. They can follow this in the newspaper, but a lot of people don't do this. But they can check with PEBSCO via the 800 telephone number.

Again, the Chair entertained a motion. Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

Commissioner Borries commented that if there is some way that Mr. Edge can communicate to the employees as to who they should contact for service. Perhaps on a yearly basis -- some corporations give their employees an opportunity to update their existing plans on an annual basis. If Mr. Edge could have an enclosure or flyer with his name on it in the printed materials, that certainly should help. Mr. Edge said employees will receive folders similar to those just distributed to the Commissioners -- and these should be very helpful. There is a tear-out sheet, and people who desire information can just tear that out and send it in.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/ Best Quality Construction Company: Claim in the amount of \$200.00 for removal of old sign base at Marathon Station; connect and seal electric supply cables. It is Mr. Easley's recommendation that the claim be paid. The Chair entertained a motion. Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

Pigeon Creek Log Jam: Commissioner Willner asked Mr. Easley if he called the Councilmen regarding the Pigeon Creek problem. Mr. Easley said he wanted to talk with County Auditor Alice McBride before he calls the Councilmen. There is a possibility they can handle this with a transfer of funds as opposed to an additional appropriation. Commissioner Cox said that Mr. Easley has been advertised on Council Call for a \$30,000 appropriation. Commissioner Willner said he'd like to get this project started as soon as possible. In response to comment from Mrs. McBride, Mr. Easley said he believes that if this log jam breaks loose it would be a threat to the Stringtown Rd. Bridge. He thinks the removal of this log jam could be paid for from bridge funds. We have an appropriation for the N. Kentucky Avenue Bridge which we're not going to use this year. Couldn't we get permission to transfer funds from that account. Mrs. Cox said it would still have to be appropriated. She said if the money wasn't going to be used for the North Kentucky Avenue Bridge, she thinks he has to give it back and the funds reappropriated. Mr. Easley said they'd like to get some work done on the log jam and if the transfer would save 60 days' paperwork. Mrs. Cox asked if the bridge fund was not sufficient to just ask for an appropriation out of the bridge fund money? Mrs. McBride said that would have to be advertised and it is too late to advertise for the June Council Meeting -- and they want to get the money in a hurry. Commissioner Willner said he'd certainly like to take the money for this project out of the bridge funds -- but they wouldn't let them do this the last time. Mrs. McBride said she knows we took the money out of the General Fund last year and that's why it had to be advertised. Mrs. Cox said she believes Mr. Easley has a good point. If they can use bridge funds for a temporary road while they're repairing a bridge, she doesn't see why bridge funds couldn't be used for this.

RE: APPOINTMENTS

The Chair called upon Commissioner Borries concerning list of appointments that need to be made.

Commissioner Borries said the terms of three (3) members of the Auditorium Advisory Board expire this month. To date, the Commissioners have only been able to contact two(2): Mrs. Jo Merrill and Mr. Robert Hayden. Both have indicated they would be willing to serve another term. At this time, he would entertain motion that Mrs. Jo

(continued)

COUNTY COMMISSIONERS
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Merrill and Mr. Robert Hayden be reappointed for another two-year term. Motion was seconded by Commissioner Cox. So ordered.

Continuing, Commissioner Borries said he will continue to make an effort to contact Mr. Joe O'Daniel. The Board would not want to reappoint him without his having indicated his willingness to serve another term.

With regard to appointments to the County Board of Review, Mr. Casper Hudson and Mr. Fred Stocker have indicated they do not wish to be reappointed. The following have been nominated:

Peggy Young - 7005 Red Wing Drive (Republican Member)
Paul V. Batts - 2430 E. Walnut St. (Democrat Member)

Motion to appoint the foregoing was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Due to changes in County Assessment Procedures, Commissioner Borries said that the State Statute has created a Land Evaluation Commission whose term will be from June 1, 1986 through March 1, 1987. The County Assessor, by virtue of his position, serves on the County Land Evaluation Commission. This Commission will provide a uniform way to assess county-wide land values.

Commissioner Cox asked if this Commission's suggestions are binding to the Township Assessors?

Commissioner Borries said that Attorney Jones may have to look at the Statute to clarify this question.

Commissioner Willner said he believes the Commission is to provide the Township Assessors with a scale (which is a recommendation) but he thinks the Assessors cannot go higher or lower than the scale value recommended by the Land Evaluation Commission. At least, this is his interpretation.....they will need the scale, because the land values are not the same.

Continuing, Commissioner Borries said that several appointments will have to be made; a total of nine (9) persons will serve on the Commission. As the Commissioners appointment, he recommends that Perry Township Assessor Harry Tornatta serve. One Township Assessor (to be appointed by all the Township Assessors) is to serve on the Board and that appointee is Helen Jane Nicholson (Knight Township Assessor). A person who has a license as a Real Estate Broker; he'd recommend Victor Funke. In the area of Agriculture representation, he'd recommend Mr. Ray Schmidt. To represent Commercial Enterprises, he'd recommend Mr. Ralph Korressel of Hartig Electric Co. To represent the Industrial portion of the county, he'd recommend Mr. Peter Gach of Sunbeam Plastics. To represent Residential persons, he'd recommend Mr. Danny Spindler. There is one other spot to fill on the Commission, and that would be a person to represent Financial Institutions. With the exception of the latter -- yet to be nominated, he would move that the other individuals be appointed, as nominated. A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Willner said the Commissioners will endeavor to contact Mr. Joe O'Daniel before next week and also have a nominee to represent the Financial Institutions on the Land Evaluation Commission.

RE: ACCEPTANCE OF CHECKS

Blue Cross/Blue Shield: A check in the amount of \$192,994.78 was received on May 23rd from Blue Cross/Blue Shield. It was taken to the County Treasurer's Office for deposit in Acct. 130-192. This was refund for 1985.

Howard County: A check in the amount of \$204.00 from Howard County Treasurer (as heretofore mentioned by the County Attorney). The Chair entertained a motion to accept check for deposit into General Fund. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCE

Norman L. & Dolores Guyer (Schultheis Insurance Agency) for convention at Auditorium on June 7.

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RE: OLD BUSINESS

The Chair entertained matters of Old Business. There were none.

RE: SCHEDULED MEETINGS

Wed.	May 28	3:00 p.m.	County Council Finance Meeting
Thurs.	May 29	3:00 p.m.	EUTS Meeting

RE: CLAIMS

President Willner said he has no further claims to be presented to the Board today.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Burdette Park

Todd Ashley Halbrook	1132 S.E. First St.	Rink D-J	\$4.00/Hr.	Eff: 5/8/86
Jeffrey Craft	2505 Indiana St.	PTGC	"	5/9/86
Dona Jo Barton	2335 N. Main St.	PTGC	"	5/12/86
Michael Gerard	7601 Hogue Rd.	PTGC	"	5/12/86
Frank Current, Jr.	4107 Meadowridge Rd.	PTGC	\$3.50/Hr.	5/17/86
Erik Buerger	310 Wills Ave.	PTGC	"	"
Charles Jackson	405 Cross Valley Cir.	PTGC	\$4.00/Hr.	5/15/86
Laural Martin	3655 Jackson	Receptionist	\$4.35/Hr.	5/7/86
Brian Dooley	4777 Scenic Drive	PTGC	\$4.00/Hr.	5/17/86
Tad Powless	5816 Ashbrooke Rd.	PTGC	"	5/18/86
Kenneth Veilands	9640 Shelbrone Rd.	PTGC	"	5/17/86
Gregory Topper	1906 S. Red Bank	PTGC	"	5/17/86
Carole McNaughton	625 Marigold Ct.	PTGC	"	"
Shauna Swenning	1093 E. Eden Place	PTGC	"	"
Laura Conrey	R.R.#1, Box 221	PTGC	"	"
Lori Bulla	R.R.#1, Box 330	PTGC	"	"
Karen Williams	1804 Alta Vista Dr.	PTGC	"	"
Michael Powless	729 E. Parkland	PTGC	"	"
Lori Wagner	R.R.#10, Box 160	PTGC	"	5/19/86
Jennifer Toone	6221 Broadway	PTGC	"	5/20/86
Barbara Martin	609 Crestmont Dr.	Rink Guard	"	5/19/86

Board of Review

Maxine F. Ginger	1415 Hillside Terr.	Sec'y.	\$35/Day	Eff: 5/27/86
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Circuit Court

Terry L. Brown	1909 Pueblo Pass	W/R Officer	\$15,000/Yr.	Eff: 5/19/86
Tracy L. Thread	802 N. Garvin	Intern	\$4.00/Hr.	Eff: 5/12/86
Jeffrey T. Shoulders	2202 E. Iowa St.	Intern	"	"
Jonathon Gugin	417 Schreeder	Intern	"	"
Christopher Carl	10140 S.E. Browning	Intern	\$180/Wk.	Eff: 5/13/86

German Township Assessor

Mark A. Schnur	7630 Old Boonville Hwy.	Fieldman	\$35/Day	Eff: 5/13/86
Robert J. Alvey	11 S. Dexter	Fieldman	\$35/Day	Eff: 5/13/86

RE: EMPLOYMENT CHANGES - RELEASES

Burdette Park

Daryl Niemeier	109 Ryan Lane	Rink Guard	\$3.50/Hr.	Eff: 5/12/86
Laural Martin	3655 Jackson	Receptionist	\$4.00/Hr.	Eff: 5/7/86

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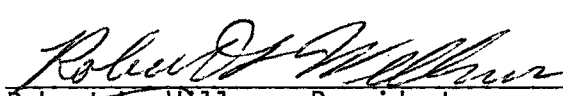
Circuit Court

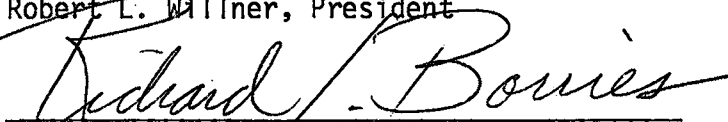
Daniel J. Tuley		Law Clk.	\$548/Pay	Eff: 5/16/86
Terry L. Brown (136-195)	1909 Pueblo Pass	PTWR	\$5.00/Hr.	Eff: 5/3/86
Terry L. Brown (136-197)	"	PT Bailiff	\$4.00/Hr.	Eff: 5/9/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:20 p.m., with the announcement that a Drainage Board Meeting would be held immediately subsequent to the Commissioners' Meeting.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David L. Jones
	<u>COUNTY HIGHWAY</u>	<u>OTHER</u>	
	Andy Easley	Charles H. Edge/PEBSCO News Media	

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 2, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 2, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was officially called to order by Sheriff Clarence Shepard, who declared the Commissioners in session pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on Tuesday, May 27, 1986, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was made by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY

President Willner stated that County Highway Superintendent Bill Bethel had a doctor's appointment today and will not be present. The following reports have, however, been submitted by Mr. Bethel:

Weekly Absentee Reports: Submitted were the Weekly Absentee Reports for employees at the County Highway Garage and the Bridge Crew for period May 26 thru May 30, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the work report was the following Work Schedule:

The Vanderburgh County employees completed paving the following roads: Cunningham, Winding Way, Elmhurst, Memory Lane and Vista View.

They dug ditches on #3 School Rd. and layed culverts.

They cut weeds on the east and north side of Vanderburgh County and will be moving over to the west side starting the week of June 2, 1986.

Our crews are scheduled to start paving the week beginning June 2 on Rode Rd., Ridgetop and Heinlein.

Weekly Work Report/Bridge Crew: Submitted for the same period was the work report of the Bridge Crew.....report received and filed. Attached was the following Work Schedule:

Employees of the Bridge Crew cut grass on Mill Rd. and St. Joe.

They installed culvert and cut weeds on Meadow View Drive.

Cut grass and weeds around guard rails on Heckel and Green River Rd.

Cut weeds and painted guard rail on Nurrenbern Rd.

Replaced guard rails around bridge on Baseline and Petersburg Rd.

Work Release Program: Dug out ditch on Hirsch Rd.

County Engineer's Office: Messrs. Delbert Pinkston and Tony Hall worked in Mr. Easley's office; checked bridges and guard rails; checked crude oil spill on Eichoff and spill being cleaned up by Ashland Oil Co.; checked log jams in Pigeon Creek and Green River Rd.

RE: TRAVEL REQUEST/AREA PLAN COMMISSION

President Willner presented the following travel request letter from the Area Plan Commission:

(continued)

COUNTY COMMISSIONERS
June 2, 1986

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County Commissioners
Room 305/Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

I am requesting permission to attend the Strategic Planning Conference to be held in Ft. Wayne, IN on June 15-17. This conference is sponsored by the Indiana Planning Association/American Planning Association. It is necessary we attend this conference to stay aware of new planning practices and impending legislation in the State pertaining to the County.

I will be requesting to drive and have two nights hotel registration and meals paid out of County Commissioners' travel fund. We have money in our budget for conference registration and mileage.

Sincerely,

Barbara L. Cunningham
Executive Director

Commissioner Cox asked if they will be taking a County vehicle, Mr. Lindenschmidt said he'd call Mrs. Cunningham and find out.

Mrs. Cunningham entered the meeting. She explained that she needs two (2) nights hotel expense. She is going to take enough money for mileage and conference registration out of another budget. In all probability she will not take the County vehicle since it is not air conditioned; she will drive her own car.

Commissioner Willner asked if she is taking anyone with her? Mrs. Cunningham said she is not taking anyone from the office with her.

Motion to approve the travel request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Lakeside Terrace Estates - Section 6: Mr. Easley said he has a request from the engineer for Lakeside Terrace Estates (Section 6) indicating he wants over 1,000 ft. of streets accepted. He has inspected them, although he did not have a chance to take Bill Bethel out to the area. However, the streets are brand new and well constructed. The developer wants to record the plats so they can sell lots. One of the streets has some curb to be backfilled, but they will be doing that. He will tell them he expects to have the curbs backfilled before fall gets here.

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the following streets be accepted for County maintenance and included in the County Highway System:

Carolwood Court	350.0 feet
Briarwood Court	350.0 feet
Washington Avenue	350.0 feet

Commissioner Cox queried Mr. Easley concerning the width of the right-of-way. He said he believes they are 40 ft. (which they can be in a cul-de-sac). The plans are in his office; however, he believes they are 40 ft. right-of-way with a 24 ft. pavement. Streets are 6" concrete pavement. Mrs. Cox provided a second to the motion. So ordered.

Meeting re Eichoff-Korressel: Mrs. Cox asked if there is any news on the meeting with United Consulting Engineers on the Eichoff-Korressel road project?

Mr. Easley responded that they called a few minutes prior to the meeting and said they indicated they did not have everything ready, although they had hoped to be prepared for a meeting on June 9th. They have indicated they will not be here June 9th but will get back to us re a meeting date.

(continued)

Pigeon Creek Log Jam: Commissioner Willner asked if Mr. Easley checked with County Council re the log jam/Pigeon Creek?

Mrs. McBride interrupted that she checked with the State about taking the money out of the Bridge Fund. They advised that really you aren't allowed to take that money out of the Bridge Fund. However, if the County Attorney will write a letter to them, stating that it is his opinion that the log jam could damage the bridge, that they would accept that. Because of the critical nature of the situation, she explained that we didn't have time to go thru Home Rule due to the time involved.

Attorney Miller said he will get with Mr. Easley to discuss the situation.

RE: AUTHORIZATION TO OPEN BIDS

The Chair entertained a motion to authorize the County Attorney to open the bids received on the kitchen and laundry equipment for the Jail. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY

Deeds/Tax Sale of Surplus Property: County Attorney David Miller presented the deeds which had been prepared in conjunction with the recent tax sale of surplus property. He said the deeds will require the Commissioners' signatures and that of Alice McBride, the Auditor. It is his recommendation that the deeds be signed, recorded and delivered upon receipt of appropriate payment.

Motion to approve signing of deeds was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Surplus Line Tax: President Willner said he'd like to discuss the letter that Attorney Miller has written in behalf of the County concerning the Surplus Line Tax. The matter came up three weeks ago, when a bill was received via John Hodge from an out-of-state insurance carrier which carries a portion of the county's insurance. The bill was in the amount of \$6,000, which constitutes a 5% tax or some fraction like that of our insurance premium. It was set by the State of Indiana for out-of-state insurance carriers who do business in the State of Indiana. The insurance carrier is taking the position that if the tax is due and owing, it is a tax that should have been charged as part of our premium and therefore the county owes it.

When they quoted their premium to us, they quoted it on the basis and on the assumption that since we were a governmental organization they weren't going to have to pay that tax. It seems to him that this is their problem. The County purchased the insurance based upon a premium quote that they provided to us and he does not see now any necessary responsibility on behalf of the county to cover their mistake in not assuring that they were giving us the right price. Until they can show him that the county signed a piece of paper that says we'll be responsible for that tax if it is charged, he doesn't think we should pay it. He's not sure we should pay it even if they do that, because it seems to him that when they quote us a price for our insurance that that is the price we are entitled to pay. For right now, he is saying not to pay this bill and let's see how good their proof is.

RE: MONTHLY REPORT/CLERK OF THE SUPERIOR & CIRCUIT COURTS

The monthly report of the Clerk of the Circuit Court for period ending April 30, 1986, was submitted by President Willner.....report received and filed.

RE: COUNTY APPOINTMENTS

It was noted that the Commissioners have two (2) appointments to make, but these are not yet ready.

RE: OLD BUSINESS

The Chair entertained matters of old business. There were none.

RE: SCHEDULED MEETINGS

Wed.	June 4	2:30 p.m.	County Council Meeting
"	"	6:00 p.m.	Area Plan Commission

COUNTY COMMISSIONERS
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RE: QUIT CLAIM DEEDS/COUNTY SURPLUS PROPERTY

President Willner advised Attorney Miller that Commissioner Cox is questioning why the \$10.00 buying price is reflected on all the deeds, rather than the actual purchase price?

Attorney Miller said they put "\$10.00 and other valuable consideration" in all of them so that the record in the deed doesn't disclose the buying price. If anyone wants to know what they really paid for the property, they can look at the minutes of the Commissioners' Meeting when the tax sale took place.

RE: CLAIMS

National City Bank: Claim in the amount of \$336,674.00 for fixed rental of the Administration Building.

Evansville-Vanderburgh Bldg. Authority: Claim in the amount of \$580,018.00 for additional rental for the last six (6) months of 1986.

Motion to approve claims for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

David L. Jones: Claim in the amount of \$1,506.00 for litigation services for the month of May. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Kevin W. Winterheimer: Claim in the amount of \$165.00 for services re cases of Larry Weatherford and Arella Ray. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - Appointments

Knight Assessor

Anna Maria Umbach	6100 St. Joe Rd.	Deputy	\$35.00/Day	Eff: 6/2/86
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County Board of Review

Peggy L. Young	7005 Red Wing Dr.	Bd. Mbr.	\$45.00/Day	Eff: 6/2/86
Paul V. Batts	2430 E. Walnut	Bd. Mbr.	\$45.00/Day	Eff: 6/2/86

Auditor

Teresa Carol Riney	2716 Marion Ave.	P/T Clk.	\$35.00/Day	Eff: 6/2/86
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Clerk of Superior & Circuit Courts

Shirley Edison	8416 Green Acre Dr.	Dep. Clk.	\$490.42/Pay	Eff: 6/2/86
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RE: EMPLOYMENT CHANGES - Releases

Clerk of Circuit & Superior Courts

Deborah Mottley	1513 E. Illinois	Dep. Clk.	\$490.42/Pay	Eff: 5/30/86
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RE: BIDS - KITCHEN & LAUNDRY EQUIPMENT/JAIL

LAUNDRY EQUIPMENT:

F&E Sales Corp./Clarksville, IN: Total bid \$20,364 for two (2) units (2 washers and 2 dryers). If Stainless Steel front panels are desired, additional cost per dryer\$425.00; and if separate Supply Injection is desired on the washers, there would be an additional \$500.00 per unit cost, bringing the total bid to \$22,214. (Bid bond is in order, with two certified checks in the amount of \$1,200.)

A-1 Appliance Service/Evansville, IN: Bid is not signed. The Non-Collusion Affidavit is signed. There is a certified check in the amount of 5% of the bid and the bid is for \$26,978.00 total and simply says V.C.J. Laundry equipment as specified in furnished

(continued)

enclosure -- and there is a typewritten enclosure. As he noted previously, the bid is not signed and thus it is not in order. The enclosure is not even signed, unfortunately.

KITCHEN EQUIPMENT: There were two bidders who submitted documents on the kitchen equipment, as follows:

Weber Equipment, Inc./Evansville, IN: The bid is completely in order, together with a bid bond from Hartford Insurance Co. The only thing Weber didn't do was to total the components of its bid.....but it appears they have bid everything specified. The total of the components bid is \$22,479.00.

Brucken's, Inc./Evansville, IN: The total bid appears to be \$17,085.00, including an optional energy-saving electronic spark ignition which is in there for \$289.00. However, Brucken's Non-Collusion Affidavit has not been notarized -- so that bid is slightly defective in that regard. The bid bond is in the form of a certified check. The bid is signed and it is a binding commitment; it is simply defective in that the Non-Collusion is not notarized.

WALK-IN FREEZER: This item has been bid by both Weber Equipment and Brucken's, as follows. Again, Brucken's Non-Collusion Affidavit is unnotarized, but the bid is otherwise properly executed.

Brucken's: Bid in amount of \$6,488.00, with a recommended option for \$77.00 additional dollars for a pressure relief valve that was not part of the specification...for a total of \$6,565.00.

Weber Equipment Co.: This bid is totally correct in its execution, with bid bond in place. However, they did not total the bid, but it appears to be in the amount of \$11,844.00. There are no options included nor are any suggested. (In response to query from Commissioner Willner, it was indicated that the bid is on a 10' x 12' walk-in freezer.) Commissioner Willner said there have to be some discrepancies between the two, wouldn't there? Attorney Miller said the difference in price would indicate that either somebody missed a specification or there is a Cadillac and something else. It will take some looking to determine wherein the difference lies.

Commissioner Willner entertained a motion that the Sheriff and the Purchasing Dept. take the bids under advisement for one (1) week. Sheriff Shepard interrupted that his Supply Officer is on vacation; but if he and Mr. Dorsey can get together this week, they will make a recommendation next week. The money is already in place -- Council has allotted the money for these purchases.

Motion was made by Commissioner Borries that the Sheriff and Purchasing take bids under advisement for one (1) week, with a second from Commissioner Cox. So ordered.

RE: DRAINAGE BOARD MEETING

President Willner announced that a Drainage Board Meeting will be held immediately subsequent to the Commissioners' Meeting.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:15 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner	Alice McBride	David V. Miller
	Richard J. Borries		
	Shirley Jean Cox		
	<u>COUNTY ENGINEER</u>	<u>AREA PLAN COMMISSION</u>	<u>PURCHASING</u>
	Andy Easley	Barbara Cunningham	Tom Dorsey

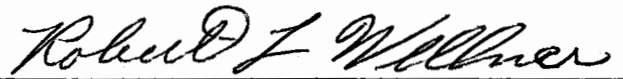
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COUNTY COMMISSIONERS
June 2, 1986

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SHERIFF

Clarence Shepard

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries, Vice President



Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 9, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 9, 1986, in the Commissioners' Hearing Room with President Willner presiding.

The Chair called the meeting to order and subsequently entertained a motion concerning the approval of the minutes of the previous meeting.

Motion to approve the minutes of meeting held on Monday, June 2, 1986, as engrossed by the County Auditor and waive reading of same was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: AWARDING OF BIDS ON EQUIPMENT FOR THE COUNTY JAIL

Sheriff Shepard stated that on Item #2 (Walk-In Freezer) there were only two bids received: one from Weber Equipment for \$11,314 and one from Brucken for \$6,565, a difference of \$5,279. They would recommend that the low bid of Brucken's be approved, which price includes the relief valve that is needed in case of a pressure in the garage, which would keep the thing from blowing up. The other price was changed to include some wire shelving, rather than plastic shelving. Plastic shelving wouldn't last long at all. However, there was still a \$5,000 difference between the bids and it is the recommendation of the Sheriff's Department that Brucken's be awarded the contract for the walk-in freezer at a price of \$6,565.

Commissioner Cox said it was noted when the bids were opened at the last meeting that the Non-Collusion Affidavit on the Brucken bid was not notarized. It was signed but not notarized. Was that defect corrected? Attorney Jones said the bid has been notarized; it doesn't have the notary seal on it, but that doesn't make the bid defective. Commissioner Cox said she knows that the Attorney reported that last week and she wrote it down....that it was signed, but not notarized. If it's been corrected, it is o.k. then, as far as she is concerned. Motion was made by Commissioner Cox that the bid for the walk-in freezer be awarded to Brucken's, Inc. in the amount of \$6,488.00 plus \$77.00 for the pressure relief valve or a total of \$6,565.00. Motion was seconded by Commissioner Willner. So ordered.

With regard to the Kitchen Equipment, Sheriff Shepard said two (2) bids were received. The bid from Weber Equipment, Inc. totaled \$18,192 and the bid from Brucken's, Inc. was in the amount of \$17,085. It is the recommendation of the Sheriff's Department that the bid be awarded to Brucken's, Inc. in the amount of \$17,085.

The Chair entertained questions.

Commissioner Cox said she has the same question she had on the first bid. Is the bid notarized?

Attorney Jones said the bid is signed, but it has not been notarized. It was determined that Brucken's will be asked to come over and notarize the bid while the Commissioners' meeting is in progress...and awarding of bid will be deferred until later in the meeting.

With regard to bids on (2) Washers and (2) Dryers, Sheriff Shepard said two bids were received. The bid from A-1 Appliance was in the amount of \$26,978. The other bid was from F&E Sales in Clarksville, IN in the amount of \$20,782. There is a difference in the bids in the amount of \$6,196. Even though there is added cost in the bid from A-1 Appliance, they would like to see the bid awarded to A-1 Appliance (a local company). F&E Sales in Clarksville is 125 miles away. Their shop and warehouse are located there and they have no local firm to do their work and they give only a 90 day warranty on the machines. They charge \$25.00 per hour labor and 25¢ per mile travel and business hours are Monday thru Friday from 8:00 a.m. - 5:00 p.m. and on Saturday 8:00 a.m. - 12:00 noon. A-1 Appliance, who now gives us service on our washers and dryers, is a local company and they provide 24 hr. per day, seven (7) days per week coverage. All we have to do is call and within an hour or two they are here. Their cost is \$35.00 per hour. They will give a 2 yr. warranty on all parts and equipment.

Commissioner Willner requested that Attorney Jones check the bid from A-1 Appliance, saying he believes something was wrong with that bid, also.

Continuing, Sheriff Shepard said the washers and dryers run 12 to 16 hours per day, seven days per week and should they break down, we need immediate service. Either that, or we have to go to a local commercial laundry to have the laundry done. A-1 is a

(continued)

COUNTY COMMISSIONERS
June 9, 1986

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local company and they have provided us with good service (even during weekends and on holidays) and they have the proper parts to service the equipment. So, even though there is a difference in the price, they recommend awarding the bid to A-1 Appliance.

County Attorney Jones said the bid is signed in that it has corporation name, but it has not been signed by an officer of the corporation. But in the proposal space, it has been signed by an individual who identifies himself as an officer of the corporation.

Commissioner Willner asked if this is permissible? Attorney Jones said the bid is signed by the Corporation but technically it doesn't have the signature of an officer; the affidavit is proper because it is signed by an individual who identifies himself as an officer of the corporation.

Commissioner Cox interjected, "Well, the bid has been signed; because it was recorded at last meeting that it was not signed and thus it is not in order because the enclosure was not signed. Maybe it has been corrected, David."

It was the consensus of the Board that Sheriff Shepard should ask A-1 to send an officer over to sign the bid and the Sheriff will get back with the Board later in the meeting.

RE: BUILDING COMMISSION - Roger Lehman

Mr. Roger Lehman presented a monthly report from the Building Commission for period of May, 1986. The total valuation to date is 3,037 buildings/structures for the year at \$88,807,642. We barely broke \$100,000,000 last year for the first time -- so we'll be there within the next month or two so we should have a record amount for the year. The revenues are up approximately \$27,000 as compared to last year, which was up about \$30,000 over the previous year.

Abandoned Trailer/Dundee Avenue: Mr. Lehman said he has an abandoned trailer in the 6200 block of Dundee Avenue. The Building Commission received a telephone call from the owner of the trailer court. There is a 16 ft. to 18 ft. camper that has been sitting there for approximately four years. It has a 1982 license plate on it. Mr. Lehman put a 7-day tag on there. He would like for the Commissioners to declare it a nuisance and authorize the Bldg. Commission to have it towed to a storage lot as per ordinance.

Commissioner Willner asked, "How long has it been there?"

Mr. Lehman said that Mr. Gene Whitehead, the owner of the trailer court, said it has been there approximately four years.

The Chair entertained questions. There were none. A motion was entertained. Motion was made by Commissioner Cox that the Building Commission be authorized to send a letter according to ordinance, with a second from Commissioner Willner. So ordered.

Cumberland Avenue/Clean-up: Mrs. Cox asked if any progress has been made concerning the problem on Cumberland Avenue which she had discussed with Mr. Lehman?

Mr. Lehman said that the day Mrs. Cox called him, Mr. Moore called the owner of record (who is selling the property on contract). Mr. Lehman said he honestly doesn't know what has been done. He did hear Mr. Moore say that if the owner of record did not have the place cleaned up within a week or so (at least the grounds, etc.) that they would be called in to a Code Enforcement Hearing again. Mrs. Cox said the vehicles are still there. She'd appreciate it if Mr. Lehman can check into this. He said he'd asked them to proceed via the Police Department to have those vehicles removed.

RE: ADULT PROTECTIVE SERVICE CONTRACT

President Willner said he has the Adult Protective Service Contract for the Board's approval, together with note from Prosecutor Pigman indicating he cannot be present for today's meeting because his wife is in the hospital and Sandy Millard is home recovering from surgery. If the Commissioners have any questions, they can call Mrs. Millard at home. However, this is the same agreement that we had last year; it is a two (2) year program and is on a year-to-year basis. Thus, the contract is

(continued)

identical to the one signed by the Commissioners last year. Mrs. Cox requested permission to peruse the contract and subsequently entertained a motion that the contract be signed, with a second from Commissioner Willner. So ordered.

RE: CAVE-IN AT BUSLER'S/HIGHWAY 41

President Willner said there was a cave-in on one of the county roads at Busler's Service Station and Highway 41. The Assistant County Highway Superintendent is on the scene and Commissioner Willner also sent Andy Easley, County Highway Engineer to the area. We need to get that road back into service as quickly as possible.

RE: REQUEST TO WAIVE SIDEWALKS/MULLEN ESTATES

The Chair recognized Mr. Bill Mullen. He said this is the third and final phase of Mullen Estates, which is located at St. George and Ward Rds. The first two phases do not have sidewalks. Since the new ordinance requests sidewalks, he is present today to ask that the requirement be waived for this subdivision.

Commissioner Willner and Commissioner Cox perused the plans, together with Mr. Mullen. In response to query from Commissioner Cox, Mr. Mullen stated there are no thru streets; it is a cul-de-sac. Mrs. Cox asked if school bus goes back into the subdivision? Mr. Mullen said he believe they make a loop via Ward Rd./Cunningham, so there are no busses coming down this way. In view of the fact that this is a small subdivision, etc., the Board does not foresee any problems. Motion to waive requirement for sidewalk in Mullen Estates, Phase III be approved, with a second from Commissioner Willner. So ordered.

RE: EUTS - ROSE ZIGENFUS

Mrs. Zigenfus said she prepared the FHA Funding Application for the Boonville-New Harmony Rd. project and she just wants to bring the Commissioners up to date as to what all this includes. What we're looking at is federal participation in the realignment of that road project. The funding application includes right-of-way, preliminary engineering and construction. They programmed approximately \$112,000 for preliminary engineering; \$50,000 for right-of-way and \$833,000 for construction....bringing the project to a total of \$995,000. It is eligible for 75% reimbursement for the entire project.

Commissioner Willner verified that we did pass the County Council for the first phase last Wednesday? Mrs. Zigenfus said this is correct. The Chair entertained questions. Commissioner Willner asked if we need to award that for engineering? Mrs. Zigenfus responded in the affirmative. Commissioner Willner asked if we're going to do the environmental in-house? Mrs. Zigenfus said this is correct. The bridge design will also be done in-house. Commissioner Willner asked if the construction of the bridge will be added to the 75% funding from the FHA? Mrs. Zigenfus said this is correct. The Chair entertained further questions. Mrs. Zigenfus asked if she should contact Bernardin & Lockmueller then and have them put together an agreement? Commissioner Willner asked that Mrs. Zigenfus check with Andy Easley on this. Mrs. Zigenfus said that as of today there had been no contact on this. Commissioner Willner asked if there was anything that we're going to do in-house that he missed? Mrs. Zigenfus said she doesn't believe that Commissioner Willner missed anything. Commissioner Willner asked that Mrs. Zigenfus check with Mr. Easley tomorrow, since he is not here today due to emergency situation.

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Mr. Bitz presented the following monthly report for Vanderburgh Auditorium:

Income (January-May, 1985 thru 1986)

<u>1984</u>	<u>1985</u>	<u>1986</u>
\$68,516.73	\$77,828.14	\$86,140.99

*Currently \$8,312.85 ahead of 1985 revenue totals

(continued)

With regard to Utility Costs for period of January thru April (gas and electric) the following is reflected for the three year period:

<u>1984</u>	<u>1985</u>	<u>1986</u>
\$25,231.57	\$30,909.59	\$26,111.90

Mr. Bitz said that with the increase in the electric rate, they are extremely pleased to see the drop in utility costs for the first four months of 1986. The weather does play a bit with the figures each year. He attributes a lot of the decreased cost to Thermotron and what they have been doing mechanically and he is extremely pleased with their service.

Request To Go On Council Call: Mr. Bitz requested permission to go on Council Call to request the following additional appropriation:

Acct. 144-130	Overtime	\$3,300.00
Acct. 144-199	Part-Time	<u>3,200.00</u>
	Total	\$6,500.00

He said that last year at budget hearings, Council approved exactly one-half the overtime money and said for him to come back. He recently transferred some funds from the part-time account to the overtime account because he was running short of funds in that account. Motion to approve request to go on Council Call was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. Commissioner Willner stated that he does recall Council asking that Mr. Bitz come back.

Commissioner Cox said she had concerns expressed over the weekend regarding the Dance Studio event held at the Auditorium; they said it was uncomfortably warm. She said she had talked with Mr. Bitz about this and he indicated there was no malfunction of the equipment -- the problem was that the air-conditioning unit just wasn't turned down sufficiently? Mr. Bitz verified that this is correct. Mrs. Cox said she doesn't know whether the policy of leaving it up to whomever is in charge of the theater or whomever is in charge of the production to let us know if it is cool enough in there is really serving the needs of the people who are sitting in the audience. Mr. Bitz responded that generally he ask the people who are holding the event to let him know whether it is too cool or too hot. Jan's School of Dance was one of those. It was cool up there for the evening performance, because he did hear the same thing. But he'd like to hear from them on that.

Mrs. Cox said the other item she wanted to mention was that we did have an unfortunate incident in the large parking lot after the evening performance; there were two purse snatchings. She feels that if the large parking lot had perhaps been better lighted this would have been a deterrent to something like this happening. She has talked with Mr. Bitz about this and he said he does send a weekly schedule over to the Building Authority -- but one hadn't gotten there yet. She was wondering if to help prevent this happening and the lights not being turned on in the parking lot, if perhaps the Auditorium secretary could call the Building Authority either on a Monday or a Friday and go over the schedule of evening events. School is out now and it is warmer and more people are going to be out and around. Would this be a big imposition? Mr. Bitz said this is no problem. He is also going to try to determine why the schedule sent over did not reach the Building Authority (this has happened before). Mrs. Cox said a telephone call is needed concerning date and time of auditorium events. Mr. Bitz said they do check the lot every once in a while -- but short of having someone sit out there for the duration of the performance -- they could go out and check every fifteen minutes and something still might happen. Mrs. Cox said she believes some cars were broken into, also, weren't there?

Attorney Jones asked if any insurance carrier of the County was put on notice concerning this? Mr. Bitz said it did not happen on our property. Attorney Jones said a statement has been made here that we should put the lights on and this sort of thing wouldn't happen. That's all but inviting claims against the county for liability for allowing that to happen because we didn't do something. A full report of this needs to be made and turned into John Hodge, before we get any further along into this. Secondly, the person who does safety inspections and investigations for the county (the loss control person) needs to be made aware of this so he can come in here immediately and make a determination as to whether there is anything we should do more

(continued)

than that which we are doing.

Mrs. Cox stated, "I didn't say 'prevent' it, I said that perhaps it would have been a 'deterrent'."

Mr. Jones said he takes it that it happened in a city lot rather than in our lot. But there are a lot of things involved here and he is not making any statement or taking anyone else's statement as to who is liable and who is not. But he does think the important thing is that when something like this happens -- whether we think we are liable or not -- that we turn it into the insurance carrier right away (we have that obligation on our policy). Secondly, the quicker we preserve what happened for them, the better off we are.

Commissioner Willner asked whether we call the Civil Defense or does the person renting the auditorium call them? Mr. Bitz said he does. Commissioner Willner asked if Mr. Bitz doesn't think it would be better if the individual renting the facility also called Civil Defense? Why doesn't Mr. Bitz include this on the rental application? If it is a night-time large crowd, the renter might want to call Civil Defense re security during the performance and immediately subsequent to the performance. Mr. Bitz said he will do this.

RE: COUNTY ATTORNEY - DAVID JONES

The Chair recognized Attorney Jones, who stated he has nothing to report to the Board today.

RE: COUNTY HIGHWAY - BILL BETHEL

Mr. Bethel reported that last week they had the gradall out on the north, east and west side of the county digging ditches. Weekly reports were submitted, as follows:

Weekly Work Report/County Highway: The Weekly Work Report for employees at the County Garage was submitted for the period of June 2 thru June 6, 1986...report received and filed. Attached to the work report was the following Work Schedule:

Gradall: Sarabeth Lane, Bromm Rd., St. Joe Ave., Folz Rd. and Green River Rd.

Paved: Rode Rd., Ridgetop Lane and Voight Rd.

Patch: REPAIR Hirsch Rd., Allen Rd., Darmstadt Rd., Outer Lincoln Ave., Newburgh Rd., Mt. Pleasant and Schenk Rds.

Mower: Browning Rd., Baseline, Old Petersburg, Red Bank Rd., Felstead, Kansas, Ridgetop Lane, Broadway Ave., Peerless Rd., Heckel Rd., Millersburg Rd. and Baumgart Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew--reports received and filed.

Weekly Work Report/Bridge Crew: Employees of the Bridge Crew cut grass on bridge approach on Green River Rd., Hirsch Rd., Pollack Ave., Waterworks Rd., Fickas Rd., First Avenue, Ohio Street Bridge and Mesker Park Dr. They installed culverts on Meadowview Drive and Pruitt Rd. They also repaired twin culverts on Outer St. Joe Avenue and repaired guard rail.

St. George Rd.: Mr. Bethel indicated they will be paving St. George Rd. Mrs. Cox raised question on this road. It was noted by Commissioner Willner that from the railroad tracks east on St. George is county road; from railroad tracks west, the road belongs to Whirlpool Corp. Mrs. Cox said the Whirlpool portion is a private road -- if the people come off Oak Hill Rd., where are they going to go if it is a "No Thru Traffic" road, you can't go through there. There is no place to turn. Commissioner Willner said, "Everybody goes through; and you could turn at Hitch-Peters."

RE: BASIS FOR DETERMINATION/BIDS FOR SHERIFF'S DEPARTMENT

County Attorney David Jones said he wants to explain to the Commissioners the basis for the determination on the bids for the Sheriff's Department. He had conversation

(continued)

with Tom Dorsey of Purchasing concerning this. It does not appear that we changed any standard or what we're doing. In the situations where he has had bids thrown out as County Attorney, there was not a completed affidavit -- the thing was just blank. The situation here where it is not notarized is not the same as what it used to be. The Supreme Court of Indiana changed the trial rules to allow pleadings to be filed on papers that once required an affidavit to be filed with what is called an affirmation. That means simply that you can now have an affidavit and instead of having a notary sign off on it, it says, "I affirm under the penalties of perjury that the foregoing statements are true and correct" or something substantially similar -- and that replaces the need for a notary, so that the form that is printed on the bid states all of the things. It is an affidavit; the person in this case did, in fact, sign the thing -- but it did not have a notary. But even the form says "Sworn to by me" -- so that's not a change or we're not making anything any different. But he thinks it is important the Commissioners know why this was done, rather than just do it and have somebody raise an eyebrow. Had the bid not had a signature, then it would have been defective.

RE: AGREEMENT WITH EVANSVILLE CABLE T-V

President Willner said he has a note from Bob Ossenberg of Evansville Cable T-V that he agrees with the County Attorney in that the agreement with Evansville Cable T-V should be updated. He said Section 7 of the agreement should be changed to read that they agree to pay 5% of the gross paid by the subscribers, backdated to May 1, 1986. It currently is 3%. If the Board signs the agreement, it will be 5% backdated to May 1, 1986. Motion to approve agreement, as amended, was made by Commissioner Cox, with a second from Commissioner Willner. So ordered. (Copy to T. Ossenberg for signature).

RE: COMMUNITY CABLEVISION FRANCHISE

The meeting proceeded with President Willner reading the following letter:

June 6, 1986

Vanderburgh County Commissioners
Room 208 - Civic Center Complex
Evansville, IN 47708

Attention: Alice McBride, Auditor

Gentlemen:

As required by the cable television franchise granted to Community Cablevision for Vanderburgh County, this letter is to report that there was no revenue during the previous year ending December 31, 1985.

Although we have many subscribers in neighboring Posey County, we are still in a construction stage in Vanderburgh County. We anticipate completion and installations in the western part of the county in the near future.

Nick N. Cox
Columbia Management, Inc.

RE: ORDINANCE RE NAME CHANGE/MID-AMERICA STUDENT HOUSING, INC.

It was noted by President Willner that he has an Ordinance re name change of Mid-America Student Housing, Inc. to Southern Indiana Higher Education, Inc. for approval by the Commissioners. He asked Attorney Jones if he knows about this? Mr. Jones said he talked with Michael Schopmeyer and he said that these things really only go through the Council under the statute. He's never seen one go through the County Commissioners. They've already had this approved by County Council. In terms of what was really going on there, the entity that was receiving the proceeds of the loan was not the actual entity. When this began, the university had not had its name changed. They wanted the name changed to conform to the university name change...it's really a technicality. Motion to approve ordinance was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: TRAVEL REQUEST - CO-OP EXTENSION SERVICE

Commissioner Willner said he has a travel request from Jack Wade of the Co-Op Extension Service and they have a notification of a 1986 Training Session for the staff.

(continued)

Motion was made by Commissioner Cox that the request be approved, with a second from Commissioner Willner. So ordered. (Co-Op Extension has money in their budget for travel.)

RE: APPOINTMENTS

President Willner said there is one appointment to be made to the Land Commission. For the record, he would like to enter the following:

Jewell Merritt
5800 E. Sycamore
Evansville, IN 47715
Tele: 477-0956

Mr. Merritt will be the individual representing the Financial Institutions. What the Commissioners did was to call the Financial Clearing House and ask for a name, because they were having a difficult time finding a representative from a bank or financial institution. They all agreed on this name; therefore, he places it in nomination. Commissioner Cox said she knows Mr. Merritt, she served on the Area Plan Commission with him. Therefore, she will second Mr. Willner's motion. So ordered.

Mr. Willner said that completes the list of the Land Commission members. Council did appropriate \$45.00 per day for the appointed members. There were some questions during the Council meeting. He guesses this Commission is not for the purpose of changing anyone's assessment, but to recommend what the dollars and cents should be in the next reassessment.

RE: OLD BUSINESS - BIDS/SHERIFF'S DEPARTMENT

Sheriff Shepard returned to the meeting and advised that he called Brucken's. They sent a representative, who came over and verified that it was his signature that appeared on the bid, and same was notarized by Margie Meeks. It is his understanding that the bid is in proper order insofar as the signature of the corporate representative. Again, it is their recommendation that Brucken's be awarded the contract on the kitchen equipment for the Jail in the amount of \$17,085.00 over Weber's bid of \$18,192.00. Motion to this effect was made by Commissioner Cox, with a second from Commissioner

With respect to the contract for the washers and dryers, Sheriff Shepard respectfully requests that this matter be deferred until June 16th, as the corporation's president is out of town due to the death of his father. The Chair entertained a motion. Motion was made by Commissioner Cox that the matter be deferred for one (1) week, with a second from Commissioner Willner. So ordered.

RE: SCHEDULED MEETINGS

The Chair entertained comments on scheduled meetings. There were none.

RE: EMPLOYMENT CHANGES

Board of Review (Appointments)

Terril S. Hall	1128 W. Mill Rd.	Secretary	\$35/Day	Eff: 6/9/86
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Treasurer's Office (Releases)

Carmen McAtee	2109 Taylor Ave.	Supv. Post.	\$13,338/Yr.	Eff: 6/6/86
Carol Osman	427 Colonial Ave.	Ass't. Cash.	\$12,800	"
Beverly Nance	643 Adams Ave.	Counter	\$12,800	"
Gina S. Wilmes	2200 Sunburst Blvd.	P.T.	\$35.00/Day	Eff: 4/28/86
Mary Jo Mooney	5215 Monroe Ave.	P.T.	\$35.00/Day	5/8/86

Circuit Court (Appointments)

Lisa Ann Winneke	5016 Manor Ct.	Intern	\$4.00/Hr.	Eff: 5/19/86
Amy Donahue		Intern	\$4.00/Hr.	Eff: 5/27/86
Janice A. Sloat	1024 E. Blackford	P.T. Sec'y.	\$3.35/Hr.	Eff: 5/19/86

Circuit Court (Releases)

Terry L. Brown	P.T. Bailiff	\$4.00/Hr.	Eff: 5/9/86
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(continued)

Co-Op Extension Service (Appointments)

Anthony J. Miller	10401 Petersburg Rd.	P.T.	\$27/Day	Eff: 5/27/86
Roger Angermeier	R.R.#7	P.T.	\$27/Day	Eff: 5/27/86
Jana L. Freudenberg	6133 Sharon Rd.	P.T.	\$31/Day	Eff: 5/27/86
Karen L. Koester	11751 Diamond Island	P.T.	\$35/Day	Eff: 5/27/86

Co-Op Extension Service (Releases)

Robert C. Kimbrough	429 Adams	P.T.	\$27/Day	Eff: 6/1/86
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Prosecutor's Office (Appointments)

Terry L. Ruark	Rockport, IN	Investigator	\$18,000/Yr.	Eff: 6/2/86
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Prosecutor's Office (Releases)

Terry L. Ruark	Rockport, IN	Investigator	\$16,000/Yr.	Eff: 6/2/86
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German Township Assessor (Releases)

Bernard Mayer	6308 Day Rd.	Fieldman	\$35/Day	Eff: 6/6/86
Timothy Mayer	6308 Day Rd.	Fieldman	\$35/Day	Eff: 6/6/86

Burdette Park (Appointments)

Melissa Martin	3128 Arlington	Ext. Guard	\$3.35/Hr.	Eff: 5/31/86
Kelly Siekmann	3134 Arlington	"	"	"
Barbara Owens	2852 W. Pennsylvania	Reg. Guard	\$3.60/Hr.	"
Matthew Caton	5911 New Harmony Rd.	"	"	Eff: 6/7/86
Carol Owens	2852 W. Pennsylvania	Ext. Guard	\$3.35/Hr.	Eff: 5/31/86
Jodi Schisler	3100 Mackey Ferry Rd.	"	"	Eff: 6/7/86
Joeli Staley	6708 Cliftwood	Reg. Guard	\$3.60/Hr.	Eff: 5/24/86
Rochelle Burmeister	6606 Cliftwood	"	\$3.35/Hr.	Eff: 6/7/86
Robert Culver	8324 A. Lincoln	PTGC	\$4.00/Hr.	Eff: 5/28/86
Paul Head II	7120 Hogue Rd.	Ext. Guard	\$3.35/Hr.	Eff: 6/1/86
Beth Minton	506 S.E. Riverside	"	\$3.35/Hr.	Eff: 6/7/86
Tracy VanZant	101 S. Peerless	"	\$3.35/Hr.	Eff: 5/29/86
Gina Wilmes	2200 Sunburst Blvd.	"	\$3.35/Hr.	Eff: 5/31/86
Tonya Lafary	4117 Saddlebrooke	"	\$3.35/Hr.	Eff: 6/7/86
Elizabeth Borries	5112 Graham	"	\$3.35/Hr.	Eff: 6/7/86
Amy Helfrich	9401 Hogue Rd.	Reg. Guard	\$3.60/Hr.	Eff: 6/7/86
Lisa Caton	5911 New Harmony	Ext. Guard	\$3.35/Hr.	Eff: 6/7/86
John Bippus	R.R.#10. Box 148	"	"	Eff: 6/3/86
Kendra Stinson	10248 Eastgate	"	"	Eff: 6/3/86
Jennifer Talley	6717 Felstead	Reg. Guard	\$3.60/Hr.	Eff: 5/25/86
Maria Anderson	16 Park Ridge	Ext. Guard	\$3.35/Hr.	Eff: 6/7/86
Matthew Alvey	9110 Shoreline	"	"	Eff: 6/7/86
Scott Buedel	2645 Ravenswood	Reg. Slide	\$3.50/Hr.	Eff: 6/2/86
Cutee Gostley	R.R.1, Box 40	Ext. Guard	\$3.35/Hr.	Eff: 6/7/86
Barbara Ruff	6504 Raintree	Ext. Guard	\$3.35/Hr.	Eff: 6/1/86
Laura Hutchison	2026 W. Michigan	PTGC	\$4.00/Hr.	Eff: 5/21/86
Shawn Stanley	5114 Mesker Pk. Dr.	Reg. Guard	\$3.60/Hr.	Eff: 5/31/86
Robert Kirk	2620 Forest Ave.	Ext. Guard	\$3.35/Hr.	Eff: 5/31/86
Theresa Floyd	6700 Broadway	"	\$3.35/Hr.	Eff: 6/3/86
Kevin Seidehamel	619 Biddle Ct.	"	\$3.35/Hr.	Eff: 6/7/86
Robert Kieffner	612 Mels Drive	"	\$3.35/Hr.	Eff: 6/7/86
Denise Strange	3116 Arlington	Reg. Slide	\$3.50/Hr.	Eff: 6/3/86
Jenny Dossett	1513 S. Helfrich	Ext. Guard	\$3.35/Hr.	Eff: 6/7/86
Brooke Ranes	4007 Clement	"	"	"
Shauntrece Crider	2108 W. Virginia	"	"	"
Karla Hormuth	802 Rheinlander	"	"	"
Clifford Harth	1409 Brookdale	Reg. Guard	\$3.60/Hr.	Eff: 5/31/86
Randall Seidehamel	619 Biddle Ct.	"	"	Eff: 6/7/86
Phillip Goss	606 Drexel Dr.	Ext. Guard	\$3.35/Hr.	Eff: 6/7/86
Kevin Wynn	1028 Western Hills	PTGC	\$4.00/Hr.	Eff: 5/31/86
Dona Barton	3721 Koressel Rd.	Pool Cashier	\$3.5/Hr.	Eff: 5/21/86

(continued)

COUNTY COMMISSIONERS
June 9, 1986

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Brian Dooley	4777 Scenic Drive	Ext/ Guard	\$3.35/Hr.	Eff: 5/21/86
Tad Powless	5816 Ashbrooke Rd.	"	"	"
Kenneth Veilands	9640 Shelbrone Rd.	"	"	"
Gregory Topper	1906 S. Red Bank	Asst. HG	\$35/Day	"
Karen Williams	1804 Alta Vista Dr.	Pool Cashier	\$3.50/Hr.	Eff: 5/21/86
Michael Powless	729 E. Parkland	Head Guard	\$36/Day	Eff: 5/21/86
Perry Gostley	Nurrenbern Rd.	C/M/Pool	\$40/Day	Eff: 5/21/86
Michael Gerard	7601 Hogue Rd.	C/M/Pool	\$40/Day	Eff: 5/21/86
Carole McNaughton	625 Marigold Court	Ext. Guard	\$3.35/Hr.	Eff: 5/21/86
Shauna Swenning	1093 E. Eden Place	"	\$3.35/Hr.	Eff: 5/21/86
Laura Conrey	R.R.#1, Box 221	Reg. Guard	\$3.60/Hr.	Eff: 5/21/86
Lori Bulla	R.R.#1, Box 330	Ext. Guard	\$3.35/Hr.	Eff: 5/21/86

Burdette Park (Releases)

Brian Dooley	4777 Scenic Dr.	PTGC	\$4.00/Hr.	Eff: 5/20/86
Tad Powless	5816 Ashbrooke Rd.	PTGC	"	"
Kenneth Veilands	9640 Shelbrone Rd.	PTGC	"	"
Gregory Topper	1906 S. Red Bank	PTGC	"	"
Carole McNaughton	625 Marigold Ct.	PTGC	\$4.00/Hr.	Eff: 5/20/86
Shauna Swenning	1093 E. Eden Place	PTGC	"	"
Laura Conrey	R.R.#1, Box 221	PTGC	"	"
Lori Bulla	R.R.#1, Box 330	PTGC	"	"
Karen Williams	1804 Alta Vista Dr.	Pool Cashier	\$4.00/Hr.	5/21/86
Michael Powless	729 E. Parkland	Head Guard	\$4.00/Hr.	"
Perry Gostley	Nurrenbern Rd.	C/M Pool	\$4.35/Hr.	"
Michael Gerard	7601 Hogue Rd.	C/M Pool	\$4.00/Hr.	"

RE: CLAIMS

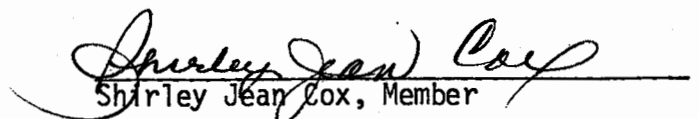
President Willner presented a claim to Wayne Campbell Electric, Inc., in the amount of \$36.50 (refund on duplicate Permit #291-V). Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:40 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner	Alice McBride	David L. Jones
	Shirley Jean Cox		
	Richard J. Borries (Absent)		
	<u>COUNTY HIGHWAY</u>	<u>BUILDING COMMISSION</u>	<u>SHERIFF</u>
	Bill Bethel	Roger Lehman	Clarence Shepard
	<u>PURCHASING</u>	<u>EUTS</u>	<u>AUDITORIUM</u>
	Tom Dorsey	Rose Zigenfus	Kim Bitz
	<u>OTHER</u>		
	News Media		
<u>SECRETARY:</u>	Joanne A. Matthews		


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 16, 1986

The Vanderburgh County Commissioners met in session at 7:30 p.m. on Monday, June 16, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Cox that the minutes of the meeting held on June 9, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: AWARDING OF CONTRACT/LAUNDRY EQUIPMENT FOR COUNTY JAIL

President Willner said that Sheriff Shepard is here tonight to make recommendation concerning the laundry equipment for the County Jail. Sheriff Shepard said there was a problem last week in that the signature was typed rather than signed by the individual who submitted the bid. Since that time, this has been corrected via having the president of the corporation come in and sign the bid. He has submitted the signed document to both Counsel and Purchasing and both confirm the document is now in order.

Sheriff Shepard said there were two proposals: One from A-1 Appliance Service in the amount of \$26,978 (a turnkey operation, with two washers and dryers installed) and one from F&E Sales out of Clarksville, IN for \$20,782. He said he realizes there is a difference in price; but in comparing the two proposals, he would first of all say that he would like to keep the bids local if he can, because if we deal on a local basis, we have a lot better communication than we do with someone two or three hundred miles away. The shop in Clarksville is open Monday thru Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until Noon. The local firm (A-1 Appliance Service) is on call for 24-hour service. They have done our laundry maintenance in the past and they also take care of Hillcrest Home. They have been very, very gracious in coming out on holidays, weekends and off-duty hours, etc., whenever we have a breakdown. The washers and dryers are almost critical in that they wash about 12 hours per day seven days per week in the jail facility. His recommendation would be that the Commissioners accept the bid from A-1 Appliance Service.

Commissioner Cox asked Sheriff Shepard if it is also factual that F&E Sales also charges mileage? Sheriff Shepard said F&E would charge us \$25.00 per hour labor and \$0.25 per mile travel from the time they start. They also only give a one (1) year warranty on all equipment and a 90 day warranty on gaskets, V-belts, etc. A-1 gives us a flat 2-year warranty service.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the bid from A-1 Appliance Service in the amount of \$26,978.00 be approved, with a second from Commissioner Cox. So ordered.

(continued)

RE: EUTS - ROSE ZIGENFUS

Mrs. Zigenfus said she has the Agreement between Vanderburgh County and the Commissioners and Lochmueller Associates with regard to the consultant work and design study for the Boonville-New Harmony Road Project. As the Commissioners know, this project is scheduled for preliminary engineering, right-of-way and construction and we expect the project to get underway with the signing of the agreement tonight; at least the consultant can be doing the preliminary engineering. EUTS has already begun the environmental work. The design work that Lochmueller is doing covers the following: They will be doing survey work, corridor design study, design study report, road design and plans; they will also be responsible for having the geotechnical services completed, such as soil testings.

Commissioner Willner asked, "We're going to do the environmental and bridge design in-house?"

Mrs. Zigenfus confirmed that this is correct.

The Chair entertained further questions.

Commissioner Borries asked, "By doing those things that you mentioned in-house, this moves the project forward at a pace that when the interchange is opened on I-164, this particular project would be completed near the same time? Is that correct?"

Mrs. Zigenfus confirmed that this is correct. If we begin the project at this point in time, then we should begin the right-of-way acquisition in the early part of 1987, which would then give us an early spring let date and a construction date early next summer, and given a construction season, we should be ready and open for traffic when the interchange is opened in early 1988.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the agreement with Lochmueller & Associates be approved, with a second from Commissioner Cox. So ordered.

RE PROPOSAL FROM UNITED CONSULTING ENGINEERS RE
EICHOFF-KOESSEL RD. PROJECT

Mrs. Zigenfus said we have a proposal from United Consulting Engineers out of Indianapolis to complete the work on the Eichoff-Koessel Rd. project. What this would be is an expansion of their original contract to complete documentation of a categorical exclusion and the development of the environmental assessment. This is all in connection with the additional right-of-way that the County is interested in acquiring. As she understands it, the acquisition of additional right-of-way creates a potential performance of a Section 4F and a 106 Study to be completed and that is the reason for the additional cost.

Commissioner Willner asked, "And that was just \$17,000.00 over what we had initially committed?" Mrs. Zigenfus confirmed that this is correct.

The Chair entertained questions. Continuing, President Willner said that in other words, we moved the environmental from an environmental assessment to an environmental impact.

Mrs. Zigenfus acknowledged that this is correct.

A motion was entertained.

(continued)

Motion was made by Commissioner Borries that the agreement with United Consulting Engineers be approved, with a second from Commissioner Cox. So ordered.

RE: REZONING PETITIONS

VC-7-86 -- Petitioner, Mark Fehrenbacher: The Chair recognized Mr. Les Shively of Johnson, Carroll & Griffith, who was representing the petitioner. Attorney Shively said that briefly this request is for the purpose of the location of an Evansville office for Fehrenbacher Painting Co. The company is engaged in residential and commercial painting operations. The particular address may not be familiar to the Board. If they will look at the location map, it is just outside the city limits about a half block or less off Hogue Rd. The area to the east and to the north and extreme northwest of this property is C-4 and C-1 and a bit further up Mt. Vernon Rd. we see M-3 uses in that particular area. The building in question that is going to be used for the offices and storage by Fehrenbacher Painting Company is a former Kingdom Hall for Jehovah Witnesses structure. Attorney Shively then shared photographs of subject building and area with the Board. He said he would note that Fehrenbacher Painting Co. will only have one or two employees located at this particular office. They will mainly be storing painting equipment (scaffolding, etc.). Most of the employees drive directly from work to the job site and there is no walk-in trade. People requesting general information or bid information generally do so via telephone. Attorney Shively presented two additional photos which were taken standing in the alley at the rear of the property looking to the northeast. This will clearly show the commercial development and use as currently existing in that area.

Attorney Shively said he would also like to submit at this time as part of the record a Consent to Rezoning that was circulated to the adjacent property owners, with a copy of the Site Plan attached. This is signed by four (4) of the adjacent property owners who consented to this particular rezoning. He said he would be more than happy to answer any questions which the Board might have with regard to this particular petition.

Commissioner Cox noted that in reading the minutes of the Area Plan Commission, she noticed there was evidently a problem of some type with the legal description. The Staff Field Report describes a 132 ft. x 132 ft. area. Just what is he requesting?

Mr. Shively said he is requesting what is on the Site Plan -- 130 ft. x 65.5 ft. In offering an explanation, Mr. Shively said he pulled the deed to which the current owners have obtained title. He pulled the records in the Assessor's office and nothing matches up. If this is approved this evening, they have already put engineers on standby and they were going to have a legal description drawn of this particular property with the building only -- and not include adjacent property. (there is a home right next to it which was originally part of the same tract). The legal description that the surveyor will prepare will be of the area shown on the Site Plan only. All they're going to rezone will be the old church and the unimproved portion of the lot. He will submit that together with an amended ordinance containing the correct legal description -- hopefully, within a week or two -- just as soon as the surveyor can complete it. But he does have a surveyor on standby to do this.

Mrs. Cox asked if Attorney Shively is also aware that in the EUTS recommendations that the driveway is not the proper width for commercial rezoning and that it needs to be a 30 ft. width?

(continued)

Mr. Shively said they will be more than happy to make whatever changes are necessary. The curbing in the area is so eroded that it is a sort of continuous curb-cut situation and they will follow all the recommendations.

Mrs. Cox said she does not see any measurements on the Site Plan to indicate how wide the drive is going to be.

Mr. Shively said they will stipulate to any recommendations by EUTS in that regard. There should be no problems; there is ample area there for egress and ingress and for parking.

Mrs. Cox asked if anything is going to be stored outside the building?

Attorney Shively indicated there will be nothing stored outside. This is why this is a perfect building for their purposes, because it is large enough for the small office needs they have and large enough that the majority of the space will be used for warehouse and storage. This is why they sought this particular piece of property

Commissioner Cox asked if the zoning has to be a C-4 if they don't need outside storage?

Ms. Beverly Behme of the Area Plan Commission indicated that it does.

Attorney Shively said the Fehrenbachers do not intend to operate this as a contractor's yard-type operation. In other words, all equipment will be stored inside.

Mrs. Cox said, "Well, you and I both know, Mr. Shively, that they may not be here from now on out. We still have some residential homes in that area and I am thinking that a C-4 does have a lot of outside storage. In case their business grows (that isn't too big a building there) they may move out and then we've got a C-4 there and somebody else could come in and buy it and put 160 some odd other things in this rezoning that we've granted. That was my concern -- that the neighbors who are living there now not have all sorts of things where it would look like a mini-junk yard, as some of these warehouse storage places do."

Attorney Shively said that, as pointed out by Mr. Fehrenbacher, their offices are located permanently in Mt. Vernon, IN and they will handle most of their storage at that location. The reason for this new Evansville office is basically to accommodate the fact that their business has increased and they do have new customers in the Evansville area and want to be in a position to better accommodate those customers. But the bulk of the major storage would be centered at the Mt Vernon location. Again, the Consent to Zoning will indicate they have contacted the neighbors and the neighbors are quite aware--and this is a transitional area. Although there is still some residential in there, it is transitional. He thinks the possibilities of development in the future of additional residential are very, very remote at this time in view of the intense commercial development.

Commissioner Willner said, "The question is, could we stipulate a Site Plan requesting no outside storage?"

Ms. Behme advised you can request that the area be fenced with opaque screening...

Commissioner Cox asked what size vehicles are going to be coming back and forth to the warehouse for delivery, etc.?

Mr. Fehrenbacher said they would be small pick-up trucks, Cardinal vans, etc., no freight trucks or anything like that.

(continued)

The Chair asked if there are any remonstrators present concerning this rezoning petition? There were none. A motion was entertained.

Motion was made by Commissioner Borries that VC-7-86 be approved, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox, no; Commissioner Borries, yes; Commissioner Willner, yes, with one stipulation: That is, if there is any outside storage in the future, an opaque fence be installed to screen the said storage. He asked if Mr. Shively and his client would agree to that stipulation and both parties indicated they would. Commissioner Willner reiterated that with this stipulation, he would vote yes. However, a word or two to the petitioner. Mr. Fehrenbacher is in a residential neighborhood; be a good neighbor and he is sure they will be good to him.

Commissioner Willner requested that the record show that he had four (4) signatures on a Petition in favor of the rezoning.

RE: VC-8-86, Petitioner, Doug Parrish: The Chair recognized Pam West, who stated that she is here to represent Northside Mini-Storage. They're requesting this rezoning so that they may establish manager's quarters on the property. This is mainly for security and maintenance purposes.

Commissioner Borries queried Ms. Behme, asking if this wasn't done for another rezoning on the eastside?

Mrs. Behme acknowledged that this is correct, saying that we've three or four like this.

The Chair entertained questions.

Commissioner Cox asked if Ms. West is aware that the EUTS report says that the curb cut must be widened on North Kentucky to 30 ft.?

Ms. West said her brother is probably aware of this; he took care of all the details.

Resuming, Mrs. Cox said there was also a notation on the Staff Field Report that the Site Plan submitted does not indicate any parking area. How many people are going to be working at this site?

Ms. West said there will probably be only two automobiles there -- for the people who live there. It's a family of four (a lady, her husband and two children, who are very young).

Mrs. Cox said it looks as though there's plenty of room, but..... Ms. West interrupted that there is about two-thirds of an acre there..... Mrs. Cox said, Just like your entrance says 24 ft. on the plan, it will have to be widened.

Ms. Behme informed Ms. West that when they come to get their permit it will be given approval by the Site Review Committee and that will be brought up; they will tell her that it will have to show 30 ft.; that will be a stipulation on the permit.

Commissioner Willner asked Ms. Behme if North Kentucky Avenue is a dedicated street?

Ms. Behme responded that she doesn't think it is.

Commissioner Willner said "I don't think it is either. I think my question is, 'Do we need some right-of-way or do we need a set-back line or do we need something for North Kentucky Avenue if it ever goes through?'"

(continued)

Ms. Behme said we have a thoroughfare setback, but she doesn't think it extends out.....

Commissioner Borries said that Commissioner Willner's point is that this road must be maintained by whoever is along it right now, it is not a county-accepted road for mowing, etc.

Ms. West said the fence sets about 20 ft. back off the road and the building will be pretty far back.

Commissioner Willner asked if this is a 40 ft., 60 ft. easement or what? Give him a figure.

Ms. Behme said that Area Plan Commission will make sure when she gets her permit that they pull the plat on Jasper Industrial Park. This is just for the rezoning.

In response to query from Commissioner Willner, Ms. Behme said she will find out if North Kentucky Avenue has been dedicated. That's an approved industrial subdivision.....but she will check it out.

The Chair asked if remonstrants are present with regard to VC-8-86? There were none. He asked that Ms. West be seated while Ms. Behme conducts a brief search for information.

VC-9-86 has been continued.

VC-10-86, Petitioners, Kenneth & Barbara Helm: The Chair recognized Mr. Jim Morley, who was seated in the audience. Mr. Morley said he is here tonight with Dr. Helm. He said he prepared the Site Plan to rezone a site adjacent to his existing dental office at the corner of First Avenue and Kratzville Rd. to R-0 so he can expand the existing office. He has a dental office and there is a Welborn Family Service Clinic there, also.

The Chair entertained questions of Mr. Morley.

Commissioner Cox said the Staff Field Report shows the relaxation of a 20 ft. required front yard easement is necessary. Has that been

Mr. Morley interrupted that this has not been requested. That would have to come to the BZA (Board of Zoning Appeals).

Mrs. Cox asked if parking requirements are determined before permit is issued? She doesn't see any...it just says "future parking" and it seems there is plenty of room there.

Mr. Morley said a lot more space is available than needed for the immediate expansion.

The Chair entertained questions. There were none. The Chair then asked if any remonstrants are present with regard to VC-10-86? There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-10-86 be approved, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox yes; Commissioner Borries, yes; Commissioner Willner, yes.

VC-8-86 ...President Willner said we're now back to VC-8-86 and we have a 60 ft. roadway on North Kentucky Avenue. The Chair entertained questions.

Commissioner Borries said the answer to the question is that the setback will be followed, is that correct?

(continued)

Commissioner Willner said that is correct. A motion was entertained.

Commissioner Borries moved that VC-8-86, Petitioner Doug Parrish, be approved, with a second from Commissioner Cox.

The Chair asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. So ordered.

VC-11-86: President Willner announced that the 1st Reading of VC-11-86 has been postponed for one (1) month.

VC-12-86, /Petitioner, Tharaldson Enterprises, Inc.: Subject property is located on the south side of Lynch Road just east of U.S. Highway 41 North. Common known address is 1425 Lynch Rd. The real estate is zoned M-2 and requested change is to C-4. Land is presently vacant. Proposed land use is for a 65 room motel. He asked if anyone is present to represent Tharaldson Enterprises, Inc.?

Commissioner Borries said he does have a comment on the Site Plan. If his directions are correct,, this would be immediately east of the Drury Inn, which is in M-2. Why is that in M-2?

Commissioner Willner said that is correct...it probably hasn't been changed.

Ms. Behme said it was probably zoned "industrial" and then Drury's came in.

Commissioner Willner said you can go with a motel in an M-2 zoning, he guesses?

Ms. Behme said, "No, you can't; Drury is already there. But on this one they are down-zoning it to a C-4.

Commissioner Willner said that perhaps when Drury Inn was built they could do it in a M-2.

The Chair entertained a motion to approve VC-12-86 on 1st Reading and forward to the Area Plan Commission for its review.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS/OAK RIDGE SUBDIVISION:

Commissioner Willner recognized Mr. Al Bauer, Sr., who was seated in the audience.

Mr. Bauer said he is present tonight to speak to a new subdivision called Oak Ridge Subdivision, which is located off St. George Rd. Before they submit the road plans or street plans for approval they would like to request a waiver of the sidewalk requirement. As can be seen from the plat, there are no thru streets. Commercial property is located nearby. Mullen Estates, which was brought before this Commission last week is immediately adjacent to his property, where they also waived the sidewalk requirement.

Commissioner Willner asked Mr. Bauer if he understands correctly and there are no thru streets in Oak Ridge Subdivision?

Mr. Bauer said this is correct; everything is cul-de-sac with one way in and one way out -- and they are doing everything according to EUTS' recommendation re ingress/egress at the site.

(continued)

Commissioner Wilner asked County Engineer Andy Easley if he's had a chance to look over this?

Mr. Easley responded that he is familiar with it. What Mr. Bauer says is correct; he doesn't think any of the subdivisions in the area have sidewalks and there are no sidewalks on St. George Rd.

Commissioner Willner said, "So nobody here will be traveling 60 miles an hour....if they do, they're in trouble."

Mr. Bauer said they certainly didn't design it for that to happen.

Mr. Bauer added that all of the lots face interior streets; there are no houses fronting St. George Rd. Everything will be inside -- no driveways onto St. George Rd.

The Chair entertained questions of Mr. Bauer. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the requirement for sidewalks be waived in Oak Ridge Subdivision, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID V. MILLER

SURPLUS LINES TAX: Attorney Miller said that yesterday he dispatched a letter to John Hodge regarding the surplus lines tax that Mr. Hodge is now attempting to collect from the County. He will distribute copies to the Board. Attorney Miller explained that in this continuing saga, what is now happening is that Mr. Hodge apparently has paid this bill for us. He had to tell Mr. Hodge that he still hadn't seen anything that indicated to him that the County had ever committed itself to pay this tax. It was never included in any quotation. Until he sees something like that, he cannot advise the Commissioners to pay it.-- and he will not; and that is where the matter stands. He told the insurance company this and he sent copy of the letter to Mr. Hodge. He has now sent a letter to Mr. Hodge. Therefore, he doesn't know how he can make it any clearer that until such time as somebody shows him that the County agreed to pay it, we're not going to pay it. At least, he is not going to advise the Commissioners to pay it.

Commissioner Borries asked if Attorney can again tell him just exactly what the surplus lines tax is (just for his own information)?

Attorney Miller said that apparently there is a strange little statute in the insurance code that allows the Indiana Department of Insurance to assess a tax on the insurance company if the insurance company is from outside the State of Indiana and selling a policy to the consumer in Indiana. The idea is to make Indiana-based insurance companies (particularly those on Meridian Street in Indianapolis, he would presume) more competitive in the State of Indiana. The idea is that if someone has to go outside the State of Indiana to get a policy that they could just as well get within the State of Indiana, that they are going to pay an extra tax. He is not certain this is within keeping of the Intertate Commerce Code, but, in any event, it is there and he is not satisfied from anything he has seen in the County's insurance brochures that the insurance company that quoted this price to the County ever said, "We think you're exempt from the surplus lines tax because you are a governmental organization; but if you're not, you've got to pay it." In other words, we got a quotation on how much this insurance was going to cost us. The \$6,375.00 was not in there. It was a specified number of dollars and we paid that specified number of dollars and we are entitled to that insurance. This is the way he feels about it and until somebody else tells him otherwise, that is the way it stands.

(continued)

GRIEVANCE/CARMEN McATEE: In response to query from Commissioner Willner, Attorney Miller said the only other thing he has to report is that he received a document titled "Grievance" which was handed to him this evening, which was signed by Carmen McAtee. It was received by the County Commissioners office on June 13, 1986. He will immediately look into whether or not the Board of Commissioners of Vanderburgh County has any standing or status to take any action of any kind in connection with this grievance -- or whatever else it might be. He will report back to the Board in writing concerning the matter. However, his first impression is that this is not a matter over which the Board of Commissioners would have any jurisdiction. As he said, he will report back to the Board forthwith.

Commissioner Willner requested that the record so state that the complaint was given to Attorney David Miller for disposition.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period June 9 thru June 13, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

<u>Gradall:</u>	Church Rd.
<u>Tree Crew</u>	Schutte Rd. and Upper Mt. Vernon Rd.
<u>Trash Crew:</u>	Garage, S. Weinbach and Old Green River Rd.
<u>Back Hoe:</u>	Washout - Old Henderson Rd.
<u>Paved</u>	St. George Rd.
<u>Patch Crew:</u>	Twickingham Ct., Elmhurst, Burkhardt Rd. and Burdette Park.
<u>Grader:</u>	Green River Rd./
<u>Cut Grass:</u>	Baumgart, Browning Rd., Mesker Park, Mill Rd., Heinlein, Moore, Water Works, River Rd., Pollack, Lynn, Fuquay, Spry, Fisher, Orchard Rd., Broadway, Schutte, Felstead and Koressel.
<u>Rocked:-</u>	Long Rd., King Rd., Emge, Buente, Old Green River Rd., Happe Rd., Old Henderson Rd. (washout) and St. George Rd. (shoulder)

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

Repaired guard rail and culvert on Outer St. Joe Avenue and replaced guard rail.

Cut grass on bridge approach: Petersburg Rd., 7 Hills, Boonville-New Harmony, Lynn Rd., Mesker Park and Old State.

Weekly Work Report/Work Release: Submitted for the same period was the work report for the Work Release Program....report received and filed.

Patch work on St. Joe Avenue and Hirsch Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the County Garage Employees and the Bridge Crew.....reports received and filed.

(continued)

Commissioner Willner asked Mr. Easley if this completes the work on St. Joe Avenue as far as the Feds are concerned?

Mr. Easley said there may be a couple more hours of seeding...but essentially that completes the work they wanted done.

Commissioner Willner said that if some seeding is required, Mr. Easley will purchase this for them?

Mr. Easley said they already have it..

Mr. Willner then queried Mr. Bethel as to how we're coming along with the bridge on Green River Rd.?

Mr. Bethel said that so far they've got everything ready to paint underneath. They already have the top side cleaned off, etc. As soon as the water gets down and they can get under there, they are ready to go.

Commissioner Willner said he believes Mr. Easley said he wanted some kind of special paint. Has he purchased this for them?

Mr. Easley said he has already advised Mr Bethel concerning the specs for this.

The Chair entertained questions of Mr. Bethel.

Commissioner Borries asked if the washout on Old Henderson Rd. was near the place where the bank was beginning to erode?

Mr. Bethel said it was not. What they did is holding beautifully. The washout was in another location; the hard rain the other day is what caused this.

RE COUNTY ENGINEER - ANDY EASLEY

Claims: Mr. Easley said the first item he has on his list tonight concerns two (2) claims from Morley & Associate for construction engineering on Burkhardt Rd., as follows:

Claim in the amount of \$16,226.28 for construction engineering for period of April 1 to May 2, 1986. There was excellent weather in April and a lot of hours were worked. The project is nearing completion and he thinks that we will be having a final inspection on the project shortly. It is his recommendation that this claim be approved for payment.

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

Commissioner Willner said Mrs. Cox raised a question on the guard rail. Is the guard rail that is up now what was always supposed to be there? There is no extra?

Mr. Easley said there is no extra guard rail. The quantity of guard rail, if the Board will recall, was adjusted as part of the Change Order from the original concept, since we were able to flatten out the slope -- it met the criteria; because of the ditch depth, they felt we didn't really need the guard rail in accordance with the federal criteria. The final amount of guard rail is in place.

Commissioner Willner asked, "But it is not a solid guard rail from one end to the other?"

Mr. Easley responded, "That is correct; it is not continuous guard rail.

(continued)

Claim in the amount of \$11,450.54 for construction engineering for the month of May. This is in accordance with our agreement. It is his recommendation that this claim also be approved.

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Street Plans/Oak Ridge Subdivision: The meeting proceeded with Mr. Easley stating that Mr. Mike Fitzsimmons is present to submit street plans for Oak Ridge Subdivision. Mr. Fitzsimmons explained that this is for Phase I of the project which contains about half the lots. The primary road is off St. George Rd., and there are three (3) cul-de-sacs of varying lengths off the project road.

President Willner queried Mr. Fitzsimmons concerning the sign in the center.....

Mr. Fitzsimmons said there is a boulevard there -- but he doesn't believe the developer intends to put a sign in there -- he believes it is more decorative.

Commissioner Willner said we've had trouble with that previously.

In response to query, Mr. Easley said that is curbed area -- a 6-inch curb.

President Willner asked if they are going to put a sign in the center.

Mr. Easley said he believes they plan to put some planting in there; it does have a 26 ft.....

Commissioner Willner said that when you come out the project road and prepare to make a left turn, your sight is blocked there if you have anything over 3 ft. high.

Commissioner Cox interrupted, "You know there is going to be a sign there saying what subdivision it is."

Commissioner Willner said, "That is why I'm going to ask you to not vote against a sign being put there."

Mrs. Cox said that nearly all of the subdivisions she has seen have signs. Discussion followed concerning Romain Subdivision and the sign that is there. Commissioner Willner said he has come out of there many times and that sign is definitely a hazard.

Mr. Easley asked what about saying, "No sign in the median". If he wants to have a juniper that is 2 ft. high?

Commissioner Willner indicated his agreement and Mr. Easley said he agrees.

The Chair entertained questions.

Commissioner Cox said she has the same problem with this set of plans that she expressed earlier. She just doesn't think it is morally and ethically right that we have an engineering firm submitting street plans for approval that are being checked by the County Engineer who is owner of said firm. She just doesn't think it is right.

(continued)

Commissioner Willner said, "I thought we had that resolved by having Mr. Fitzsimmons present them. He asked Commissioner Borries if he has a problem with this?"

Commissioner Borries said it is his understanding that Mr. Easley placed his judgment on the work as presented by Mr. Fitzsimmons and is not directly responsible for any of the implementation or the construction of the work when it is being done. Mike would be the inspection person for that. He regards both individuals as persons of integrity. He has never felt that Mr. Easley has ever compromised his integrity with the Board of Commissioners. If it would please Mrs. Cox that the City Engineer's office or someone else needed to review this work to get an independent judgment on it -- to sign off and say that these specs are not in violation of any County codes, that would certainly be fine.

Commissioner Willner said that the last time this came up, the County Attorney passed judgment that there was no conflict of interest. If there are no further questions, he will entertain a motion.

Motion was made by Commissioner Borries that the road plans for Oak Ridge Subdivision Section A be accepted and that the length of the accepted streets be forwarded to the State of Indiana to be included in Vanderburgh County accepted mileage and that the structure at the entrance of this subdivision be constructed no higher than 3 ft. and that a permanent sign not be placed in there which could pose a road hazard in the sense of preventing road sight.

Commissioner Cox said, "I have a question. These streets haven't been built; so we can't submit them to the State for maintenance. Another problem, whenever they do build them, if he is still the County Engineer, it will be Andy Easley who goes out to inspect them."

Mr. Easley said, "We have other individuals who could inspect them."

Commissioner Cox asked, "Who? Who?"

Mr. Easley stated, "Bill Bethel, Lee Stucki..."

Mrs. Cox remarked, "They're not engineers."

Mr. Easley said, "We'll try to resolve this in some manner to your satisfaction, Mrs. Cox."

Mrs. Cox said, "Andy, I have no problems with drainage plans because you are not the ultimate one who recommends approval to the Drainage Board -- and I have told you this before. But on this, I have a big, big problem".

Mr. Easley said he will get with Messrs. Hartman and Eiffler; these are street grades, thickness of concrete, and width of streets -- according to County standards.

Commissioner Willner said the motion has been made for approval and he will second the motion. So ordered. He requested that Mr. Fitzsimmons notify the owner of record that the sign is not to be over 3 ft. and is not to block the view.

Mr. Fitzsimmons agreed to do so.

Street Plans/Harmony Woods Subdivision: Mr. Fitzsimmons said the second set of street plans he has to present are for Harmony Woods Subdivision, Section D. This is for the remainder of the subdivision. The plans for Section A were approved in late April, he believes. This street section conforms to the County standards and the street section approved in Section A. This is a 24 ft. asphalt pavement with side road swales.

(continued)

Commissioner Willner queried Mr. Fitzsimmons concerning the grade.

Mr. Fitzsimmons said the maximum grade on this section is five percent (5%). Commissioner Willner asked what we set as our maximum grade?

Mr. Easley responded, "Ten percent (10%)."

Commissioner Willner asked if he understood Mr. Fitzsimmons to say that the drainage has already been done?

Mr. Fitzsimmons responded that this is correct.

The Chair entertained questions.

Commissioner Cox stated, "I have the same problems with this one that I had with the other one. The plans were done by Mr. Easley's engineering firm."

The Chair entertained questions. There being no further questions, a motion was entertained.

Motion was made by Commissioner Borries that, according to County specs, the street plans submitted be approved, with a second from Commissioner Willner. So ordered.

Street Plans/Chapel Hill Subdivision, Section B: Mr. Fitzsimmons said the third set of street plans concerns a cul-de-sac in Chapel Hill Subdivision, Section B. This, again, is a 24 ft. pavement with roadside swales. It comes off an existing street (Chapel Hill Drive). The developer wants to construct this portion of the street so he can record the secondary plat for Section B.

Commissioner Borries queried Mr. Fitzsimmons concerning the material to be used for the street.

Mr. Fitzsimmons said it will be asphalt pavement with crushed stone base.

Commissioner Willner asked, "With drainage swells 3:1 side slopes?"

Mr. Fitzsimmons confirmed that this is correct.

Mrs. Cox queried Mr. Fitzsimmons concerning the name of the subdivision.

Mr. Fitzsimmons said it is Chapel Hill Subdivision, Section B.

Mr. Willner asked if the drainage has been approved?

Mr. Fitzsimmons said he can only say that the primary plat has been approved for Section B, but they were not involved in the project at that time.

Mr. Willner queried Mr. Fitzsimmons concerning the overall slope.

Mr. Fitzsimmons said the average overall slope would be less than seven percent (7%).

The Chair entertained questions.

Commissioner Cox said, "I have the same problem with this one that I had with the other two, Mr. Willner."

Mr. Willner responded, "So noted."

(continued)

Motion was made by Commissioner Borries that Chapel Valley Court Replat, Chapel Hill Subdivision, Section B be approved, with a second from Commissioner Willner. So ordered.

Request to Advertise Bids/Resurfacing Projects: Mr. Easley said he is requesting permission to advertise for bids on two (2) resurfacing projects as part of the 1986 street resurfacing program.

The first project would be St. Wendel Rd., from Indiana S.R. 65 to the Boonville-New Harmony Rd. He doesn't have his file with him, but he believes this is approximately 4.3 miles.

The second road is Hogue Rd. from the City Limits to Upper Mt. Vernon Rd. The specs are put together, but he has to type the bid sheet. He can do this tomorrow. But he thinks we should get these advertised and take bids as soon as possible.

Mr. Willner asked, "How long is Hogue Rd.?"

Commissioner Cox said it is ~~approximately 30 miles~~ long.

The Chair entertained questions concerning the two roads.

Commissioner Cox said there are sections of Hogue Road which aren't in too bad a condition. She was hoping that we could use some of the money (did Mr. Easley get over to look at Upper Mt. Vernon Rd.?) Upper Mt. Vernon comes out at Tekoppel brick yard and goes all the way to the County Line.

Messrs. Willner and Easley said this is the road where they were going to do some selective patching...major patching.

The Chair entertained a motion for approval for the County Engineer to advertise for bids on resurfacing of St. Wendel and Hogue roads.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Willner asked if that is 1-1/2 inches on each road?

Mr. Easley responded that this is correct.

Commissioner Willner asked if we're going to do the ditches in-house?

Mr. Easley said this is correct.

Mr. Willner said we probably need to drive those roads and inspect the culverts to see whether any need replacing before the contract is let.

Mr. Easley said they've already done this on the culverts.

The Chair entertained further questions of Mr. Easley. There were none.

RE; TRAVEL REQUESTS

President Willner said he has several requests to travel from the Assessors, as follows:

Knight Township Assessor: Request for permission for H. Jane Nicholson and Jerome Zeller to travel to Annual Instructional Meeting to be held in Ft. Wayne, IN on July 14, 15 and 26.

(continued)

Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Perry Township Assessor: Request for permission for Harry Tornatta and Glen Koob to attend the same meeting.

Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Pigeon Township Assessor: Request for permission for Robert Dorsey and two (2) deputies to attend the same meeting.

Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL/COUNTY COMMISSIONERS

President Willner said the County Commissioners need to go on Council Call to transfer \$14,604.74 from Acct. 130-192 to Acct. £130-386 (group insurance to computers).

Mrs. Cox asked if this is to take care of extra work?

Commissioner Willner said this is to pay Pulse Systems for the 4th Quarter of 1986.

Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Commissioner Willner said the Commissioners also need to go on Council Call to request Additional Appropriation for Acct. £130-313 (travel expense) in the amount of \$5,000. The funds in the travel account are depleted and the Commissioners are requesting the \$5,000 to cover travel expenses for the rest of the year. We had \$5,000 to start the year. This is the sixth month and the fund is depleted. Council cut it down from \$15,000 a couple of years ago and said just to come back when funds were needed.

Motion to approve request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: WEIGHTS & MEASURES

It was noted by Commissioner Willner that a monthly report was submitted by Weights & Measures, together with a request to purchase gasoline from the County Highway Department. He has not checked into why Mrs. Townsend wants to buy gas at the County Highway Department. He will do so and report back to the Board at a later date. Commissioner Willner asked that the record show that the monthly report was received and filed.

Continuing, Mr. Willner noted that Mrs. Townsend said she wants to be able to get gasoline for the W&M van from the County Highway Garage when necessary. It is more convenient for them and better than having to use a gasoline card (which has already been misplaced once, causing a problem). It will be of advantage to the department and a lot easier to get the gas and sign for it as opposed to keeping up with an account amount. She has already talked to Louis Young concerning this. Commissioner Willner asked if any of the Commissioners have a problem with this, if there would be an individual dispensing the gasoline?

Commissioner Borries said the cost of the gasoline would come directly out of her budget.

Commissioner Cox commented that it is awfully far out of the way.

(continued)

Commissioner Borries said it is his understanding that he doesn't think she can do that on a regular basis.

Commissioner Willner again said that he will check this out.

RE: ACCEPTANCE OF CHECK/HELFRICH INSURANCE AGENCY

President Willner presented a check from Helfrich Insurance Agency in the amount of 1,500.00 (overpayment on Work Release Accident Insurance Policy).

Motion to endorse check and deposit into County General Fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CLAIMS

Helfrich Insurance Agency: A claim in the amount of \$12,907.00 for premium adjustment resulting from audit of payroll records for Worker's Compensation Coverage was presented.

Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Bowers, Harrison, Kent & Miller: Claim in the amount of \$258.91 was presented (condemnation and foreclosure cases). Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: SCHEDULED MEETINGS

The Chair entertained comments concerning scheduled meetings. There were none.

RE: EMPLOYMENT CHANGES

Treasurer's Office (Releases)

Beth Kerchief	Clerk	\$12,800/Yr.	Eff: 6/6/86
Georgiana Harris...	Posting Clerk.....	\$12,800/Yr....	Eff:...6/13/86

Treasurer's Office (Appointments)

Rosemary Muensterman.	Posting Clerk....	\$12,800/Yr.	Eff:...6/16/86
Candice Mosby.....	Posting Clerk....	\$12,800Yr.	Eff:...6/16/86
Beth Kerchief.....	Cashier.....	\$12,800/Yr....	Eff:...6/16/86
Georgiana Harris....	Posting Supv.....	\$13,338.00/Yr.	Eff:...6/16/86

Burdette Park (Appointments)

Jonathon Gugin...P/T Ground
Crew.....\$4.00/Hr.....Eff:...5/24/86
(Weekends)

Cooperative Extension Service (Appointments)

Mary Ellen Roach...Part-time.....\$31.00/Day.....Eff: 6/4/86

RE: BURDETTE PARK - INSURANCE

Commissioner Cox asked if we ever received a clarification on our insurance for Burdette Park?

Commissioner Willner said that we have not up to this point in time. We're still working and still hoping.

Mrs. Cox asked when the current insurance expires?

(continued)

Commissioner Willner said he believes it is July. We received a quote from an insurance company the other day and they wanted us to dispense with the diving boards before they would insure. So the saga of insurance is continuing -- that is all he can say.-- it's a day-to-day nightmare and getting worse.

RE: PIGEON CREEK LOG JAM

Mrs. Cox asked if Council did approve the funds for removal of log jam in Pigeon Creek? She thinks they did.

Commissioner Willner asked if we're waiting for State approval?

Mr. Easley said he doesn't believe they anticipate any State objection. The way has been paved for us to use that money. He is obtaining a couple of invitational bids for removal of the logs from the creek via a dragline. They will be piled on the shore and will then need to be cut up and probably hauled off. He doesn't see how we can cut those up and doze them back....

Mr. Willner interrupted, "We don't have enough property to do that. He asked if Work Release will do this?"

Mr. Easley said, "Yes. I think it will be safer if, instead of climbing around...he's had second thoughts about taking them out a few at a time. He believes if we get them out and pile them on the bank and then let them cut them up -- then we've got money to get them out of there. Otherwise, they will end up back in the creek. It will have to be done from the west bank, otherwise we'd be in people's backyards.

Mr. Willner asked if this is north of the trailer court?

Mr. Easley responded, "No, it is south of Bergdolt -- across the road from the trailer court. It is on some property owned by Mabel Ryan. He has to work out permission concerning this. But he knows her and doesn't believe she would withhold it.

Commissioner Willner asked if Mr. Easley is seeking invitational bids from one or more companies?

Mr. Easley said he is seeking two (2) invitational bids.

Commissioner Willner advised that if Mr. Easley gets in a bind, he might call County Auditor Alice McBride. Sometimes they will give her permission via phone to go ahead.

The Chair entertained comments concerning any further business to come before the Board. There being none, President Willner declared the meeting adjourned at 9:40 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Sam Humphrey	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>EUTS</u>
	Bill Bethel	Andy Easley	Rose Zigenfus
	<u>SHERIFF</u>	<u>AREA PLAN COMMISSION</u>	
	Clarence Shepard	Beverly Behme	

(continued)

OTHER

Les Shively, Attorney
Mark Fehrenbacher/Petitioner
Pam West/Petitioner
Mike Fitzsimmons/Easley Engineering
Jim Morley/Morley & Associates
Al Bauer, Sr.
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner

Robert L. Willner

Richard J. Borries

Richard J. Borries

Shirley Jean Cox

Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 23, 1986

The Vanderburgh County Commissioners met in session at 2:30 p.m. on Monday, June 23, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Commissioner Cox noted that sentence #18 on Page #14 should read as follows:
"Commissioner Cox said it is pretty long."

Commissioner Borries moved that, with this correction, the minutes of the meeting held on June 16, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK RESTROOM FACILITIES - JACK KINKEL

The Chair recognized Mr. Jack Kinkel of Jack R. Kinkle Architects, who was present for purposes of presenting General & Mechanical Specifications for the construction of Burdette Park Restroom facilities. In presenting plans for the facilities, Mr. Kinkle said they are actually designing the facilities two ways: One with brick veneer or splitface stone. The other option is using drivet (a plaster-like material which has the color imbedded into it and is impervious to water). They are asking for a bid two ways (for two kinds of exteriors) trying to keep the price as low as possible. Thus, they have actually designed the facilities twice. Facility will have a pyramid-type roof, with skylights into each side. The facility will sit on a slight slope as you go down the hill, which means the service aisle is about two feet lower than the floors on either side and that will be very convenient. They have the bid form set up so they will take a general bid with an alternate and/or deduct for the drivet system (which is a plaster material on the outside) versus the splitface stone. They have a price for heating the facility and alternate if it is not heated. They also have an electrical and a plumbing bid. The plumbing bid is also broken down into two price categories. One for the security type fixtures and the other base price is for plain fixtures. He and Mr. Tuley discussed this, and Mr. Tuley said that for the difference in price, it would be cheaper to send someone out to replace a water facet or lavatory. However, they are going to find out how much the vandal-proof fixtures cost. The electric light fixtures are all vandal-resistant.

In response to query from Commissioner Cox, Mr. Kinkel said that heating is optional. If the County decides they can't afford heating, the duct work can be left off and the duct furnace would be left out. But the grills and registers would be put in. He would estimate the cost to be anywhere from \$28,000 to \$45,000 or \$50,000 (depending upon which alternate the County chooses). He knows the Commissioners talked about spending no more than \$30,000. He thinks the least expensive should be in that category. If the County wants to spend a little more money, they can.

Commissioner Borries said it looks like a nice plan. He queried Mr. Kinkle re the entrance; for instance, will it be designed to be closed in the evening insofar as being vandal-proof from that standpoint?

Mr. Kinkle said the facilities will have a steel door with locks. The drinking fountain is the only thing that would be accessible. Of course, in the wintertime when Burdette turns off all the water and drains all the fixtures down, this won't even be operable.

Commissioner Willner asked if there will be an overhang on all four sides? Mr. Kinkel responded that there will be.

Commissioner Cox asked if there are two water chambers and a lavatory on each side?

Mr. Kinkel said there is a water closet, urinal and lavatory in the men's facility and two water closets and a lavatory in the women's facility.

Continuing, Mr. Kinkle said what they have in mind is that he would present copy of specs to the Commissioners for the County Attorney's review to be sure all of the required documents have been included. They have written an advertisement which should be published in the Courier & Press on July 2nd and 9th, with bid opening scheduled for July 28th.

President Willner said at this time he would entertain motion concerning approval of plans and design and then go from there. He presented specs to County Attorney David Jones and requested that he review same for legality. Perhaps the Board can approve these today and proceed with advertisement. The Chair entertained questions.

RE: REQUEST FOR WAIVER OF SIDEWALK REQUIREMENT/GREEN RIVER ESTATES, SEC. C-1

The Chair recognized Mr. Phil Heston, who was present to request waiver of sidewalks in Green River Estates, Section C-1.

Mr. Heston said that Section C-1 should be modified to "Section C"; this is the way they have to file for it -- so this is a minor discrepancy. He comes before the Board of Commissioners today to ask for a waiver of sidewalk requirement in Green River Estates, Section C. As the Board probably knows, Green River Estates, Section A is approximately five (5) miles north of Green River Rd. and Morgan Avenue; thus, it is about five miles outside the city limits. Section A and B in Green River Estates do not have sidewalks and it has worked out very satisfactorily. He hasn't had any complaints. He also believes that Ensle Place Subdivision about 1½ miles to the south of Green River Estates Section C doesn't have sidewalks. Recently, Oak Ridge Subdivision at St. George Rd. and Oak Hill Rd. was approved with smaller lots and sidewalks were waived. Tall Timbers (quite a ways north of his subdivision) was approved without sidewalks. The entrance to Green River Estates Section C is a 36 ft. street entrance that goes back some 460 ft. Thus, he does not see any problems there. Based upon his experience from what is there at the present time and the other two subdivisions -- it really seems to be what the public and the county want that far out. Thus, he would appreciate the Board's sincere consideration in approving the waiver of sidewalks.

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the requirement for sidewalks in Green River Estates Section C be waived, with a second from Commissioner Cox. So ordered.

RE: STREET PLANS FOR GREEN RIVER ESTATES, SECTION C - MIKE FITZSIMMONS

The Chair recognized Mr. Mike Fitzsimmons of Andy Easley Engineering, Inc., who was present for the purpose of requesting approval of street plans for Green River Estates Section C.

Mr. Fitzsimmons said there are 46 lots in Green River Estates Section C-1 (and C-1 is correct). What he is presenting to the Board today is a copy of Secondary Plat. There are a total of 179 lots in Section C. The street plans consist of the main entrance road for a length of approximately 1,500 ft. west of Green River Rd. plus certain other streets within the proposed plat. These plans were reviewed by the City Engineer, Mr. Richard Eiffler, for conformance with Vanderburgh County street design standards and he has signed the original. The drainage plans were approved by the Drainage Board and the drainage for the streets conformed with approved drainage plan.

Commissioner Cox asked what Mr. Eiffler is charging for this service?

Mr. Fitzsimmons said he does not believe he is charging anything.

Mr. Easley explained it is an area of municipal cooperative service.

Mrs. Cox asked, "But there is no ordinance to cover it?"

Mr. Easley said it is an inter-municipal or inter-governmental agency cooperative agreement.

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the street plans for Green River Estates Section C-1 (as noted by Mr. Fitzsimmons) be approved, with a second from Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports: Mr. Bethel presented copies of the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for period June 16 thru June 20, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed.

Attached to the Work Report was the following Work Schedule:

Gradall: Crowley Lane and Green River Rd.

Paved: St. George Rd. Moved over to Petersburg Rd.

Front Loader: Millersburg Rd.

Patched: Burdette Park, Nurrenbern Rd., Schenk Rd., Middle Mt. Vernon Rd., Jobe's Lane, Graff Rd. and St. Joe Avenue

Mowed: Fisher, Koressel, Upper Mt. Vernon, Hogue, Schmuck, School Rd. #6, St. Joe Rd., Vienna Rd., Slate, Hillview, Wendel, #3 School Rd., Owensville Rd., Middle Mt. Vernon Rd., Boonville-New Harmony, Oak Hill, Lynch Rd., St. Joe Avenue, Campbell Rd. and Hitch-Peters

Weekly Work Report/Bridge Crew: Submitted for the same period was the Weekly Work Report for the Bridge Crew, as follows:

Replaced culvert on Old State Rd.; finished concreting dual culvert on St. Joe Avenue one (1) mile north of Boonville-New Harmony

Cleaned out culvert on Wedeking and Burkhardt.

Cut weeds on bridge approach on Old Henderson Rd.

Work Report/Work Release: Patched St. Joe Avenue - north.

The Chair entertained questions of Mr. Bethel.

Commissioner Cox asked, "Andy, was Petersburg one of the roads we were going to contract out? She knew it was St. Wendel and Hogue Rd. But on his proposal to County Council, she thought he had Petersburg Rd. listed as one to be done by contract.

Mr. Easley said the tonnage contracted out is the same. The county forces will be doing Browning Rd. They have decided to pave some roads on the east side of the county with county forces....and lump some roads on the west side with Hogue Rd., so they have a good chunk of tonnage on that side and they can pave it all at once.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Sebree, Craig & McKnight: Claim presented in the amount of \$2,065.19 for environmental study on Lynch Rd. This is not a final, but is work that has been performed through May 31, 1986. It is his recommendation that the claim be paid. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF STREETS

University Heights No. 4: Mr. Easley presented copies of the following letter:

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets & Storm Drainage
Improvements in University Heights No. 4

Dear Mr. Willner:

Mr. Bill Bethel and the undersigned have made inspections of subject street and storm drainage improvements. These street improvements were constructed during the summers of 1985 and 1986.

The streets are paved with three (3) inches of Hot Asphaltic Concrete on 6" crushed stone base and constructed in accordance with County construction standards.

The following is a summary of the length of the completed street in subject subdivision:

LeMay Drive	1,106 ft. (0.21 mi.)
-------------	----------------------

We are enclosing a sketch of the subdivision showing the completed street.

It is recommended that the street and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel, County Highway Supt.
Mel Lutterbach, Developer

Mr. Easley noted that LeMay is 24 ft. wide. The Chair entertained a motion.

Commissioner Cox raised questions concerning location of street, which were answered by Mr. Easley. She then asked when this was inspected?

Mr. Easley said he and Mr. Bethel inspected this last week?

Mrs. Cox asked if he cored the street?

Mr. Easley said he measured the crushed stone....

Mrs. Cox said they finished this the 23rd of May.

Mr. Easley said the asphalt was measured during the construction.

Mrs. Cox asked, "By whom?"

Mr. Easley said he had one of his bridge inspectors swing by there and check it.

Mrs. Cox asked, "Your bridge inspector?"

Mr. Easley said he stopped by to do this on his way to check some bridges on the west side.

Mrs. Cox said, "I don't think we can be using bridge people to do road inspections, can we? That comes out of bridge fund money."

Mr. Easley said that on this particular day that Lee Stuckey was not feeling well and he (Easley) was at a meeting. Normally, he, Bill Bethel and Lee Stuckey take care of street construction inspection to be done. They cover the bases as best they can. A county employee is a county employee.

Commissioner Cox interrupted, "No it isn't, not when you're dealing with cumulative bridge monies, Andy. I'll have to disagree with you there. We're stretching that. When we put them out at the County Highway Garage and under different jurisdiction, I knew we were going to have to be very careful with State Board of Accounts and how the funds are being utilized and not mixing them together. This is one example of where we are mixing those funds. We're going to have a lot of problems and get into a lot of trouble for doing this. Those people are being paid by monies that are set aside for cumulative bridge fund monies, Andy."

Mr. Easley said, "I understand that, Mrs. Cox."

Mrs. Cox: "Well, alright then, we should not be doing that."

Mr. Easley said, "I do the best I can with the people I have. I don't have an assistant anymore and we try to keep..."

Mrs. Cox said, "You have different people assigned to you up in your office..."

Mr. Easley said, "Who is assigned to me up in my office?"

Mrs. Cox said, "The report says, 'worked in Mr. Easley's office...it's right on the report.'"

Mr. Easley said, "That's a bridge inspector -- but I can't use him."

Mrs. Cox said, "That's right -- not for road inspection."

Mr. Easley said, "That's right -- and I don't use him very often; but in extreme emergency I will. I'll do the best I can not to have to do anything on the roads."

Commissioner Borries said, "Andy, I'll ask you at this point for simplicity's sake not to use the bridge crew, despite the fact I believe you when you say that this person was not going out of his/her way in regards to this. As I have mentioned to several of the County Council people (and did so in a public meeting) I am going to request that you do receive a highway assistant -- that that position be reinstated for the upcoming year. I believe you work hard and know that with all your duties and the requests you receive from all parts of the county that it has been (particularly with this building explosion) pretty tough for you to get around, especially when the developers are holding you under the gun from time to time for various acceptances."

Motion was made by Commissioner Borries that 1,106 ft. of LeMay Drive in University Heights No. 4 be accepted for county maintenance and reported to the State Highway Commission, with a second from Commissioner Willner. So ordered.

Acceptance of Streets/Storm Drainage in Ensle Place Subdivision: Proceeding, Mr. Easley presented copies of the following letter to the Board:

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets & Storm Drainage
Improvements in Ensle Place Subdivision

Dear Mr. Willner:

Mr. Bill Bethel and the undersigned have made inspections of subject street and storm drainage improvements. These street improvements were constructed during the summers of 1984 and 1985.

All streets are paved with six (6) inches of concrete and have been constructed in accordance with County construction standards. All joints in the pavement have been sealed and the curbs have been properly backfilled.

The following is a summary of the length of the completed streets in subject subdivision:

Eastwood Drive	905 ft. (0.17 miles)
Century Lane	550 ft. (0.10 miles)
Colonial Avenue	995 ft. (0.19 miles)

We are enclosing a sketch of the subdivision showing the completed street.

It is recommended that the streets and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

cc: Bill Bethel, County Highway Superintendent
James A. McCarty, Sr., Developer

Mr. Easley said that he and Mr. Bethel inspected these streets and some of the panels were cracked. They requested that the cracked panels be removed and replaced (which they did). The joints have been sealed and curbs properly backfilled. This was an old subdivision which was recorded many years ago (in the early 50's). They are now ready to be accepted. There are no underground storm drains in this subdivision. All the water stays on the surface of the street and flows into an open channel where Eastwood Drive used to be that was vacated. Some of the water goes off the north end of Century Lane and Colonial Avenue. Perhaps the Board will recall the boulevard-type planter at the intersection of Oak Hill and Eastwood which they moved and filled in.

The Board entertained questions.

Commissioner Cox raised several questions concerning vacated portion. Following lengthy discussion concerning same, it was the consensus that this matter should be deferred for one (1) week, until such time as complete information regarding vacated portion is available.

RE: LOG JAM - PIGEON CREEK

Mr. Easley said that he obtained a written proposal from Quentin Stahl concerning removal of log jam on Pigeon Creek west of Green River Rd. Quoted price is \$3,000.00. Mr. Stahl says he has removed approximately 12 log jams nearly the size of the one we currently have in Pigeon Creek, but this is one of the granddaddys. He has offered to take the logs and pile them on the west bank for the sum of \$3,000. They would then have to be cut up and disposed to insure that they did not end up back in the creek.

One other contractor gave Mr. Easley a verbal proposal; he said he would probably be \$7,000 to \$8,000. Thus, he thinks Mr. Stahl's quote is a reasonable price. He would use a dragline and a dozer and Mr. Easley would ask the Board's permission to give Mr. Stahl a letter of authorization to accomplish removal of the log jam as soon as weather permits.

The Chair entertained a motion.

Motion was made that Mr. Easley be authorized to send a letter to Mr. Stahl accepting his proposal in the amount of \$3,000 for removal of log jam in Pigeon Creek, with a second from Commissioner Cox. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

President Willner presented monthly report for period ending May 31, 1986 from the Clerk of the Court Court.....report received and filed.

RE: TRAVEL REQUEST/JUDGE MILLER

President Willner said he has a hand-written note from Judge Miller requesting motel and meal expense for evening of Friday, June 27, 1986. He will be attending a meeting of the District of Indiana Judicial Courts and State Agencies. He will have a formal letter to turn in.

Commissioner Willner asked if Judge Miller is driving?

Mr. Lindenschmidt said he is not requesting travel expense -- just motel and meals.

The Chair entertained a motion.

Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

COUNTY COMMISSIONERS
June 23, 1986

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RE: OLD BUSINESS

The Chair entertained matters of Old Business. There were none.

RE: SCHEDULED MEETINGS

Wed.	June	25		County Commissioners Meeting/Troy, Indiana at Mulzer's Camp (State meeting)
Wed.	June	25	2:30 p.m.	Special Meeting/County Council re Additional Highway Funds & Election Equipment
Wed.	June	25	7:00 p.m.	Civil Defense Meeting (Disasters, etc.) at State Police Post

RE: EMPLOYMENT CHANGES

Circuit Court (Appointments)

Donald Vowels 511 N. Sherman Bailiff Intern \$175/Wk Eff: 6/2/86

Burdette Park (Appointments)

Brian Attebery	17601 Old Henderson Rd.	Rink Guard	\$3.50/Hr.	Eff: 6/3/86
Jeff Richardt	4012 W. Columbia	Ext. Guard	\$3.35/Hr.	Eff: 6/1/86
Roger Willis	1117 W. Indiana	Reg. Slide	\$3.50/Hr.	Eff: 6/3/86
Beth Hermann	6925 Little Schaefer	Reg. Slide	\$3.50/Hr.	Eff: 6/7/86
Charles Jackson	405 Cross Valley Cir.	Ground Crew	\$4.00/Hr.	Eff: 5/15/86
Todd Winstead	3202 W. Maryland	Reg. Slide	\$3.50/Hr.	Eff: 6/5/86

RE: CLAIMS

Joyce Bircher/Lloyd Senior Citizens: Refund in amount of \$30.00
 Hilary Farmer: Refund on Rental \$100.00
 Jane Loon: Refund for Baseball Diamond \$30.00
 Carolyn Cariens: Refund on Folkfest Reservation/No inside space available \$5.00
 Bill Allen: Refund for Folkfest Reservation/No inside space available \$5.00
 Karlene Monarch: Refund on Folkfest Reservation/No inside space available \$5.00
 Jack Clem: Refund on Folkfest Reservation/Space available for one table only \$5.00
 Martha Yaggi: Refund on Folkfest Reservation/Space available for one table only \$5.00
 Amos Hemmerlein: Refund on Folkfest reservation/No inside space available \$5.00
 Jim Ackerman: Refund on Folkfest Reservation/No Inside Space available \$5.00
 Irmalee Kingsbury: Refund on Folkfest Reservation/No inside Space Available \$5.00
 Robert & Louise Kraft: Refund/Folkfest/No inside space available \$5.00
 Ann Standifird: Refund/Folkfest/Changed from (2) inside to (1) outside \$30.00
 Susan Polz: Refund/Folkfest/No inside space available \$5.00

By way of explanation, Mr. Tuley said they have inside and outside booth space for the Arts & Crafts at the Folkfest. It was on a first come-first serve basis and they ran out of inside space. In response to query from Commissioner Willner, Mr. Tuley explained that the people will still be displaying arts/crafts, but a portion of their deposit is being refunded because of space limitations. (Claims were stamp approved.)

RE: DRAINAGE BOARD MEETING

President Willner announced that a Drainage Board meeting will be held immediately subsequent to the Commissioners' meeting.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:35 p.m.

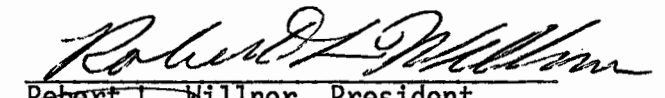
At 3:36 p.m., President Willner reconvened the Commissioners meeting for purposes of obtaining approval to advertise specs for Burdette Park Restroom Facilities, with advertisement appearing in Courier & Press on July 2nd and 9th, and bid opening scheduled for July 28th at 2:30 p.m.

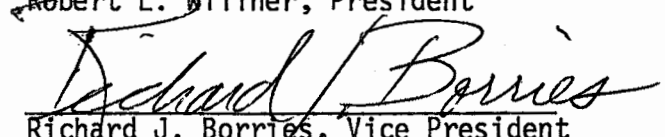
Motion to advertise specs and open bids, as indicated, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

There being no further business to come before the Board, President Willner declared the meeting adjourned at 3:40 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David L. Jones
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN COMMISSION</u>
	Bill Bethel	Andy Easley	Barbara Cunningham Beverly Behme
	<u>BURDETTE PARK</u>	<u>OTHER</u>	
	Mark Tuley	Mike Fitzsimmons Phil Heston Jack Kinkel News Media	

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 30, 1986

The Vanderburgh County Commissioners met in session at 2:30 p.m. Monday, June 30, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on June 23, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: MR. & MRS. D. E. SMITH - SANITATION PROBLEM

President Willner said he had a letter from Johnson, Carroll and Griffith, which he will submit to the minutes. The letter reads as follows:

June 17, 1986

Mr. Robert Wilner, Esq.
County Commissioner of Vanderburgh County
Civic-Center Complex
Evansville, Indiana 47708

Dear Mr. Wilner:

Mr. and Mrs. D. E. Smith who reside at 7 Caranza Drive have asked the writer to make an official demand for enforcement of the sanitation laws in their area. You are aware that raw, untreated septic sewage is discharged on the surface of lots adjoining or in close proximity of the Smiths' dwelling. The unsavory condition of the area has distressed Mr. & Mrs. Smith and I am sure other neighbors living in the vicinity. I have spoken with Sam Elder of the Health Department and he advises me that he is well aware of the deplorable condition but is powerless to enforce the present law by reason of present conditions. Mr. Elder further advises me that only a sanitary sewer would serve the needs of the area and that, in fact, Jim Morley has done some preliminary work with this goal in mind.

Nevertheless, Mr. and Mrs. Smith are extremely exercised about the conditions which they have put up with for more than three years. The Smiths contemplate action for mandate, private nuisance and public nuisance and damages.

The Smiths are very tolerant people but the present condition destroys the enjoyment of their home. I personally have corroborated the seriousness of the situation by speaking to other persons besides Sam Elder and the Smiths, and all are in agreement that the situation is intolerable.

This is not an official notice of the Smiths' intention to bring suit but is, however, a formal notice of the conditions and a request for relief. I suggest that this letter be made known to the other Commissioners, although at this time it is not necessary to make it a matter of record unless you elect to do so.

With best personal regards, I remain,

Very truly yours,

Edwin W. Johnson

Basically, it is from Mr. & Mrs. Smith who reside at 7 Caranza Drive. There is an ongoing problem with sanitation. Actually, there is some raw, untreated sewage that is coming up out of the ground and in all of our findings with the Health Department, they haven't got enough property to put a proper septic system in and they are asking the County for some help in getting sewers extended to that area. There is a new regulation signed by the Governor and passed by the State Legislature that the Counties can now apply the Barret Law for sanitation purposes and it is effective September 1, 1986. He said he has been out to see this problem first hand and he believes that the County certainly should start proceedings to see that these people have a sanitary sewer.

President Willner said he knows that there are approximately seven (7) houses right in that area that have a bad problem. Down below, they have City sewers. He said that possibly they will write back to Mr. Smith and tell him that they will try in the future to help him.

RE: COUNTY ATTORNEY - DAVID V. MILLER

ORDINANCE RE PARKING/VANDERBURGH AUDITORIUM

Attorney Miller said he had several items that he needs to cover today. The Commissioners will recall that there was an ordinance enforcing parking restrictions at the County Auditorium. There was subject of some dissatisfaction by certain city authorities and since that time he has been in communication with the City Clerk's Office and City Attorneys and they have drafted what he believes is an ordinance that is enforceable and acceptable in terms of its procedures to everyone and he submits it for consideration and if it is found to be acceptable then he would urge the Commissioners to advertise and adopt this ordinance. Essentially, the provisions of this agreement are that there would be a half hour limit on the designated areas. There would be an overtime parking penalty of Three Dollars (\$3.00). There would be a Five Dollar (\$5.00) fine for other parking violations such as improper parking. There would be an increased fine of Eight Dollars (\$8.00) if the fine was not paid within thirty (30) days. The County would be responsible for posting the signs and painting the lines. There is a committee provided for the permission permits for vehicles to be accepted for enforcement and the City would assume the enforcement by the adoption of the ordinance; however, the County could enforce the ordinance at the times the City does not and the prior County ordinance was problematical to the City Clerk and City officials would be repealed. So, all of that is covered in this document and if you find this to be acceptable then he would recommend passage.

The Chair recognized Mrs. Betty Lou Jarboe, City Clerk.

Mrs. Jarboe said they did have a nice, long discussion and did make some changes. She asked about the Repeal section.

Attorney Miller said the Repeal is in Section 9.

Mrs. Jarboe said she would like to address the Commissioners on the handicapped parking. Handicapped parking is under State Statute and it will take a law enforcement officer with all the police powers to write those tickets, if you so design a handicapped space over there. She said her meter police does not have the police powers to write a handicap ticket. It is written on a State Statute on a State ticket. Also, she told the Attorney, at that time, that she does have a problem with reserving and assigning parking slots over there. She would much rather see that it be an in-out fast moving drive rather than people parking there for any limited time.

President Willner said let's discuss the handicap spot again. There isn't anything right now that indicates that.

Mrs. Jarboe said the Commissioners would not be required, since it is not a parking lot, under State or Federal Statute to have it like it is in the auditorium parking lot. If you have noticed on the front parking lot, she said, she went to Council at the request of the handicapped citizens-- where it is now one hour, in the handicapped it is two hours because people who have handicaps move slower so consequently, they couldn't get out in time.

President Willner entertained a motion to pass the ordinance on the first reading, advertise twice and bring back to the County Commissioners for a final vote on July 21, 1986.

Motion was made be Commissioner Borries with a second from Mr. Willner. So ordered.

SURPLUS LINES TAX

Attorney Miller said he addressed a letter to the Commissioners on June 23, 1986 regarding this surplus lines tax. He has very strong feelings about the position that the County was placed in because of the assessment by the insurance company, an out-of-state insurance company. Briefly, for the record - A surplus lines tax is authorized by State Statute. It is a tax payable to the State of Indiana on insurance coverage that is sold to Indiana consumers by insurance companies which are not admitted to do business in the State of Indiana in a formal way. Lines of insurance which cannot be obtained through companies which are admitted to do business in Indiana can be sold to Indiana customers by insurance companies that have not paid State admission fees only because those lines of insurance are not available through companies that are admitted in Indiana, but when that happens the State requires the insurance company to pay a surplus lines tax, whether it be viewed in a form of a penalty for not registering or in lieu of the registration fees is academic. The fees are payable to the State. Since the company is not licensed to do business in Indiana, what happens is that the State assesses the tax against the consumer. The idea being that the State will thereby drive the price of the premium up so high that some company that is licensed by the State will step in and sell the same product for a lower fee. Municipal insurance companies were very scarce last year. Mr. Hodge could only find one (1) carrier. It was found through a broker who placed it with a Lloyds of London company and a quotation was given to us that the insurance would cost X dollars. The insurance company was ordered by the State of Indiana to pay the surplus lines tax. The surplus lines tax was not included in the premium quotation. The company paid the tax and sent a bill to Mr. Hodge directed to the County. The County, on his advice, said to Mr. Hodge that wasn't in the quotation and until you show us why we have to pay it, we are not going to pay it. We didn't. Mr. Hodge made a judgment that if he didn't see to it that the tax was paid, the County was going to lose its insurance. In other words, an apparent threat was made by the insurance broker, not by Mr. Hodge, but to Mr. Hodge by the insurance broker that if this surplus lines tax wasn't reimbursed, then the County's liability insurance was going to be cancelled and Mr. Hodge did not want to take that risk so Mr. Hodge paid them \$6700.00 out of his own pocket and he is now asking the County to reimburse him for that, in spite of the fact that Attorney Miller says he has contested the tax from the beginning. As his letter said on the one hand he thinks that Mr. Hodge was acting in good faith in attempting to protect the County and he doesn't think that he should be penalized for that. He thinks that he should be congratulated for it, but, on the other hand it has put the County in a position of probably paying a liability that he doesn't think that they owe or should owe. At this point, he is assuming that if it happened in Vanderburgh County, it must have happened in ninety-one (91) other counties in this State or a good proportion of them and he has to believe that without having conducted any investigation at this point, that many of those counties did not have the surplus lines tax included in their premium quotation. He said he thinks that they should at least look into the possibility if the decision is made to reimburse Mr. Hodge, who is out the money. But, if you

decide to do that, he thinks that they should look into the possibility of pursuing some sort of action against the company on behalf of all the counties in the State and see if they can get the money back, not just for Vanderburgh County, but all of the counties.

Attorney Miller said he does not like the way the insurance company handled this. He thinks that it was heavy handed to say the least and if they could determine that there were several other counties that suffered the same fate then he thinks it is worth throwing in with them to take a shot at getting this money back.

President Willner said they would take this under advisement.

VOTING MACHINE CONTRACT

Attorney Miller said Mr. Jim Lindenschmidt asked him to take a look at the voting machine contract.

President Willner said they need to put something in their budget.

Attorney Miller said it is not required that the County purchase these machines by this contract. The County may purchase. He is given to understand that you really haven't had enough experience with the machine, at this point, to determine whether or not you want to buy it and the real test comes in November. You have already paid \$27,000.00 of rental for this calendar year and the end of this calendar year you would have the option to buy for something like \$62,800.00 but it has to be paid before December 31. There isn't anything in this year's budget to do that so they would have to pay 1987 rental of \$27,000.00 and then purchase for \$53,800.00 on or before December 31, 1987. His idea is that if they could get this company to give a ten (10) day extension into 1987 and appropriate \$62,858.00 in next year's budget. The appropriation is certainly not a commitment to purchase and if the machine does not perform then you don't have to spend the \$62,000.00, but, if you do choose to buy, the ten (10) day extension would save the County \$18,000.00. So, if you can get the Thornber Group to give a ten (10) day extension on the representation at the performance this spring was good and you think you are going to do it but you can not come up with the money until a day or so after the first of the year because of the budgeting schedule, he thinks they might understand that and give you a letter giving you that extension and if they do, they are not only good citizens, they'll have their money a lot sooner.

Commissioner Borries said they are trying to discuss with them for the fall election, they were not aware of some software charges and some billings and that was another reason they wanted Attorney Miller to look at the contract. After the election they have received some charges from them that for their budgeting purposes they want to know those things in advance because it is important for them to budget properly.

Attorney Miller said get those charges together and let him look at them in comparison with the agreement.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports: Mr. Bethel presented copies of the Weekly Absentee report for employees at the County Garage and the Bridge Crew for period June 23 thru June 27, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed.

Attached to the Work Report was the following Work Schedule:

Gradall: Greenriver Rd. North, Old State, County Line W.

Paved: Petersburg Rd., Browning Rd.

Patched: Old Princeton, West Lake Dr., Crestwood, Daniel, Noldau, Henze Rd., No.6 School Rd., Mesker Park, Alta Vista, Boonville-New Harmony Rd., Old Henderson, Sleepy Hollow.

Back Hoe: Remove tree from Streuh-Hendricks Rd.

Mower: Middle Mt. Vernon, West Chester Dr., Broadway Big Schaefer, Marx, Browning, Outer Lincoln. Kuebler, Mohr, Red Bank, Nurrenbern, Broadway, Creamery, Kleitz, Frontage, Campbell.

Weekly Work Report/Bridge Crew: Submitted for the same period was the Weekly Work Report for the Bridge Crew, as follows:

Knocked head wall down on Old State Rd.

Installed 18" pipe on Old State Rd.

Installed 18" pipe on St. Joe and cut grass on Old Henderson Rd.

Cut out and burned log jam on Volkman Rd.

Cut weeds on Owensville Rd. and Nisbet Rd.

Repaired hole in concrete drain on Sheridan.

Work Report/Work Release: Worked in St. Joe Avenue and Melody Hills.

Commissioner Borries said he was aware of the problems that the flag crew were having. He said they have heard good reports while they were at work from Mr. Shank, whom they have worked with, and he said they could take the time at this meeting to ask for the cooperation and patience of some drivers who apparently are disregarding the flag people. Mr. Borries said he noticed an article in the paper concerning this that maybe we've reached a point in our society that the driving law seems to apply to everybody but us. He said we will forward these concerns to the Sheriff.

Mr. Bethel said the Sheriff assured him that he will send out help immediately if he needs it.

Mr. Bethel said he would like to see all of these roads paved because it is getting up into July.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he wanted to request permission to place with the Purchasing Department three (3) more sections of resurfacing contracts. St. Wendel Road is their first contract and Hogue Road is the second contract. The third contract is resurfacing the various roads in Evergreen Acres and Green River Road and Outer Lincoln and a short section of Whetstone. The fourth contract will be the various minor streets in western Vanderburgh County and the last contract would be Streuh Hendricks Road and Bromm Road. So we will have a total of five (5) projects to receive bids on.

President Willner asked when St. Wendel contract is due?

Mr. Easley said it has not been in the paper yet. It will probably be in the later part of the week.

Commissioner Borries asked if he would have ready for advertising next week on the rest.

Mr. Easley said probably by the end of the week if he is authorized to give it to the Purchasing Department.

Commissioner Borries so moved. The motion was seconded by President Willner. So ordered.

COUNTY COMMISSIONERS
JUNE 30, 1986

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Commissioner Borries asked about the status of Burkhardt Road.

Mr. Easley said there are six (6) traffic signs to be installed and a couple of minor things. They have had their pre-final inspection and it is open.

RE: COUNTY TREASURER - MONTHLY REPORT

President Willner requested that the record reflect that the following report through June 2, 1986 was received from the County Treasurer....report received and filed.

INTEREST REPORT THROUGH JUNE 2, 1986

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

Money on Deposit--Invested \$500,000.00 (\$100,000.00 each with each of the 5 savings and loan), Dec 27, 1985, at 7.65%. Estimated Income at maturity is \$38,145.21. Maturity date is Dec 26, 1986.

Local Roads & Streets (216)--invested \$1,400,000.00 Jan 8 1986, at 7.40%. Estimated Income at maturity is \$48,922.22. Maturity date is June 27, 1986.

Revenue Sharing (506)--Invested \$300,000.00, Jan 10, 1986, at 7.6%. Estimated Income at maturity is \$10,640.00. Maturity date is June 27, 1986.

Reassessment (249)--Invested \$1,300,000.00, Jan 14, 1986, at 7.9%. Estimated Income at maturity is \$99,561.94. Maturity date is Dec 29, 1986.

Cum. Bridge (203)--Invested \$2,000,000.00, Jan 21, 1986, at 7.475%. Estimated Income at maturity is \$65,198.61. Maturity date is Jun 27, 1986.

Monies on Deposit--Invested \$2,000,000.00, April 14, 1986, at 6.425%. Estimated Income at maturity is \$23,915.28. Maturity date is June 20, 1986

Monies on Deposit--Invested \$3,000,000.00, April 17, 1986, at 6.40%. Estimated Income at maturity is \$30,400.00. Maturity date is June 13, 1986.

Monies on Deposit--Invested \$7,000,000.00, May 7, 1986, at 6.3%. Estimated Income at maturity is \$66,150.00. Maturity date is June 30, 1986.

Monies on Deposit--Invested \$3,500,000.00, May 9, 1986, at 6.275%. Estimated Income at maturity is \$29,283.33. Maturity date is June 26, 1986.

Monies on Deposit--Invested \$5,000,000.00, May 13, 1986, at 6.3%. Estimated Income at maturity is \$38,500.00. Maturity date is June 26, 1986.

Monies on Deposit--Invested \$3,500,000.00, May 16, 1986, at 6.35%. Estimated Income at maturity is \$25,311.81. Maturity date is June 26, 1986.

Monies on Deposit--Invested \$7,000,000.00, May 22, 1986, at 6.375%. Estimated Income at maturity is \$43,385.42. Maturity date is June 26, 1986.

Monies on Deposit--Invested \$5,500,000.00, May 28, 1986, at 6.25%. Estimated Income at maturity is \$27,690.97. Maturity date is June 26, 1986.

Advances to date:

(1)	School Corp.	\$4,815,000.00
(2)	City	3,432,000.00
(3)	Levy	253,000.00
(4)	Knight Twp. Fire	
	Fighting	12,500.00
	Total	\$8,512,500.00

Additional Advances prior to June settlement:

(1) School Corp.	\$2,750,000.00
(2) City	2,250,000.00
(3) Levy	?
(4) Knight Twp	0

Interest receipted to date: County Revenue \$ 86,832.01

Interest to be receipted when current Investments mature:

County Revenue	\$ 339,990.35
Local Roads & Sts.	48,922.22
Revenue Sharing	10,640.00
Reassessment	99,561.94
Cum. Bridge	65,198.61
Total	\$ 564,313.12

INTEREST REPORT THROUGH JUNE 30, 1986

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

Money on Deposit--Invested \$500,000.00 (100,000.00) each with each of the 5 savings and loan), Dec 27, 1985, at 7.65%. Estimated Income at maturity is \$38,145.21. Maturity date is Dec 26, 1986.

Reassessment (249)--Invested \$1,300,000.00, Jan 14, 1986, at 7.9%. Estimated Income at maturity is \$99,561.94. Maturity date is Dec 29, 1986.

Advances to date:	(1) School Corp	\$ 7,565,000.00
	(2) City	5,682,000.00
	(3) Levy	413,000.00
	(4) Knight Twp. Fire Fighting	12,500.00
	Total	\$13,672,500.00

Interest Receipted to date:	County Revenue	\$ 393,473.01
	Roads & Streets	48,922.22
	Cumulative Bridge	65,198.61
	Revenue Sharing	10,640.00
	Total	\$ 518,233.84

Interest to be Receipted when current Investments mature:

County Revenue	\$ 38,145.21
Reassessment	99,561.94
Total	\$ 137,707.15

RE: BURDETTE PARK

President Willner presented the following Financial Report for May, which had been submitted by Mark Tuley, Manager.

1985 STARTING BUDGET

1986 Budgeted	\$493,811.00
1985 Encumbered by P. O.	230.63
1985 Encumbered by Contract	4,431.24
1986 Additional Appropriation	148,951.63
1986 Insurance Reimbursement	835.57
Total 1986 Budget	648,260.07

EXPENDITURES & BALANCE 1/1/86 to 5/31/86

Total Expenditures	\$223,248.46
Total Balance	\$425,011.61

INCOME 1/1/86 to 5/31/86

Pool	\$ 2,781.92
Rink	\$ 18,496.90
Rentals	32,823.17
Misc.	3,807.07
Totals	57,909.06

MAY 31, 1986

Total Expenditures	\$223,248.46
Total Income	57,909.06
Total Deficit	165,339.40

President Willner asked that the record reflect that the report was received and filed.

RE: CERTIFICATE OF INSURANCE

A Certificate of Insurance from Jesse F. Stock Insurance, Inc. for Aiken Management Corporation for Vanderburgh Auditorium (Count Basie) was presented.....received and filed.

A Certificate of Insurance from Schultheis Insurance Agency, Inc. for William J. & Hazel Koewler and Plaza, Inc. for the Old Courthouse (Bierstube) was presented.....received and filed.

A Certificate of Insurance from Citizens Realty & Insurance for South Central Communications for rental of the Convention Center (all operations) received and filed.

RE: OLD BUSINESSBOARD OF REVIEW APPOINTMENT

Commissioner Borries said Ms. Peggy Young, an appointee on the Board of Review, is unable to continue in that position. Mr. Borries said he had talked to Mr. Don Compton, 2713 Wayside Drive, Evansville, IN 47711. He is an employee of the Evansville-Vanderburgh School Corporation and has been a teacher at Central High School this past year. Mr. Compton is a very capable person and one who could serve in her place. Mr. Borries said he would like to nominate him at this time. The motion was seconded by President Willner. So ordered.

WELFARE MEETING CONCERNING HILLCREST

Commissioner Borries said he has a conflict tomorrow evening and it is a great concern to him because he cannot attend the meeting called by the Welfare director concerning the Hillcrest Home. This ties in with some communication that they have received from Attorney David Jones where he had written on this to Susan Stanis, who is director of Child Welfare & Social Services Division. The letter was CC to Mr. Jones, addressed to Mr. Lensing, saying that the attachment to our May 13th letter, which was apparently sent to Mr. Work, was the unpublished version of these new regulations. This material was sent to Dale Work on May 13th and to Gail Reicken on May 28th. He said he was sorry that this information has not been shared with you and it certainly should be because according to what this May 13th letter, we now have a copy, says that "your authority to administer children's home is repealed." This is to Mr. Work, effective July 1, 1986 by House Enrolled Act 1085. "Given this conflict, we are recommending that you enter into a written agreement with your Board of County Commissioners prior to July 1. It would authorize your department to operate the children's home under your current procedures through December 31, 1986. Mr. Borries said it goes on to say that this would allow for sufficient time for smooth transition and would enable your department to complete the current budgeted year. It is our considerate opinion that the County Welfare Department should not contract with the Board of County Commissioners to continue the operations of the children's home beyond December 31, 1986 because of the possibility of conflict interest given the

potentially conflicting roles of State staff because of number of potential liability issues." This was from Donald Blinzinger, who is the administrator of the State Welfare Department.

Commissioner Borries said a former member of the Welfare Board hoped that this State take-over of Welfare doesn't turn into another License Branch from the standpoint...what we see, he doesn't know if there is going to be the funding necessary for all of the duties that the old Welfare Department has done, particularly health care to the indigent which has been a major State problem. It simply says that the County is going to continue to pay what we have always paid and that there will be some kind of formula set up where we will continue to pay for health care to the indigent. So, Mr. Borries says he sees no shift of the burden at all on that big expense from local to State, despite the fact that the State is going to assume some authority in this matter. The Hillcrest Home letter that he received from Mr. Work, he only received it last Saturday and again he has a conflict, and in this he has invited persons of the media and the Council to a meeting tomorrow night and Mr. Borries said he does have concerns on this matter and hopes within this week, he would like to address those and make some comment on them. Mr. Borries said they will have to look at the formation of two (2) boards. The law reads about the State County Welfare Board Advisory Board, as well as, if changes will occur after December 31 a formation of a Hillcrest Children's Board. He said he has some concerns here that he regrets that they were not informed of this letter sooner so that they would be able to move and he does think that a smooth transaction is of vital importance and he will try to read through all this material and, although he can't be there tomorrow night, make some comments.

President Willner said he understands that there is a dinner meeting Tuesday evening and he will try to attend. He said he would try to attend.

Commissioner Borries said the regrettable part is had they had this knowledge they could have begun some of their planning in regards to meeting some of those issues sooner. His concerns is that this is a community matter and the community needs to be involved.

President Willner said he would try to get together with the other Commissioners and maybe they will have some news release on this soon, within the next couple of days. He said the Statute does say by July 1 but the Statute is in conflict with other Statutes. Truthfully, they are telling us to do just the opposite in other sections.

RE: SCHEDULED MEETINGS

Tuesday	7-1	5:30	Washington Home
Wednesday	7-2	2:30	County Council
Wednesday	7-2		Area Plan (Monthly mtg.)

RE: HOLIDAY CLOSING - JULY 4TH

President Willner said all offices will be closed on Friday, July 4th in observation of Independence Day

RE: EMPLOYMENT CHANGES - RELEASES

CENTER TOWNSHIP ASSESSOR

Michael David Moers 1776 S. Norman Ave. PTDeputy \$35.00/Day 6/27/86

RE: NEW BUSINESS

President Willner said Mr. Charles E. Hillenburg of AECON Consulting Engineers Firm, is here today to address the Commissioners.

Mr. Hillenburg distributed brochures to the Commissioners which tells about his company. He said his business was designing bridges, roads, buildings and, also, water lines and sewer line projects. They are now working in two (2) adjacent counties, Warrick and Posey. They also have projects in Knox and Spencer.

Mr. Hillenburg said he just wanted to introduce himself and to give out the brochures on some of their projects that they have done. In the future, he would like to work with the Commissioners on any project that would be coming up. He said his company has some good structural engineers and good civil engineers. They have a qualified architect and their architectural office is in Huntington, IN Their civil engineering office is in Nashville. They have two (2) offices. He has some elevator projects going at this time. He has the fire station in a Township in Monroe County. They are big in bridge inspections, probably do about twenty-five (25) to twenty-six (26) per cent of the bridge inspections in the State.

Mr. Hillenburg said if anything comes up in the future, he would be glad to work with Vanderburgh County.

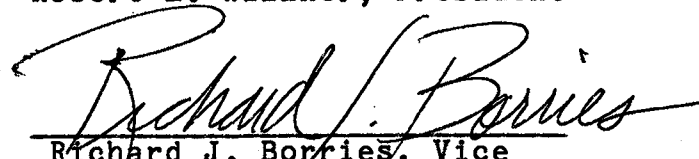
Commissioner Borries welcomed Mr. Hillenburg to our area and thanked him for coming in.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:10 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert Willner	Alice McBride	David Miller
	Richard J. Borries		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>CITY CLERK</u>
	Bill Bethel	Andy Easley	Betty Jarboe
	<u>OTHERS</u>		
	Charles Hillenburg		

SECRETARY: Jo Ann Utley


Robert L. Willner, President


Richard J. Borries, Vice
President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 7, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 8, 1986, in the Commissioners' Hearing Room with President Willner presiding.

Since it was the first meeting of the month, the meeting was called to order by Sheriff Clarence Shepard, who declared the Commissioners in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting of June 30, 1986, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: COUNTY ATTORNEY - DAVID L. JONES

Attorney Jones reported that he prepared a form of agreement between the County and the Vanderburgh County Department of Public Welfare to basically continue the status quo for them to operate the Hillcrest-Washington Children's Home until the end of the year. It is something he previously discussed with Sue Stanis, the State Director of Child Welfare and their staff attorney. He might also add that this is very similar to the agreement that Marion County just put into place for their Guardian's Home in Marion County. So this form of agreement has been accepted and used elsewhere. They are a separate, independent entity right now. So the agreement is with the Vanderburgh County Welfare Department and not with the State. They would have separate insurance coverages and we would have separate insurance coverages. The indemnification language is basically that we're not going to be liable for any acts of negligence of their people and vice versa. There, again, that just holds the status quo until we have time to put into effect the other statutory changes and until this body has some idea of how it wants to structure the situation after the end of December.

President Willner said he did talk last Tuesday evening with Dale Work and they both agreed that a lengthy contract would not be needed. They are going to continue as they have in the past; nothing will change in the next six (6) months. However, the County Attorney does advise that we should have something written up so that there is an understanding should there be any claims or judgments. A motion was entertained to approve the agreement and pass it along to Dale Work for his signature. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Copies signed by Mr. Dale Work received by Auditor on 7/9/86.)

Coastal Freightlines Bankruptcy: Proceeding, Attorney Jones said he received information from County Attorney David Miller regarding the Coastal Freightlines, Inc. bankruptcy (which is in the Northern District of Ohio/Eastern Division). Mr. Miller contacted Counsel in Ohio who was familiar with this proceeding and it is his recommendation very strenuously that the County does not want to get involved in this bankruptcy. Attorney Jones said he has a list of the Creditors of Coastal Freightlines which covers some twenty-nine pages, including State taxing authorities as well as County taxing authorities in numerous locations. The county stands in no better position probably than a third or fourth lien position for any taxes owed and would not get anything and would probably have to expend in attorneys fees and court costs somewhere around \$5,000 to \$6,000 for a very fruitless effort. Notwithstanding the fact that it is for a certain amount of taxes, it is not recommended that that matter be pursued. The paper alone that is going to be generated out of this case by serving all the creditors every time you make a move in this case is going to be something else. In response to query from Commissioner Willner, Attorney Jones explained that this is a Chapter 11 Bankruptcy, which is not a liquidating bankruptcy. Coastal Industries, Inc. and Coastal Tank, Inc. are seeking protection bankruptcy. They are going to continue to operate, but it will be under the jurisdiction of the Bankruptcy Court and would require that the county obtain counsel in Ohio in order to make appearance and respond, etc. It is apparent to the attorneys who have checked this out that the county's amount of taxes to be recovered first of all are not in a secured position to be recovered with the assets that are there. Simply filing a proof of claim will allow them to participate in anything that should come out of it. But as far as getting active in this thing would be worse than marching on Moscow in the wintertime. This is what Attorney Miller has asked Attorney Jones to advise.

President Willner entertained a motion concerning the bankruptcy proceedings.

Motion was made by Commissioner Borries that the County Attorney be authorized to represent the County in the Coastal Freightlines Bankruptcy proceedings, with a second from Commissioner Cox. President Willner asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, no; Commissioner Willner; no.

Town Meeting/Hillcrest-Washington Children's Home: Attorney Jones said he hopes that Susan Stanis from State Child Welfare Office will be in attendance at the Town Meeting scheduled tomorrow night concerning the Hillcrest-Washington Children's Home. If she is not able to be there, she indicated she would attempt to have the Staff Attorney or someone from her office there. The importance of this is that today was the Public Hearing on State Welfare's new regulations for child care institutions which would apply to Hillcrest-Washington Children's Home and all these other county-operated facilities. That will also have an impact on the County's operation of the home and having them present right after that hearing would be very beneficial.

RE: COUNTY HIGHWAY - BILL BETHEL

Request to Bid for New Service Truck: Mr. Bethel said he is asking permission from the Commissioners today to bid for a new service truck for the mechanic. He has the money in his budget. In response to query from Commissioner Willner, Mr. Bethel said this is a pick-up truck. President Willner entertained a motion to approve advertising and specs for new pick-up truck for County Highway Department. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Paving Projects: President Willner said he's been receiving telephone calls from people who are very happy with the various paving projects; he urged Mr. Bethel to keep up the good work.

Weekly Absentee Reports: Mr. Bethel submitted copies of the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for period of June 30 thru July 3, 1986.....reports received and filed.

Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: West Lake and Burdette Park

Paved: Browning Rd. (Base Coat). Finished.

Patched: Upper Mt. Vernon Rd., Koressel Rd., Schutte Rd., Mesker Park Drive, St. Joe Rd., Boonville-New Harmony Rd., Frontage, Radio Ave., Walnut Park, Spring Valley, Autumnwood Way, Burdette Park, Red Bank, Lakeside Ct. and Green River Rd.

Cut Grass: Voight Rd., Schraeder Rd., St. George, Little Schaefer, Koring, Williams Rd., Schlensker, Cemetary, McCutchan, Lynn Rd., Pollack Ave., Old Henderson Rd., Speaker, Westlake, Hogue, Rosenberger, Burdette Park, Orchard, Bromm and Skyline Rd.

RE: BRISTOL-MYERS INAUGURAL 5,000 METER ROAD RACE

The meeting continued with President Willner reading the following letter:

Vanderburgh County Commissioners
305 Civic Center Complex
Evansville, IN 47708

Commissioners:

As part of our annual Family Day, Bristol-Myers U.S.P.N.G. (Mead Johnson & Co.) is planning an inaugural 5,000 meter road race for its employees. This race will be run at 8:00 a.m. on Saturday, August 9th and require the use of portions of Boonville-New Harmony Rd., Darmstadt Rd., and Hoeing Rd. for approximately one-half hour. Please find a map enclosed.

The county Civil Defense has agreed to provide traffic control personnel and my committee is working in conjunction with Bill Stegemoller and the USI Runners Club with regard to race administration.

COUNTY COMMISSIONERS
July 7, 1986

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Please consider this letter as a formal request to hold our event on the course specified.

Sincerely,

Randall R. Rodgers
Coordinator, Health Promotion Program

cc: Don Stone, Chairman/B-M USPNG Family Day

President Willner said a map is attached to the letter. The race will start in the 4-H Center, proceed out front entrance headed west on Boonville-New Harmony Road, turn South on Darmstadt Road, turn back East on Hoing Road, re-enter 4-H Center grounds at front entrance and finish 1/10 mile past start. He believes the Vanderburgh County Commissioners should give the runners their support and advise Mead Johnson to check with the Darmstadt Town Board. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he has several items to report. First, the State Auditor's office has forwarded a check in the amount of \$2,256.00 to reimburse us for the State's share of the last progress payment on the bridge re-inspection.

President Willner entertained a motion to endorse the check and deposit same into the County Bridge Fund. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/Bernardin-Lochmueller Associates: Mr. Easley presented a claim in the amount of \$7,307.69 to Bernardin-Lochmueller Associates for progress payment number one on the preliminary engineering for the Boonville-New Harmony Rd. extension. They are doing the environmental etc.

Commissioner Willner said he believes there is \$116,000 in the budget for this work. Thus, he would entertain a motion to approve the claim for payment. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Acceptance of Streets in Ensle Place: Mr. Easley said that Aaron Biggerstaff, the engineer for Ensle Place, informs him that his (Easley's) additions are correct. They have not paved the road in front of Lot #36. They have paved at this stage all they intend to pave. They would like to have the County accept the streets that Mr. Easley has shaded on the sketch submitted to the Commissioners as the completed improvements in front of Ensle Place.

Commissioner Willner asked if this matter was not discussed last week? Mr. Easley said this is correct. He and Bill Bethel were out to the site twice. The contractor did remove and replace concrete and he thinks they have done more than a satisfactory job of bringing the pavements up to standard.

Commissioner Willner asked if they intend to continue Colonial Avenue to Heckel Rd. or do they not intend to do so at this point?

Mr. Easley said he does not know at this point. He doesn't know whether they own Lot #35 or not. He said this subdivision was platted in the early 50's or something like that. At one time they tried to replat this but were unsuccessful in getting permission to do so. So they went ahead and developed it the way it was. They vacated a portion of Eastwood Drive (as discussed two weeks ago) east of Colonial Avenue and we have no guarantee that they will pave these streets (neither can we require that they do so).

Commissioner Willner interrupted by indicating he thinks we can. They will either have to put a cul-de-sac there or finish it out to Heckel Rd.

Mr. Easley asked if the Commissioners want this to be a condition?

Mr. Willner said, "Certainly; they can't just stop the road in the middle of nowhere. It's got to be continuous."

COUNTY COMMISSIONERS
July 7, 1986

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Mr. Easley said he will inform them that they will be expected to extend the paving in front of Lot #36 and either put....

Commissioner Willner interrupted, "No, they can stop at Lot #27 and put a cul-de-sac or take it all the way to Heckel."

Commissioner Cox said if the owner of Lot #37 or Lot #36, if the same applied down there, then this plan would stand. But if one owner owns Lots #36, #35 and #34 and it was just a big end -- that's what we need to know.

Commissioner Borries said there are some like this. On Ragan Avenue near Boeke Rd. in the city, it looks like part of it has been vacated or something like this. But he concurs, he does think we need some assurance.....

An unidentified individual in the audience was recognized by the Chair, and President Willner requested that she approach the podium and state her name and address.

Ms. Thelma Williams introduced herself and stated that she resides at 6615 Century Lane. She said she has a copy of the plan and she has talked with Mr. Easley several times. There is a house on Lot #35 and it faces Heckel Rd. There is a house on Lot #34 and it faces Heckel Rd. She asked if the Commissioners are saying now the streets are not approved because the developer has to make a cul-de-sac or the neighbors could ask them to have that part of the street vacated? Does she understand this correctly?

Commissioner Willner said this is right. If someone were to turn onto Colonial Drive to the right, they would have to turn around in Lot #37 or Lot #27 driveway before they could back out of that dead-end, and that's a "no-no". You just can't do that. They have to have a cul-de-sac there out of somebody's property.

Commissioner Borries asked if anyone lives on Lot #36? Ms. Williams said they do not.

It was the consensus of the Board that prior to acceptance of streets, the Commissioners need to know whether they are going to take the road to Heckel or vacate?

Commissioner Cox said that whenever people use personal property for a turnaround and do damage, then we're liable for it. The developers would have to provide some means for a turnaround at the end of this street -- it can't just stop.

Mrs. Cunningham said the subdivision was platted around 1952, a long time before anyone thought about cul-de-sacs.

In response to query, Mr. Easley said Rucker is not a paved street and it is not a developed street, but it is a dedicated right-of-way.

Acceptance of Streets & Storm Drainage Improvements/West Haven Hills Sub. No. 2, Section "D":

Mr. Easley presented the following letter:

Mr. Robert L. Willner, PRESIDENT
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets and Storm Drainage Improvements in West Haven Hills, Subdivision No. 2, Section "D"

Dear Mr. Willner:

Mr. Bill Bethel and the undersigned have made inspections of subject street and storm drainage improvements. These street improvements were constructed during the Spring of 1986.

This street is paved with six (6) inches of concrete and has been constructed in accordance with County construction standards. All joints in the pavement have been sealed and the curbs have been properly backfilled.

The following is a summary of the length of the completed street in subject

subdivision.:

Meadow Lark Lane ----- 204 ft. (0.04 mile)

We are enclosing a sketch of the subdivision showing the completed street.

It is recommended that the street and storm drainage improvements in this street be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel, County Highway Superintendent
Don Neidig, Developer

The Chair entertained questions of Mr. Easley. There were none. A motion was entertained.

Motion was made by Commissioner Borries that 204 ft. (0.04 mile) of Meadow Lark Lane (which is in the form of a cul-de-sac) be accepted for County maintenance and information forwarded to the State for recording, with a second from Commissioner Cox. So ordered.

In response to query from Commissioner Cox, Mr. Easley explained that when the storm drainage is under the street, the County Highway is responsible for maintenance of same.

Union Township/Seaboard Overpass: Mr. Easley said he assumes the Commissioners have received a copy of the report on the Seaboard Overpass/Union Township. Commissioner Willner said he gave his copy to O. H. Roberts, the Attorney for the Union Township Homeowners' Association, and asked him to get with them for their expertise and guidance. Commissioner Willner has looked over the report. Sooner or later, he guesses the Commissioners need to hold a meeting with the Union Township Homeowners Association and see if they concur with what is in the report.

RE: OLD BUSINESS

The Chair entertained discussion re matters of Old Business. There was none.

RE: SCHEDULED MEETINGS

Tuesday July 8 7:00 p.m. Meeting re Hillcrest-Washington Children's Home (Council Chambers)

Commissioner Willner said he has received several calls about this meeting and numerous organizations plan to be present to participate in the discussion. He attended the meeting last Tuesday night at Hillcrest-Washington (a dinner meeting). He thought it was a very good meeting.

RE: CLAIMS

D.M.D.: Claim in the amount of \$690.13 for Reimbursement Request #1 for Administration of Sunbeam Plastics Corporation Grant for Vanderburgh County. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Robert Whitehead: Claim in the amount of \$70.00. Due to death in family, Mr. Whitehead had to cancel campground reservation at Burdette Park. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mark Tuley: Claim in the amount of \$11.00 to reimburse Mark Tuley, who refunded \$11.00 to Rebecca Deutsch, who was called back to New York.

President Willner said that if anyone present was out at Burdette Park over the holiday weekend, then they noticed the fact that there were more patrons than parking places. It looked like his days in the Army when they went out on Bivouac, because Tent City was constructed there. We received good television coverage re people at Burdette from as far away as California. (Usually, it's Indiana people going to California!) A motion was entertained.

Motion to approve claim to Mr. Tuley was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Sunbeam Plastics Corp.: Claim in the amount of \$200,000 for investment incentive loan pursuant to loan agreement between Sunbeam Plastics Corp. and Vanderburgh County. A motion was entertained. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

Eric Effinger	618 Crestmont Drive	Ext. Guard	\$3.35/Hr.	Eff: 6/20/86
Karen Williams	1804 Alta Vista	Reg. Cashier	\$3.75/Hr.	Eff: 6/18/86

Burdette Park (Releases)

Karen Williams	1804 Alta Vista	Reg. Cashier	\$3.50/Hr.	Eff: 6/18/86
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Pigeon Township Assessor (Appointments)

Aline Payne	220 Chandler	Part Time	\$35.00/Day	Eff: 7/7/86
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Clerk/Circuit & Superior Courts (Appointments)

Patricia Gossman	R.R.#9, Box 142	Dep. Clk.	\$490.42/Pay	Eff: 6/30/86
Janice Dudley	2471 N. Bedford	Deputy	\$ 6.00/Hr.	Eff: 6/30/86

Clerk/Circuit & Superior Courts (Releases)

Edna Martens	1010 N. Weinbach	Dep. Clk.	\$490.42/Pay	Eff: 6/30/86
Patricia Gossman	R.R.#9, Box 142	Deputy	\$ 6.00/Hr.	Eff: 6/30/86

County Board of Review (Appointments)

Donald Compton	2713 Wayside Dr.	Board Member	\$45.00/Day	Eff: 7/1/86
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County Board of Review (Releases)

Peggy L. Young	7005 Red Wing Dr.	Board Member	\$45.00/Day	Eff: 6/30/86
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There were questions concerning employment changes in Circuit Court, and the Board requested clarification prior to reading these into the minutes.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:20 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY ENGINEER

Andy Easley

SHERIFF

Clarence Shepard

COUNTY AUDITOR

Alice McBride

COUNTY HIGHWAY

Bill Bethel

COUNTY ATTORNEY

David L. Jones

AREA PLAN COMMISSION

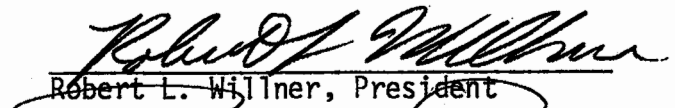
Mrs. Barbara Cunningham

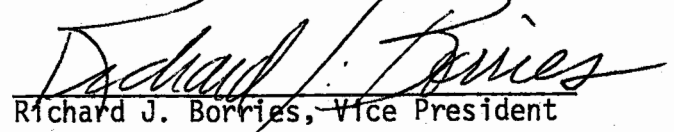
COUNTY COMMISSIONERS
July 7, 1986

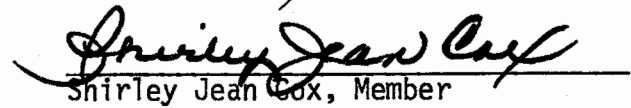
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SECRETARY:

Taped by JoAnn Utley
Transcribed by Joanne A. Matthews
(upon return from vacation)


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

COUNTY COMMISSIONERS

TOWN HALL MEETING

JULY 8, 1986

SUBJECT: HILLCREST-WASHINGTON HOME

The Vanderburgh County Commissioners held this Town Hall Meeting for the purpose of obtaining input and direction about the future of Hillcrest-Washington Home, since as of July 1, 1986, sweeping changes have been made in Indiana Statutes regarding the administration of the County Welfare Department and the Hillcrest-Washington Childrens Home, namely House Enrolled Act No. 1085 and Senate Enrolled Act No. 125.

The meeting was held in the Council Chambers and was called to order at 7:00 p.m. with President Willner presiding.

Commissioner Willner opened the meeting and thanked all those present for taking time out from their busy schedules on such a hot evening, to attend this meeting. He then introduced those people sitting at the head table, namely, Norm McCluskey who is with the Licensing Branch of the State of Indiana, Kathleen Graham who is the State Welfare Licensing Supervisor, David Jones, our County Attorney, Shirley Jean Cox, a member of the Vanderburgh County Commissioners, Richard Borries, Vice President of the County Commissioners and Margie Meeks, Executive Secretary, who is recording the minutes for the secretary.

Commissioner Willner then asked all those present to sign in, as the signature sheet is passed among them. He also recognized Judge Lensing of Juvenile Court, Dale Work of the Welfare Department, Ruth Metz, Caseworker Supervisor for the Welfare Department, Betty Hermann and Bob Lutz, members of the County Council, Mike Roberts, Carl Lyles and Phyllis Kincaid, all of the Welfare Board, and Fred Haton who is the Superintendent of Hillcrest-Washington Home. He said if he has missed anyone, it isn't intentional, so we will now get to the business at hand. He explained that those present may or may not know that the new state law of the State of Indiana has taken the operation of the Hillcrest-Washington Home in Vanderburgh County, and all other children's homes throughout the State of Indiana, from the Welfare Department and has placed them in the hands of their County Commissioners. He said he doesn't know why, that he doesn't have this information and it really doesn't matter, since this is the way it will be. He said that we are here tonite for a learning period, that we find one of the statutes says that we are to take over July 1st but another states that we can let the Welfare Department continue on, as they have in the past, for the next six months and we are going to let them do so. He said he doesn't know exactly what the budget is but if there are any questions on the budget, Mr. Work is here to answer them. He then asked the other Commissioners if they cared to say a few words.

Commissioner Cox said she would just like to thank everyone for coming and that she is eager to hear what everyone has to say.

Commissioner Borries said he would certainly echo the comments of Commissioner Cox and that he is pleased with the attendance this evening. He said that in a brief research of a book on Vanderburgh County, Indiana, he found at Willard Library, they mention an Orphan Asylum that was created far back on West Indiana Street for \$16,000 and it says the building which is now a home for children was formerly dedicated on October 27th, 1872. He said there have obviously been tremendous changes made, socially within our society over this one-hundred plus years that there has been a childrens home in this community and he thinks we are here to look at the future and this is why the Commissioners are having this meeting, so as to be open-ended as possible, to listen to everyone's comments about what the needs are in the community currently and whether or not we want to continue with the status quo and what we need to do in the future. He again said he appreciates the attendance of everyone here this evening and that the Commissioners certainly want to hear their comments.

Commissioner Willner said he would like to add, that he has received several phone calls and there seems to be some people who think we might be contemplating, in the back of our minds, of closing Hillcrest-Washington Home and he wants to say, right now, that this isn't true. He said he thinks he made the statement that as long as there is a child that needs a home, we will have a home for that child.

David Jones, County Attorney, said that perhaps what would be in order is for Kathy Graham to give an overview of what the two state statutes do on the state level and he can then dovetail in and explain how that affects us at the county level so far as the statute meant. He said he thinks this will give everyone an equal footing to start out on, for those who have not seen the statute, or who haven't read the summaries of it, or aren't really sure of what is going on.

Ms. Graham said she has read articles that were in the newspaper here, about the state administration change to the County Welfare Department, that this was House Enrolled Act 1085 and as a result of that legislation, it repealed the County's ability to run homes for children, that part of this was justified since they would be in a conflict of interest, so advised by their attorney's, that they would be licensing the home, operating the home, placing children in the home and they would be investigating reports of abuse or neglect, so they would really be investigating themselves and licensing themselves, that there would really be no checks on the system and it could be open to abuse, since now, the State Welfare Departments and the County Welfare Departments are one and the same. She said, also Senate Enrolled Act 125 addressed the same issue regarding county operated childrens homes, transferring those to the County Commissioners whenever the existing administrator would resign, be fired or whatever, so those two pieces of legislation is what occurred at the state level and primarily, the State Welfare Department felt that it would be a conflict of interest for them to operate a childrens home.

David Jones said the basic change that affects Vanderburgh County, from the legal standpoint is that before this legislation took affect, the county provided the building, the physical facilities, the employees of the Welfare Department were still technically county employees, although that relationship with the state was different than that of all other county employees, and now that separation has become total. He said in this interim period, the Vanderburgh County Welfare Department is viewed as a separate entity, that it can sue and be sued, enter into contracts, etc. and commencing on January 1 they become employees of the state, to the extent that the space now provided by the county would be leased to the state and the state would have to reimburse us for that. He said, in terms of operating the facility, there is a total transfer to the county, although there is an interlocking of relationships to this extent, the placement and supervision of delinquent children in foster homes is undertaken by the County Department of Public Welfare, but it has to do so under the jurisdiction of the juvenile court, so that it isn't any one entities ballgame. He said that Judge Lensing decides who goes where, the county sets the table and it all passes through public welfare. He said there are more than just delinquents, that there are those without parents, also, in addition, what is being considered here, is whether there are other uses for the facility, what is the maximum usage that the county can get out of the facility and is there something we can do to expand it, that he thinks it was a part of going into this transition, so that we can receive all these ideas before we go out and draft an ordinance and then find out there was something else we could have done, so at this point and time there is a proposed agreement for the Vanderburgh County Welfare Department to continue operating Hillcrest-Washington Home through the end of the year in-as-much as that department is still an independent entity and that, in effect, would remain status quo, that their budget is set for the year and everything would remain the same through the end of this year, so what is being contemplated here is what happens from January 1 forward. He explained to those that aren't familiar with county government, that there will be budget sessions to start the process, that it starts in July and heats up in August and ends up in September, so at that point and time, the budget is set for all county offices for the succeeding year and that is the critical time when they fashion what is going to happen and how much they are going to get for the following year, so this is the point and time to be determining what is going to happen at the facility next year. He said he would like to add one thing so far as the county is concerned, that in the statute, the former County Welfare Board was abolished and there has now been created a County Welfare Advisory Board which is fixed as far as requirements in the statute and the qualifications are that each member must have been a resident of the county for two years before appointment, each member must have a recognized interest and knowledge of welfare problems, not more than three members may be of the same political party, an elected county official may not be a member, at least one township trustee must be a member and at least one member must reside in each of the County Commissioners districts in the county and a member may not serve more than eight years in a twelve year period, each member shall have a term of four years, the board consists of five members and they are all appointed by the County Commissioners. He said there is an additional provision, that there may be

as many additional advisory boards or committees as deemed necessary to aid and carry out this purpose, that this Welfare Advisory Board is not just for Hillcrest, that it would be for all welfare functions within the county.

Commissioner Willner said he thinks there is a slight bit of confusion on the appointment of a Welfare Board and the appointment of a Hillcrest-Washington Home Board, that they are two different distinct boards and neither one shall do the other one's work, that he thinks the state laws changed this at the same time they changed the children's home, so some people are getting them confused. He said the Commissioners are now charged with appointing the five member board and they have nothing to do with the Hillcrest-Washington Children's Home, that this will be a welfare advisory board. He then introduced Bill Taylor, County Councilman and Denzil Reed, the former director of the home, who just entered the meeting.

Judge Lensing said he appreciates the meeting starting on time and he wants to thank Dale Work and also the Welfare Department for the past ten years that he has been on the bench, of running the Hillcrest Home in such a way that they have, by only having a minimal amount of problems and he thinks it has been an excellent operation. He said he now thinks that we have an excellent opportunity to change the complexion of the program, a chance to enlarge it and to include children other than neglected, abandoned and abused children. He said he also appreciates so many County Council members being here this evening because this will help at budget time but he doesn't think there will be any problem in getting funds for this need because there is a need in the community and this is very important. He said one thing we should address is the fact that when a child is taken out of his home or is abandoned by his parents, or a child who commits an offense or an act that requires he be taken into protective custody, it is necessary that he be held someplace and taken care of, that it is also necessary that they look at a facility that will be within the community so that, while the child is at that facility, they have the opportunity to work with that child with their own agencies and also to have contact with that child together with his family. He said there are some 110 to 115 children now in Vanderburgh County who are living in institutions outside our county and some of the institutions are so specialized that they can take only a certain type of child, that some of the children are those that have been in delinquent acts and don't need to go to a boys or girls school or correctional facility but needs some type of treatment that we can't offer here. He said he finds, from where he sits, that when a child goes to one of those facilities, first, it is very costly, that the average cost is \$60.00 plus per day and to give an example, in 1960 it cost them \$60.00 per day at Gibault School for Boys and today it costs them \$60.00 plus and it is very expensive, plus the fact that this child is removed from our community and is sent to another facility, so the family doesn't have the opportunity to have contact with that child. He said the child makes corrections in his behavior in the majority of the cases and he would say that in 90% of the cases, they have a child that makes a fantastic turn-a-round, that the people at the facility give guidelines and the things that they need and then that child is returned to the community, so if they haven't worked with the child's family, that child is put back in the same environment and a year or two later they sometimes see that same child again, also when a child is sent outside the county, there is that distance and many people don't have the opportunity for transportation and can't visit the child, so he is sure this child feels some abandonment while he is away, so this is an opportunity to not only have a holding facility for children but to render some type of treatment while that child is there. He thanked the County Commissioners for their interest and he also thanked the Welfare Board. He said he just noticed that Rick Alvis and Mr. Mason who run the Evansville Christian Youth Care Center are here, that they provide a facility that is much like Hillcrest, for delinquent use, where otherwise the youth would be in custody in jail. He said he thinks that all these people should have an opportunity to be heard and should have some input here.

Commissioner Willner thanked Judge Lensing for his comments and asked Dale Work if he would like to speak at this time.

Mr. Work said it is difficult to know where to begin, except to reassure everyone, as the Commissioners know, that it is their wish to co-operate in any way they can to make this an orderly and smooth transition from what it has been to what it is going to be, that he doesn't anticipate any real problems for the balance of this year and he has enough funds to carry the operation through the end of the year without additional appropriations, and he has made up the budget for next year which will be transmitted to the Commissioners. He said the budget for next year represents their best thinking on what the needs will be, that there will probably be a several year transition period until the institution settles out to whatever final direction it is going to take. He said he couldn't agree more with Judge Lensing when he intimated that we should be taking care of more of

our children at the home, and he feels the same way exactly and there is no reason we can't do this, that we are a licensed group residential treatment center now and he thinks that next year's budget, as they have planned it, will reflect an increasing emphasis on the treatment area to allow them to keep more children here rather than have to ship them all over the State of Indiana. He said he isn't here to cast stones at the services those institutions give because the majority of them do a terrific job in most cases but there is no reason we can't do as good or better job in our own community with those kids and where we also have the families here, that we have a chance to work with them and also with the child to see if it is at all possible for them to fit together as a family in their own home. He said he has some ideas he would like to share with the Commissioners since after so many years they have had, he certainly feels an obligation in an ongoing way and he doesn't think the state administrators are going to rap their knuckles too much if they spend some time with the county administration in consultation on problems at Hillcrest and its operation, that they are a part of this community and will continue to be a part of it. He said they will become state employees as of the first of the year at which time their pay checks will be signed by the State Auditor and they will then be told, more strictly, what to do in many ways, and that, at times, may cause problems with the County Commissioners and the operative board of Hillcrest and he certainly wants to be in a position to explain this to everyone. He said we have to have the four legs of government represented on the operative board for Hillcrest-Washington Home which would be Juvenile Court, the Judge or his designate, the Welfare Department, the Director or his designate, a member of the County Commission, a member of the County Council, and probably, a representative from the Mental Health Center, also representatives from the School Corporation, Family Childrens Service, Catholic Charities and a lay member which would make up a nine-member operative board for the Hillcrest-Washington Home, which would give very broad community based representation on that board and would still have responsibility of pin-pointing where responsibility lies with the four legs of government that are most intimately connected with the operation of the home. He said he feels that their success rate with their children here has been as high or higher than it has been with children that had to be sent to other institutions around the state because of specific problems or of certain treatment needed in a specific area and the reason for that is as Judge Lensing had said, the fact that the children are in their own community, their families are here and therefore they can work with both, the children and their families, so he doesn't see any reason that Hillcrest can't move forward.

Commissioner Cox said that Judge Lensing and Dale Work both eluded the fact that we could very well expand the services at the Hillcrest Home and that she is interested in knowing what it would take in order to do this, what physical renovation would be needed, what administrative professional people would we need in order to do this, because she knows we are at half or over half of housing out at Hillcrest now, in other words, we are a half facility operation, why aren't we a full facility, is it because we can't handle more children that could be accommodated there and what will it take for us to be able to handle 46 additional children.

Mr. Work said the license for 96 children goes back to the dust of antiquity, that when he first became Welfare Director in 1959, it was 96 and at that time, their occupancy rate sometimes ran over 100 but the kids were a lot different than the ones they have today, that there is no way they could handle over 100 kids out there now regardless, with the staffing ratio they have. He said if they had that many kids now they would have to have a staffing ratio of $3\frac{1}{2}$ or 4 to 1 and it would price them totally out of the market and out of the range of their own pocket books but they have just been feeling their way on this and are in the primary stage as a group residential treatment center. He said that next years budget provides for a social worker with a masters degree who would be the supervisor of the case work out there and chief of treatment services, that this is a new position and the entire staff has been beefed up academically from what it was, that this was done here at home in advance of state requirements. He said no one working out there now has less than a high school diploma and many have been to college or junior college, also with the budget he has prepared for next year, it would allow moving more heavily into treatment than they are now, with practically no more staff than they have budgeted right now because they have to budget for a full staff of all house parents and helpers in case things broke loose and they got dumped into a full load. He said this is why they have been accused every year of not spending the money but they couldn't spend the money because it was for salaries, for no other reason, and they didn't hire people that they didn't need to supervise units that were closed. He said he thought the population for that home should be from 70 to 75 kids with the proper staff, without any problems at all, with very little

more expense and they would have to hire an additional social worker. He said the state requires that they have a caseworker in the residential treatment center for every 20 children, so as the population increased, they would have to increase the case workers staff and if they had to open a new unit at the Washington Home, for example, it would take an additional 3 house parents, that it wouldn't take any major physical renovations or changes for that at all, that it would take the beefing up of the staff and they have begun that with the 1987 proposed budget.

Judge Lensing said the children that are in institutions are placed there by him, not because he wants to spend or not spend county or federal money, that he places them there because he feels there is a real need, that he doesn't make these decisions in a vacuum, for example, when a child is placed, there is a placement board in Vanderburgh County, the only one in the state that reviews and staffs each child before the child is placed. He said there are 5 members of that board, Patrick Henry of the School Corporation, Dr. Mark Stephens of Southwest Mental Health, Bart O'Connor, his Chief Probation Officer, Ruby Lowe, Child Welfare Supervisor and Richard Rust, Director of Catholic Charities, that this board meets regularly and look at each child in depth to decide whether that child should be placed or not. He said he doesn't want to get our county in a situation where we have 75 beds and because of this, we are going to put 75 people there, that they are only going to use them on a need basis, but he would like to have the capacity here and maybe enlarge it, so it could benefit more people and we could use our facilities here rather than sending the children and our money out of the county. He said there are certain cases that can't be helped in Vanderburgh County and they have two such children now, that he has a deaf child that they can't find a place for, that he is a sexual deviate conduct child who has trouble of communication and he hasn't been convicted or found delinquent of any offenses but they can't find anyplace to put this child, so there is a special need. He said different institutions operate with different qualifications and meet special needs but he does think they can use our facility here better than they have in the past.

Mike Roberts, former member of the Welfare Board, noted that he has been a teacher in the School Corporation for almost 20 years and he is very much aware of the needs at the Hillcrest-Washington Home, since he has had many students from the home and some of his students have worked out there. He said that Judge Lensing and Mr. Work have given us a lot of good information about the needs of the home, so the only thing he would like to focus on here is that he thinks we have a need to look at the home and the needs of all the children in Vanderburgh County, not only those that are homeless but also those that have other needs that may be served there. He said he is one of those that wasn't completely in favor of the Public Welfare Department being taken over by the state and the Hillcrest-Washington Home changing over the way it is going to be but it is going to be done, so he hopes that in the next several months, that all the groups here will form a coalition, sit down and take a good hard look at Hillcrest-Washington, decide what the needs are, that maybe things need to be done differently than they are being done now and there are definitely some physical needs for the home that he is aware of and he knows they are in the budget for next year but maybe they need to change some of the things they are doing. He said he thinks we now have a unique opportunity because it has been thrust upon us and we can't avoid it, so we need to take a good look at the needs of the children in the whole area because we have had children to come here from other counties, that there are 7 homes like this in the state of Indiana and he thinks we would be doing a great dis-service to do away with the home even if the population went down because it has been eluded to, that it has not only been costly but it isn't a good idea to send our children elsewhere. He said we have a lot of students in our schools who are special education students under Public Law 94-142 and one of the things they frequently talk about is to establish the least restrictive environment for those students and he thinks this is also true here in Vanderburgh County with the homeless and with the children that have problems, so we should establish the least restrictive environment for them that will be helpful to them and part of that least restrictive environment is a home of facilities that are close where their families or friends can get to easily, so we have an opportunity now to take a good hard look and we have a lot of competent people that can do this.

Paul Bice, a detective in Juvenile Division with the Evansville Police Department, said the police officers are the ones that see these kids and their parents first and a lot of times they do a lot of counseling on their own rather than to put these kids into the system but they have had occasions where they have placed them at Hillcrest-Washington Home and they have also had occasions where they place them one day and a couple days later they are gone again, so if these kids live in

Vanderburgh County, we are then out looking for them again, so we do need a juvenile detention center since jail is the last place we want to place these kids and at the Hillcrest Home maybe there should be a wing for boys and a wing for girls that is a secured area, rather than placing these kids in jail, such as incorrigibles and run-aways, that their main concern is for the welfare of these kids and what are we going to do with them, that we've got to have an area where we can place these kids besides jail. He said if on felony charges, he can see placing them in jail but here you also have an age limit and if they are under 14 years of age they can't put them in jail unless it's by the judges order and they have to abide by his orders, but a lot of them are status offenses so these kids have to be placed somewhere. He said they talk to the kids and to the parents first and then they have to make the determination of where to place these kids.

Commissioner Willner asked Officer Bice if these kids aren't placed in jail if there are problems though.

Officer Bice said this is correct, if they are 14 years old or older.

Attorney Jones asked, under the existing statutes, what types of children, in effect, can be mixed or housed at the home, and what do we have to do if some are to be put in detention, that Mr. Roberts said in least restrictive environment and Officer Bice said we need a detention area, that he knows they are addressing different situations, but is that roof broad enough to house those two and are there regulations that say what we have to do, that there are different types of children, those that are without parents who aren't delinquents that have to have some place to go and there are delinquents and some more serious cases where the child has to be detained for some reason and we are going to have to come to terms and decide just what the maximum usage is, what we can legally do and what can be put under those roofs.

Judge Lensing said they cannot hold delinquent children that are charged or have been convicted of delinquent acts with neglected children and he doesn't think they can hold a child that commits a status offense with delinquent children in a secured facility, that this is in the statute. He said there are some children that he would hesitate putting in any facility unless it is completely secure and there is a detention facility that they use frequently in Vigo County in Terre Haute that was a home much like Hillcrest and they use it occasionally for 13 and 14 year olds when they think they are best housed there rather than in our jail. He said he thinks it should be addressed whether the Commissioners want a detention center or not but he can say that some detention centers he has seen, take on the appearance of a jail, with bars, matrons and uniforms. He said they have a facility for this, that if they have someone they have to hold in secure detention, they have the jail and they can hold as many as 9 in one cell and there are 5 other individual cells they can use, that they never use them all and they only use them when they have to.

Ruth Metz, Caseworker Supervisor for the Department of Public Welfare, at Hillcrest, said she would just like to reiterate that there is a tremendous need for Hillcrest, that this facility has been used for emergency shelter care and for longer term care, that they have two very well qualified caseworkers there now who will not be there after the first of the year, so we do need qualified people to take over, and as Mr. Work has said, we do need a social service director and very well qualified caseworkers so that the home will be run as it should be run and we need workers who have the children's interest at heart.

Phyllis Kincaid, former Welfare Board member, said she has been serving as chairman of the Hillcrest Advisory Committee and also as Chairman of the Housing Task Force for the Mayor's Council for Youth, that she would first like to thank the Commissioners for their commitment to continue Hillcrest-Washington. She said she agrees that the home needs to change and she has been saying this for the past two years whenever she could and now thinks we have an ideal time to evaluate exactly how it should change to be utilized more fully, to serve the community more completely and most important, to best meet the needs of the children, therefore, she asks the Commissioners to immediately appoint an implementing task force to study Hillcrest-Washington, to make recommendations on the use of the facility, the needs, the by-laws and the members to be appointed, also she asks that some of the members of the Hillcrest-Washington Home Advisory Board be considered for this task force, in order to bring some continuity and sharing of information to the study.

Doris Murphy, Administrator at Methodist Home, said she runs a residential treatment facility for girls aged 12 to 13 years old and she certainly agrees that there is a need for a facility like Hillcrest since there are a number of needs that cannot be met by a group home in this area and they have lost a number of their girls because of the lack of services provided in Vanderburgh County, that one of those needs was a need for an on-ground school, that a number of their residents are able to function quite well at home but just aren't able to make it in the school system. She said she has talked with a number of people from the School Board and they certainly agree that it is a pressing need in this area, that Hillcrest certainly needs to continue to provide emergency shelter care. She said that recently there was a push in this area to recruit foster homes, that everyone ideally discusses the fact that children should be placed in homes and not in institutions, but that push that anticipated approximately to produce 200 foster homes, actually produced 2, so unfortunately, people in Vanderburgh County do not seem anxious to open their homes to these children and as a result, Hillcrest seems to be the only thing we have to offer. She said another need we have is for a detention facility, that she knows we have the jail available, but many times, the girls are so traumatized, after a week-end stay there, that it takes weeks to overcome it, so as a result of this problem, they have been placing a number of their children on Welborn's M-3 which is undesirable since they are being placed with adult psychiatric patients and aren't receiving the kind of treatment they should receive.

Sylvia Weinzapfel, Director of the Vanderburgh County Court Appointed Special Advocate (C.A.S.A.) Program, said they are appointed by Judge Lensing to represent the best interest of abused, neglected and abandoned children, who through no fault of their own, may need to be removed from their homes. She said their experience has followed much the same as we have heard from Ms. Murphy, that there are no foster homes available, particularly for teenagers and as Judge Lensing has said, many of these children have specialized needs that can't be met in the county. She said they are concerned about keeping the children in the community so they can work with both, the children and the family, since their ultimate goal, whenever possible, is to re-unite those children with their families. She said it is a concern of theirs, that because of the experiences these children have, they often have serious emotional and behavior problems which professionals need to address and they are concerned, that whatever group make policy decisions about this home, should be professionals and have had experience in working with these kind of children who have these kinds of serious problems. She said she would also like to suggest that the County Commissioners consider looking at model programs throughout the country since we now have an excellent opportunity to do some things with Hillcrest that might not have been possible before, so they can look around and see where the successful programs are and get some advice from the people who run these programs.

Bob Musgrave, Attorney for C.A.S.A. said one proposition that he would like to talk about is that over the next few months, the Commissioners and the County Council, which are political bodies, will be making political decisions on Hillcrest, how it will be organized, how it will be structured, how it will be financed and in the midst of all those political decisions and discussion, he would ask the Council and Commissioners to remember that kids are not political footballs, that they aren't roads or streets or bridges and that when they talk about Hillcrest, they are talking about the future of people and the future of Evansville and Vanderburgh County and this isn't the place to cut the budget or to make compromises when we are talking about those kind of priorities, that when we talk about children and about the children at Hillcrest, the important thing to remember is that the best interest of the child should be their main priority.

Mark Stephens, President of the Council for Youth, said he thinks he agrees with everything everyone has said this evening, and that's not often, but he does have two bottom line messages to add, that a lot of this comes from his board position early on for the group home for girls under the auspices of the United Methodist Church. He said when the church started out with this, they were badly misinformed as to what kind of kids needed what kind of help and after a year or two, they still had hardly any kids in the home and they found that they developed a reputation of expecting to fill it with virgin orphans and they found, frankly, that there aren't many virgin orphans anywhere but these aren't the kids, that as a community, we need to deal with, that this is a rough community and we are getting the kids that have been the object of this roughness. He said the proportion of girls that come to any of these facilities who have been sexually exploited by their families, that it is appalling, that these are the kids they deal with and

these are the kids that the community needs to provide shelter and care with intensity, that they hadn't anticipated this at all. He said the proportion of boys that have been sexually exploited by their families and others is also appalling, and they have learned in recent years that these boys that have been sexually exploited, who so often require their protection, are very very dangerous to other kids because that is how other kids get sexually exploited and one of the realities of any residential facility of this sort is how do you protect kids from other kids and he doesn't mean this as an alarm but to show the proportion of the problem, he heard a report from people who run a series of shelters in San Francisco for homeless youths and in these shelters they provide very intensive medical care as well as other support to the extent the kids will allow, that they do medical screenings, that they have done the screenings for AIDS and they found over 95% of the kids they served to test positive. He said when you consider that these homeless kids from San Francisco come from every part of the country including Vanderburgh County, because that is where the kids who run away to escape sexually abuse situations go, and you know we have or soon will have kids, who are our responsibility, who have AIDS and we have other kids we will be housing with them to protect from them and this is just one of the terribly over-dramatized, but true, instances of the hard ballgame that the citizens of the county face here. He said that what happened to them on the board at the United Methodist Youth Home was that they evolved very quickly but belatedly, with a group from the church volunteering to get into this noble charity and realizing that they were in a tough complicated ballgame and it has become a very professional board and it has drawn very heavily from agencies and people in the community that know the problems. He said the Commissioners will need to decide where Hillcrest will head but they must realize that in a couple of years they may need to head in another direction, as to the funding sources, availabilities and contingencies change, that what is needed now may not be funded federally or otherwise two years from now, or it may be different, and when we talk about what kinds of kids need to be in Hillcrest, we are also talking about what alternatives are there for placing kids that we decide shouldn't be placed at Hillcrest and that is terribly complicated, and the Judge isn't going to take them home with him, neither is Mr. Work or any of us, so you can't look at what should be there without looking at where else these kids should go. He said his suggestion, from his own series of mistakes, being president of a board of a much simpler institution, is just to realize that these will continue to be really complicated and really scary tough issues to deal with and he suspects, however it is necessary, to set up the leadership, the oversight, the administration of this, the Commissioners are going to want to buy all the professionalism they can because these are difficult issues to deal with.

Jerry DeLucia, Executive Director of United Way, said he doesn't know much about the home, but in listening, everyone says we have a great opportunity now to do something, that we are hearing from the people who have been responsible in running the home for a number of years and we shouldn't look at this as continuing what we have done, that we shouldn't be here patting each other on the back, that we should perhaps take a real serious hard look and maybe with a new set of eyes.

Gail Riecken, Past President of the Welfare Board, said that with the comments made tonight and with some of the discussion she has had with those present, she thinks they know that she stands in a separate board, the board of directors that would run Hillcrest-Washington Home. She said she is very concerned about the protection of quality and care for the children and feels that it could best be done with an independent board that would have it's own hiring and firing capabilities. She said she doesn't say this without some history perspective and perhaps she can do this with due respect to the past administration. She said the way Hillcrest-Washington has been set up in the past, the superintendent was responsible to the director and they had a chain of command, the advisory board was simply an advisory committee and the welfare board could adopt policies and work in terms of carrying out policies but they didn't really have a lot of authority and she thinks that often times someone who is going to make changes is responsible to the person that signs the pay checks.

Richard Rust, Director of Catholic Charities, thanked the Commissioners for this opportunity and said that after listening to all that has been said this evening he would like to take Mr. DeLucia's comment a little further and recommend not only that the Commissioners give serious consideration to the creation of a task force or a separate board but to also recommend that the United Way be involved in this, since Catholic Charities being a United Way agency over the years, have had to deal with both, the good feelings and the bad feelings and being associated

with that organization and from experience, he can tell them that there are some very bright people involved with United Way and he knows they have a very definite interest in the topic of needs assessment and he wouldn't hesitate in saying that includes children, and he thinks they have some very good people the Commissioners can call upon for assistance and as far as professionals are concerned, he thinks they come from different points of view and different perspectives that are often times very limited and he thinks the impact of people that are involved with United Way could be very helpful.

Commissioner Willner said the Commissioners received a letter from Pattie A. Davis, General Manager of Washington Square Mall, who is a proponent of the Hillcrest-Washington Home and her letter reads as follows:

Dear Board of Commissioners:

This is to inform you that due to a prior commitment, I will not be attending the public hearing regarding the Hillcrest-Washington Home on Tuesday, July 8, 1986. However, I would very much appreciate your considering my input to the direction of the future of the Hillcrest-Washington Home.

As a volunteer to the home for the past 13 years, I am much aware of the needs of the children. It has been a growing concern of mine for the past several years to the welfare of these children. Please understand that our children are most definitely not neglected or abused in the Home. However, my opinion is that the citizens of Evansville could most definitely be providing some more pertinent needs of the children.

First we should consider that we do have 2 buildings equipped to house approximately 90 children. Presently we have only 35 residents. Any inquiry on my part in the last several years has been answered with "it is the trend among the caseworkers to place children in foster homes". Although I realize the family structure would be the ideal situation for these children, I feel we should do some follow-up research to which method is best for the youngsters. My personal observation has been that the youngster that is jostled back and forth between the Home and foster homes is the youngster that grows into a trouble young adult. In contrast to this we have 3 youngsters going to college in the Fall that have spent their childhood years entirely at Hillcrest. My observation is that we should take a strong look at utilizing the home to its capacity. We need to understand why children are not getting referred to the Hillcrest-Washington Home. We need to find these children that need our help and provide not only the everyday care, but the compassion and love they so badly need. Our Home seems to be lacking the later in the last several years.'

With the sweeping changes taking place, it is my hope that the Board of Commissioners, along with an appointed Board of Directors, can some day create a situation at Hillcrest-Washington Home that could provide some of the luxuries of life (things that we all take for granted) such as air conditioning, carpeting, cosmetic dental work, music lessons, bicycles, tricycles and most of all a lot of tender loving care.

I will be available to assist you in any capacity.

Sincerely,

Regency Property Management, Inc.

Pattie A. Davis
General Manager
Washington Square Mall

Commissioner Willner said he noticed the need for cosmetic dental work, that this is all new to him but some of the children at the home actually have other jobs and one young lady is working at the state hospital and this sounds foreign to him, as if this child doesn't have enough trouble, and she was placed in the work force at the state hospital, and this sounded to him that something was wrong here, but maybe not, but this young girl had two front teeth that were the same color as his but the rest of them were darker and she definitely needs to have some cosmetic denistry, but maybe they just don't have the funds to do it, anyway he thinks this letter is well written and will be referred to from time to time.

Harold Elliott, President of the County Council, said he came here tonite to listen and he has heard a lot of comments that he has agreed with, and he thinks that what is out there, we have to keep, and the first year he was on the Council, a suggestion was made that they consider closing the home and sending our children to other institutions, and being new on the Council, he started asking questions with the people involved at the Welfare Department and the Court system and everything he heard was to definitely not close the home. He said he has been out at the home several times and made a special point to look in the rooms where the kids were with the house parent and what he saw really impressed him and he thought to himself, if they had received that kind of care and attention at home, they wouldn't be here in the first place, so yes, we need to keep Hillcrest-Washington Home. He said, as Mike Roberts has stated, that he wasn't too thrilled either at the idea of the state taking over the Welfare Department and adding another tax to our rate down here so we could pay for the administration, but there are two sides to that coin. He said as to the reduced population out there, if we have 92 counties in the state and only 7 homes like this, he thinks we should get busy, especially in this area, and find out if there are children who can use what is happening out at Hillcrest. He thinks our children of Vanderburgh County should stay out there, if at all possible, and not sent to other institutions, so they can remain here where their families are and go to school here, but there are children in other counties that don't have a home like Hillcrest and he thinks we should invite the Commissioners and the courts in those counties to come here and ask that they consider Hillcrest Home since we are obviously well above average in handling children. He said he knows we have to consider the budget and he knows that every member of the County Council will be very sympathetic to every request, that they do have to work within the frame work of available dollars, so one suggestion he would like to make to the Commissioners, since they have a final choice, is that they make some cost studies out there, that he has been told by the Judge and by several people in the Welfare Department that we could handle children from many counties at a much lower cost than other institutions charge and still meet our costs, and when looking at the budgets, they will also be looking at estimated revenue, so he would like for the Commissioners to make these cost studies and see if we can't establish rates that will maybe cover our costs out there, that he can't see any sense in Vanderburgh County losing money just to save money for other counties and he wants the children out there to have the care but he wants us to try to make it a self-sustaining function out there if we possibly can, that he doesn't know if the other members of the Council agrees with him or not but he would like to raise the rates out there.

Harvey Taylor of Parks and Recreation and the Director of C.K. Newsome Center, said that some of the kids talk about an idea of what is on a day to day basis with the Community Center and the Carver Ridley Rollerdom and he wanted to bring up a couple of things he thought the Commissioners should take into consideration and also the County Council, when you talk about Hillcrest, that there are facilities in the state and around the country, but similar to most is like the Job Corps, that this is a training institution that has been around for the last 14 years and a Job Corps center just graduated 22,000 students, that it is a referral place for teenagers for those 16 to 21 years of age, that need additional training and it receives something like 27 million dollars from the federal budget to operate, so there are federal dollars available that Hillcrest Home could get, that wouldn't have to come out of the county budget, so maybe when the board is appointed, they can look into these things, one being name recognition, that maybe the name of the home needs to be changed to Hillcrest Training Center, looking at the school concept and looking at federal dollars for training, better recreational programs, utilizing some of the facilities that the city has to offer that Hillcrest could take advantage of at a cost savings and lastly, additional funding. He said he talked to someone who runs a similar facility in Murray or Paducah Kentucky, and he just received a \$50,000 grant from the DuPont Corporation.

Bill Taylor, a member of the County Council, said there are a few things he would like to say, that he has heard about the concern of the county taking over, about the Commissioners and the County Council and the political battles, etc. but he doesn't think any of them are going to play any kind of games when we talk about the Hillcrest-Washington Home, and when anyone says that, it irritates him at the thought of it and he thinks we are as concerned with those kids out there as if they were our own and he knows this sort of thing isn't going to happen, also that he hears different ones talking about an advisory board and a board to run the facility that has the authority to hire and fire, but when the home is under the control of the County Commissioners and the County Council and we are appropriating tax dollars to operate that facility, we have to maintain full control of that facility, that he isn't saying that we need to be out there telling them how to run it but as far as hiring or firing, he hopes the Commissioners take in strong consideration that they maintain that control.

Denzil Reed, former Superintendent of Hillcrest-Washington Home, said he was superintendent of the home for 22 years and he has probably worked with more children than anyone else, and when we look at what direction of the home should be, he thinks it definitely must be there. He said, in looking around the state of Indiana, in the part-time job he has now, he has been in every child care institution in the state and people have been successful in dealing with children, and he thinks there are three things we need to look at here in Evansville, that we need to look at the emergency shelter child, the child that needs long term care and the child that needs a detention facility. He doesn't think there is any kind of child he hasn't dealt with in Vanderburgh County and his most successful years were when they had a good population, from 65 to 75 children, that he would work with them for a long period of time and the longer you work with a child, the cheaper he is to maintain and the more expensive it is to work with a child, is turning them over, and seeing a child come into the home 5 or 6 times in a period of 3 to 5 years is an expensive process. He said it is like bringing in a car that needs tuning up after a lot of mileage and believe him, these children get a lot of mileage on the outside, that he thinks the direction we need to take now, as we look at the success of the childrens homes and how they take care of the children, that the length of time they have to take care of them is the most important factor as far as he is concerned, you can't do the job in a few weeks, it takes time, and the longer you take care of this child, the cheaper that child will be to keep, that home out there is ours and it belongs to this community, and we, as parents, who have had children to come out there for one reason or another have come from outstanding families in this community and have done well. He said he doesn't know of a child who ever lived at Hillcrest Home and graduated while he was there that hasn't turned out to be a good citizen in this community and he can see some of those same children who would have had an opportunity to live at Hillcrest a longer time and had a little more understanding with the guidance they tried to give them, they may have been good citizens today in Evansville instead of being in correctional institutions, and his hope is that whatever the Commissioners do and whatever direction they take, to give the children a chance, since they are the ones that deserve it.

Mark Owen, a member of the County Council, said primarily, he came to listen and to hear what the concerns were but he would like to mention one thing in regard to funding, that he went over the proposed budget for Hillcrest and personally, he doesn't have a problem with it and he agrees that we need to take a close look at it at budget time and he thinks we need to make sure that adequate funds are available for the facility. He said, in terms of the authority for the operation, he does think that the authority and the final analysis rests with the officials, however, he thinks it is important and essential that a Board of Directors, the type outlined by Dale Work, be established so that while you involve elected officials, those from the courts and the Welfare Department, that there be a good representation of individuals from the professional community that provide direct services to these children so they can assist the county and really provide that expertise that he thinks we need, and in his opinion, it is vital that we have that kind of involvement and he thinks the board as outlined by Dale is certainly the best way to go.

Fred Haton, Superintendent of Hillcrest-Washington Home, said he has listened to everyone's comments and one thing he would like to say is that he thinks Hillcrest, since he has been involved with the home for the past 10 years, has done a very good job and still is, and he hopes the people in this community will let them continue to do the job as they are doing. He said there have been comments as to which way Hillcrest should go, but before they talk about that, they need to look at the state and federal regulations in operating a child care facility, that there was mention of federal money coming into the community, and Hillcrest does receive federal funds, not directly to Hillcrest at this time but will after July 1, that we do receive funding which reimburses the county that places the children at Hillcrest, 75% of their per diem, and now they will get 100% reimbursement and will come directly to Hillcrest rather than to the county, that they also have federal money coming in to Hillcrest from another program where the School Corporation supplies them with two tutors at the home. He said we have talked of emergency shelter, long-term care, delinquency and of neglected and abused children, and under new state regulations, there is a guideline in regard to shelter care facilities, that there is a limit on it and they are proposing a 45 day limit and also they propose that the shelter care children cannot be placed with the long termed residential treatment facility children, so they are talking about two facilities, so we have to look at

everything before making any decisions, and he thinks it requires people who have been involved in the field before, to take a look at what is going on. He said child care is not a business and it shouldn't be looked at with the aspect of making or losing money, that as far as he is concerned, you can't put a dollar value on a kid, that they have had a good staff and he thinks they have done a very good job and he asked the Commissioners to please take a good strong look and don't let dollars or cents, or political views cloud their decision making on what needs to be done, because the children will suffer and they will only have to be sent somewhere else and therefore will cost the county a lot more money.

With no one else wanting to comment, Commissioner Willner said he thinks this has been a very well recieved meeting, that he has certainly learned a few things and he appreciates each and everyone's input, also he thinks that the Commissioners, in the next few months, will be making some decisions and he is sure the learning process with continue. He said he thinks next, they need to make an on-sight tour of the facility and when they do, all members of the County Council and other interested parties will be most welcome to accompany them, also, they need to look into the funding but he isn't too worried about that, since he feels confident that it will come in for mistreated children, however, some work must be done in this area. He said if anyone has second thoughts or any future input, they can drop the Commissioners a line and he would like to ask Kathy Graham to certainly keep us abreast of what the state is doing. He said he understands that they did have a meeting of the State Welfare Board yesterday and he asked Kathy if this is correct.

Ms. Graham said there was a public hearing yesterday on their proposed regulations which Mr. Haton referred to and they do have a limitation on the number of days a child may be in sheltered care which is 45 days and they do require that sheltered care children be separated in separate living units, not necessarily separate buildings, from longer term care children. She said they are now considering the public testimony that was given and they are available to help the Commissioners, or if the Commissioners wish to choose a task force to work with them, also that she and Norman are available to consult with them, that they certainly agree that there is a need, since there aren't very many institutions particularly in this part of the state, that she thinks the closest are in Terre Haute and Columbus. She wished the Commissioners the best of luck and said she wants the Commissioners to know that they are available to assist them in any way they can.

Commissioner Willner said he appreciates that and he would again like to thank everyone for attending the meeting this evening.

The meeting recessed at 8:40 p.m.

The Board of Commissioners of
the County of Vanderburgh

Robert L. Willner
Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

David L. Jones,
County Attorney

Margie Meeks,
Executive Secretary

Those present at meeting:

MEMBERS OF COUNTY COUNCIL

Harold Elliott
Bob Lutz
Mark Owen
Bill Taylor
Betty Hermann

COUNTY WELFARE DEPARTMENT

Dale Work, Director
Ruth Metz, Caseworker Supervisor

WELFARE BOARD

Carl Lyles
Mike Roberts, Former member
Phyllis Kincaid, Former member
Gail Riecken, Past President

COURT APPOINTED SPECIAL ADVOCATE

(C.A.S.A.)

Sylvia Weinzapfel, Director
Bob Musgrave, Attorney
Suzanne Kieffer, Volunteer

HILLCREST-WASHINGTON HOME

Fred Haton, Superintendent
Denzil Reed, Former Superintendent

EVANSVILLE CHRISTIAN YOUTH CARE CENTER

Richard Alvis
Mr. Mason

Norm McCluskey, State Licensing Branch

Kathleen Graham, Supervisor, State Welfare Licensing
Judge Lensing, Superior & Juvenile Court

Paul Bice, Police Department, Juvenile Division et.

Doris Murphy, Administrator, Methodist Home

Mark Stephens, President, Council for Youth

Jerry DeLucia, Executive Director, United Way

Richard Rust, Director, Catholic Charities

Harvey Taylor, Director, C.K. Newsome Center

Sue McCool, League of Women Voters

Martha DeGroote, ARC Crisis Prevention Nursery

Sondra Matthews, Our Times

Other interested parties

(Note: Minutes taken/transcribed by
Margie Meeks; J. Matthews was
vacation)

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 14, 1986

The Board of Commissioners of Vanderburgh County met in session at 2:30 p.m. on Monday, July 24, 1986 in the Commissioners' Hearing Room with President Robert Willner presiding.

President Willner called the meeting to order at 2:40 p.m. and subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, July 7, 1986, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Reports/County Garage & Bridge Crew: Mr. Bethel submitted copies of the Weekly Absentee Reports for the County Garage and the Bridge Crew for period July 7 thru July 11, 1986....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for the County Garage....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Mesker Park Dr., Allen Lane, St. Joe and Baseline Rd.

Paved: Browning Rd.

Mower: Hillsdale, Heinlein, Baumgart, Kansas, S. Browning, Petersburg, Nisbet Station, Pruitt, Scott, Raintree, Peerless, Sills Dr., Upper Mt. Vernon Rd., Felstead, Seminary, Bayou Creek, Green River Rd., Boehne Camp Rd., and Old 460.

Trash: S. Weinbach, Green River Rd., and Old Henderson Rd.

Hand Mower
& Weed Eater: Old Boonville Highway

Patch Crew: Mesker Park Dr., Intersection of Hwy. 65 and Old 460, St. Joe Ave., Old Princeton, Frontage Rd. and Old State Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew....report received and filed.

Cut weeds on Volkman, Schraeder, Pfeiffer, Kentucky, Heinlein and Kneer.

Cleaned up yard in back of the Vanderburgh County Highway Garage.

Church Rd.: Commissioner Willner queried Mr. Bethel concerning Church Rd., saying that some time ago there was discussion concerning the ditches. Are we still going to do the ditches when he gets a chance? He knows they installed culvert, but he thinks it needs some ditches yet. Mr. Bethel said they plan to take care of this.

Smith-Diamond Rd.: Commissioner Cox said she had hoped that Bob Gulick from SIGECO would be at today's meeting. She received a telephone call from a gentleman on Smith-Diamond Rd. concerning the damage to the road surface. The County paved Smith-Diamond Rd. last year. SIGECO subsequently installed a gas line. When they took the spill and covered it back, they dug down too far and into the top of our pavement. The individual who called was under the impression that SIGECO was going to come back and repair the damages, but they have not done so to date.

Mr. Bethel said SIGECO had told him they would, so he will check with them.

Mrs. Cox asked that Mr. Bethel do this, as it has not been done. There are chunks out of the surface and evidently they either used a backhoe or something with a grader blade and they dropped it down on the surface before they got to the side of the road to push it back over the pipe.

Mr. Bethel said that SIGECO had a company do this work for them. He will double check, as SIGECO told him they would come back and repair the road. If they haven't, he will see that it gets done.

BOONVILLE-NEW HARMONY (between Browning Rd. & Petersburg Rd.): Commissioner Willner asked that Mr. Bethel also make a note concerning Boonville-New Harmony Rd. (between Browning Rd. and Old Petersburg Rd.). Someone told him there were some chunks out of the side on one of the curves and he'd like for Mr. Bethel to check this out. Mr. Bethel agreed to do so.

RE: ACCEPTANCE OF CHECK FROM WELLS CABLE T-V

President Willner submitted a check from Wells Cable T-V in the amount of \$105.92 for months of April, May and June. A motion was entertained.

Motion was made by Commissioner Borries that the check be accepted, endorsed and deposited into the County General Fund, with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK - REQUEST TO GO ON COUNCIL CALL

President Willner said that Mark Tuley, Manager/Burdette Park, was present earlier and had left the following letter:

July 14, 1986

County Commissioners
Civic Center Complex
Evansville, IN

Dear County Commissioners:

We are requesting permission from the County Commissioners to be put on the August agenda of the County Council. We are asking for an additional appropriation of \$35,000 to cover employee payrolls through December.

We were only budgeted \$80,000.00 for the year and last year spent \$104,370.07. We are making an additional transfer of \$5,000.00 into other employees and other necessary transfers to cover expenses.

We would like for the transfers to be made as is on the request to help keep our records straight. Several of the previous years of Account 118 (Other Employees) are listed below. The agreement with Council in previous years was to budget less than these amounts and come back for the funding as needed.

1980 - \$ 95,880.00
1981 - \$ 115,798.00
1982 - \$ 110,200.00

Respectfully,

Mark Tuley
Burdette Park Manager

President Willner asked Commissioner Cox if Mr. Tuley discussed the matter with her and she acknowledged that he did. She said she did ask Mark how much he had left in his payroll account and he said he had approximately \$25,000. With the warm weather we have been having, he said the payrolls have been amounting to about \$12,000.00. He needs to request the additional appropriation now before he runs out. This will bring him to a total of \$120,000.00 for the year. He had \$80,000.00, he is asking for \$35,000 and he is transferring \$5,000.

The Chair entertained a motion.

Auditor Alice McBride interrupted by asking whether Social Security was included? She said she will check with Mr. Tuley concerning this.

Motion was made by Commissioner Borries that the request be granted and that Mr. Tuley be placed on Council Call, with a second from Commissioner Cox. So ordered.

Kim Betz/Fatal Accident: The meeting proceeded with Commissioner Borries stating he was sorry to learn that Kim Betz, an employee at Burdette Park for eight years, was fatally injured in a motorcycle accident. The sympathy of the Board certainly is extended to his family. Mrs. Cox interjected that Mr. Tuley told her visitation at Browning Funeral Home would begin at 3:00 p.m. tomorrow. Services will be conducted at 10:00 a.m. on Wednesday. Commissioner Willner said Mr. Tuley said that Mr. Betz was a good employee and will be missed. He also said this is the second time he has had a motorcycle accident. Maybe we should outlaw them in Vanderburgh County. Commissioner Borries commented that Mr. Betz was not wearing a helmet.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Commissioner Willner presented the Monthly Report for period ending June 30,, 1986 from the Clerk of the Circuit Court.....report received and filed.

RE: SCHEDULED MEETINGS

Thursday July 17 4:00 p.m. EUTS MEETING

RE: CLAIMS

David L. Jones: Claim presented in the amount of \$2,340.00 for litigation rendered in cases of Jo Ann Reed vs. Vanderburgh County and Mary Evans vs. Vanderburgh County, Condemnation Foreclosures and Combs & Humphrey vs. Helen Kuebler. Commissioner Willner said he has reviewed the claim and would entertain a motion. Motion was made by Commissioner Borries that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Alexander Ambulance Service, Inc.: Claim presented in the amount of \$34,823.80 (claim total for Quarter ending 6-40-86). Motion to approve claim for payment was made by Commissioner Borries with a second from Commissioner Cox. So ordered.

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Helfrich Insurance Agency, Inc.: Claim in the amount of \$16,949.00 for Liability Insurance/Burdette Park for the Swimming Pool, Diving Boards and Water Slides (including membership fee). Commissioner Willner explained that, as the Board knows, we were running out of time with regard to insurance. He said he might add that this coverage is the best we could obtain. In fact, the Island Group, Inc. was the only company to bid. We had other companies that were interested; however, when it came down to it, they wanted the diving board or the water slide to be closed. If there are no questions, the Chair entertains a motion. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGESClerk of Superior & Circuit Courts (Appointments)

Angela Delgman	Dep. Clk.	\$511.03/Pay	Eff:	6/30/86
Shirley Eidson	Dep. Clk.	\$490.42/Pay	Eff:	6/30/86
Deborah Mottley....	Dep. Clk.	\$490.42/Pay	Eff:	6/30/86
Deborah Jackson....	Deputy	\$6.00/Hr.	Eff:	7/14/86

Clerk of Superior & Circuit Courts (Releases)

Linda Withrow	Dep. Clk.	\$511.03/Pay	Eff:	6/30/86
Angela Delgman	Dep. Clk.	\$490.42/Pay	Eff:	6/30/86
Janice Dudley	Deputy	\$6.00/Hr.	Eff:	7/14/86
Shirley Eidson	Dep. Clk.	\$490.42/Pay	Eff:	6/30/86

Land Committee/County Commissioners (Appointments)

Ruth Lawrence	Clerk	\$35.00/Day	Eff:	7/7/86
Donna K. Lawrence	Clerk	\$35.00/Day	Eff:	7/7/86

Circuit Court (Appointments)

Verner Solomon	W/R Guard	\$15,000/Yr.	Eff:	6/30/86
Michael Mattingly	Pro. Counsel	\$232/Bi-An	Eff:	6/30/86
William Martin	C.S.O.	\$232/Bi-An	Eff:	6/30/86
Stephen C. Fuchs	C.S.O.	\$232/Bi-An	Eff:	6/30/86
Dennis Heathcott	C.S.O.	\$232/Bi-An	Eff:	6/30/86
Roy Weightman	Mtce. Supv.	\$378/Bi-An	Eff:	6/30/86
Michael Mattingly	Pro. Counsel	\$18,987/Yr.	Eff:	6/30/86
Dallas Sprinkles	W/R Guard	\$15,000/Yr.	Eff:	6/30/86
John W. Voight	W/R Guard	\$15,000/Yr.	Eff:	6/30/86
Roy Weightman	Mtce. Supv.	\$15,362/Yr.	Eff:	6/30/8
John Bushrod	P/T Tr. Supv.	\$ 7,838/Yr.	Eff:	6/30/86
Robt. L. Hart, Jr.	J.P. Dir.	\$21,945/Yr.	Eff:	6/30/86
William Martin	C.S.O.	\$18,987/Yr.	Eff:	6/30/86
Stephen Fuchs	C.S.O.	\$18,987/Yr.	Eff:	6/30/86
Dennis J. Heathcott	C.S. Supv.	\$18,987./Yr.	Eff:	6/30/86
Estella M. Moss	J.P. Officer	\$14,000./Yr.	Eff:	6/30/86
Edward Montpetit	W/R Guard	\$15,000/Yr.	Eff:	6/30/86

(Note: Individuals shown more than once are being paid salary portion from more than one account, i.e., User's Fees, etc.)

Circuit Court (Releases)

John Voight	W/R Guard	\$15,000/Yr.	Eff:	6/27/86
Dallas Sprinkles	W/R Guard	\$15,000/Yr.	Eff:	6/27/86
Michael Mattingly	Pro. Counsel	\$ 520/Bi-An	Eff:	6/27/86
Verner Solomon	P/T Tr. Supv.	\$ 520/Bi-An	Eff:	6/27/86
Estella M. Moss	J.P. Officer	\$ 1,680/Yr.	Eff:	6/27/86
William Martin	C.S.O.	\$ 520/Yr.	Eff:	6/27/86
Stephen C. Fuchs	C.S.O.	\$ 520/Yr.	Eff:	6/27/86
Dennis Heathcott	C.S. Supv.	\$ 520/Yr.	Eff:	6/27/86
Roy Weightman	Mtce. Supv.	\$ 520/Yr.	Eff:	6/27/86
Terry R. Boesch	Intern	\$3.35/Hr.	Eff:	6/6/86
Roy Weightman	Mtce. Supv.	\$14,700/Yr.	Eff:	6/27/86
Verner Solomon	P/T Tr. Supv.	\$ 7,500/Yr.	Eff:	6/27/86

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Robt. L. Hart, Jr.	J.P. Dir.	\$21,000/Yr.	Eff: 6/27/86
William Martin	C.S.O.	\$18,169/Yr.	Eff: 6/27/86
Stephen C. Fuchs	C.S.O.	\$18,169/Yr.	Eff: 6/27/86
Dennis Heathcott	C.S. Supv.	\$18,169/Yr.	Eff: 6/27/86
Estella M. Moss	J.P. Officer	\$13,500/Yr.	Eff: 6/27/86

(Note: Individuals shown more than once are being paid salary portions from more than one account, i.e., User's Fees, etc.)

RE: COMMISSIONERS APPOINTMENT - MENTAL HEALTH BOARD

President Willner announced that Commissioner Cox has agreed to represent the Board of Commissioners on the Mental Health Board. The Chair entertained a motion. Motion was made by Commissioner Borries that Commissioner Cox be appointed the Commissioners' Representative to the Mental Health Board, with a second from Commissioner Willner. So ordered.

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Lehman said one point of interest is that the total value to date of all Permits is double that of last year (and nearly all of last year) after six (6) months. There were seven hundred fifty (750) more permits issued to date as compared to the same period last year. Revenues are \$33,000 ahead of last year. This is continuing to increase. Total single-family residences to date are 413 compared to 175 at this time last year. Last year was the best year in five or six years in residential.

Commissioner Willner asked if this could be translated in more or less two words "interest rates"? Mr. Lehman said, "More or less". Commissioner Borries said, "That's unbelievable."

Mr. Lehman said he has been talking with the gentleman from the Indiana Geological Survey (which is a division of the Department of Natural Resources) relative to doing an earthquake study for this area. As the Commissioners know, we've been talking about this off and on for the last several years.

Storage Bldgs. on Right-of-Way/St. Joe & Diamond Avenues: Mr. Lehman said the only other business he has to present to the Board today concerns some storage buildings which have been erected on County right-of-way out on St. Joe and Diamond Avenues. He doesn't know whether the Commissioners have received any complaints or not, but he has. He sent a communication to the Lessee of that particular parcel to remove the structures in a small amount of time. He would like the Commissioners' blessing to go ahead and get them moved right away if the Lessee does not do so and send the Lessee the bill.

Commissioner Willner asked, "You have sent the letter or you are asking permission to send the letter?"

Mr. Lehman responded that he has already sent the letter. He believes he gave the Lessee until today. It will probably be the end of the week before he can get back out there to check any progress -before he actually takes any action concerning the matter. However, he would like to have this authority in case it comes down to that.

The Chair entertained a motion. Motion was made by Commissioner Borries that the Building Commission be authorized to proceed on the matter, with a second from Commissioner Cox. So ordered.

The Chair entertained a motion concerning the Resolution re the Earthquake Study. Motion was made by Commissioner Borries that the Resolution to the Indiana Geological Survey (Dept. of Natural Resources) be signed and forwarded, with a second from Commissioner Cox. So ordered.

Meeting Recessed: It was announced by President Willner that the Board of Commissioners will take a ten minute recess. County Attorney David Miller is working on an agreement with several area businesses on the construction of the new road for an extension of Theater Drive on the east side and we're trying to put this package together dealing with a couple of property owners and four or five businesses. It's a lengthy agreement, and that is what the Attorney is doing right now. President Willner declared the meeting recessed at 3:00 p.m.

Meeting Reconvened: At 3:10 p.m., President Willner again called the meeting to order and proceeded by calling upon County Engineer Andy Easley for his report.

RE: COUNTY ENGINEER - ANDY EASLEY

Heerdink Lane Easements: Mr. Easley said he has some easements for Heerdink Lane (between Millersburg and Heckel Roads) that the County has agreed to participate in the construction with the State. If the Board will recall, they relocated that frontage road on the west side of I-164 (they shifted it about 750 ft. to the west to line up with the old right-of-way Heerdink Lane). The first easement was granted by Arnold Heilman. In some cases there wasn't additional right-of-way there. He wrote the easement as being the west sixty (60) feet of these quarter/quarter sections. We've overlapped the old right-of-way. In computing the additional from the Heilmans, we got an additional 50 ft. because there was 10 ft. already dedicated for the road. He has computed crop damage and will present the claim for same.

Arnold Heilman: Land acquired for Permanent Right-of-Way for Heerdink Lane (between Millersburg Rd. & Heckel Rd.-- 1,525 acres @ \$3,000 per acre = \$4,545.00. Land used as Temporary Construction Easement, 0.696 acres @ \$300 per acre \$181.00. Crop damage on Permanent Right-of-Way, 1,525 acres @ \$300 per acre = \$455.00. Total claim equals \$5,181.00.

Commissioner Willner asked if either County Attorney has reviewed this? Mr. Easley said they have not and perhaps Attorney Miller should look at it. Commissioner Willner said he would appreciate it if Attorney Miller would review the claim and easement. Mr. Easley noted that it follows the format we always use.

Following Attorney Miller's perusal of the documents, Mr. Willner said Attorney Miller stated he found everything in order and a motion was entertained. Motion was made by Commissioner Borries that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Paul K. Gerhardt: Land acquired for Permanent Right-of-Way for Heerdink Lane (between Millersburg and Heckel Rds., 1,515 acres @ \$3,000 per acre \$4,545.00. Land used for Fill Slopes and Temporary Construction Easement, 2,400 sq. ft. @ \$0.03 per square foot, \$792.00. Damages on Permanent Right-of-Way (cost of relocating existing 500 ft. fence) \$750.00. Cost of relocating Timber backstop for Rifle Range, \$250.00. Total claim amount, \$6,337.00. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Audrey & Mary Lou Titzer: Land acquired as Permanent Right-of-Way for Heerdink Lane (between Millersburg & Heckel Rds.) 1,212 acres @ \$3,000 per acre, \$3,636.00. Land used as Temporary Construction Easement (cost of crop damage) \$182.00. Crop damage on Permanent Right-of-Way 1,212 acres @ \$200.00 per acre, \$364.00. Total claim amount \$4,182.00. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Paul K. Gerhardt: Land acquired as Permanent Right-of-Way for Heerdink Lane (between Millersburg and Heckel Rd.) 0.014 acres @ \$3,000 per acre, \$42.00. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Lawrence F. Titzer: For land used as temporary construction easement for Heerdink Lane (between Millersburg & Heckel Rds.) 0.606 acres @ \$300 per acre. Crop damage on Permanent Right-of-Way 1,212 acres @ \$300 per acre. Total claim \$546.00.

Mr. Easley said there will be a couple of more easements (from the Spencers, who live to the west). However, those claims presented today cover the primary easements.

Commissioner Cox queried Mr. Easley concerning the estimated cost.

Mr. Easley stated that the county's share is about \$110,000.00.

Mrs. Cox asked where she got a \$30,000 figure?

Mr. Easley said we have one half mile of road to build and he believes that in the minutes of past meeting he has indicated the cost would be approximately \$110,000.00. Commissioner Willner said Mr. Easley is talking about construction and right-of-way. He thinks that possibly Commissioner Cox was talking about right-of-way. Mrs. Cox said, "No, I'm talking about building the road for \$30,000 -- she will look this up.

Mr. Easley said there is a half mile of road; and you're talking about a little over \$10.00 per foot and he doesn't think anybody would ever....

Mrs. Cox interrupted, "This is coming out of Cumulative Bridge Fund and there is no doubt of being able to use that money for this?"

Mr. Easley responded that it is his understanding that this was given clearance.

Mrs. Cox remarked that the letter said, "A temporary runaround while the bridge is being built". That is not exactly what we are doing; but as long as it does qualify.....

Commissioner Willner entertained further questions. There were none.

RE: COUNTY ATTORNEY - DAVID MILLER

Agreement for Dedication of Right-of-Way and Construction of Theater Drive Extension: Attorney Miller said he has now had a chance to read through and briefly discuss the agreement for the dedication of right-of-way and construction of Theater Drive east of Green River Road. He is advised by the County Engineer that there are some definite benefits running to the county if this road is constructed, since the Morgan Avenue-Green River Road intersection has become so busy and a problem in terms of that kind of thing. Andy Easley, the County Highway Engineer, drafted the contract and Attorney Miller said he must admit that it is reasonably understandable. What everybody intends to accomplish has been included. The major omission discovered during discussions was that there were maximum commitments that were made by the Hirsches and Sam's Wholesale Club as to the amount that each party would spend in the paving of the roads and the installation of the storm sewer along the expanded portion of Theater Drive. The question arose, "What happens if those maximums are experienced and the road isn't yet finished? Who pays that?" Between Rose Zigenfus (EUTS) and the representatives

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of Sam's Wholesale the proposal was made that, first of all, everybody recognized that the County Engineer as well as Sam's Wholesale people and the Wal-Mart people are very comfortable with the estimates for the road cost and they believe the road cost will come in at less than the maximum commitment of Wal-Mart and the Hirsches. But just to cover the eventualities if it does not, the proposal now is that the County, Wal-Mart and the Hirsches pay one-third of any excess over the maximum costs being committed to by Wal-Mart and the Hirsches. Attorney Miller said he would not recommend that to the Commissioners unless the county has the right to reject any contract that contemplates the expenditure of that money. He doesn't believe that any open-ended agreement like this would be a valid commitment on the part of the county anyway, because we have to give notice of the county's commitment to pay for any public improvement of this size.

The way it has been worked out is if the parties (Hirsches and WalMart) enter into an agreement that will bring the road in for less than the projected costs, they just go ahead and sign it and the deed is done. If their bids (or however they contract for it) come in higher and if they propose to enter into an agreement that would cost the county any money for the paving of Theater Drive or the installation of that storm drain, then the county will be provided with a copy of that proposed document and the county will have fifteen (15) business days in which to accept or reject. If the county rejects the project, it dies at that point unless we go back to the bargaining table. But if the cost comes in over the maximum commitment of the two parties who are supposed to put in the road and storm drains on Theater Drive, then we go back to "Square One" and the county would have to advertise that. Because it has to be advertised is why we ask for the fifteen (15) days. There is no provision in this agreement for what happens on default. The laws in the State of Indiana take care of that and there is no language in that regard. He didn't have a chance to write it in there, but he thinks that that if there is a default and one party has to sue another party, then the party that loses -- the party that is determined to be in default -- ought to pay the other party's attorney's fees; and he thinks that should be in here and he will get that provision inserted. Other than that, he thinks the Commissioners can go ahead with this. It is not as thorough as some construction contracts of this type, but he thinks that under the circumstances and due to the urgency of the situation that it will do nicely with that addition.

The Chair entertained a motion for approval.

Commissioner Cox said she has some questions and needs clarification. She questioned Page 1, Item 1, where it says that the storm sewer has an estimated cost of \$120,000. When you look back at Exhibit B, on the second page it says "Estimated cost, drain for street only storm Theater Drive Extension \$21,760.00. On the next page the cost estimate for Green River Rd. storm drain is \$117,263.00. That brings the total up above the \$120,000 that is estimated for the storm sewer. It brings the total up to \$138,263. She can't see where the \$21,000 has been included on this.

Mr. Easley said the \$117,000 was rounded off to \$120,000 and those quantities for the 33 inch were taken off the Green River Rd. plans that are being prepared by the City Engineer's office. That is where that estimate came from. Only the portion on Green River Rd. is what the county was going to be paying for; the Theater Drive storm sewer is being paid for by the developers.

Mrs. Cox asked, "The storm sewer is being paid for by the developers?"

Mr. Easley said the Theater Drive storm sewer and the pavement is being paid for by Sam's Wholesale and the Hirsch family.

Mrs. Cox asked, "This \$21,760 is to be paid for by the Hirsches and Sam's Wholesale? That explains that. Are we talking strictly about a storm sewer? What about a sanitary sewer?"

Mr. Easley responded, "Just a storm sewer up the east side. It will start where the extension in which Neville participated with the county ends. We'll pick up there and go south only to Theater Drive.

Mrs. Cox asked, "Who will pay for the sanitary sewer?"

Mr. Easley said that the Hirsches will pay for the sanitary sewer. This is not in the subject agreement; this is Hirsch's responsibility..He said that if Mrs. Cox will look at Page 5, it shows who pays for what -- 50% of this, 50% of that, 100% of this, etc. Under the Hirsches, she will see that they pay 100% of the sanitary sewer cost. He said he realizes that this information is hard to follow, with only a few minutes to study same.

Mrs. Cox asked if the Board has approved the storm drainage plan?

Mr. Easley said they have a development plan; they have to add a few more details re storm drainage onto their plan.

Mrs. Cox asked who "they" means?

Mr. Easley said, "The engineers out of Oklahoma for Wal-Mart. They have to add some water retention facilities onto their plan.

Mrs. Cox asked, "This is for the storm sewer? We're taking their plans and building?"

Commissioner Willner said, "We're taking the plans the city already has done on Green River Rd. and we're just constructing that portion that must go in before Green River Rd.

Mrs. Cox asked, "Who is designing the storm sewer that we're going to build?"

Mr. Easley said, "It has already been designed by the City Engineer's office. The Commissioners will just have to draw up a little contract (just as we did for Neville, only we don't have just a little short section; we have 2,000 feet."

Mrs. Cox asked, "Since it is drainage, do we do this at a Commission meeting or a Drainage Board meeting?"

Mr. Easley stated that it's a road improvement in a right-of-way and this would come up at a Commissioners' meeting.

Mrs. Cox asked, "But the drainage plans for this will be presented to the Drainage Board?"

Mr. Easley said, "I don't think so."

Commissioner Willner interjected, "It's not a legal drain" -- and Mr. Easley echoed Mr. Willner's comment.

Mrs. Cox said, "No, but it is a drainage plan. The Drainage Board approved drainage plans for subdivisions. This was my question."

Mr. Easley said this is a building being built -- something like Eastland Place. Did the Drainage Board approve the drainage plans for Eastland Place?

Mrs. Cox said, "We certainly did."

Commissioner Willner said, "If there was a zoning change we did.

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Mr. Easley said, "There is no zoning change involved."

Mrs. Cox said "I just question it."

Mrs. Cunningham interrupted by stating that when that addition comes in, then it will probably come before the Drainage Board. But this being a building being constructed on commercial property, it wouldn't get drainage approval.

Commissioner Cox said, "We can give them permission to build this in a Commissioners' meeting rather than a Drainage Board meeting? That was my question. Since it does involve drainage, that was my point. Has the County Surveyor (who is supposed to be in charge of drainage for Vanderburgh County) seen any of this?"

Mr. Easley said, "No. This is part of a road improvement and I don't think the County Surveyor gets involved; the Surveyor was not involved in the first extension for Neville."

Commissioner Willner said, "The surveyor only does legal drains."

Mr. Easley said "This is a highway drainage plan."

Attorney Miller commented, "I couldn't have said it better myself."

The Chair entertained further questions.

Mrs. Cox asked, "Where will this water end up?"

Mr. Easley said it will end up in the same pipe that Neville's water goes into; and it will ultimately end up in Big Pigeon Creek.

Comments were made by Commissioners Willner and Borries that Theater Drive will handle some 400 extra cars per hour (or some 4,000 cars over a 10 hour period) according to Rose Zigenfus of EUTS.

Mrs. Cox remarked that the Commissioners did previously have some concerns (and she still has some) re drainage problems out in that area. Is this going to be adequate?

Commissioner Willner said this is a good question for Mr. Easley.

Mr. Easley stated that the architects and engineers for the Wal-Mart project are aware that they have to build as much retention as the county would require from anyone else. They have to hold back enough run-off so that their run-off is at the same rate as the farm ground. He has reviewed their plot plan with them and they feel they can go back and add some retention facilities to accomplish this.

Mrs. Cox asked, "When this is developed, will the drainage plans then come to the Board for their approval?"

Mr. Easley said that they will; just like Neville's came in and just like the plans came in for the public storage facility across the street that had the mini-warehouse. It has a retention pond that is visible from Green River Rd.

In response to query from Commissioner Cox concerning the pavement, Mr. Easley said there is going to be a 36 foot travel way. It will not be a roll curb. This will allow continuous left turn lane for left turns into drives on either side. We think it will function. There will be three (3) 12 ft. lanes, with one functioning as a left turn lane. There is to be a traffic light. This should really relieve what is presently a congested area, due to the median constructed by the State across the old Boonville Highway.

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Mrs. Cox expressed her appreciation for having her questions answered, saying that this is a public meeting and that is when you're supposed to ask them.

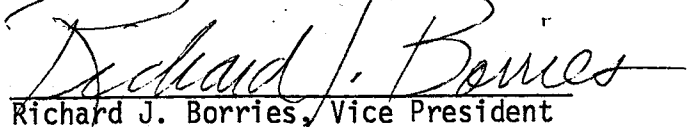
Commissioner Willner commented, "No problem; it's when we can't answer them that bothers me." The meeting proceeded with Commissioner Willner entertaining a motion. Motion was made by Commissioner Borries that, with the inclusion of the amendments added to the agreement by Attorney Miller, the agreement be approved. A second to the motion was provided by Commissioner Cox. So ordered.

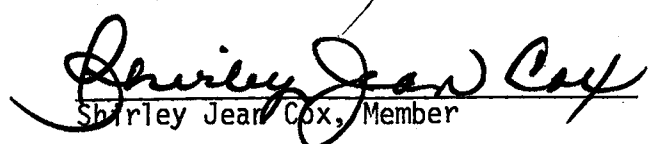
Questions arose concerning the status of the agreement. Attorney Miller said that as long as the Commissioners approve the document, it doesn't matter whether or not it is a typed version with hand-written amendments. The agreement can be retyped to include the amendments and the Commissioners can sign the retyped version next week. The main thing is whether the Commissioners approve the agreement, as amended.

There being no further questions concerning the agreement, The Chair entertained discussion concerning any further matters to be brought before the Board today. There being none, President Willner declared the meeting adjourned a 3:45 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS....</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Alice McBride	David V. Miller
	R. J. Borries		
	Shirley J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN COMM.</u>
	Bill Bethel	Andy Easley	B. CUNNINGHAM
	<u>EUTS</u>	<u>BUILDING COMMISSION</u>	
	Rose Zigenfus	Roger Lehman	
<u>SECRETARY</u>	Joanne A. Matthews		


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 21, 1986

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, July 21, 1986, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order at 7:35 p.m. by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, July 14, 1986, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Willner said he also has the minutes of the Town Hall Meeting held July 8, 1986 in the City-County Council Chambers re Hillcrest-Washington Home. He knows that all of the Commissioners have not yet had an opportunity to read through said minutes. Would the Board want to defer approval for one (1) week? Commissioner Cox stated that she has not read the subject minutes and she would like to defer approval for a week. Commissioner Borries commented that he read this set of minutes this afternoon. He wants to commend Margie Meeks for her work on these minutes -- this was tough. Commissioner Cox said if the Board wants to go ahead and approve subject minutes it is o.k. with her. Commissioner Willner said the Board will defer approval for one (1) week, until Mrs. Cox has had an opportunity to read them. There was a lot of input at this meeting and this is what the Board wanted.

RE: REZONING PETITIONS

VC-13-86/Petitioner, Mose L. Henry (1st Reading):
Petitioner is requesting change from M-2 to R-1 to allow construction of a new singlefamily residence to replace existing single family residence. Single family residences are not permitted in an M-2 zone. Common known address of property is 2518 S. Red Bank Road. The property is located on the east side of Red Bank Road 1250 ft. south of Ogden Street and is surrounded by agricultural and R-1 zones, except for the remainder of this M-1 parcel which is used as tire salvage. The Chair entertained questions. There were none. A motion was entertained. Motion was made by Commissioner Borries that VC-13-86 be approved on 1st Reading and forwarded to Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-14-86/Petitioner, William E. and Joyce Davis (1st Reading) The Petitioners request rezoning of 65 ft. residential lot from R-1 to C-4 to establish an automobile repair shop in the existing garage. Subject property is located on the east side of Elm Avenue and Hogue Road. Proposed land use is both for residence and small auto repair shop. The property to the north (across Upper Mt. Vernon Avenue) is M-3; to the east is C-1 and C-4. Surrounding property on the south and west is primarily single family residential. Access and egress is on Hogue Road. Common known address of subject property is 321 N. Elm Avenue. The Chair entertained questions.

Commissioner Cox indicated she has questions. The area for the residence and existing garage...both are fairly close to Hogue Rd. and there is a drive off Hogue Rd. (even though the address is an Elm Avenue address). But there certainly isn't much room between Hogue Rd. and the garage for any kind of parking or storage of cars, plus it's kind of on a curve on Hogue Rd. Unless they can provide some kind of turnaround parking around at the side or something like that, it is going to be a very

dangerous area. You have to hold your breath to get out the little convenience store on the corner and the car wash right before you come out on Tekoppel Avenue.

Ms. Behme of Area Plan said this problem was addressed on the staff field report and they asked for EUTS recommendation. But EUTS never has these ready until about a week before the APC meeting -- but they are aware of it and APC did note this on the staff field report.

The Chair entertained a motion. Motion was made by Commissioner Borries that VC-14-86 be approved on 1st Reading and forwarded to Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-15-86/Petitioner, Warren Spurling (1st Reading):
Petitioner requests change from Agricultural to C-4 to allow commercial development of this 44 acre parcel. The property is located on the east side of North Green River Road just south of Spring Valley Road immediately north of Bethel United Church of Christ. Commissioner Willner queried Ms. Behme concerning Mr. Spurling's plans. Ms. Behme said since this is a 44 acre parcel she thinks he is talking about a shopping center. It was noted that subject property is located in an area of mixed zonings with agricultural to the north and east, a special use in agricultural and C-4 to the south, and agricultural and C-4 used as apartments to the west. The staff field report states that EUTS recommendations must be followed to lessen the continued added traffic impact on Green River Road. With regard to parking requirements, street and setback requirements will be addressed at such time as a complete development plan with drainage is submitted. The Chair entertained questions. In response to query from Commissioner Cox concerning setback, Ms. Behme said there is a 90 ft. thoroughfare setback from the centerline. Commissioner Willner said the common known address of subject property is 3101 N. Green River Rd. The petition indicates that the owner of subject property is the Aldo Hirsch Heirs Trust. Further questions were entertained. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-15-86 be approved on 1st Reading and forwarded to Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-9-86/Petitioner, Mid-South Development Corp. (3rd Reading): The Chair recognized Attorney Mike Shopmeyer, who stated he is present to speak on behalf of Mid-South Development Corp. This petition received approval by vote of 8-0 at Area Plan Commission meeting for development of a wholesale warehouse facility. It is a very large building (1,000 sq. ft.) similar to what you're seeing throughout the south, another of which is going to be built on Green River Rd. Attorney Paul Arnold is here on behalf of remonstrators who were present in an earlier meeting, by which they were able to stay this action. He and Mr. Arnold met and negotiated an agreement and he believes Attorney Arnold would like to speak to the Commissioners as to that agreement.

Attorney Paul Arnold approached the podium and identified himself, stating he is affiliated with Early, Arnold and Ziemer of 1507 Old National Bank Building here in Evansville. They represent Carriage House of Evansville. Their client had some disagreements with the applicant as to this project. However, they have worked out the details. The reason he is taking the Commissioners' time this evening to tell them this is that the agreement has been reduced to a written agreement approximately eight (8) pages in length. But due to geography it has not yet been signed by the applicant's people in Louisiana. He is filing with the Commissioners this evening a document entitled "Withdrawal of Remonstrance" which he and Mr. Shopmeyer have signed. The document acknowledges the fact that they have reached this agreement. The reason they are not filling the room tonight with remonstrants protesting this application is because

they are relying upon the oral promises of the applicant that they will sign this agreement and they simply wish to document that in case there is a "slip of the lip twixt the cup and the lip" in the signing of subject agreement. Unless the Commissioners have questions, he need not take anymore of their time this evening. They do, however, want to make the record clear that they have no objection and they are not remonstrating against this application this evening.

Commissioner Willner asked Attorney Jones that if the Commissioners were to pass this zoning tonight and they did not honor this agreement, they would have no recourse other than the Courts as far as this Commission is concerned. Is that correct?

Attorney Shopmeyer interjected that were this to occur, he would come back to the Commission.

Commissioner Willner said there would be no need to come back to the Commission. If they pass it, it is passed. The Commission cannot undo this action. Thus, what does Attorney Arnold want the Commission to do?

Attorney Arnold said he would like to say at the outset that he has not been the lawyer in his firm's office principally concerned with this and he is just filling in this evening. He does know however that they did inquire as to whether this ordinance could be passed conditionally tonight, subject to the signing of the agreement and they were told that this would not be possible. Thus, they are not asking the Commission to pass the ordinance conditionally. They understand that it is absolute tonight if the Commission passes it. If they would have any recourse, it would not be against this Commission.

Attorney Jones interjected that the County is not a party to this agreement. If anything goes wrong, the two parties who entered into the agreement would go at it separately.

Attorney Mike Shopmeyer stated that a great deal of negotiation has gone into this and he and his client have worked with all the neighbors and they have reached an agreement. He thinks the fact that there are no remonstrators present tonight is evidence of that.

Commissioner Willner asked if the other Commissioners have any questions of Counsel. There were none.

Commissioner Willner then asked if there are any remonstrators present concerning VC-9-86? There were none and Commissioner Willner asked that the record so state. A motion was entertained.

Motion was made by Commissioner Borries that VC-9-86 be approved on 3rd Reading, with second from Commissioner Cox. The Chair asked for a Roll Call Vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. President Willner declared the ordinance approved.

VC-12-86/Petitioner, Theraldson Enterprises, Inc. (3rd Reading): The Chair recognized Mr. Sam Biggerstaff, engineer for the developer. Mr. Biggerstaff introduced Mr. George Hahn of Sioux Falls, IA, who was present to speak on behalf of Theraldson Enterprises. Mr. Biggerstaff shared a copy of plans with the members of the Board. It was noted that there is a curb cut on Highway 41. Petitioner is downgrading from an M-2 to a C-4 zoning. Mr. Biggerstaff stated there is a 36 inch combination sewer line in front of Lynch Rd. Present land use is vacant. Proposed use is for construction of a "Super 8" motel (a nationwide franchise). The structure is to be a 65 room facility. Property is located on the south side of Lynch Road just east of U.S. Highway 41. This is a commercial and industrial area. The property to the east and south is vacant

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M-2 property; to the north is a motel and gas station; to the west is a motel. According to APC staff field report, parking, setbacks and curb cuts will be addressed when development plan is submitted. EUTS recommendations must be followed.

The Chair entertained questions. There being none. The Chair then asked whether any remonstrators are present concerning VC-12-86? There were none and Commissioner Willner asked that the record so reflect. A motion was entertained. Motion was made by Commissioner Borries that VC-12-86 be approved on 3rd Reading, with a second from Commissioner Cox. The Chair asked for a Roll Call Vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. President Willner declared the ordinance approved.

Mr. Hahn stated that the word "remonstrators" was not used in their courts, County Commission or anywhere else up in the Dakotas.

Commissioner Cox asked what they called them?

Mr. Hahn responded "Aginnerers". Sometimes in their courts they are referred to as "dissenters"; but in the City and County Commission bodies they are simply known as "Aginnerers".

Commissioner Willner said he will note this -- and next month he will use "Aginnerers".

RE: COUNTY ATTORNEY - DAVID JONES

Lawsuit Filed Against County Highway Department: Attorney Jones advised that a lawsuit was filed in Small Claims Court on July 11, 1986 against the County Highway Department for killing of an 18 ft. pine tree by salt damage. The insurance company has apparently been denying coverage on this thing continuously. He will get it to John Hodge. The suit was filed by Katherine Nicholson, although the matter that is attached is signed "Katherine Guthries" or something like that. Attorney Jones said she had attached a copy of a letter she sent to him in February; but he does not remember ever having seen same.

Commissioner Willner said Ms. Nicholson did stop in the Commissioners' office one day and he did talk with her.

Attorney Jones said he does think he talked with her on the telephone and told her she had to contact her insurance company. It appears she did do this and got experts at Purdue and here to test the soil. etc.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Highway Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period July 14 thru July 18, 1986.....report received and filed. Attached to the Work Report was the following work schedule:

<u>Gradall:</u>	Bromm Rd., Bender Rd., Maasberg Rd., and Baseline
<u>Paved:</u>	Browning Rd. and Old State Rd.
<u>Patched</u>	St. Joe Ave., Boonville-New Harmony, Harmony Way, Mohr Rd., Old State Rd., Bromm Rd., and Hogue Rd.
<u>Mower:</u>	Evergreen Rd., Old State Rd., Oak Grove, Fuquay, Burkhardt, Wedeking, Schraeder, Volkman, Barton, Peck, Korff, Brinkmeyer, Seven-Hills, Marx, Old 460 and Allen Lane.
<u>Weed Eater:</u>	Intersections of Water Works and Highway 41, Fuquay, Pollack Avenue, Oak Grove Rd., Green River Rd., Heinlein, Burkhardt, Wedeking, Millersburg and Hedden.

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Cleaned ditch in front of County Highway Garage.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew....report received and filed.

Crew cleaned off the yard in back of the County Garage.

Crew repaired pipe on Allen Lane.

Work Release Personnel: Worked on Twickingham and Green Briar Court in Melody Hills, repairing cave-in.

President Willner entertained questions of Mr. Bethel.

Smith-Diamond: Commissioner Cox asked whether Mr. Bethel has had an opportunity to check with SIGECO re the damage to Smith-Diamond? Mr. Bethel said he did. He is having Lee Stucki contact the contractor who performed the work for SIGECO and telling them that we want the side of that road paved.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Dorothea Titzer: Mr. Easley said he had told the Commissioners he would be presenting a claim to Dorothea Titzer, since Lawrence Titzer had requested that the crop damage be paid to him and we were to pay Dorothea Titzer the \$3,636.00 for permanent right-of-way for Heerdink Lane (between Millersburg and Heckel Roads) 40 ft. x 1,320 ft. @ \$3,000 per acre. Motion to approve claim for payment was made by Commissioner Cox with a second from Commissioner Borries. So ordered.

Claim/I.D.O.H.: Mr. Easley presented following letter from the Indiana Department of Highways concerning claim for what the County owes the State for increased costs on Burkhardt Road contract. The claim is in the amount of \$38,466.70, which is 90% of the County's share of the increased cost. The I.D.O.H. said payment is due upon receipt. We have a completed project out there with the exception that there are yet a couple of traffic signs to be installed.

Commissioner Willner asked if we need to remit 90% of that cost or is this 90% of the cost? Mr. Easley said this is 90% of cost. \$38,466.70 is 90% of the County's share and we still owe another 10%. In response to query, Mr. Easley said that this is actually 90% of 25%. Mrs. Cox said the other funds (federal, state or whatever) would be three times this amount. Mr. Willner said we still have the telephone poles at a cost of \$25,000.00. Mrs. Cox noted that the county has to pay the total on this.

Mr. Easley said the I.D.O.H. is doing all the contract administration work on this. We had a nice credit. Supposedly there was an error made in the original quantity of asphalt which was in our favor and that came through as a change order. We had already paid 25% of our share of the contract before they awarded the contract, so we built up a nice credit there. The letter from the I.D.O.H. read as follows:

July 11, 1986

Board of County Commissioners
Vanderburgh County Courthouse
Evansville, IN 47708

Re: Invoice No. 8700087

Dear Commissioners:

Please find enclosed invoice number 8700087 in the amount of \$38,466.70 for Project M-El00(1), Contract.

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R-15023. This invoice represents increased costs to the original purchase order to cover overruns in construction and labor. The County of Vanderburgh is responsible for remitting 90% of the county's share of the increased costs.

You will also find enclosed a copy of the advice of change of this purchase order to the contractor to substantiate the amount of this invoice.

Please send your payment to:

Indiana Department of Highways
Attention: Agent Cashier
100 N. Senate Avenue, Room 1104
Indianapolis, IN 46204-2249

The subject invoice is due and payable upon receipt. If you have any questions concerning this matter, please notify me at (317) 232-5384.

Sincerely,

Kimmerly S. Weaver
Acting Accts. Receivable
Supv.

Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/Deig Bros. Lumber & Construction Co., Inc.: Claim in the amount of \$22,992.54 for retainage for construction of new bridge at Millersburg-Bluegrass Creek. This is the amount for retainage shown on their April 18 invoice (which he checked in detail). Mr. Easley said he looked at the bridge again this morning. There is a lot of heavy construction traffic going across the bridge and it is showing a little evidence of defection (perhaps a half inch of asphalt) due to the heavy construction traffic. We have three (3) inches of asphalt on that road. If he had it to do over again, he thinks possibly he would have put down four (4) inches. But ordinarily vehicles such as farm implements and farm trucks would not subject the structure to the weight it is being subjected to.

Commissioner Willner asked if this is due to I-164 construction about a half mile away?

Mr. Easley said this is correct. It will be the primary access because anything being done on the east side of I-164.

Commissioner Cox remarked that Millersburg will carry a lot of traffic. When she was out there she saw a lot of water trucks and coal trucks and they weren't going to I-164. Does Mr. Easley think that we best go out and put in a one inch overlay to protect what is there now?

Mr. Easley asked that the Board let him look at it and seek some guidance re the matter. He is seriously considering it. He doesn't know whether we could wait a while or what. He has mixed emotions. It might strengthen it, but he doesn't know whether a one inch overlay would or wouldn't do the job.

Mrs. Cox remarked that we did have a washout on the side after that big rain. We put in some rip-rap and we haven't had anymore washouts since then. It still looks like it is holding.

The Chair entertained a motion. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ENSLE PLACE SUBDIVISION/COUNTY ACCEPTANCE

Mr. Easley said he has a letter from Mr. James A. McCarty, Sr., the developer of Ensle Place. The Board will recall the

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discussion of this subdivision (off Oak Hill Rd.) and the street that wasn't paved through to Heckel Rd. The letter is as follows:

July 9, 1986

Mr. Andy Easley
Vanderburgh County Engineer
Civic Center Complex
Evansville, IN 47708

Re: Ensle Place Subdivision Street -
County Acceptance

In accordance with your phone call today, you will find enclosed a copy of a letter from the Area Plan Commission dated March 9, 1984, which states that the Ensle Place recorded subdivision was recorded June 14, 1952, and contained 43 lots, and is ready for building on as recorded. When we purchased this real estate in 1978, the original subdividers, Mr. and Mrs Neil Pierce, had already sold all of the lots on Oak Hill Rd. and Heckel Rd., and one interior lot (Lot No. 39) but had not put in any of the interior streets. They sold 15 of the original 43 lots that on the enclosed plat are marked with X's and we purchased the lots that are marked with circles and have now sold all of them.

It is my understanding that the County Commissioners at this late date are now asking for Colonial Avenue to be completed to Heckel Rd. or that it be vacated. It is traditionally the case on older subdivisions or on properties of this sort that the property owners adjoining subject streets be required to pay for their half of the road. It would seem appropriate then, if this is the case, that the County request the owners of Lots No. 34 and 35 and part of Lot No. 36 be requested to pay for this additional paving. The subdivision was approved with Century Lane and the north end of Colonial Avenue, and the east end of Eastwood Drive to run to areas that do not have an outlet. We have since vacated the east of Eastwood Drive and sold four lots to one person to improve the drainage in that area, even though improved drainage was not a restriction or a requirement on this very old subdivision. We have now corrected the minor items concerning the pavement, many of which were damaged by contractors, and we have been requesting your department to approve these streets for over a year and a half.

We now respectfully request that, within the next thirty (30) days, we get final approval on these streets and that the owners of lots in this subdivision be notified of the County's action. Many of them have been quite concerned that the streets had not been approved. I will look forward to your favorable reply.

Sincerely,

James A. McCarty, Sr.

p.s. We have sold all of the lots in this subdivision and are asking for approval of streets installed.

Mr. Easley said that he relayed the Commissioners' request to Mr. McCarty that someone pave Colonial Avenue up to Heckel Rd.

Mrs. Cox asked if Mr. Easley also mentioned a cul-de-sac to Mr. McCarty? The Commissioners opted for either a cul-de-sac or an extension.

Mr. Easley said he explained this to Mr. McCarty and he has just submitted Mr. McCarty's reply to the Board. He supposes this isn't the only situation like this in the County and he doesn't know what the answer is. He doesn't believe when they paved these roads that they had a set of approved plans. (Aaron Biggerstaff did not provide Mr. Easley with a copy of approved

plans after they paved these streets.) Apparently they set construction grades and built the streets to County standards, but they didn't really have any plans approved. He looked at the streets and they did a satisfactory job. It is true that they do not have a cul-de-sac at the end of Colonial and the other streets are stepped out to the north and they end. But there is a street along the north boundary. He doesn't think there is going to be a major problem with traffic in that subdivision. The Commissioners may want to go out and make an inspection and satisfy themselves.

Commissioner Willner said Mr. McCarty stated in his letter that he wants the County to require the owners of Lots 34, 35 and 36 to pay for this additional paving. That is asinine; you can't ask a property owner to pay for his streets. That has no bearing on us; it is the contractor's responsibility to pay for them.

Mr. Easley said the developer never owned Lots 34 and 35. And the frontage for Lots 34 and 35 was Heckel Rd., so they were never interested in having a street beside their property. He is not sure how the ownership of Lot 36 is vested. It may be that the owner of Lot 35 bought part of Lot 36.

Mrs. Cox said it would seem that...

Commissioner Willner asked how the owner of Lot 36 gets out now?

Mr. Easley said he has access to Colonial Avenue, but not to Heckel. He could drive over the unimproved dedicated right-of-way (it is not improved). But he does have access to Colonial Avenue. Commissioner Borries said Mr. McCarty's letter states, "It is my understanding that the County Commissioners at this late date are now asking for Colonial Avenue to be completed to Heckel Rd. or that it be vacated."

Mr. Easley said he doesn't believe he said "vacated". He believes he said the Commissioners were concerned about having some kind of temporary turnaround or a cul-de-sac.

Commissioner Borries said he wonders if Mr. McCarty understood that; this is why he was asking.

Mr. Easley said he did relay the message rather clearly, but perhaps he should go back

Mrs. Cox said it would seem that if they would vacate (and that is the only thing that makes any sense). She can't see approving this and leaving that easement there. Is Colonial Avenue ever going to hook up with anything in another subdivision to the north or to the south?

Mr. Easley said it could be that someday somebody might want to extend Colonial Avenue to Heckel and finish paving it; although he can't for the life of him right now think of why they would want to do that -- but such things have happened.

Mrs. Cox said it would seem that for the additional 45 ft. or 50 ft. of property that Lots 34, 35 and 36 will ultimately get if this is vacated that that could offset the cost of the cul-de-sac there. When you see these things, you can't see how they fit in with the overall transportation plan. If Colonial Avenue is ever going to be extended to the south...

Mr. Easley said that Lakeland Avenue is sort of to the west and it goes south of Heckel. But it doesn't really line up and probably there isn't anything that really would line up. He would be reluctant to entertain a petition to vacate it. He think he'd just leave it there. Maybe we ought to require them to put in a wide driveway for people to turn around.

Commissioner Willner said you don't necessarily have to let vehicles on your driveway to turn around. As Commissioner Cox said, we have been sued by driveway owners because the county cannot come in and turn around in their driveway.

Mr. Easley said we could ask for a "turnaround easement".

Commissioner Willner queried Mr. Easley concerning the difference between a turnaround easement and a cul-de-sac.

Mr. Easley said a turnaround easement could be a large driveway on an easement dedicated to the county for a turnaround. A paved turnaround driveway is easier than a cul-de-sac. A cul-de-sac does have a lot of concrete.

Commissioner Willner asked if this is a concrete street? Mr. Easley acknowledged that it is.

Mrs. Cox queried Mr. Easley concerning the difference between the vacation of Colonial Avenue as compared to the vacation of Eastwood Drive?

Mr. Easley said that is a good question. Probably hindsight -- he doesn't remember the petition re vacation of Eastwood Drive. He might very well have spoken against it, because if another piece of property is developed over there, it benefits by looping the streets. Occasionally you have to cut a trench across the street to repair some utility, it is nice to have them connected. Some of these subdivisions really only have one point of egress and ingress. Mrs. Cox said this one does.

Commissioner Willner queried Mr. Easley about what would be done if there were an accident at the corner and they needed to get a fire truck in there? Mr. Easley said it is wider than normal; it does have a throat width there. But Mr. Willner is correct in that you could have something turn over that would completely block the road. You'd just have to drive on the grass or something to get around it. This is why they widen the throat widths at such locations. It would be very unusual to completely cut it off. The Board doesn't have to make a decision on this tonight.

Commissioner Willner said he thinks the decision was made last week and we need some relief there to turn around.

Mr. Easley said he will go back to Mr. McCarty and negotiate for some kind of temporary turnaround to meet with the Commissioners' approval.

RE: ORDINANCE RE PARKING/AUDITORIUM

President Willner said he has the ordinance for final approval re parking at Vanderburgh Auditorium. He believes we've gone through this several times with the City and the County. Actually, he doesn't really know why it requires the Board's approval tonight, as they have already approved the ordinance.

Commissioner Cox asked if the City has approved it? Did they make some changes in the ordinance. She noted in the local newspaper that the parking time limit in front of the Auditorium is now going to be 15 minutes.

Commissioner Willner said the ordinance he has says "thirty (30) minutes", and he quoted paragraph from the ordinance.

Commissioner Willner said this is for the final vote. We've already passed it once. He proceeded to read Page 3 of the Commissioners' minutes from meeting held on June 30, 1986. The minutes say the motion was made by Commissioner Borries (seconded by Commissioner Willner) to pass the ordinance on first reading, advertise twice and bring back to County Commissioners for final

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vote on July 21, 1986. That may have been a meeting when Commissioner Cox was not present. (It was subsequently determined that Mrs. Cox was indeed absent from the June 30th meeting. Thus, the motion was unanimously passed by the two Commissioners who were present for subject meeting.)

Commissioner Willner asked if City Council approved the ordinance?

Commissioner Borries said he doesn't think that City Council has to approve the ordinance.

In response to query from Commissioner Willner, Attorney Jones advised that the ordinance isn't any good unless they enforce it. To do that, the City will have to agree to enforce it by way of entering into an agreement.

After further brief discussion, a motion was entertained. Motion was made by Commissioner Borries that the ordinance be approved, with a second from Commissioner Cox. The Chair asked for a Roll Call Vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. President Willner declared the ordinance approved, as presented.

Attorney Jones emphasized that all the document is in and of itself is a county ordinance; were it an Inter-Governmental Agreement, it would have to be adopted by both bodies. But just as a county ordinance it won't be adopted by the City, unless they create their own City ordinance. He would venture to say that unless the Commissioners write it for them, they won't write it on their own. A copy of the approved County ordinance will be sent to the City and we'll see what happens after that.

RE: BURDETTE PARK - FINANCIAL REPORT

President Willner presented the following Financial Report which had been submitted by Mr. Tuley, Manager/Burdette Park.

1986 STARTING BUDGET

1986 Budgeted	\$ 493,811.00
1985 Encumbered by P.O.	230.63
1985 Encumbered by Contract	4,431.24
1986 Insurance Reimbursement	149,787.20
Total	\$ 648,260.07

EXPENDITURES & BALANCE 1/1/86 to 6/30/86

Total Expenditures	\$ 302,865.98
Total Balance	\$ 345,394.09

INCOME 1/1/86 to 6/30/86

Pool	\$ 56,930.81
Rink	20,631.70
Rentals	41,240.67
Misc.	5,617.41
Total	\$ 124,420.59

JUNE 30, 1986

Total Expenditures	\$ 302,865.98
Total Income	124,420.59
Total Deficit	178,445.39
Less Long Term Capital Impr.	- 75,672.04
Total Deficit	\$ 102,773.35

RE: HILLCREST TRANSITION TASK FORCE

The Chair entertained matters of old business and requested that Commissioner Borries read a letter from United Way.

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Commissioner Borries stated that after the Hearing re Hillcrest last week, he was particularly impressed by what Jerry DeLucia, Executive Director of United Way said. In his brief comments he said (and Commissioner Borries said he is reading from the minutes of subject Hearing) that perhaps we should take a serious hard look and maybe with a new set of eyes. He called Mr. DeLucia the next day (Mr. Borries happens to have served on the United Way Board and has been very impressed with the people with whom he served on the Allocations Committee) and he met with Mr. DeLucia and Mike Hinton (who is the President and will be the President for the United Way for the current year). Proceeding, Commissioner Borries read the following letter:

July 18, 1986

Mr. Rick Borries
Board of Commissioners of
Vanderburgh County, Indiana
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Re: Hillcrest Transition Task Force

Dear Rick,

Jerry DeLucia and I have studied the material you shared with us, including the Monroe County model for administering the Monroe County Youth Shelter, Senate Act No. 125 concerning child care, House Act No. 1085 concerning public welfare and Donald L. Blinzinger's memo regarding children's homes operated by County Welfare Departments.

Well aware now of these documents which do or may impact upon the administration of the Hillcrest Home in Vanderburgh County, we would like to extend an offer of assistance from the United Way of Southwestern Indiana. Subject to approval of United Way's Board of Directors and the full County Commission, we would like to suggest that the United Way of Southwestern Indiana be commissioned by the Vanderburgh County Commissioners to study the current operation of the Hillcrest Home and provide the Commissioners with a report complete with recommendations.

I would propose to appoint a special task force of United Way volunteers who would approach investigation of the Hillcrest Home in much the same way as we conduct annual reviews of United Way agencies through our allocations process. I am confident that we could provide the Commissioners a complete, unbiased, objective report on the fiscal and physical management of the home and offer sound recommendations as to how the administration of this facility should be improved and structured for the future.

Please understand that the United Way has no parochial interests to be served by this offer of assistance. Our only vested interest is to see that people are served. We envision our role as an advisory one only and have no intent or interest in assuming any type of continuing role regarding Hillcrest past completion of our proposed report to the Commissioners. We are seeking no remuneration from the county for conducting this review, but would appreciate any compensation for paper and printing costs, etc., which may be incurred as a part of the review process.

The United Way of Southwestern Indiana is this community's largest and most competent group of volunteer community leaders concentrating on the provision of health and social services for the people of this area. It seems appropriate to us for United Way to offer the benefit of this volunteer expertise to the Commissioners at this time for the benefit of Hillcrest Home and all who may require its services now and in the future.

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Sincerely yours,

Michael R. Hinton
President

The Chair entertained comments.

Commissioner Borries said he wishes to state that, having served on one of these allocation committees this year (particularly reviewing the various agencies) he has been tremendously impressed with this staff and he thinks that as a transition task force, this would be an excellent start for us to make a study on this important matter and, at that point, provide us with some future direction as to what we would need to do. Thus, he would like to ask the Commissioners to consider this request to consider this so that perhaps the United Way Board, itself, could consider it at their meeting which is scheduled for tomorrow evening.

Commissioner Cox asked, "The Board has not expressed an opinion? This is just Mr. Mike Hinton expressing his opinion?"

Commissioner Borries said, "That is correct."

The Chair entertained discussion of the matter.

Commissioner Cox asked, "How much do they give to Hillcrest Home?"

Commissioner Borries said he doesn't think that Hillcrest, itself, is a United Way agency as such. Some of the individuals who are out there are served through the United Way services.

Continuing, Commissioner Borries said he would also like to add the comments of Richard Rust, the Director of Catholic Charities, who said at the Hearing that he thanks the Commissioners for the opportunity and recommended that not only the Commissioners give serious consideration to the creation of a task force or separate board, but also to recommend that United Way be involved, in that Catholic Charities being a United Way agency over the years has had to deal with good feelings, bad feelings, etc., associated with that organization. From experience, he can say that there are some bright people involved with United Way and he knows they have a very definite interest in the topic of these assessments and wouldn't hesitate to say that that includes children. Mr. Borries said he thinks this is his purpose in saying that this certainly would give us an objective start and certainly one that would provide us with a lot of information as to what we would need to do in the future. One last point, he would ask that in order to move this along with the legal questions that our County Attorney be asked to work with them. He would hope that he would be able to do so as part of his duties as County Attorney. He has done considerable research now on these particular State Statutes and has had comments and, of course, conversations with the welfare patients. If he would agree to do this, he believes this would also certainly help in their work.

Commissioner Cox commented that she certainly thinks that a person like Judge Lensing should be included on this committee, because we have to face the facts here that the people who are going to be referred to this home (if we're going to continue to operate it with county monies) are going to come from the County Courts. Certainly his input would have to be in there, because it won't be private place where I could take one of my children and say, "Hey, I've got problems". It all has to go through the courts, so I think he definitely is going to have to have input and must definitely be included on this task force committee.

Commissioner Borries said, "I agree."

Commissioner Cox said, "And United Way is probably more aware of a lot of these satellite agencies that are out there -- we've got a lot of them. I don't even know how many there are, because many of them are private and they are not court-related or court-referral. That is what we need to know. Is this Hillcrest Hoe all going to be court-related or court-referral type facility or is it going to be for a 13 or 14 year old girl who is having difficulties at home and the family can privately commit her? There are a lot of questions out there as to how this home could be used. I definitely think that Judge Lensing is a must on this task force.

Commissioner Borries said, "I agree, and I will forward those comments to the United Way Board should we choose to accept their offer."

Commissioner Willner said he really doesn't know whether Judge Lensing should be on the Board. He thinks the Board ought to talk to Judge and certainly work his likes and dislikes into the end result. But he is not sure he should sit on the Board. He thinks the reason that David Jones should sit on the Board is because there is legal matter as to what this Board can and cannot do and he should be there as an attorney for the County and not have a voting voice in the decision.

Mrs. Cox said that Judge mentioned there were 110 or 112 of our youth that were housed outside of Vanderburgh County. Why are these 110 or 112 being housed outside Vanderburgh County? That's what we really need to know. A task force can sit out there and do it just like our Auditorium Advisory Board. They can have all the ideas, but unless you have the backing of the Commissioners and County Council to appropriate the funds, your ideas aren't going to be worth anything. She doesn't know whether Judge is on the United Way Board or not, he very well might be. But she certainly think that he is very necessary -- he needs to be there when the interaction is taking place.

The Chair entertained a motion for approval of United Way Task Force to conduct study, with Judge Lensing and Attorney David Jones being included. This is a big task and an important one and this gives us a place to start.

Commissioner Cox said she thinks it is an excellent offer from this agency and she does know that there are some very, very fine people who give a lot of their volunteer time. It wasn't always done this way. But they are very dedicated individuals and she thinks they will do a good job on this.

Again, the Chair entertained a motion. Motion was made by Commissioner Borries that the offer from the United Way to organize a Special Task Force of volunteers to approach the initial investigation of Hillcrest Home be approved, with the inclusion of County Attorney David Jones and Judge Lensing. A second to the motion was provided by Commissioner Cox. So ordered.

RE: APPOINTMENT OF WELFARE BOARD

President Willner said the Commission, if they so choose, needs to appoint a Welfare Board. There are definite rules concerning the appointment of this Board and he would like for the Commissioners to be thinking about this. First of all, he needs to know whether the Commission wishes to appoint a Board. Secondly, to name choices. This should be taken care of within the next couple of weeks.

Commissioner Cox asked whether the Commission has a choice as to whether to appoint a Board? She thinks the Commission has to appoint a County Welfare Board (they have nothing to do with Hillcrest).

Commissioner Willner said this is a five-member board, one of which has to be a Trustee, and one from each Commissioner District and there can be no more than three from the same political party.

RE: NURRENBERN ROAD STUDY

President Willner said he has given the Nurrenbern Road Study to the attorney for the Union Township residents, and he guesses we will be calling a special meeting of the residents to hear their approval or disapproval of the site recommended by the engineering company.

RE: APPOINTMENT OF ENGINEERING FIRM FOR LYNCH ROAD

It was noted by Commissioner Willner that the Board needs to appoint an engineering firm for Lynch Road project by September 30, 1986, and he needs to ask County Engineer Andy Easley to select an engineering firm.

Mr. Lindenschmidt commented that Mr. Easley had left the meeting. President Willner asked that Mr. Lindenschmidt contact Mr. Easley tomorrow and ask that he continue to try to find an engineering firm to do that job.

Commissioner Cox asked if the Board is not going to advertise?

Commissioner Willner said he doesn't know whether we need to advertise. He believes Mr. Easley needs to contact three or four firms. We need to follow through with that.

Mrs. Cox asked if we didn't have some guidelines? That is a big project. Didn't Attorney Jones work on some guidelines concerning proposals for selecting consultants? She doesn't think the Board should vie from that.

Commissioner Willner said that whatever it is, the Board will abide by the guidelines. He thinks we ask for invitational bids.

RE: SCHEDULED MEETINGS

The Chair entertained discussion concerning scheduled meetings. There was none.

RE: CLAIMS

It was noted by Commissioner Willner that he has no further claims to be submitted for approval.

RE: EMPLOYMENT CHANGES

Circuit Court - Appointments

Rachel Maasberg	P/T Bkkpr. \$5.00/Hr..	Eff: 7/1/86
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Circuit Court - Released

John Harl, Jr.	Counselor Per Contract	Eff: 6/30/86
Verner Solomon	P/T W.R...\$5.00/Hr.	Eff: 7/11/86
Stefan Scholl	P/T Intern.\$3.35/Hr.	Eff: 7/11/86
Edward J. Montpetit	P/T Intern \$5.00/Hr.	Eff: 7/11/86
Kenneth A. Henson	Counselor Per contract	Eff: 6/30/86

Superior Court - Appointments

Jeffrey L. Lantz	PDCA	\$29,540/Yr.	Eff: 7/21/86
Ralph Moore	Ref. Comm.	\$20,503/Yr.	Eff: 7/21/86

Superior Court - Releases

Robert Carithers	Ref. Comm.	\$20,503.00	Eff: 7/20/86
Ralph E. Moore	PDCA	\$29,540/Yr.	Eff: 7/20/86

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Prosecutor - Appointments

Debra Jo Day	Para Legal	\$11,500/Yr.	Eff: 7/14/86
Barbara Clark	Secretary	\$12,800/Yr.	Eff: 7/14/86

Prosecutor - Releases

Peggy Kissel	Para Legal	\$15,540/Yr.	Eff: 7/14/86
Barbara Clark	Secretary	\$11,540/Yr.	Eff: 7/14/86

Prosecutor - IV-D - Appointments

Donna Busan	Secretary	\$5.00/Hr.	Eff: 7/7/86
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Prosecutor - IV-D - Releases

Debra Jo Day	Secretary	\$5.00/Hr.	Eff: 6/30/86
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Burdette Park - Appointments

Kimberly Hankins	Ext. Guard	\$3.35/Hr.	Eff: 7/15/86
Roy Bissey II	P.T.G.C.	\$4.00/Hr.	Eff: 7/8/86

There were employee changes submitted by the County Highway Department, but Commissioner Willner questioned these. He asked that the questions be clarified and these changes resubmitted to the Commissioners next week.

The Commissioners also questioned an employee change in Area Plan Commission which asked for Leave of Absence. Commissioner Willner requested that Mr. Lindenschmidt clarify this with Area Plan and resubmit necessary information next week.

There being no further business to come before the Board of Commissioners at this time, President Willner declared the meeting adjourned at 9:10 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. L. Willner	Sam Humphrey,	David L. Jones
R. J. Borries	Chief Deputy	
S. J. Cox		

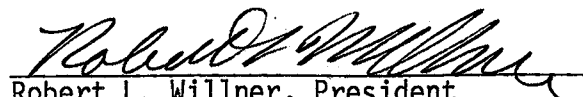
COUNTY HIGHWAY COUNTY ENGINEER AREA PLAN

Bill Bethel	Andy Easley	Bev Behme
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OTHER

Mike Shopmeyer, Attorney
Paul Arnold, Attorney
George Hahn/Theraldson Enterprises, Inc.
Sam Biggerstaff
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 28, 1986

The Board of Commissioners of Vanderburgh County met in session at 2:30 p.m. on Monday, July 28, 1986 in the Commissioners Hearing Room with President Robert Willner presiding.

The Chair called the meeting to order at 2:35 p.m. and subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of meeting held July 21,, 1986 be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

President Willner then entertained a motion concerning approval of the minutes of the special Town Hall meeting held regarding Hillcrest-Washington Home.

Commissioner Borries said that with regard to the minutes of the Town Hall meeting, on Page 5 there is a correction to be made in the statement given by Mike Roberts. The statement reads, "...there are 7 homes like this in Vanderburgh County". Mrs. Meeks said she believes Mr. Roberts may have said that, but she believes it should read, "...there are 7 homes like this in the State of Indiana". Commissioner Willner concurred. With that correction, Commissioner Borries moved that the minutes of the Town Hall meeting be approved, with a second from Commissioner Cox. So ordered.

RE: OPENING OF BIDS - RESURFACING OF ROADS & RESTROOM FACILITIES/BURDETTE PARK

The Chair entertained a motion that the County Attorney be authorized to open the bids received re resurfacing of County roads (St. Wendel, Hogue, Eichoff and Chapel Hill) and the bids received for construction of restroom facilities at Burdette Park. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Work Report for employees at the County Garage for period July 21 thru July 25, 1986....report received and filed. Attached to the work report was the following Work Schedule:

Gradall: Bender Ed., Boonville-New Harmony, Marx Rd. and the yard.

Paved Old State Rd. (from Baseline Rd. to County Line)

Patch: St. George Rd., Cunningham, Ashwood, Meadow Brook Lane, Boehne Camp Rd. and railroad crossing., Marigold Ct. and Westmore, Meadowview, Greenbriar, Boonville-New Harmony, Frontage, #5 Rd., Burdette Park, Burkhardt, and Olmstead Ave.

Mower: St. Joe Ave., Outer Broadway, Allen Lane, Marx, Church, Wimberg, Mill Rd. East, Meier Rd., Old State Rd., Hillsdale and Winchester.

Weekly Absentee Reports/Bridge Crew & Garage: Also submitted for the same period were the Weekly Absentee Reports for the Bridge Crew and the employees at the County Garage.....reports received and filed.

The County Bridge Crew cleaned the yard behind the County Highway Garage in preparation for receipt of shipment of new bridge spans. The School Boys cleaned the back yard and ditches.

List of Roads for Patching/Rural Mail Carriers: President Willner asked Mr. Bethel if he has the letter from the rural mail carriers which is "wish list" of roads that need to be patched? Mr. Bethel acknowledged that he has subject letter. The Chair then entertained questions of Mr. Bethel.

Church Road: Commissioner Cox said she would like to know how we are progressing on Church Rd.? She received a call this morning. She knows we've done some drainage work out there. Are we waiting for the drainage to be...?

Mr. Bethel said he has this on his list of roads to be paved.

Mrs. Cox said she knows this; should she ask Andy Easley about the drainage? Mr. Bethel said he is working on the drainage.

Commissioner Willner said they have already installed a new culvert.

Mrs. Cox said she knows a new culvert has been installed. But with the rain we've been having, there is still a lot of water. She had a call this morning from the man who lives at the bottom of the hill where the road deadends. Mr. Bethel said he will check this out.

RE: TRAVEL REQUESTS

Weights & Measures: Loretta Townsend is requesting permission to attend a Tri-State Training School for Weights & Measures Inspectors which is being put on by the National Bureau of Standards. It is a combination of Indiana, Kentucky and Illinois departments of weights and measures inspectors. The school will be held in Madison, IN on September 8 thru 11, and will include classes on scale testing and codes, gasoline inspection, Handbook 44 and other subjects concerning the W&M Department. They have always attended these sessions previously and found them to be very beneficial, especially since it gives them an opportunity to compare with other states as to how they operate their program. Mrs. Townsend states that, in fact, it was from a session such as this in Illinois that she was able to write our county ordinance on weights and measures which has worked wonders for us. Sufficient funds are in the travel account to allow for this trip. The room rate is \$35.97 per night (3 nights). Registration fee is \$35.00. Mrs. Townsend is also asking permission to drive her own vehicle, as they only have a van in the department and it must be left here in order for the department to operate. The reason she is asking permission this far in advance is because she will be on vacation two weeks in August, and the reservations must be taken care of prior to her scheduled return. The Chair entertained a motion. Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

County Assessor: Commissioner Willner presented the following request letter from Jim Angermeier, County Assessor:

July 28, 1986

TO: County Commissioners

This is a request for permission to travel to and from Indianapolis for the Annual County Assessors' Instructional Meeting to be held August 25, 26 and 27, 1986. This will include myself and two deputies (Evelyn Lannert and Monica Mindrup). I am requesting mileage for two cars, as I am leaving for Indianapolis earlier than the two deputies. Thank you.

James L. Angermeier
Vanderburgh County Assessor

The Chair entertained a motion. Motion was made by Commissioner Borries that the request be approved, with a second from Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Burkhardt Rd. Improvements Project/Change Orders #20 and #21:

Mr. Easley submitted the following letter from Morley & Associates:

July 14, 1986

Vanderburgh County Commissioners
Room 305 - Civic Center Complex
Evansville, IN 47708

Re: Burkhardt Rd. Improvements
I.D.O.H. Contract #R-15023
Our Project #81-468-5

Dear Board Members:

Enclosed is Change Order No. 20 (I.C. 115) and Change Order No. 21 for Force Account work performed on the Crawford-Brandeis Ditch. The work involved placing revetment riprap and plastic filter cloth along the ditch side slopes that had failed as a result of the lowering of Crawford-Brandeis Ditch. Riprap and filter cloth was also placed in drainage ditches and pipe outfalls that flow into the diitch in order to prevent future slide problems.

This work was valued at \$40,337.77 under the original cost estimate submitted as Change Order No. 17 and Change Order No. 18. The work has been completed and the final total cost is \$43,441.84. Thus, the final figure is \$3,104.07 more than originally estimated.

The increased cost is a result of the actual labor, materials and equipment costs that were incurred by the Contractor while performing this work. Additional pay items were added to Change Order No. 20 as required under Section 109.04 of the 1978 Standard Specifications (see attached page 1) for Force Account Work. Adjustments to the unit prices for laborers and operators are a result of increases in the base rate of pay effective April 1, 1986 (see attached page 7). The original estimate was calculated using the pay scale in effect during the fall of 1985. The work was not performed until the spring of 1986, thus all laborers and operators received a raise in pay and this increase has been made a part of the change order.

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We would recommend that the Commissioners accept and execute the enclosed I.C. 115 and I.C. 626. Please return (to our office) as we will forward to I.D.O.H.

As always, should you have any questions, please feel free to contact us.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer

Continuing, Mr. Easley said it is his recommendation that Change Orders No. 20 and No. 21 be approved. Motion to approve change orders was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Acceptance of Burkhardt Rd. Improvements: Mr. Easley said he has a form for the Commissioners' signatures with regard to the acceptance of Burkhardt Rd. improvements. This is the District Engineer's Report of Inspection and Recommendation for Acceptance. The form was forwarded to Mr. Easley by Morley & Associates. The primary inspection was made by Messrs. Dale Lucas of the I.D.O.H., Mike Gohmann, Don Franks and Richard Kramer of Gohmann Asphalt & Construction, Inc., and Rick Niehaus and Lee McClellan of Morley & Associates. There is yet a sign to be moved by the MOTO Gas Station. He has written a letter and he had a call from the gentleman today; he has agreed to try to get the sign moved within the next ten (10) days. There are a few other things being taken care of -- some traffic signs that have to be installed.

The Chair entertained questions.

In response to query from Commissioner Cox, Mr. Easley stated that the exit sign at the MOTO Station is within 2 ft. of the right-of-way that the County acquired. They were supposed to have moved it, but apparently didn't get the word. It's a tiny exit sign.

The Chair entertained a motion. Motion was made by Commissioner Borries that Mr. Easley be authorized to sign the District Engineer's Report of Inspection and Recommendation for Acceptance on Burkhardt Rd. Improvement Project, with a second from Commissioner Cox. So ordered.

Claim/Morley & Associates: Claim in the amount of \$6,403.83 for work performed during the month of June. Commissioner Willner asked if this is a final? Mr. Easley said it is not, but he thinks it is nearly a final. The construction was essentially completed June 19th and they have some paperwork to finish it up. But this billing is almost a final. A motion was entertained by the Chair. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: READING OF BIDS FOR RESURFACING OF COUNTY ROADS

The meeting proceeded with President Willner calling upon County Attorney David Miller to read the bids received re resurfacing of County roads.

Attorney Miller reported that two (2) bids were received, as follows:

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1) J. H. Rudolph & Co., Inc. (Evansville, IN)

Project 10-01-86 (St. Wendel Rd.)	\$184,574.80
Project 10-02-86 (Combination of three separate spans, (Hogue Rd. from Elm Street, City Limits, to Upper Mt. Vernon Rd., Eichoff from Middle Mt. Vernon north to deadend and West Chapel Hill Rd. from Eichoff Rd. east.)	\$127,739.40

2) The Rogers Group, Inc. (Bloomington, IN)

Project 10-01-86	\$193,124.40
Project 10-02-86.....	\$145,906.08

Attorney Miller noted that both bids are in order and include the appropriate attachments in bid bonds.

Commissioner Willner asked Mr. Easley if he thinks he can go over the two bids and have a recommendation for the Commissioners prior to adjournment of today's meeting? Mr. Easley responded in the affirmative.

Commissioner Cox indicated she has questions. With regard to St. Wendel Rd., does that have the total mileage from where to where?

Attorney Miller said it is a total of 5.29 miles.

Mrs. Cox asked if that is all the way up to Hwy. 65?

Mr. Easley said it goes from Hwy. 65 to Boonville-New Harmony Rd.

Mrs. Cox asked if 1,800 ft. of this area isn't in Posey County?

Mr. Easley said he believes the portion in Posey County is some 150 ft. They discussed that and it is his understanding that there is some 150-100 ft. in Posey County involved and that we have always maintained and taken care of that area. We clip about 200 ft. of Posey County when St. Wendel Rd. goes through there (in the middle of it)

Mrs. Cox said it is longer than 200 ft.; it's a long distance. That's about 1,800 ft. that we're doing of a combination road; that's just like Red Bank Rd. comes down and really deadends at Pennington but it follows on around and picks up Red Bank. So that's what we're really talking about. If we're going to repave that 1,800 ft. section, is Posey County going to contribute to this?

Mr. Easley said they have not been approached on this project. He hasn't surveyed it. But he was assured that it is such a small amount that we (in a gentlemen's agreement) have taken care of it. They've never done any work on it.

Mrs. Cox said she knows there are some other areas that are not on the list this year that (if that's their responsibility they should fix it) -- and it is a pretty long stretch; it's longer than any 150 ft. So we're talking about maybe \$13,000 or \$15,000 in asphalt anyway.

Mr. Easley said he will check into this.

RE: ITEMS TO BE RECEIVED & FILED

President Willner transmitted the Notices to Bidders re resurfacing projects and the restroom facilities at Burdette Park to be received and filed.

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RE: ACCEPTANCE OF CHECK FROM EVANSVILLE CABLE T-V

It was noted by President Willner that he has a check in the amount of \$16,852.49 from Evansville Cable T-V to be accepted, endorsed and deposited into the County General Fund. He then proceeded to read the following letter from Mr. Robert Ossenberg:

July 25, 1986

Mr. Robert Willner, President
Board of Commissioners of
Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

Enclosed you will find a check in the amount of \$16,852.49 which represents the second quarter, April 1 through June 30, 1986. The payment is based on: April, 3% of basic revenues that involves the County and 3% of net revenues of pay service; May and June represents 5% of our gross revenues.

This payment is considerably higher based on our new revenue formula than the check that was sent to you for the first quarter in the amount of \$9,436.98. It is estimated that had we paid on gross for April, this check would probably have been \$3,500-\$4,000 greater than what is presently is.

At the present time, we are contemplating our extension on Browning Road to Schlensker, Old State to Baseline. In the last report, we had 8.5 miles of construction; we added 1.5 miles for a total of 10 miles in that particular area. We will be looking forward in our net fiscal year starting September to building Mesker Park and Kremer Road and Middle Mt. Vernon Rd. Also, we are doing the Old State Golf and Country Club, which consists of 135 homes.

We at Evansville Cable again would like to thank the County Commissioners for giving Evansville Cable the pleasure of serving residents in the county with cable TV service. If the Commissioners have any questions, please feel free to call me at any time.

Thank you, and

Best regards,

Robert D. Ossenberg
Vice President & General Manager

Motion was made by Commissioner Borries that the Board accept subject check and endorse same for deposit into the County General Fund, with a second from Commissioner Cox. So ordered.

RE: APPOINTMENT - AUDITORIUM ADVISORY BOARD

The Chair recognized Commissioner Borries, who reported that he had a conversation with Mr. Joe O'Daniel (whose term on the Auditorium Advisory Board had expired). Mr. O'Daniel's problem is one that we all face from time to time. That is that his schedule just doesn't permit him to attend the Auditorium Advisory Board meetings on a regular basis. Because of other commitments on behalf of some of the other Board members, it has

been difficult to have a quorum present on several occasions. Mr. Borries said he would like to ask Mr. O'Daniel to serve in an ex-officio capacity, since he has had very lengthy experience with the Auditorium and its activities.

Simultaneously, he has another name to place in nomination today to serve on the Auditorium Advisory Board. He is an outstanding individual who would, again, add a great deal of stature to this particular board. Therefore, he'd like to place the name of Mr. Richard Eykamp in nomination. Mr. Eykamp resides at 9908 Old State Rd. (47711). Mr. Eykamp's wife is a member of the Indiana Art's Commission. He is a member of the Philharmonic Board and has served in numerous capacities on numerous boards. Mr. Borries said he thinks Mr. Eykamp can add a great deal to the Auditorium Advisory Board as it looks at the overall operation as well as the needs and assessments. Motion was made by Commissioner Borries that Mr. Richard Eykamp be appointed to the Auditorium Advisory Board, with a second from Commissioner Cox. So ordered.

RE: OLD BUSINESS

The Chair entertained matters of Old Business for discussion. There were none.

RE: SCHEDULED MEETINGS

The Chair entertained discussion concerning any scheduled meetings.

Commissioner Borries noted that the Annual Vanderburgh County 4-H Fair begins on Tuesday, July 29th and will run through Saturday, August 2nd.

RE: CLAIMS

President Willner announced that he has no further claims at this time to be presented to the Board for their approval.

RE; EMPLOYMENT CHANGES

Area Plan Commission (Releases)

Chris Forney Planner \$19,453/Yr. 7/24/86
(Personal Leave of Absence for 12 days to visit with family in Washington and British Columbia, Canada). This would be a leave of absence without pay. Motion to approve said leave was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

County Highway Department (Appointments)

Larry Stuckey	Part Time	\$3.35/Hr.	Eff: 7/8/86
Arthur W. Baker	Part Time	\$3.35/Hr.	Eff: 7/10/86
Charles Crawford	Part Time	\$3.35/Hr.	Eff: 7/10/86
Robt. E. Culver, Jr.	P/T Engr. Asst.	\$35.00/DAY	Eff: 7/8/86

RE: DRAINAGE BOARD MEETING

President Willner announced that a Drainage Board Meeting will be held immediately subsequent to the Commissioners' Meeting today.

RE: RECESS

The Chair called a five minute recess at 3:10 p.m.

RE: MEETING RECONVENED

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The Board of Commissioners reconvened at 3:23 p.m., with President Willner calling upon County Attorney David Miller for a report concerning the bids received on restroom facilities for Burdette Park.

RE: READING OF BIDS FOR RESTROOM FACILITIES AT BURDETTE PARK

Key Construction Co.: Bid for General Contract for \$45,000; Alternate G-1 using Dryvit would reduce the bid by \$1,200.

Mel-Kay Electric Co.: Bid on electric only at \$3,747.

Sandleben Plumbing & Htg.: Bid on plumbing only with base bid of \$9,400; with the P-1 Alternate, they add \$3,200.

W.R. Sheet Metal, Inc.: Bid on Heating/Ventilating with a base bid of \$1,859; with the HB-1 Alternate they add \$2,941.

Goedde Plumbing & Heating, Inc.: Bid on plumbing only at \$12,254; bid with alternate P-1 is additional \$3,357. However, Goedde's bid lacks the signed bid form and it should probably be rejected.

Althoff-Howard Electric Co.: Bid on electric only at \$2,944. This bid also lacks the executed bid form and, therefore, should be rejected.

H.A. Grant Plumbing: Bid on plumbing only with a base bid of \$9,560; Alternate P-1 is an additional \$2,600.

Deig Bros. Construction: Bid on general contract with a base bid of \$57,861; Alternate G-1 reduces the bid by \$1,896.

Sterling Boiler & Mechanical: Bid on electrical only at \$4,950. This firm submitted the necessary bid forms but the non-collusion affidavit is not notarized.

Schmitt Refrigeration: Bid on Heating/Ventilating only at \$1,590.50. The alternate for heating would add an additional \$3,050.

Arc Construction Co.: Bid on general contract at \$54,960. Alternate would reduce the bid by \$2,225.

Epley Electric Co.: Bid on electrical only at \$2,800.

REH Mechanical Contractors: Bid on plumbing only at \$11,400; Alternate P-1 would add \$7,750.

R-Allen Construction: Bid on general contract at \$46,330; the alternate would reduce the bid by \$870.

Wink Construction Co.: Bid on general contract of \$49,874; the alternate would reduce the contract by \$1,020.

A & C Construction: Bid on general contract of \$53,553, with a reduction for the alternate of \$2,826.

General Sheet Metal: Bid on heating/ventilating only of \$2,395, with an additional \$3,832 for the alternate.

Swanson-Nunn Electric Co.: Bid on electrical only of \$4,376.

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President Willner entertained a motion to refer the bids to Burdette Park and Jack Kinkel (architects) for their further study with recommendation to be made to the Commissioners two (2) weeks from today (August 11). Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: AWARDING OF BIDS ON ROAD RESURFACING PROJECTS

It was announced by President Willner that Mr. Easley is now prepared to make a recommendation to the Board concerning the bids received on resurfacing of St. Wendel, Hogue, West Chapel and Eichoff Road.

Mr. Easley said he checked the extensions of the two bidders on both projects. It is his recommendation that the resurfacing contract on these two projects be awarded to J. H. Rudolph Co., Inc.; they submitted the low bid on both projects. He said he might point out that between the two bidders, they saved us some \$25,000 under the program when it was planned in April.

Mrs. Cox said that if Mr. Easley deducts the amount that Posey County is supposed to take care of, then that would be some \$13,000 less.

Mr. Easley said he needs to verify just what that length is. But he was told that it is about 200 ft. of pavement. We'll have to get the County Surveyor out there and then we can make a decision as to how we want to handle that. He'd hate to leave a hole in the road. If they don't have the money to pave it this year, that would leave a rough spot.

Mrs. Cox said Mr. Easley needs to get clearance from the State Board of Accounts before we use the money on that road.

Mr. Easley said he will bring information back to the Board and, if necessary, they can make a decision concerning the matter.

Mrs. Cox said that Westlake Drive and other areas need work and she can't see taking care of Posey County's responsibility when we have other roads in our own county that need work -- and that is our Fuel Tax money.

Mr. Easley said that if a great distance is involved he would tend to agree with Mrs. Cox. But if it is only 200 ft. he thinks that....we have areas that the City and County share where the City line goes down the center of the road. However, he will check this out.

The Chair entertained a motion to award the contract, with the permission of the State Board of Accounts. We need to get these projects going. Motion was made by Commissioner Borries that the contract be awarded to J. H. Rudolph for the resurfacing of the aforementioned roads, subject to the approval of the State Board of Accounts regarding St. Wendel Rd., with a second from Commissioner Cox. So ordered.

Commissioner Borries asked who receives the mileage reimbursement on that particular segment?

Commissioner Willner said that Posey County is supposed to take care of all County Line roads on the western edge of Vanderburgh County and this is a County Line road really. It isn't called that, but a portion of it does run down the center and the County

Line is probably down the middle of the road. By all the State Laws he guesses they would be required to reimburse us that money. But we have never asked for it before and we haven't asked for it this time, so we will just get approval from the State Tax Board.

Commissioner Willner requested that J. H. Rudolph be instructed to start on Hogue Rd. or somewhere else, until such time as we obtain permission from the State Tax Board with regard to St. Wendel Rd. He asked if Mr. Easley needs anything else?

Mr. Easley responded that he will just give them a Notice to Proceed.

RE: COUNTY ATTORNEY - NEW INSURANCE REGULATIONS

The Chair recognized County Attorney David Miller, who needs to discuss the new federal and state regulations concerning life and health insurance.

Attorney Miller advised that he has looked at the new State statute and he can certainly speak to that. He knows there is a new Federal statute on group health coverage, but he has not read that statute; he did not know that the Commissioners wanted any advice on that until he walked into the meeting today. He understands that the Federal statute requires the continuation of health coverage to certain individuals who were formerly employed or related to former employees. But he does not know what the federal law says.

The question presented to him on the new State law went to two matters, as he understands it.

First, whether or not there is any obligation on the part of the county to contribute to the cost of group life insurance for retired employees.

Secondly, what the obligation is with respect to group health insurance for retired public employees.

With respect to group life insurance, as he reads the new State statute, if the County participates in the Public Employees Retirement Fund (PERF), which it does, and if the County offers group life insurance to its employees, the County must pay a part of the cost of the group life insurance for its local employees.

With respect to retired employees, he does not believe that that is a requirement. The reason he doesn't is that if you read Section I.C. 5-10-8-2.1 in its entirety, it says first, "This section applies only to local unit public employers and their employees." The second sub-section says, "A public employer may contract for group insurance in relation to its employees and retired employees". So, it breaks out and separates "employees" and "retired employees". The third sub-section says, "A public employer may pay a part of the cost of group insurance, but shall pay a part of the cost of group life insurance for local employees". It does not say for "local employees and retired employees". It only refers to "employees", which he reads to be active. Another reason he doesn't think the County is required to pay a part of the cost of group life insurance for retired employees is because later on in sub-section "e" of this same statute, the law speaks directly to what our obligation is with respect to "retired employees" and with respect to "retired employees" group health insurance eligibility. It would have been very simple for the Legislature to specifically refer to

"retired employees" when it was discussing life insurance. Therefore, he thinks our obligation with respect to life insurance is that if we have a life insurance program (which we do) we must pay a part of the cost of the group life insurance for our current employees. For "retired employees" who have completed twenty (20) years of employment, ten (10) of which were immediately preceding the retirement date and during 15 of which they have participated in the retirement plan, and if they retire after they reach the age of 55 and before they qualify for Medicare (during that seven or eight year hiatus) -- during that hiatus period the law requires that those individuals be given the opportunity to be covered by the County's group health policy. But it is at their expense entirely -- and it is only for that period of time. The only adverse effect that is going to have on the County is that it is probably going to drive up our experience rating, because the older people get the more they have a tendency to require hospitalization. One reason people retire early is because their health is bad. If we're required to carry them in our group insurance plan that is going to drive up our experience rating and, therefore, our premiums overall. But they have to bear all of their own premiums and there is nothing we can do about it at this point.

Commissioner Willner asked, "If we want to pick up a portion of their cost we may do so, is that correct?"

Attorney Miller said he doesn't know whether or not this statute speaks to whether or not we may pay a portion. It says, "If a retired employee fulfills these age and service requirements a public employer shall provide to that retired employee a group health insurance program that is equal in coverage to that offered active employees and in which the retired employee may participate if the retired employee pays an amount equal to the total of the employer's and the employee's premium for the group health insurance for an active employee and if the employee within ninety (90) days after the employee's retirement files a written request for the insurance coverage." Strictly read, we may not pay any portion. It says we may provide that insurance if the employee pays both.

Mrs. Cox said, "That says you may provide it if"...

Attorney Miller said, "No, it says you must provide it. You must provide it if they pay. You must let them in the group if they pay both the employer and employee contributions. So if you read it strictly, it can be argued that it was the intention of the Legislature that the public employer not pay any of their premium.

Commissioner Willner said, "Then we need to instruct the Auditor to implement this law forthwith, if they have a request from a retiree."

Attorney Miller said he understands the law went into effect July 1, 1986 for all employees who retire after June 29, 1986.

Commissioner Willner asked that Mr. Jim Lindenschmidt relay this information to the proper authorities.

Mrs. Cox asked if we will need to also check with our insurance carrier and advise them of this new change in the law? She does know that when people have retired previously they could continue with this life insurance the county has if they pay the entire premium themselves, but they have not had that luxury on the medical insurance. Since this is coming in the middle of the year Blue Cross is going to have to know that...

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Mr. Lindenschmidt said he is sure they are aware of it, but he will call them all.

Commissioner Willner said he understands that the Federal Law says you have to do this for an eighteen (18) month period.

Mr. Lindenschmidt said there are varying periods dependent upon the various circumstances; some are 18 months, others 36 months, etc.

Commissioner Willner requested that Attorney Miller continue his research on the matter (with regard to the Federal law) and report back to the Board.

Attorney Miller said he sees where the name of the Federal Statute is called the "COBRA" Act (Consolidated Omnibus Budget Reconciliation Act).

Commissioner Cox said that Attorney Miller's opinion is an interesting one, because she is under the impression that some counties in the State of Indiana are paying the entire cost of their retired employees' insurance and some are paying just a portion of their retired employees' insurance.

Attorney Miller said he can only say that if they are doing that, in his opinion it is subject to challenge.

Commissioner Willner asked, "They could do that under Home Rule, could they not? They can do anything that is not precluded in the State Law?"

Attorney Miller said he thinks the new statute can be read as "excluding" the county's option to do it. He will admit that we can make an argument either way and maybe somebody is just saying "We want to do it and we're going to do it until somebody stops us.". He's done this himself. However, the Commissioners asked him whether or not they could, and he thinks it can be read to say that we cannot. It can also be ignored until somebody stops it. We could get an opinion from the State Board of Accounts.

President Willner requested that Mr. Lindenschmidt get an opinion from the State Board of Accounts. The Commissioners might have a memo or news release on this.

RE: U.S. ARMY CORPS OF ENGINEERS

Commissioner Borries said he read a news release re the U.S. Army Corps of Engineers (Louisville District). They celebrated their 50th Anniversary of the Flood Control Act of 1936. It is a nice news release, but it still doesn't say too much about exactly what their duties are other than to say that, "Due to increased federal deficits the Administration is advocating increased cost sharing requirement by local sponsors for future water resource development projects, of which flood control is a major responsibility." This concerns him because of the continuing problem we've had along the bank down in Union Township. He just wanted to update the Board re the fact that there may have been some changes. The last correspondence from them indicated that this was totally our responsibility. He will stay in touch with the Congressman's office to see if he can find out what they're going to be doing with regard to that bank.


The Chair entertained further matters of business to come before the Board. There being none, Commissioner Willner declared the meeting adjourned at 3:55 p.m.

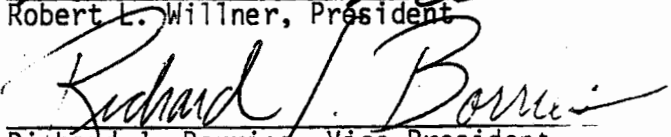
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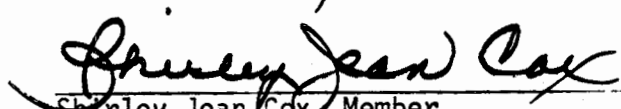
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<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R.L. Willner R. J. Borries S. J. Cox	Sam Humphrey	David L. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham
	<u>OTHER</u>		
	Various Bidders on County Projects News Media		

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member