

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 6, 1994

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 6, 1994

The Vanderburgh County Board of Commissioners met in session at 5:35 p.m on Monday, June 6, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Bldgs., Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, the Official Recording Secretary for the Board. He then asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

It was noted by Commissioner Tuley that the Board has the minutes of May 31, 1994 for approval and a motion was entertained.

Motion to approve the minutes, as engrossed by the County Auditor, was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

President Tuley asked if there are any individuals or groups present who wish to address the Commission but do not find their name or particular item of interest on tonight's agenda. There was no response from the audience.

RE: BID OPENING - REMOVAL/DEMOLITION OF HYBRID INN (VC9407)

Ms. Lynn Ellis of the Purchasing Department was recognized and stated three (3) bids were received with regard to the Removal/Demolition of the Hybrid Inn. She requested that the Board authorize the County Attorney to open said bids.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: AWARDING OF BIDS - DEMOLITION/RUBBISH REMOVAL/OLD UNION TOWNSHIP SCHOOL

Ms. Ellis said the reason this item is on the agenda again is because of the funding out of the CCD account. The County Council approved that funding. Therefore, she is requesting that the Board now award the bids, as follows:

1) Rubbish Removal/Scott Boiler & Burner	\$18,302
2) Demolition/Floyd I. Staub, Inc.	<u>\$18,500</u>
Total Bid Award	\$36,802

Motion to award the bids, as recommended, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: AWARDING OF BID - ONE TON TRUCK FOR WEIGHTS & MEASURES

Ms. Ellis said she would recommend awarding this bid to the lowest responsive and responsible bidder, Cooke Chevrolet, in the amount of \$22,536.21. Arrangements are being made for the required camper shell and other modifications to the truck.

Commissioner Hunter asked if the total \$22,536.21 includes the required camper shell and the other modifications.

Ms. Ellis said it does not. That will be additional costs at an estimated \$1,000 and the Council approves that, as well.

Commissioner Hunter said, "They're getting soft over there in their old age."

Commissioner Tuley said, "No -- they're getting easy with our money, or the CCD money."

Ms. Mayo said they did not approve the \$1,000 additional cost, because they said it was not included in the total submitted. Loretta Townsend said she was going to take that out of her equipment account and then go back to Council to request that it be reimbursed.

Mr. Hunter asked, "So all we're approving right now is the \$22,536.21?"

Ms. Mayo said that is correct.

Motion to award the bid to Cooke Chevrolet, as recommended, in the amount of \$22,536.21 was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Ms. Ellis said she was also made aware that there was a question about the truck for Bennie Gossar. She has researched the statute and the bid document that was released previously (the latter part of 1993) for the purchase of those trucks. It is her opinion that it would be acceptable to make the purchase off that bid of a new truck for Mr. Gossar. That would alleviate the need to re-bid and we'll save a considerable amount of money -- because the truck was specially ordered and the company is willing to honor the cost previously bid because of the special color of the truck, etc. It would be her recommendation to go ahead and make the request of County Council to appropriate the monies out of the CCD Fund, if that is the Commission's desire and that would be acceptable according to the statute.

President Tuley asked Mr. Abell if he has started preparing the necessary paperwork.

Mr. Abell said he will be filing with Council this week to get on their July 1st agenda.

Commissioner Hunter asked if a motion on this is needed.

President Tuley said he thinks the Board declared this an emergency. He thinks all we need to do now is....

Mr. Abell interrupted, "Should I request permission to go to Council? Maybe I didn't do that -- or did I do that?"

Commissioner Borries stated, "I don't know -- I don't remember. Did we designate that this was to come from the CCD Fund?"

Commissioner Tuley said he thinks we did.

Commissioner Hunter said, "I think we did. I thought we declared it an emergency."

Commissioner Borries referred to the May 31, 1994 minutes, saying the Board speaks through its minutes. He confirmed that action by the Board with regard to this matter can be found on



Page 8 of the subject minutes. What the Board could do now, however, is to approve utilizing the previous bid from Cooke Chevrolet, based on Ms. Ellis' recommendation.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: DATA PROCESSING - RICHARD CAPPELLETTI

COLA Increase in SCT Contract: Mr. Cappelletti was recognized and said what he has tonight are two (2) items for signature. The first is approving a COLA increase of 2.35% effective July 1, 1994 in the SCT contract with the County. This was approved by the Data Board on May 24, 1994 and subsequently approved by the Board of Public Works. The contract for the County in Paragraph 16 specifies how the COLA increase is to be computed and the effective date. We have gone through the calculations utilizing the Bureau of Labor statistics for the Consumer Price Index Urban Wage Earners and Clerical Workers CPIW for North Central Urban Region for the twelve (12) month period from April, 1993 through March, 1994. That indicates a rise of 2.35% or 3.2 points over the previous year and this will raise the monthly payments accordingly from \$39,913 to \$40,850.91 and split according to the D.P. percentage split currently in effect. That has a net effect of approximately \$265 per month for the City and approximately \$600 some odd for the County. He is requesting the Commissioners' approval and signatures on this document.

Motion to approve was made by Commissioner Borries with a second from Commissioner Hunter. So ordered.

DECready Contract with Digital Equipment Corporation: Mr. Cappelletti said he also has this contract. This service would provide a temporary computing facility in case of a disaster. From the time that a disaster should fall, the computing facilities we currently have are in this complex and until such time as a new permanent site is located and completed with a limitation for the time that we can use, but it would give us a temporary bridge until we can allocate or find a suitable permanent site. We do not have any site at this time and what this requires is for the first year a one time activation manual charge of \$3,125. This 600 sq. ft. mobile unit comes with its own uninterruptible power supply, as well as a diesel generator, as well as environmental controls and is brought to the location of our choosing should a disaster befall us. This works in conjunction with our DEC Recoverall Service in that if we have a disaster, that equipment is replaced starting within a matter of days to replace our current computer capabilities so we can carry on with the work of government. For the first year it requires a \$3,125 one time charge and a \$500 per month charge -- so that would be effective July 1, 1994. For the second through third years, there is just a \$560 per month charge. The first year charge (Fiscal Year 1994) was a budgeted item for something slightly in excess of this amount. He lowered the square footage required and received a new quote. This was discussed at Data Board during its May 24, 1994 meeting and subsequently approved by the Board of Public Works, as well, and he now brings it to the Commissioners for approval.

President Tuley entertained a motion.

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

RE: COUNTY COUNCIL/REQUEST FOR TOWNSHIP ASSESSORS TO EMPLOY  
EXISTING STAFF TO WORK ON REASSESSMENT PROJECT

President Tuley noted that this item is being deferred to a later date.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Reading of Bids/Rubbish Removal/Demolition/Hybrid Inn: Attorney Kissinger reported the following bids were received:

- |   |            |
|---|------------|
| 1) Deig Bros. Lumber & Construction, Inc. | \$5,085.00 |
| 2) Floyd I. Staub, Inc.                   | \$4,750.00 |
| 3) Scott Boiler & Burner Service, Inc.    | \$2,145.00 |

Motion was made by Commissioner Hunter that the bids be taken under advisement until June 13th, with a second from Commissioner Borries. So ordered.

Lawsuit/Charles Kent Roebuck vs. Vanderburgh County: It was reported by Attorney Kissinger that this case has been dismissed pursuant to a motion which he filed with the Courts. If the Commissioners will recall, that is the case in which Mr. Roebuck filed suit against the County alleging that he should receive more damages from property purchased by the County over twenty years ago for right-of-way purposes for the Green River Rd. widening project. As he said, the case has been dismissed and he does not anticipate any further activity in reference to it. He has nothing further to report.

President Tuley said, "You're almost as good as that guy that was here last week."

Attorney Kissinger humorously noted, "But you see, I'm better -- because I brought good news."

Mr. Tuley said, "He brought no news -- and you brought good news.!"

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Acceptance of Checks: Mr. Abell said he has two (2) checks to be quietused in. One is from Koester Contracting in the amount of \$200 for their monthly rent. The other is from the School Corporation in the amount of \$1.00 for the rental of West Heights Trade School on Harmony Way.

Motion to accept the checks, endorse same, and give to the Secretary for deposit was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COUNTY HIGHWAY - FRED HOWARD

Weekly Progress Report: Mr. Howard said he apologizes. He left the office today and forgot the Weekly Progress Reports. When he went back tonight, he couldn't find them -- so he guesses Bill Morphew has them. He thought he'd catch him after the 3:30 Department Head Meeting, but he didn't. He will drop the reports at the Commission office tomorrow.

The Commissioners instructed Mr. Howard just to submit the report next week, with the other one.

Paving: In response to query from Commissioner Borries, Mr. Howard said they have paved at Burdette Park. He talked to Milton this afternoon and, hopefully, they will start on Dixie Flyer tomorrow.

Medical Leave of Absence/Eric Acker: Mr. Howard said he needs to request a Medical Leave of Absence for Eric Acker. He was injured on the job May 18, 1994 and an employment change of status form has been submitted.

Motion to approve the request was made by Commissioner Borries, with second from Commissioner Hunter. So ordered.

Waterworks Rd.: In response to comment from Commissioner Borries that we don't have to worry about high water anymore, Mr. Howard said all we have to worry about is getting that hole covered up on Waterworks Road. He was down there today and it looks like they're coming along and they are finally down to the bottom of it. The problem is, when it rained last

week that creek rose two to three feet in just an hour. Someone said if we had a couple of inches downpour, it would rise five or six feet. He thinks Ron Riecken told him that -- but it's hard to believe. But there's a lot of water and the ditch goes almost all the way to Newburgh. Hopefully, we'll have a dry season until we can get that project done.

Attorney Kissinger said he shouldn't say that loud enough for the farmers to hear him.

Mr. Howard said, "Don't get me wrong, I want the farmers to get some rain -- but just enough rain to keep them going."

Commissioner Borries said it can rain -- but just south of the levee.

RE: COUNTY ENGINEER - JOHN STOLL

Hartman-Heldt Subdivision/Road Plan Approval for Niemeier's Replat of Lots 4 and 5/Harmony Hollow Drive: Mr. Stoll submitted subject road plans for approval, stating this is just a gravel road. This is a 2-lot subdivision and lots are 2.5 acres or larger. The road will not be County maintained unless the developer wants to bring it up to County standards. The road will be rocked and privately maintained. He recommends approval of the plans, as they stand.

Motion to approve the road plans was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Hartman-Heldt Subdivision/Request for Waiver of Sidewalks: Mr. Stoll said the developer is also requesting a waiver of sidewalks and he would recommend approval.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Sterling Boiler & Mechanical/Request for Access to Route for Wide Loads: Mr. Stoll read the following letter:

June 1, 1994

Vanderburgh County Engineering Department  
201 N.W Fourth Street  
Rom 307  
Evansville, IN 47708

Attention: John Stoll

Dear John,

We are requesting access to the following route through Vanderburgh County, from Green River Rd. at I-164 South to Shawnee Road West to Highway 41 South.

The reason for this request is 41 South is closed to wide loads all the way to Waterworks road. The State of Indiana will not issue permits. This has caused us to take the wide loads for the Big River's Clean Air Project across a route up Highway 66 to 431 South into Owensboro, Kentucky, Highway 60 West to Audubon Parkway to Pennyriple Parkway and Pennyriple Parkway to Sebree, Kentucky. If we are allowed to use the above route, we will have escort vehicles in front and rear of each wide load. The wide loads will be on a semi with total gross weight of 45,000 pounds.

Thank you for taking the time to consider this request. If you have any questions and/or answers, please contact me at 479-5447, Extension 132.

Respectfully submitted,  
STERLING BOILER & MECHANICAL, INC.

Phil Schneider  
Vice President/Manufacturing

Mr. Stoll said he sees no problem with this; it is wide loads, not overweight loads -- and they will have escort vehicles along.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Waterworks Rd. Project: Mr. Stoll said we should have plans this week. We've estimated about 10,000 cu. yds. to be dredged out of the Marina at a cost of about \$2.00 per cubic yard. We've got one quote and he is waiting on the other. We will get this under way as soon as possible. That is about all that has progressed during the past week. Like Fred Howard said, the water did go up -- it was rising for a good five hours or so after the rainfall. They will be battling that. But all in all, things went pretty smooth last week.

Mr. Borries asked, "No word yet as to the pipe or the soils or anything?"

Mr. Stoll replied, "I talked to the Soils Consultants on Friday and they are supposed to be getting that to me. I told them to fax me a copy, but I haven't received it yet. Maybe they just put into the mail. But they are supposed to be sending their recommendations down, as well, and they have been coordinating with United. So everything should be coming together. United had specified both concrete pipe and metal pipe, just to see if the concrete option would be affordable. Once we get the plans, we can start getting some prices on that.

RE: CONSENT AGENDA

Employment Status Change: Mr. Borries said there is an item to be added to the Consent Agenda -- the transfer of Tom Goodman from Burdette Park to Cumulative Bridge in the Construction Engineer position.

Mr. Tuley said this item was just inadvertently left off the typed agenda. He has the original form.

Motion to approve the Consent Agenda, as amended, was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: SCHEDULED MEETINGS

The meeting continued with President Tuley directing the Board's attention to the calendar of scheduled meetings. He said there will not be an Executive Session next week due to the Solid Waste Meeting. However, there will be Executive Sessions at 4:00 p.m. on the following two Mondays (June 20th and June 27th).

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

President Tuley entertained matters of New Business to come before the Board. Commissioners Borries and Hunter had none.

DMD/Sunbeam Grant Audit: Mr. Tuley said he needs authority to sign a letter reference the Sunbeam Infrastructure Grant Audit. It was performed by Marietta Overbeck and everything is fine. He just needs permission to sign the letter stating that we reviewed the materials in the audit and everything is fine. He needs to return the signed letter to Mike Robling in DMD.

Motion to authorize President Tuley to sign the letter was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Community Corrections Advisory Board/Resignation of Russell Woodson: Commissioner Tuley read the following letter into the record:

June 3, 1994

Honorable Richard L. Young, President  
Community Corrections Advisory Board  
Vanderburgh Circuit Court  
Civic Center Complex  
Evansville, IN 47708

Dear Judge Young:

Regretfully, I must resign my position as a member of the Vanderburgh County Community Corrections Advisory Board. Unfortunately, my wife is suffering from medical problems which may very well need out of town treatment. As a result, I am unable to devote the time that I feel I should to properly perform my position as a member of the Vanderburgh County Community Corrections Advisory Board.

Therefore, I hereby tender my resignation as a member of the Vanderburgh County Community Corrections Advisory Board.

Respectfully yours,

Russell T. Woodson

cc: Alan M. Kissinger  
Patrick Tuley

Commissioner Tuley said it is his understanding that Mr. Woodson is filling the position of Defense Attorney -- so we need to be thinking about a replacement with that aspect in mind. He thinks Russell has been on the Board for some time. He will prepare a nice thank you letter to be sent to Mr. Woodson. He thinks Mr. Woodson makes it very clear that it has nothing to do with -- well, he's got personal problems. That's the only reason apparently, that he has resigned.

President Tuley entertained further matters of business to come before the Board. There being none, he entertained a motion for adjournment. Motion to adjourn was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. Meeting adjourned at 6:03 p.m.

PRESENT:


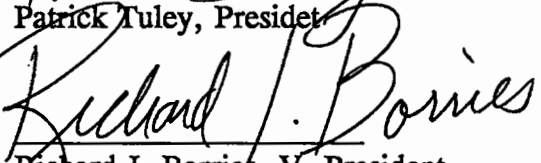
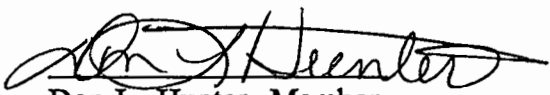
Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan M. Kissinger, Attorney

COMMISSIONERS MEETING  
June 6, 1994

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Cindy Mayo/Chief Deputy Auditor  
Mark Abell/Supt., County Buildings  
Richard Cappelletti/Data Processing  
John Stoll/County Engineer  
Fred Howard, Asst. Highway Superintendent  
Bill Nicholson/Veach, Nicholson, Griggs Assoc.  
Lynn Ellis/Purchasing  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President  
Richard J. Borries, V. President  
Don L. Hunter, Member

Submitted: 6/7/94



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**June 6, 1994**

**5:30 P.M.**

**FINAL**

1. **CALL TO ORDER**
2. **INTRODUCTIONS**
3. **PLEDGE OF ALLEGIANCE**
4. **ACTION ITEMS**
  - A. Approval of Commissioner Minutes
  - B. Any group/individual wishing to address the commission
  - C. Lynn Ellis/Purchasing
    - Bid Openings
      - 1) Rubbish Removal/Demolition: Hybird Inn--VC9407
    - Bid Awards
      - 1) Demolition/Rubbish Removal: Old Union Township School
      - 2) Bid VC9408--One Ton Truck for Weights and Measures
  - D. Richard Cappeletti/Data Processing
    - 1) Signatures approving COLA increase in SCT contract
    - 2) Signatures approving DECready contract with Digital Equipment Corporation
  - E. Sandie Deig/County Council  
re: Township Assessors' employing their existing staff  
to work on the reassessment project.
5. **DEPARTMENT HEADS**

Alan Kissinger -----	County Attorney
Mark Abell -----	Superintendent of County Buildings
Bill Morphew -----	County Garage
John Stoll -----	County Engineer(see attached requests)

# COUNTY ENGINEER'S

## CONSENT AGENDA

JUNE 6, 1994

1. CLAIMS:

LYNCH ROAD EXTENSION - 216-4827

Bernardin Lochaueller (Road Grading (92-032-2(9))) \$ 6,042.62

LYNCH ROAD BRIDGES 203-4395

Bernardin Lochaueller (Inv. #92-032-2(9)) \$ 4,648.49

Vand. County Treasurer (Correction/Invs #4,5,6,7) \$ 9,605.42

USI & SR 62 430 BOND

Blankenberger Brothers (Est. #19) \$225,618.99





**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORI  
DON L. HUNTER  
PATRICK R. TULE

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

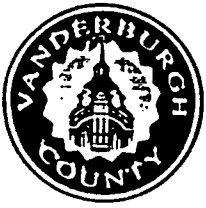
**REQUEST(S) BEING MADE:**

Approve the opening of bids for the Demolition and Rubbish Removal  
of the Hybrid Inn.

Open bids and take under advisement until the June 13, 1994  
Commission meeting at which time a recommendation for award  
will be made.

**DATE TO BE PLACED ON AGENDA:** June 6, 1994

**ACTION** XX **CONSENT**        **OTHER**



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BOR

DON L. HUNTER

PATRICK R. TUL

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Award the bid for a one (1) ton 4-door crew cab pick-up truck  
to Cooke Chevrolet in the amount of \$22,536.21.

Cooke was the low responsive and responsible bidder, and  
provided the fastest delivery of the truck.

The County Council approved the funding from CCD funds at its  
June 1, 1994 council meeting.

**DATE TO BE PLACED ON AGENDA:** June 6, 1994

**ACTION** XX **CONSENT**        **OTHER**

**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- Signatures approving COLA increase of 2.35% in SCT contract. Price Increase effective with July 1994 invoices. Approved by Databoard May 24, 1994.
- Signatures approving DECready contract with Digital Equipment Corporation. Approved by Databoard May 24, 1994.

**DATE TO BE PLACED ON AGENDA:**

Board of Public Works

Wednesday, June 1, 1994

County Commissioners

Monday, June 6, 1994

**ACTION** ☒

**CONSENT** ☐

**OTHER** ☐

City of Evansville  
DECready Service Quotation #042094ALF.JL1  
April 20, 1994  
Page 2 of 2

This order is executed by an authorized representative of Purchaser, who hereby agrees to have read the Terms and Conditions and any applicable Service Descriptions, understands them, and agrees to be bound by same.

PURCHASER'S SIGNATURE: \_\_\_\_\_

PURCHASER'S PRINTED NAME AND TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

PURCHASER'S DESIGNATED CONTACT/PHONE #: \_\_\_\_\_



**COMPUTER SERVICES DEPARTMENT**  
**City of Evansville/Vanderburgh County**  
*Civic Center Complex, Room 205*  
*1 NW Martin Luther King Jr. Blvd.*  
*Evansville, Indiana 47708*  
*Fax (812) 435-5646*

*Larry Ice, CIR Courts*  
*(812) 435-5608*  
*Debra Goodall, CIR Financial*  
*(812) 435-5644*  
*TBA, Programmer/Analyst*  
*(812) 435-5242*

*P.R. Cappelletti, Director*  
*(812) 435-5750*  
*Jodi Pickett, Administrative Assistant*  
*(812) 435-5233*

*Joseph Profaizer, Sr. Systems Manager*  
*(812) 435-5245*  
*Menzie Strickland, Operations Specialist*  
*(812) 435-5749*  
*Tim VanCleave, Micro-computer Specialist*  
*(812) 435-5751*

May 17, 1994

Chief Art Gann  
Chairman, Data Board  
15 NW Martin Luther King Jr Blvd, Room 129  
Evansville, Indiana 47708-1832

Dear Chief Gann:

Section 16 of the Information Resources Management Agreement between the City of Evansville/Vanderburgh County and Systems and Computer Technology Corporation (as amended) provides a mechanism for an annual cost of living adjustment. The adjustment is based upon the difference between the Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W), North Central Urban Region, for the twelve month period from April 1993 through March 1994.

The Consumer Price Index for April 1994 was 139.4, an index change of 3.2 points over the previous year. This index change results in a CPI-W of 2.35 percent which increases the monthly payment from \$39,913.00 to \$40,850.91.

SCT will invoice the City for 28.31% percent and the County for 71.69% percent of each monthly installment. The City and County payments will be ELEVEN-THOUSAND FIVE-HUNDRED SIXTY-FOUR dollars and EIGHTY-NINE cents and TWENTY-NINE THOUSAND, TWO-HUNDRED EIGHTY-SIX and TWO cents,, respectively. This increase is effective with the July 1994 invoices.

Attached for your review is a copy of a Bureau of Labor Statistics FAX which reflects the CPI changes along with other worksheets indicating the calculations..

Sincerely,

A handwritten signature in dark ink, appearing to read 'P. Cappelletti', written over a horizontal line.

P.R. Cappelletti  
Director

Encl



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street • Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 • Tel. (812) 424-9603

### Agenda for June 6, 1994

*DA/RS*

1. Request for road plan approval for Niemeier's Replat of Lots 4 and 5 in Hartman-Heldt Subdivision

*DA/RS*

2. Sidewalk waiver request for Niemeier's Replat of Lots 4 and 5 in Hartman-Heldt Subdivision

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department BURDETTE PARK 1450

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1-1120	Thomas Goodman	1324 Cass Avenue Evansville, 47714	Assistant Manager	30,188.00	06/06/94(pm)

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Mark Tuley DATE June 6, 1994  
Mark Tuley, Manager

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Cumulative Bridge 203

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
03-1120	Tom Goodman		Construction Eng. Tech.	\$25,472.00	6/7/94
	PAT 4 Step 4				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY John Stoll DATE 6/6/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Prosecutor's Office

*sd*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
8013101080	Lisa Jean Deutsch	2155 E. Blackford Ave	Paralegal/	18,334	00	30 May 1994
		Evansville, IN 47714	Secretary			

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Stanley M. Davis*

DATE

31 May 1994



Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

IN FAVOR OF

Vendor Name BLANKENBARGER Bros.

Vendor No. 481

\$ 225,618.99

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name UST & SR 62

Account No. 430 BOND

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Dennis  
Richard J. Dennis

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 3, 1994

John Steel  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>Est. #19</u>	<u>—</u>	<u>6/1/94</u>	<u>430 BOND</u>	<u>225,618.99</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$225,618.99

# Veach, Nicholson, Griggs Assoc.

*Consulting Engineers & Land Surveyors*

1830-A W. FRANKLIN ST. • EVANSVILLE, IN 47712 • (812) 424-2936

DARRELL A. VEACH, P.E., L.S.

BILLY T. NICHOLSON, L.S.

BROCTON O. GRIGGS, P.E., L.S.

June 3, 1994

Mr. John Stoll  
Vanderburgh County Engineer  
Old Court House  
Evansville, IN 47708

RE: Sidewalk waiver - Niemeier's  
Replat of Lots 4 and 5  
Hartman-Heldt Subdivision

Dear Mr. Stoll:

On behalf of our client, Mr. Thomas Niemeier, we are hereby requesting sidewalk waiver for the referenced subdivision.

There are no sidewalks in the area. The lots are 2.5 acres or larger and Harmony Hollow Drive will be rocked and privately maintained.

Yours truly,

VEACH, NICHOLSON, GRIGGS ASSOC.

  
Billy T. Nicholson

BTN:bar

VANDERBURGH COUNTY  
306 CIVIC CENTER COMPLEX  
ONE NW MARTIN LUTHER KING JR. BLVD.  
EVANSVILLE, INDIANA 47708-1869

May 20, 1994

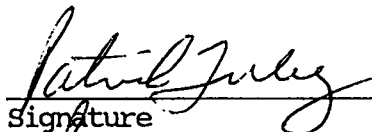
Marietta Overbeck, PC  
1715 N. Fulton Avenue  
Evansville, IN 47710

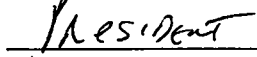
In connection with your audit of the financial schedules illustrating the results of the Industrial Development Grant Fund 93-284 awarded to the Vanderburgh County as of December 6, 1993, and for the grant period then ended for the purpose of expressing an opinion as to whether the financial schedules present fairly, in all material respects, the financial results of operations of the Industrial Development Grant Fund 93-284 in conformity with generally accepted accounting principles, we confirm, to the best of our knowledge and belief, the following representations made to you during your audit.

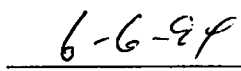
1. We are responsible for the fair presentation in the financial schedules of financial position and results of operations of Industrial Development Grant Fund 93-284 in conformity with generally accepted accounting principles. The financial schedules include all properly classified expenditures under the organization's control.
2. We have made available to you all:
  - a. Financial records and related data, and all audit or relevant monitoring reports, if any, received from funding sources.
3. There have been no:
  - a. Irregularities involving management or employees who have significant roles in the internal control structure.
  - b. Irregularities involving other employees that could have a material effect on the financial schedules.
  - c. Communications from grant agencies concerning noncompliance with, or deficiencies in, financial reporting practices that could have a material effect on the financial schedules.
4. We have no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or fund balances.

VANDERBURGH COUNTY  
306 CIVIC CENTER COMPLEX  
ONE NW MARTIN LUTHER KING JR. BLVD.  
EVANSVILLE, INDIANA 47708-1869

- c. We have complied, in all material respects, with the requirements in connection with federal, state, or local financial assistance, except as disclosed to you.
- d. We have complied with reporting requirements in connection with federal, state, or local financial assistance, and information presented in governmental financial reports and claims for advances and reimbursements is supported by the accounting records from which the financial schedules were prepared.
- e. We have disclosed to you whether, subsequent to December 6, 1993, any changes in the internal control structure or other factors that might significantly affect the internal control structure, including any corrective action taken by management with regard to reportable conditions (including material weaknesses), have occurred.

  
Signature

  
Title

  
Date

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

UND Co. TREASURER

Vendor No. 385

\$ 9605.42

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Lynch Bridges

Account No. 203-4395

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Bonnes  
[Signature]

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

\_\_\_\_\_

June 3, 1994 [Signature]  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>#4</u>	<u>—</u>	<u>1/10/94</u>	<u>203-4395</u>	<u>4,493.08</u>
<u>#5</u>	<u>—</u>	<u>1/31/94</u>	<u>203-4395</u>	<u>3,758.74</u>
<u>#6</u>	<u>—</u>	<u>2/23/94</u>	<u>203-4395</u>	<u>1096.01</u>
<u>#7</u>	<u>—</u>	<u>3/16/94</u>	<u>203-4395</u>	<u>257.59</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL				<u>9605.42</u>

# STATE OF INDIANA



INDIANAPOLIS, 46204

STATE BOARD OF TAX COMMISSIONERS

Indiana Government Center North  
317/232-3761

**TO: ALL ASSESSING OFFICIALS AND  
COUNTY BOARD OF REVIEW MEMBERS**

**FROM: KAREN A. LOUDERBACK, DIRECTOR  
COMMUNICATIONS AND TRAINING**

**DATE: MAY 23, 1994**

**SUBJECT: CONTINUING EDUCATION**

Each year the State Board of Tax Commissioners conducts three (3) continuing education sessions for all assessing officials and county board of review members. Any assessing official or board of review member who attends at least two (2) of the three sessions is entitled to receive a mileage allowance and fifty dollars (\$50) for attending two (2) sessions, or seventy-five dollars (\$75) for attending all three (3).

According to IC 6-1.1-35.2-5, a county that is required to make a payment to an assessing official or county board of review member must make the payment regardless of an appropriation. The payment may be made from the county's reassessment fund.

The classes will start at 1:30 P.M. and they will last until 4:30 PM. EST. Attached you will find the dates and locations of when the three (3) sessions will be held. This is the ONLY notice that you will receive regarding these meetings.

**PLEASE SAVE FOR FUTURE REFERENCES.**

**RECEIVED**

MAY 31 1994

Krug

*AKF*

TRAVEL REQUEST FORM  
FOR

DATE OF REQUEST: May 26, 1994 DEPARTMENT: Health/Nursing

EMPLOYEE(S): Fran Straeffer Diana Simpson Ethel Daniels

Johnetta Finnerty      Juanita Singer      Laura Edwards

Constance Block      Gail Robb      ~~Louise Kriesler~~      Gina Bosard

DATE(S) OF TRAVEL: Tuesday, June 7 - Thursday, June 9, 1994

DESTINATION: Indiana Convention Center Indianapolis

**PURPOSE:** Governor's Conference on Health/ Governor's Conference on Violence & Drugs

(confirmed via phone to H. Schwartzel 5/26)

\*\* Reimbursement by IN State Department of Health - see attached letter

**Proof (Copy of brochure or letter) must be attached.**

LODGING REQUIRED: yes (reimbursed)

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: (1) #873

OTHER: (2) private vehicles

REIMBURSEMENT CLAIMED

### Mileage

### Parking

X ~~Per diem~~

## Registration

~~Air fare~~

**Other**

**APPROVED:**

Department Head

**APPROVED:**

**Office Holder**

**APPROVED BY:**

VANDEBURGH COUNTY COMMISSIONERS this 6<sup>th</sup> day of June, 1993

~~PATRICK TULEY, PRESIDENT~~

RICHARD J. BORRIES, VICE PRESIDENT

DON L. HUNTER, MEMBER

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: MAY 25, 1994 DEPARTMENT: ENV. HEALTH  
EMPLOYEE(S): BRET TOWNSEND, GEORGE THOMPSON, DWAYNE CALDWELL

DATE(S) OF TRAVEL: JUNE 12, 1994 THRU JUNE 15, 1994  
DESTINATION: ISDH, INDIANAPOLIS, IN. (AIRPORT)  
PURPOSE: RADON PROFICIENCY TRAINING COURSE

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: FEES PAID BY ISDH

MEANS OF TRAVEL: COUNTY VEHICLE NUMBER: 471  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/> Mileage	<input checked="" type="checkbox"/> Parking
<input checked="" type="checkbox"/> Per diem	<input checked="" type="checkbox"/> Registration
<input checked="" type="checkbox"/> Air fare	<input checked="" type="checkbox"/> Other

APPROVED: *Sam Elder*  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 6<sup>th</sup> day of June, 1994

*Patrick Tuley*  
PATRICK TULEY, PRESIDENT

*Richard J. Borries*  
RICHARD J. BORRIES, VICE PRESIDENT

*Don L. Hunter*  
DON L. HUNTER, MEMBER



TRAVEL REQUEST FORM FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: May 24, 1994 DEPARTMENT: Health  
EMPLOYEE(S): Wallace Perkins

DATE(S) OF TRAVEL: June 8-10, 1994  
DESTINATION: Indpls IN  
PURPOSE: Governor's Conference on Health

Proof (copy of brochure or letter) must be attached.

LODGING REQUIRED: yes - see letter

MEANS OF TRAVEL  
COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED  
☒ Mileage (see letter) ☒ Parking (see letter)  
☐ Per Diem ☒ Registration (see letter)  
☐ Air Fare ☐ Other

APPROVED: Jim Elder  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 6<sup>th</sup> day of June, 1993.

Richard J. Borries  
Richard J. Borries, President

Patrick Tuley  
Patrick Tuley, Vice President

Don Hunter  
Don Hunter, Member

**MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 13, 1994**

**I N D E X**

<b><u>Subject</u></b>	<b><u>Page No.</u></b>
Meeting Opened @ 5:30 p.m. ....	1
Introductions & Pledge of Allegiance .....	1
Approval of Minutes (April 4, June 6 and April 11) .....	1
Awarding of Bid/Rubbish Removal/Demolition/Hybrid Inn Project VC9407/Lynn Ellis - Purchasing Department .....	1
(*Scott Boiler & Burner Service - \$2,145)	
Request to Advertise for Bids for New Fitness Center Equipment for the Sheriff's Department .....	1
(To be advertised on 6/16 and 6/23, with bid opening scheduled on 7/11)	
Request to Advertise for Bids for Replacement PC Equipment/Richard Cappelletti .....	2
(*Declared an emergency)	
County Attorney/Alan M. Kissinger (No Report) .....	2
Superintendent of County Buildings/Mark Abell .....	2
Claim/Drug Free Committee Fund/Substance Abuse Council (\$500)	
Contract/Faculty at the Factory 1994 (\$250 Fee)	
County Highway Garage/Bill Morphey .....	3
Weekly Progress Report Paving Program Old Weinbach/Outer Weinbach Avenue/Shoulder work on Right-of-Way requested Request to go on Council Call for Union Overtime Acct.	
County Engineer/John Stoll .....	4
Waterworks Road Project/Area along Waterworks Road and portion of Eagle Slough to be designated as bridge and bridge number assigned; to be included on list for bridge inspection every two years	
Fulton Avenue Bridge Project/Monthly Progress Reports to be provided by VNG on a monthly basis thru October	
Request to go on Council Call/Transfers to Franklin Bridge and Mann Rd. and Bixler Rd. projects	
Cross Pointe Boulevard Extension/Road Plans approved	
Elpers Commercial Subdivision/Road Plans approved	
Consent Agenda .....	7
Air Conditioning/Veterans Service (M. Abell to prepare Requests to go on Council Call; CCD Funds if Central Air; General Fund if window air conditioning units for July Council Call	
Employment Status Form to be returned to Job Study Group to be amended	

<b>Scheduled Meetings .....</b>	<b>12</b>
<b>Old Business (None) .....</b>	<b>12</b>
<b>New Business (None) .....</b>	<b>12</b>
<b>Meeting Adjourned @ 6:30 p.m. ....</b>	<b>12</b>

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 13, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, June 13, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings, Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo, and Joanne Matthews, the Official Recording Secretary for the Board. He then asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

Commissioner Tuley said the Board has minutes from last week's meeting of June 6, 1994. The Commissioners also need to re-sign the minutes of April 11, 1994 (since the copy machine chewed up the last two pages when the minutes were being copied for the permanent record book). They also have minutes of April 4, 1994 for signatures.

Motion to approve and sign all minutes submitted, as engrossed by the County Auditor, was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

In proceeding, Commissioner Tuley asked if there are any groups/individuals who wish to address the Commission, but do not find their name or particular item of interest on this evening's agenda. There were none.

RE: AWARDING OF BID/RUBBISH REMOVAL/DEMOLITION OF HYBRID INN  
PROJECT VC9407 - LYNN ELLIS/PURCHASING DEPARTMENT

Ms. Lynn Ellis of the Purchasing Department was recognized and stated they are recommending the low bid in the amount of \$2,145.00. Scott Boiler & Burner Service meets the bid specs and they are the lowest responsive and responsible bidder. The Health Department has funding available for this project.

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

RE: REQUEST TO ADVERTISE FOR BIDS FOR NEW FITNESS CENTER  
EQUIPMENT FOR THE SHERIFF'S DEPARTMENT

Ms. Ellis said she is also requesting permission to advertise for bids for new Fitness Center Equipment for the Sheriff's Department. Advertisement will be published on June 16th and June 23rd with bid opening scheduled on July 11, 1994.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

farmed to the point to where it looks as though we don't have any right-of-way left. They are on it. You can kind of see where some of our county crews have been able to just kind of blow it away from the road. But he is concerned that we talk with them and see if we can't some of those shoulders down there pulled back. He has some concern that two cars passing at some point could really cause us some problems -- particularly since the races are going to be starting. He thinks the inevitable season for construction on U. S. Highway 41 is going to start -- so there will be more people using Weinbach Avenue. It is just very tight and it seems to him that we've just lost our right-of-way down there.

Mr. Morphew said, "Yes, the water has been up and down so many times this year -- like a yo-yo. Every year that I've been at the garage they send a grade all down on South Weinbach and ditch that every year. It takes about two weeks."

Mr. Borries said, "I know this will be a busy season, but if we could look at that -- it just seems to be very tight this year. The road, itself, may need some patching here and there; but it is a lot better than it used to be. There were a couple of years where it was almost impassable -- huge craters and everything; but since we put that hot mix down it is better. But in consideration of the water that's been on that road, it doesn't look bad. But the road is truly turned into a ditch and there is just no right-of-way. We don't have any shoulders at all. I think the trash crews have done a good job -- there were just a few minor areas. But they usually do a real aggressive job down there and that's good, because if you don't, it always reminds me of Disney World. You see those people in Disney World and with a hundred thousand people a day going through that place -- or whatever it is -- and they're out there sweeping. If you don't, you just have huge clutters of trash. And those guys do a heck of a good job down there. So if you could ask them to maybe look at some shoulders down there -- I'm just concerned that we've lost our right-of-way down there."

Mr. Morphew said they will do that.

Request to go on Council Call: Mr. Morphew said he is requesting permission to go on Council Call next month concerning transfers. He doesn't think they are going to be able to hire a summer crew this year. He has some money in that account, but he needs to transfer that for union overtime for the highway. They are very low on union overtime. They have asked the men to work for comp time, but in emergency situations they do have to have money in place.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Morphew said they received \$761.00 -- or approximately that amount -- from General Waste for the scrap culverts off Waterworks Rd. They are going to quietus that back into Cumulative Bridge. Maybe that will take a little dent off that \$100,000.

Commissioner Borries said, "Little. Very little. But every little bit helps. That's great."

RE: COUNTY ENGINEER - JOHN STOLL

Waterworks Rd.: County Engineer John Stoll was recognized and stated that he had passed out a copy of a memo he received from HERPIC this past week wherein the highlighted portion defines a bridge as anything with a span over 20 ft. or a multiple pipe structure whose distance is the distance between the pipes is less than half the distance of the smallest pipe diameter.

Commissioner Borries said, "Go through that again on this, because I think I know where you are headed."

Mr. Stoll said, "A bridge is a multiple pipe structure whose distance between pipes is less than half the distance of the smallest diameter pipe. Based on that, since we have 8 ft. diameter pipes down on Waterworks Rd. and 4 ft. spacing between the pipes, we're right on that half spacing. So technically, I believe it could be classified as a bridge and with your okay, I'll

pursue that. Based on what our bridge inspector told us, he felt that it probably could be designated as a bridge and this would result in us assuming all future responsibility for the maintenance of that structure, which has been dumped into our lap anyway. But by doing so, at least it will be inspected every two years and that way this won't come as a surprise to some future Commissioners, County Highway Superintendent, or County Engineer or whoever."

Commissioner Borries said, "I would most definitely do this and I want to commend you -- as we talked last week about this -- it is really a great idea and, as you have pointed out, we're going to accept responsibility for it anyway and it definitely is a bridge. By putting it in that bridge report we'll see two year inspections. An independent inspector or whoever has the contract can kind of monitor that whole situation down there and over a period of time we'll see if there are any changes. That's a great idea."

Commissioner Tuley said, "It sounds like a great idea. Does that mean from that point on -- when it's named a bridge -- "

Commissioner Hunter asked, "We're assuming full responsibility for it, right?"

Commissioner Tuley said, "But there is a funding mechanism in there to take care of it."

Commissioner Hunter continued, "But I'm like Rick -- and you and I have talked about this -- we might not have had the mess we have now had there been a routine inspection. I mean that may never have been inspected and it's been there fifty-four (54) years -- and we are very lucky we didn't lose a school bus in that hole. So I think from a safety standpoint and the taxpayer's standpoint we need to assume that and it become a bridge and have bi-annual inspections of some kind, so if there is a problem we can get on it before we end up with a big dollar repair for a hole in the ground. In many respects we were very lucky on it from the aspect of no injuries or loss of life."

Commissioner Borries said, "Yes, I think that the jurisdiction is clearly on Levee right-of-way; and we have about 40 ft. in there. But in so far as the pipe structure, as you pointed out, it kind of acts as part of the levee -- but with those flap gates, it clearly is a channel for water to go through and that is what it was intended to do."

Mr. Hunter said, "Plus the fact, Rick, that during periods of high water the Levee Authority pumps water from inside the levee and it goes into Eagle Slough -- so it very definitely is a levee item. Or, at least it is in my humble estimation -- and we're carrying their water."

Mr. Stoll stated, "The bridge engineer told me he guessed that it had never been designated as a bridge in the past because it was right on that distance of half the smallest diameter, since it was 8 ft. pipes and 4 ft. diameter -- and he said since it was exactly half somebody along the lines felt it was optional rather than mandatory that it be designated as a bridge. So that was his guess as to why it had never been done in the past."

Commissioner Tuley said, "Well, based on your finding, I agree that we should go ahead and designate it as one now."

Commissioner Hunter said, "And maybe in the past it was assumed it belonged to the Levee Authority. We all assumed that -- and I still think it does."

Mr. Stoll said, "That's very possible, too."

Motion was made by Commissioner Borries that this area along Waterworks Road and a portion of Eagle Slough be designated as a bridge and that a bridge number be assigned to it and that this site be included in the next bridge report for Vanderburgh County. Seconded by Commissioner Borries. So ordered.

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 13, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, June 13, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings, Attorney Alan Kissinger, Commissioner-Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo, and Joanne Matthews, the Official Recording Secretary for the Board. He then asked the group to stand for the Pledge of Allegiance.

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In proceeding, Commissioner Tuley asked if there are any groups/individuals who wish to address the Commission, but do not find their name or particular item of interest on this evening's agenda. There were none.

RE: AWARDING OF BID/RUBBISH REMOVAL/DEMOLITION OF HYBRID INN  
PROJECT VC9407 - LYNN ELLIS/PURCHASING DEPARTMENT

Ms. Lynn Ellis of the Purchasing Department was recognized and stated they are recommending the low bid in the amount of \$2,145.00. Scott Boiler & Burner Service meets the bid specs and they are the lowest responsive and responsible bidder. The Health Department has funding available for this project.

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

RE: REQUEST TO ADVERTISE FOR BIDS FOR NEW FITNESS CENTER  
EQUIPMENT FOR THE SHERIFF'S DEPARTMENT

Ms. Ellis said she is also requesting permission to advertise for bids for new Fitness Center Equipment for the Sheriff's Department. Advertisement will be published on June 16th and June 23rd with bid opening scheduled on July 11, 1994.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: REQUEST TO ADVERTISE FOR BIDS FOR REPLACEMENT PC EQUIPMENT  
RICHARD CAPPELLETTI

Ms. Ellis said Mr. Richard Cappelletti of Data Processing is not here this evening, but this item was to be read into the minutes. She did ask that B. J. Farrell make a change on this item so that it would be read as an emergency. Due to the time frame with the advertisement, there would not be the required ten (10) days between the second ad and the bid opening.

President Tuley asked, "You want me to go ahead and read this into the record, Lynn?"

Ms. Ellis responded affirmatively.

Mr. Tuley read as follows:

"Request approval to release an RFB document requesting pricing for replacement personal computer hardware and network operating system software for use by the County Assessor (File server, communications server, four workstations, one laptop and Novell Netware software, along with associated equipment).

Advertisement will be made on Monday June 13th and Monday, June 20, 1994 with the bids being received and opened during the regularly scheduled meeting of the County Commissioners (it says on Monday June 27, 1994 -- is that circled)?

Ms. Ellis said, "It is circled; we were discussing the possibility of extending the bid opening in order to meet the statutory requirements and then because of the time frame....."

Mr. Tuley asked, "You're really asking us to declare this an emergency because of the time frame?"

Ms. Ellis responded, "Yes, Sir."

Mr. Borries said he does understand it. There is definitely a need for this. Therefore, he would at this time move to declare this matter an emergency. Seconded by Commissioner Hunter. So ordered.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Having been recognized, Attorney Kissinger said that in deference to Mr. Stoll, he has nothing to report.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Claim/Drug Free Committee Fund/Substance Abuse Council: Mr. Abell submitted a claim in the amount of \$500.00. He said that according to B. J. Farrell, the Commissioners just sign off on this.

Contract/Faculty at the Factory 1994: Mr. Abell said this is something Commissioner Borries brought to his attention and indicated we should do. This is a contract whereby we would have a teacher come by and spend a week with us. The IVTC Foundation requests that we provide the stipend on or before the 16th of June for their bookkeeping purposes. He wondered if all three Commissioners were familiar with this program.

Commissioner Borries said he is not sure they are. Basically it works like an internship, where there would be a teacher assigned to the Commission office for approximately one (1) full week to learn all the ins and outs of County government.

Mr. Tuley commented, "In one week -- and we can't learn it in four years!"



Mr. Borries said that Dr. Mary Nicholson asked if we would be willing to participate and he told her sure.

Mr. Tuley asked if there is a salary associated with this.

Commissioner Borries said there is just a fee of \$250 paid by the participating agency.

Mr. Abell said that was the part of it he couldn't sign off on -- so he knew he had to bring the contract to the meeting for signatures. It is set up through IV Tech.

Commissioner Tuley said he wishes them all kinds of luck if they can learn it in a week.

Mr. Borries said there are many businesses participating and Dr. Nicholson asked if County government would be interested in it. At the time they talked, he said sure -- if we could do this to help increase the education.

Commissioner Tuley said it is an excellent idea -- he just wishes they had more than a week -- because that's a lot to learn in a week.

Mr. Abell said this starts on June 20th.

Commissioner Borries said Mark Abell will be the Commissioners liaison person and attend the meeting at USI.

Mr. Abell said he will send the contract to Dr. Nicholson tomorrow.

Motion to approve the contract was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

**RE: COUNTY HIGHWAY GARAGE - BILL MORPHEW**

**Weekly Progress Report:** Mr. Morphey was recognized and submitted the Weekly Progress Reports for periods of May 27 thru June 1, 1994 and June 3 thru June 9, 1994.....reports received and filed.

Mr. Morphey also informed the Commissioners that he will be gone on vacation the next two weeks and Mr. Fred Howard, the Assistant County Highway Superintendent, will be making reports at the next two Commission meetings.

**Paving Program:** In response to query from Commissioner Borries with regard to the status of our paving program, Mr. Morphey said they have just about finished up at Burdette Park. They do have one strip on Nurrenbern Rd. to be paved yet, where they widened the road and installed a new culvert and new exit. They are currently pulling the shoulders on Old Henderson Rd. and should start paving on that this week. They have completed Dixie Flyer.

Commissioner Tuley said that Mark Tuley said they just had to wait for some compaction to finish up or something.

Mr. Morphey said they had to finish up with placing a drop box and re-do the drainage up on top of that hill. It looks good. He got a call from Jerry Schenk insurance today and he said he'd just been out there and it looked real good. Whenever they get it completed he will take pictures of it and send them off to PENCO.

**Old Weinbach or Outer Weinbach Avenue:** Commissioner Borries said he had an opportunity to drive down a portion of Weinbach Avenue on the other side of the levy. The road is really not as bad as he thought -- thanks to the hot mix we put down there several years ago. What is concerning him is all the water that was on that road. We've got some farmers who have

farmed to the point to where it looks as though we don't have any right-of-way left. They are on it. You can kind of see where some of our county crews have been able to just kind of blow it away from the road. But he is concerned that we talk with them and see if we can't some of those shoulders down there pulled back. He has some concern that two cars passing at some point could really cause us some problems -- particularly since the races are going to be starting. He thinks the inevitable season for construction on U. S. Highway 41 is going to start -- so there will be more people using Weinbach Avenue. It is just very tight and it seems to him that we've just lost our right-of-way down there.

Mr. Morphew said, "Yes, the water has been up and down so many times this year -- like a yo-yo. Every year that I've been at the garage they send a grade all down on South Weinbach and ditch that every year. It takes about two weeks."

Mr. Borries said, "I know this will be a busy season, but if we could look at that -- it just seems to be very tight this year. The road, itself, may need some patching here and there; but it is a lot better than it used to be. There were a couple of years where it was almost impassable -- huge craters and everything; but since we put that hot mix down it is better. But in consideration of the water that's been on that road, it doesn't look bad. But the road is truly turned into a ditch and there is just no right-of-way. We don't have any shoulders at all. I think the trash crews have done a good job -- there were just a few minor areas. But they usually do a real aggressive job down there and that's good, because if you don't, it always reminds me of Disney World. You see those people in Disney World and with a hundred thousand people a day going through that place -- or whatever it is -- and they're out there sweeping. If you don't, you just have huge clutters of trash. And those guys do a heck of a good job down there. So if you could ask them to maybe look at some shoulders down there -- I'm just concerned that we've lost our right-of-way down there."

Mr. Morphew said they will do that.

Request to go on Council Call: Mr. Morphew said he is requesting permission to go on Council Call next month concerning transfers. He doesn't think they are going to be able to hire a summer crew this year. He has some money in that account, but he needs to transfer that for union overtime for the highway. They are very low on union overtime. They have asked the men to work for comp time, but in emergency situations they do have to have money in place.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Morphew said they received \$761.00 -- or approximately that amount -- from General Waste for the scrap culverts off Waterworks Rd. They are going to quietus that back into Cumulative Bridge. Maybe that will take a little dent off that \$100,000.

Commissioner Borries said, "Little. Very little. But every little bit helps. That's great."

RE: COUNTY ENGINEER - JOHN STOLL

Waterworks Rd.: County Engineer John Stoll was recognized and stated that he had passed out a copy of a memo he received from HERPIC this past week wherein the highlighted portion defines a bridge as anything with a span over 20 ft. or a multiple pipe structure whose distance is the distance between the pipes is less than half the distance of the smallest pipe diameter.

Commissioner Borries said, "Go through that again on this, because I think I know where you are headed."

Mr. Stoll said, "A bridge is a multiple pipe structure whose distance between pipes is less than half the distance of the smallest diameter pipe. Based on that, since we have 8 ft. diameter pipes down on Waterworks Rd. and 4 ft. spacing between the pipes, we're right on that half spacing. So technically, I believe it could be classified as a bridge and with your okay, I'll

pursue that. Based on what our bridge inspector told us, he felt that it probably could be designated as a bridge and this would result in us assuming all future responsibility for the maintenance of that structure, which has been dumped into our lap anyway. But by doing so, at least it will be inspected every two years and that way this won't come as a surprise to some future Commissioners, County Highway Superintendent, or County Engineer or whoever."

Commissioner Borries said, "I would most definitely do this and I want to commend you -- as we talked last week about this -- it is really a great idea and, as you have pointed out, we're going to accept responsibility for it anyway and it definitely is a bridge. By putting it in that bridge report we'll see two year inspections. An independent inspector or whoever has the contract can kind of monitor that whole situation down there and over a period of time we'll see if there are any changes. That's a great idea."

Commissioner Tuley said, "It sounds like a great idea. Does that mean from that point on -- when it's named a bridge -- "

Commissioner Hunter asked, "We're assuming full responsibility for it, right?"

Commissioner Tuley said, "But there is a funding mechanism in there to take care of it."

Commissioner Hunter continued, "But I'm like Rick -- and you and I have talked about this -- we might not have had the mess we have now had there been a routine inspection. I mean that may never have been inspected and it's been there fifty-four (54) years -- and we are very lucky we didn't lose a school bus in that hole. So I think from a safety standpoint and the taxpayer's standpoint we need to assume that and it become a bridge and have bi-annual inspections of some kind, so if there is a problem we can get on it before we end up with a big dollar repair for a hole in the ground. In many respects we were very lucky on it from the aspect of no injuries or loss of life."

Commissioner Borries said, "Yes, I think that the jurisdiction is clearly on Levee right-of-way; and we have about 40 ft. in there. But in so far as the pipe structure, as you pointed out, it kind of acts as part of the levee -- but with those flap gates, it clearly is a channel for water to go through and that is what it was intended to do."

Mr. Hunter said, "Plus the fact, Rick, that during periods of high water the Levee Authority pumps water from inside the levee and it goes into Eagle Slough -- so it very definitely is a levee item. Or, at least it is in my humble estimation -- and we're carrying their water."

Mr. Stoll stated, "The bridge engineer told me he guessed that it had never been designated as a bridge in the past because it was right on that distance of half the smallest diameter, since it was 8 ft. pipes and 4 ft. diameter -- and he said since it was exactly half somebody along the lines felt it was optional rather than mandatory that it be designated as a bridge. So that was his guess as to why it had never been done in the past."

Commissioner Tuley said, "Well, based on your finding, I agree that we should go ahead and designate it as one now."

Commissioner Hunter said, "And maybe in the past it was assumed it belonged to the Levee Authority. We all assumed that -- and I still think it does."

Mr. Stoll said, "That's very possible, too."

Motion was made by Commissioner Borries that this area along Waterworks Road and a portion of Eagle Slough be designated as a bridge and that a bridge number be assigned to it and that this site be included in the next bridge report for Vanderburgh County. Seconded by Commissioner Borries. So ordered.

Mr. Stoll said they ("they" being United Consulting) told me that once we got it complete he would file the necessary paperwork with INDOT, so we could proceed with it then.

Fulton Avenue Bridge Project: Mr. Stoll said that in response to a request from Commissioner Borries a few weeks ago, Veach, Nicholson, Griggs submitted a Progress Report on the Fulton Avenue Bridge, which he passed out to all of the Commissioners. He is aware of the fact that there is a push for the road to be constructed at the same time as the bridge and his letter indicates that he would try to accommodate that schedule.

Mr. Borries said, "That's good. This is a very encouraging letter. I had some concerns, as did Commissioner Tuley -- well, I think all of us have at one time or another been lobbied or contacted by several groups along the Fulton Avenue corridor and the obvious question that the County's responsibility is this bridge. So we wanted to make sure that, if at all possible -- this has been somewhat a lengthy process here -- to make sure we were not going to get into a situation where the plans wouldn't be complete. So, hopefully, we can continue to monitor this. Perhaps if we could get these reports on a monthly basis through October, that would kind of set us on schedule and make sure we have everything ready to go for that letting next year -- because, again, it just makes sense that if you're going to close the road down, let's build the bridge at the same time. And really, the Fifth Avenue Bridge won't be affected at that point, because it will be a totally new structure. So this is encouraging and if we can continue to monitor this and perhaps ask him to submit these reports...."

Mr. Stoll interjected, "When I talked with him on the phone, he stated he would send monthly updates. So, hopefully, he will continue to provide them after this month."

Request to go on Council Call: Mr. Stoll said he has a request to go on Council Call for transfers from McCutchan Rd. Bridge, Maasberg Rd. Bridge, St. George Rd. Bridge, St. Joseph Avenue Bridge, Old State Rd. Bridge, Vogel Rd. Bridge, and Darmstadt Rd. Bridge accounts to the Franklin Street Bridge in the total amount of \$349,940.44 and from the McCutchan Rd. Bridge account to the Mann Rd. and Bixler Rd. Bridge accounts. The transfers to the Franklin Street Bridge account are to let the county have enough to pay their increased local match due to the increased costs of the project. He still doesn't have all the funding options of that worked out to this point -- but as a minimum we will need right around \$800,000. So this will give us that much money -- depending on whether we want to over match it and not use as much of our Federal money. There may be some more money that needs to be transferred in. As he talks with INDOT over the next few days he hopes to get some of this ironed out, as well. But this would be the minimum we would need, combined with the other \$480,000 that is in the line item as it stands right now. And the Mann and Bixler increases are the result of the increased span lengths, pipes, gates and all of that.

Motion to approve the request, as submitted, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Commissioner Borries stated, "I only would want to say here -- and I know Cindy Mayo, our Chief Deputy Auditor, had attended a meeting recently regarding a State Auditor's Conference and someone mentioned (I think it was Mrs. Deig) something to the effect that Katrina Hall had talked about looking at the Cumulative Bridge in an effort to try to look at some ways for the County to look into its financial situation. And I would strongly urge against doing that -- just for this particular reason here. What happens to us is that the rules always change in the state. In the past we've been able to get and use a good deal of Federal money for rehabs like Franklin Street. And, again, by not doing Franklin Street, we think motorists have been inconvenienced by these railroad crossings that have been taking place -- they really are going to be inconvenienced when the Lloyd Bridge goes under construction. So we are going to need every dollar we get and I just would simply not in the short term want to see us change. We're not at the maximum, I don't think, on Cumulative Bridge anyway."

Ms. Mayo interjected, "We have indicated to her that we didn't think you would want to lower that and she said it was just a suggestion, she didn't know what our financial status was."

Mr. Borries continued, "Okay. Well, I just had some concern about that because I just don't think that -- especially in the short run with all the needs we have, and you can see the bridge planning that we do -- we would want to consider that."

Mr. Stoll said, "Yes. We've got quite a few bridges coming up -- Green River Rd., Fulton Avenue, Ohio Street -- and they're all \$1-1/2 to \$2 million and, like you said, the uncertainty of the INDOT funding and the Federal funding -- we don't know if we'll get Federal money on those and then it becomes all local and \$1-1/2 million would be pretty hard to come by for a 100% local job if we had to come up with that on the Ohio Street or Fulton Avenue or whatever project....."

Mr. Borries interrupted, "Well, you know, Franklin Street needs it. If it turns out as nice as the Columbia-Delaware did, it will be a fine project. But what is the unusual part about that?"

Mr. Stoll responded, "The truss underneath it is all steel."

Mr. Borries said, "And that's different than the concrete trusses we had on the Columbia-Delaware project."

Mr. Stoll remarked, "That also drove the cost of the painting of that bridge way up, as well -- so that's two of the main reasons why that came in over the original engineer's estimates."

Cross Point Boulevard Extension/Road Plans: Mr. Stoll said he has plans for another 200 ft. extension of Cross Pointe Boulevard from Builder's Square on up. It is getting close to Virginia Street. That will be the same pavement section as what was approved for the section beside Builder's Square. It will be a five (5) lane section, asphalt street, curb and gutter, relatively flat grades. He didn't see any problem with the plans and would recommend they be approved.

Motion to approve the plans was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Elpers Commercial Subdivision/Road Plans: Mr. Stoll said these plans are for Elper's Drive and Schroeder Rd. across from the State Police Post up on U. S. Highway 41 -- out around Arby's and McDonald's. He would recommend approval.

Motion to approve the road plans, as submitted, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: CONSENT AGENDA

Commissioner Tuley entertained comments or questions concerning the Consent Agenda.

Item "D": Commissioner Hunter said he has a question concerning the request from Mark Acker of Veteran's Service to use CCD funds for air conditioning. He guesses his question is, why do we have to use CCD funds for air conditioning? Isn't that office air conditioned?

Mr. Tuley said it is his understanding that there are air conditioners over there, but they don't work.

Commissioner Hunter asked, "Mr. Borries, am I not correct on this? That it was suggested to County Council that window units be used rather than putting central air conditioning in there?"

Mr. Borries replied, "You're right, Commissioner. And that was at the suggestion of Councilman Wortman, who owns a heating and air conditioning business, I think, by the way. But apparently there must be some confusion somewhere on this. I cautioned them at the time

that I thought we were going to be penny wise and pound foolish on this. John Stoll, not to put you on the spot on this -- your part of the agenda is over -- but am I correct in that -- John's office is also in the old Court House -- you have window units? Are there window units in Mr. Acker's office that you are aware of currently?"

Mr. Stoll stated, "They are there -- they just don't work very well."

Mr. Borries asked, "Are they new units?"

Mr. Stoll replied, "I don't believe so. We got new units when we moved over there, but I don't think his were new units."

Mr. Borries asked, "Where did they come from?"

Mr. Stoll replied, "I'm not sure."

Mr. Hunter asked, "Who paid for your new units?"

Mr. Stoll replied, "We bought those as part of our..."

Mr. Abell interjected, "I think Mark Acker's units belonged to the Old Court House."

Mr. Stoll said, "It could be. I thought a lot of them over there were owned by the Court House."

Commissioner Borries continued, "Well, you know, I think all we can do is try to ....."

Mr. Tuley interjected, "We can defer and see if they take it out of the general fund -- if they want to. If they don't --"

Mr. Hunter asked, "How much money are we talking about?"

Commissioner Tuley said, "He gave a figure of \$3,100."

Mr. Stoll said that is comparable to what they paid last year. He thinks they paid \$2,400 or \$2,600.

Mr. Hunter asked, "Is he trying to cool the same number of square feet that you are? His office is as large as yours?"

Mr. Stoll replied, "Yes. Right."

Commissioner Borries commented, "I'm trying to think what the original bid was when we looked at a wing of that portion on the third floor. Did we look at central units installed through kind of a false ceiling? What was it, twenty odd thousand?"

Mr. Stoll said he doesn't remember the exact figures -- but something like \$30,000 and then the next time we got a quote it was substantially less than that -- so it would probably be in the twenty odd thousand range, he would think.

Commissioner Borries said, "Well, if we are going to use the building -- and that always was the goal, to try to encourage more use. And you went there and Mark Acker went there. And at some point there was some discussion about, 'Well, if we get three offices' -- well, we're close -- we've got two out of three. And usually when you have these kinds of situations up there you wouldn't even have to turn on the other one until we get another office to go over there at some point. Does yours work okay? Adequate?"

Mr. Stoll responded, "They'll cool -- but they're noisy. Before we got ours put in a couple of weeks ago -- I don't envy Mark sitting in that office, because it was hot."

Mr. Hunter asked, "Who installs them, Benny?"

Mr. Stoll said Benny did. Last year when they bought theirs they were installed by the vendor. But Benny came over and put them in this year.

Mr. Hunter asked, "Does he have to do that from the outside or the inside?"

Mr. Stoll said, "No. From the inside."

Mr. Hunter said, "I guess I just have a problem with using this CCD fund money for air conditioning. Granted there have been some problems with the use of that money and I didn't think -- this seemed almost like a general maintenance -- this should have been taken into consideration before we paid rent or let him move over there. I just can't see using these dollars for this."

Commissioner Tuley asked, "What do you suggest?"

Mr. Hunter responded, "Well, I suggest the County Council take it out of their funds."

Commissioner Borries said, "I'm with you -- but if they're going to do it out of CCD, in my opinion, they need to change to a capital improvement to enhance the use of the building by installing central air. I'm with you on that track. I would agree with you. You're kind of against using that money for window units."

Commissioner Hunter said, "If it were central air conditioning and it would enhance the building to make it more attractive for rental, then yes. But to buy window air conditioners out of CCD funds just bothers me. It just seems that was not the purpose of this from way back at the beginning."

Commissioner Tuley said, "I agree. Let's send it back and send him directly to the Council Call for requesting of general fund monies. If they deny it, we can re-address it. I don't want to see that office and those employees over there be put in the middle of a squabble over ideology. But I'm going to say send it back to him and let him try to get the request through Council. If they reject it, we can re-address it. That is what they told us they wanted to do; they didn't want central air. So let them pay for it then."

Chief Deputy Auditor Mayo said the request needs to be turned in within two days to be heard in July. The Commissioners might want them to turn in requests both out of general fund and CCD funds. If they're not receptive to general fund, then the other would be covered. However, she assumes the Commissioners would have to declare this an emergency so they could use the funds that way. But if they deny it out of general fund, then we'd have to wait until August to go back on Council Call.

Mr. Hunter said he has a problem with replacement window air conditioners being a capital improvement. If it were central air, yes. But a window air conditioner -- he questions whether that is even a capital improvement.

Attorney Kissinger said, "I think it probably is. If repair, then no. But replacement, probably so."

Mr. Stoll said, "One thing Mark Acker wanted me to point out since he couldn't be at the meeting -- he said if I could express to you that his clientele -- he has a lot of elderly people going up there, so he feels it a critical need to get the air conditioner up there. He said for them to be up there in the heat, he didn't feel that was very good."

Mr. Borries said, "I think Cindy's idea here is perhaps a good one. Maybe we could do it both ways. I think the reason we've done this on emergency basis in some cases is to speed up some confusion about the bidding process. And in order to move this forward, if we hit the mark today -- we ought to be able to take that out of cumulative funds. On the other hand, John, I don't know if those bids would still be good -- but I'm wondering if we couldn't get some kind of cost estimate before July 1. I can see for the improvement and the enhancement of a facility - I'd go with Don on that. I believe it could come out of CCD. But just to replace them, it just doesn't seem like we're really making much improvement. On the other hand, I hate to have people in there in 95 degree heat."

Mr. Tuley said, "I don't have a problem with it if we send it and request Council to try to fund it the way they are going to. But I don't want to see this go on for two or three months because we're arguing over how in the hell we're going to pay for it."

Commissioner Borries said, "Well, okay."

Commissioner Tuley said, "If someone wants to move that we request it both ways -- the only thing we can do is lay the cards on the table and Council can look at that. But I'm of the opinion I don't want to delay that and get air conditioning for them in November."

Commissioner Borries said, "Well, I still think we have to act today. Maybe in the meantime we can lobby and talk to Council."

Mr. Tuley asked, "I was going to say, can we request it out of both and then lobby and tell them how we feel about it."

Mr. Borries agreed, saying that maybe we can even withdraw one of the requests next week.

Commissioner Hunter agreed, reiterating he just has a problem with using that CCD money for window air conditioners -- because then we're going to have to turn around and do it in a third office down there and we're talking about another \$3,000. And we will have spent fifty percent of what it would have cost to install central air -- and you can't tell me that central wouldn't be more efficient and more cost savings in terms of energy -- there's no question about it.

Mr. Borries said there are 12 ft. high ceilings.

Mr. Tuley asked, "Why don't we put a request in for CCD funds for central air conditioning?"

Mr. Borries agreed -- saying do this and maybe put in a request for these window air conditioning units out of the general fund.

Mr. Hunter said, "Yes. If it's window air conditioning units, it's general fund; if it's central air, it comes out of CCD funds. Is that what you are saying, Rick? I agree with you wholeheartedly. I just think it's travesty to waste more money on window air units. That I have no problem with."

Commissioner Tuley turned to Mark Abell and asked, "Mark, are you listening to this -- because....."

Mr. Abell asked, "Should we let Mark Acker do the request to Council for the general fund and then our office do paperwork on the CCD fund?"

Commissioner Tuley said, "As Superintendent of County Buildings, I was going to ask that you take care of it both ways. We've only got two days -- and I don't want to mess around and miss a month's council call."

Mr. Abell asked, "How much should I put in that request -- \$30,000 to be safe?"



Mr. Borries said, "Yes, for the central air. I don't think it would run that much -- I think you can do it for less."

Mr. Hunter said he thinks it would run between \$20,000 and \$25,000. He then asked if John Stoll would see what the bid was on it and asked that Mark Abell call Mr. Stoll tomorrow to obtain the figures.

Mr. Abell said we'd probably bump it up a bit to account for the year that has gone by.

Mr. Tuley asked that Mr. Abell go ahead and sign the paperwork.

Mr. Borries said he doesn't see any documentation in his meeting file on this -- but what the Board is doing then is amending the consent item to say that the CCD fund would be a request for central air conditioning of the wing that would eventually include three offices, two of which are now occupied by the County Engineer and Veteran's Services. And that we're asking that window air conditioners come out of the general fund.

Mr. Hunter asked if that is in the form of a motion.

Mr. Borries stated that it is. Seconded by Commissioner Hunter. So ordered.

Employment Status Form/Mark Acker: Commissioner Hunter said this is not pick on Mark Acker week. But he just sat in a meeting where this was not approved to be retroactive as the salary is on the pink slip.

Mr. Tuley said, "What we ought to do is send this back to the Job Study group and ask that it be amended."

Commissioner Hunter interjected, "Because the Job Study approved it, but they did not approve it retroactive -- because I was at the meeting this afternoon. So this is incorrect."

Mr. Tuley said, "They said they would make this step increase effective January 1, 1995 -- not 1994."

Mr. Hunter said, "So this really needs to go back."

Mr. Tuley said he'll just write "Refer back to Sender" on there. He then advised Mr. Abell that when Mr. Acker gets this back, he may call over here. What this is, is he just needs to re-submit this pink slip as per what the Job Study did -- well, actually, there won't be any increase until 1995 -- so he won't need to re-submit anything. Correct? Since the raise doesn't take place until January, he doesn't need to send us a pink slip. It's a dead issue -- because it was settled today at the Job Study meeting. Nothing changes until 1995.

Mr. Borries said, "Right. So re-submit it in November or December."

Chief Deputy Auditor Cindy Mayo stated, "He should just have it in his budget and it will be effective 1995."

Mr. Hunter said, "He put it in his budget that he was submitting that it had been approved and it was retroactive, which is not right."

President Tuley asked if there are any further comments concerning the Consent Agenda, other than those already noted. There being none, he entertained a motion.

Motion to approve the Consent Agenda, with the foregoing exceptions, was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: SCHEDULED MEETINGS

It was noted by President Tuley that a calendar of scheduled meetings is attached to the meeting agenda. There will be Executive Sessions on June 20th and June 27th at 4:00 p.m.

Commissioner Hunter noted he will be absent on June 27th, as he will be in Memphis at the National Resource Conservation Development meeting.

President Tuley noted the Commissioners will also be holding their first regular meeting in July on Tuesday, July 5th, this year due to the holiday.

RE: OLD BUSINESS

Mr. Tuley entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Commissioner Tuley then entertained matters of New Business to come before the Board. There were none.

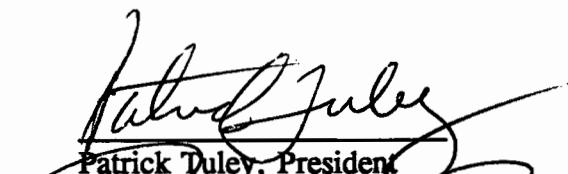
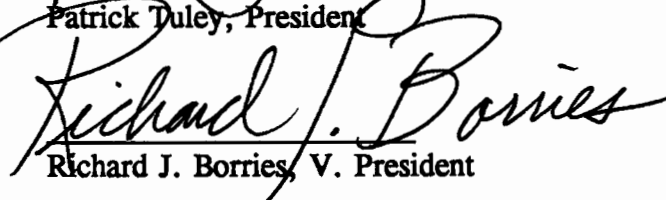
There being no further business to come before the Board at this time, President Tuley entertained a motion for adjournment.

Commissioner Hunter moved for adjournment, with a second from Commissioner Borries. So ordered. Meeting was adjourned at 6:30 p.m.

PRESENT:

Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan M. Kissinger/County Attorney  
Cindy Mayo/Chief Deputy Auditor  
Mark Abell/Supt./County Bldgs.  
John Stoll/County Engineer  
Lynn Ellis/Purchasing  
Bill Morphew/County Highway Supt  
Stephen Woodall, Deputy Sheriff  
Eric R. Williams/Sheriff's Dept.  
Kenneth McWilliams/Citizen Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President  
  
Richard J. Borries, V. President

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Don L. Hunter, Member



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**June 13, 1994**

**5:30 P.M.**

**FINAL**

1. **CALL TO ORDER**
2. **INTRODUCTIONS**
3. **PLEDGE OF ALLEGIANCE**
4. **ACTION ITEMS**
  - A. Approval of Commissioner Minutes
  - B. Any group/individual wishing to address the commission
  - C. Lynn Ellis/Purchasing
    - Bid Award:
      - 1) Rubbish Removal/Demolition: Hybird Inn--VC9407
    - Bid Advertisement
      - 1) New fitness center equipment for Sheriff's Dept.
  - D. Richard Cappeletti/Data Processing
    - \*permission to advertise (see enclosed requests)

**5. DEPARTMENT HEADS**

Alan Kissinger	-----	County Attorney
Mark Abell	-----	Superintendent of County Buildings
Bill Morphew	-----	County Garage
John Stoll	-----	County Engineer(see attached requests)

**6. CONSENT ITEMS**

- A. Travel/Education  
Health (1) - State Funded  
County Assessor (4) - State Called  
Center Assessor (7) - Reassessment
- B. Employment Changes  
see attached lists
- C. County Treasurer's Report  
\*for acceptance/month of April
- D. Mark Acker/Veteran's Service Officer  
\*CCD fund for Air Conditioning
- E. Loretta Townsend/Weights & Measures  
\*County Council Call
- F. County Commissioners  
\*Council Call/see enclosed requests
- G. Burdette Park  
\*Council Call/see enclosed requests

**7. Scheduled Meetings - List attached**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. MEETING ADJOURNED**

# COUNTY ENGINEER'S

## CONSENT AGENDA

JUNE 14, 1994

### 1. CLAIMS:

REPAIR TO BUILDINGS & GROUNDS 203-3550 Rexing/Goedde Electric	\$ 1,400.00
CONTRACTUAL SERVICES/WATERWORKS ROAD 203-3930 United Consulting Engineers (Inv. #1)	\$ 4,278.75
ENGINEERING EQUIPMENT 203-4429 U.S. Regulatory Commission (Inv. #396709)	\$ 360.00
The Computery (Inv. #10073)	\$ 93.00
Van Ausdall (Invs. #4053100006/#4060600078)	\$ 25.23
GREEN RIVER ROAD NORTH 216-4910 United Consulting (Agmt Dtd 3/30/87 Inv. #36)	\$ 5,600.00
United Consulting (Agmt. Dtd 8/5/91 Inv. #13)	\$ 3,215.00
USI & SR 62 430 BOND Bernardin Lochaueller (Inv. #93-003-2(12))	\$27,048.42

# TAMUCCOUNTY COUNTY EMPLOYMENT CHANGES

Department

Burdette Park

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
114 ✓	Jeff Camarco		Pool Manager	Salary 8 00	May 25, 1994
1150 ✓	Shawn Helmer		Ass. Pool Man.	Salary 6 25	May 25, 1994
1116 ✓	James (Brad) Gerard		Head Guard	5 50	May 25, 1994
11170 ✓	Missy Meunsterman		Head Guard	5 50	May 25, 1994
1171 ✓	Andrea Raymond		Head Guard	5 50	May 25, 1994
1172 ✓	Andra Muth		Head Guard	5 50	May 25, 1994
118	Becky Dieg		Cashier	4 25	May 25, 1994
118	Clayton Bridges		Float Stand	4 25	May 25, 1994
118	Ryan Elliot		Guard	4 50	May 25, 1994
118	Amy Robling		EMT	5 00	May 25, 1994
118	Kate Epley		Cashier	4 35	May 25, 1994
118	Stacia Leach		Float Stand	4 25	May 25, 1994
118	Rebecca Lens		Float Stand	4 25	May 25, 1994
118	Craig Ferenbacher		Slide Guard	4 25	May 25, 1994
118	Julie Riecken		Guard	4 50	May 25, 1994
118	Erin O'Neill		Cashier	4 45	May 25, 1994
118	Stephanie Bone		Cashier	4 30	May 25, 1994
118	Ashley Shumate		Slide Guard	4 25	May 25, 1994
118	Susan Smith		Day Camp	6 50	May 25, 1994
118	Lana Pride		Day Camp	5 00	May 25, 1994
118	Steven Tron		Day Camp	8 00	May 25, 1994
118	Julie Tron		Day Camp	8 00	May 25, 1994
118	Angela Ludwig		Day Camp	6 50	May 25, 1994

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Mark T. Harty

DATE 6-10-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Burdette Park

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	Debbie Jordan		Bus Driver	6 50	May 25, 1994
118	Terri Sutton		Day Camp	4 40	May 25, 1994
118	Valerie Schoppenhorst		Day Camp	10 00	May 25, 1994
118	Glenna Bower		Day Camp	4 40	May 25, 1994
118	Dan Gelardin		Day Camp	4 50	May 25, 1994
118	Nancy Lassiter		Bus Driver	6 50	May 25, 1994
118	Janet Owens		Day Camp	4 40	May 25, 1994
118	Laura Litherland		Day Camp	4 40	May 25, 1994
118	Matt Raven		Day Camp	4 40	May 25, 1994
118	Patrick John, Jr.		Day Camp	4 40	May 25, 1994
118	Jennifer Roberts		Day Camp	4 60	May 25, 1994
118	Rachel Haskins		Day Camp	5 25	May 25, 1994
118	Dawnita Johnson		Day Camp	4 40	May 25, 1994
118	Stacey Moser		Day Camp	4 40	May 25, 1994
118	Rebecca Schneider		Day Camp	4 40	May 25, 1994
118	Cathy Kirsch		Day Camp	5 00	May 25, 1994
118	Lynette Hartig		Day Camp	4 40	May 25, 1994
118	Troy La Pradd		Day Camp	4 40	May 25, 1994
118	Jennifer Acker		Day Camp	4 40	May 25, 1994
118	Mika Taylor		Security	12 00	May 25, 1994
118	Eric Williams		Security	12 00	May 25, 1994
118	Doug Dasa		Security	12 00	May 25, 1994
118	Rebecca Merritt		Ground Crew	5 00	May 25, 1994

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

Mark Tuley

DATE 6/10/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

Burdette

ED

Appointed

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
118	Julie Beil		Slide Guard	4	25	May 25, 1994
118	Kiersten Wathen		Slide Guard	4	25	May 25, 1994
118	Amy Luigs		Slide Guard	4	25	May 25, 1994
118	Jody Henry		Slide Guard	4	75	May 25, 1994
118	Michael Beil		Slide Guard	4	25	May 25, 1994
118	Todd Donohoo		Guard	4	75	May 25, 1994
118	Lisa Baumgart		Guard	4	25	May 25, 1994
118	Erica Martin		Float Stand	4	40	May 25, 1994
118	Donald Mosby		Float Stand	4	25	May 25, 1994
118	Sarah Townsend		Slide Guard	4	25	May 25, 1994
118	Kari Sanderson		Float Stand	4	25	May 25, 1994
118	Jeremy Glover		Float Stand	4	25	May 25, 1994
118	Jennifer Beasley		Day Camp	4	40	May 25, 1994
118	Blair Benford		Day Camp	10	00	May 25, 1994
118	Malanie Ludwig		Day Camp	4	60	May 25, 1994
118	Perry Gostley		Ground Crew	5	00	May 25, 1994
118	Jennifer Dieg		Cashier	4	25	May 25, 1994
118	Henry Stock		Day Camp	6	50	May 25, 1994
118	Scott Feldmeier		Ground Crew	4	25	May 25, 1994
118	Camille Head		SLIDE GUARD	4	25	" "
118	JOSHUA WEBER		SLIDE GUARD	4	25	" "
118	JAMIE BARNETT		SLIDE GUARD	4	25	" "
118	JAMIE MCFADDEN		GIFTSHOP	4	35	" "
118	ANTHONY KNIGHT		ENT	5	00	" "

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

Mark T. Tuley

DATE



## VANDEBURGH COUNTY EMPLOYMENT CHANGES

## BURDETTE PARK

sh

[illegible]**SIGNED BY**

DATE \_\_\_\_\_

DATE \_\_\_\_\_

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department BURDETTE PARK 1450 *sl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1450-1120	Thomas Goodman	1324 Cass Avenue Evansville 47714	Assistant Manager	30,188.00	06/06/94(pm)
	(Still PD 1 Day on 6/17/94 P.R.)				

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Mark Tuley*  
Mark Tuley

DATE June 6, 1994

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Pigeon Township Trustee *sl*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
	Kimberly Levin	1530 Adams Ave	Clerk	19,786.00	6-14-94
	Still PD 6/17/94 P.R.				

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Arny Co. Hart*

DATE 6/10/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	JAMES GERARD		GROUND CREW	4 25	5-25-94 ✓
118	SHAWN HELMER		GROUND CREW	4 25	✓ "
118	JAMES TOWNSEND		GROUND CREW	4 25	✓ "
118	ANDRA MUTH		GROUND CREW	4 25	✓ "
118	MELISSA MUENSTERMAN		GROUND CREW	4 25	✓ "
118	DANA GOURLEY		GROUND CREW	4 25	" "
118	DANIEL TOWNSEND		GROUND CREW	4 25	" " 1
118	BEAU SHUMATE		GROUND CREW	4 25	✓ "
118	QUAN BUI		GROUND CREW	4 25	✓ "
118	JANIE STANLEY		GROUND CREW	4 25	✓ " <i>7/1/94 C.H.C.</i>
118	JEREMY STEWART		GROUND CREW	4 25	✓ "
118	JEFFREY YAN		GROUND CREW	4 25	✓ "
118	TRACY BAGBY		GROUND CREW	4 25	✓ "
118	JENNIFER HUMBERT		GROUND CREW	4 25	✓ "
118	EDWARD BERGWITZ		GROUND CREW	4 75	✓ "
118	JEFFREY CAMARCO		GROUND CREW	4 25	✓ "
118	ANDREA RAYMOND		GROUND CREW	4 25	✓ "
118	JENNIFER FREEMAN		GROUND CREW	4 25	✓ "
118	TODD FEED		GROUND CREW	4 25	✓ "
118	ROBERT TOWNSEND		GROUND CREW	4 25	✓ "
118	MICHAEL DAVIS		GROUND CREW	4 25	✓ "
118	LEE SCHILLER		GROUND CREW	4 25	✓ "
118	ERIN DEICKEN		GROUND CREW	4 25	✓ "
118	JASON HEIN		GROUND CREW	4 25	✓ "

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Mark Tuley*

DATE

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	BROOKE MCFALL		GROUND CREW	4 25	✓ E-25-94
118	AARON RALEIGH		GROUND CREW	4 25	✓ " "
118	GABE WEISS		GROUND CREW	4 25	✓ " "
118	JASON WERNER		GROUND CREW	4 25	✓ " "
118	JONATHAN KOCH		GROUND CREW	4 25	✓ " "
118	BRYAN AUSTILL		GROUND CREW	4 25	✓ " "
118	SANDI FERGUSON		GROUND CREW	4 25	✓ " "
118	JAMES CREEK		GROUNDS CREW	4 25	✓ " "
118	LAYNIE COUDRET		GROUNDS CREW	4 25	✓ " "
118	TOM BIPPUS		GROUNDS CREW	4 25	✓ " "
118	VANESSA KOLB		GROUNDS CREW	4 25	✓ " "
118	CHRIS THOMAS		GROUND CREW	4 25	✓ " "
118	TERESA BLAND		GROUND CREW	4 25	✓ " "
118	COY DANKS		GROUND CREW	4 25	✓ " "
118	MELISSA GREATHOUSE		GROUND CREW	4 25	✓ " "
118	BLAKE SHUMATE		GROUND CREW	4 25	✓ " "
118	JOH-DAVID SWIFT		GROUND CREW	4 25	✓ " "
118	MATT BROWN		GROUND CREW	4 25	✓ " "
118	KIMBERLY REER		GROUND CREW	4 25	✓ " "
118	VINCE BOREN		GROUND CREW	4 25	✓ " "
118	ANDREW HART		GROUND CREW	4 25	✓ " "
118	KAREN FREDRACHS		GROUND CREW	4 25	✓ " "
118	RYAN HIX		GROUND CREW	4 25	✓ " "
118	ANDY ASHBY		GROUND CREW	4 25	✓ " "

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

Mark T. Tuley

DATE

## VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

## BURDETTE PARK

Release

[illegible]**RECORDER  
COMMISSIONER'S RECORD**

**SIGNED BY**

Mark T. Inley

DATE

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department **BURDETTE PARK**

## APPOINT

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	AARON RALEIGH		EMT	5 00	5-25-94
118	GABE WEISS		GUARD	5 00	" "
118	JASON WERNER		GROUND CREW	5 00	" "
118	JONATHAN KOCH		GUARD	5 00	" "
118	SANDI FERGUSON		OFFICE	5 00	" "
118	JAMES CREEK		GROUND CREW	5 00	" "
118	LAYNIE COUDRET		GROUND CREW	5 00	" "
118	TOM BIPPUS		GUARD	4 50	" "
118	CHRIS THOMAS		DAY CAMP	4 40	" "
118	TERESA BLAND		DAY CAMP	4 40	" "
118	COY DANKS		GUARD	4 50	" "
118	MELISSA GREATHOUSE		GUARD	4 50	" "
118	BLAKE SHUMATE		GUARD	4 50	" "
118	JON-DAVID SWIFT		GUARD	4 50	" "
118	MATT BROWN		GUARD	4 50	" "
118	KIMBERLY HERR		GUARD	4 50	" "
118	VINCE BOREN		GUARD	4 50	" "
118	ANDREW HART		GUARD	4 50	" "
118	KAMMY FERENBACHER		GUARD	4 50	" "
118	RYAN NIX		GUARD	4 50	" "
118	ANDY ASHBY		GUARD	4 50	" "

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Mark T. Tuley DATE 6-10-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK

*sd*

## APPOINT

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
118	DANIEL TOWNSEND		GUARD	4	75	5-25-94
118	BEAU SHUMATE		GUARD	5	00	" "
118	QUAN BUI		GUARD	4	50	" "
118	JAMIE STANLEY		GUARD	4	25	" "
118	JEREMY STEWART		GUARD	5	00	" "
118	JEFFREY YAN		GUARD	5	00	" "
118	TRACY BAGBY		GUARD	4	50	" "
118	JENNIFER HUMBERT		GUARD	4	75	" "
118	EDWARD BERGWITZ		GROUND CREW	5	00	" "
118	JENNIFER FREEMAN		GUARD	5	00	" "
118	TODD FEND		GUARD	4	75	" "
118	ROBERT TOWNSEND		GUARD	4	75	" "
118	MICHAEL DAVIS		GUARD	5	00	" "
118	LEE SHELTER		GUARD	4	50	" "
118	ERIN DEICKEN		GUARD	4	50	" "
118	JASON HEIM		GUARD	4	50	" "
118	SCOTT BASHAM		GUARD	4	50	" "
118	RYAN KARN		GUARD	4	50	" "
118	MELISSA HAMPTON		GUARD	4	50	" "
118	BRYAN GALLOWAY		GUARD	4	50	" "
118	BRIDGETT MONTGOMERY		GUARD	4	50	" "
118	WILLIAM BEASLEY		GUARD	4	50	" "
118	MATT HAYNIE		GUARD	4	50	" "
118	BROOKE MCFALL		GUARD	4	50	" "

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Mark Tuley*

DATE 6-10-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Veterans Service #127

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
111	Mark D. Acker	842 Jackson Evansville, IN	Service Officer	10,725 <sup>9</sup> / <sub>100</sub> 22,310 00	3/1/94 ✓
	6 mo. step increase	(RETRO ACTIVE)			

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
111	Mark D. Acker	842 Jackson Evansville, IN	Service Officer	10,227 <sup>1</sup> / <sub>100</sub> 21,277 00	3/1/94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE

6/8/68

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff Jail

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
10511130033	Richard Pace		Correction Officer	9 875 <sup>9</sup> / <sub>100</sub> 20541 00	5-30-94
		STILL PAID 48 HRS CN 6/17/94 PR.			

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE

6-9-94



# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
10501750	Dave Anson		Clothing Allow. Other		1-1-94 ✓
10501750	Kirk Byram		" "		1-1-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Kay Hansen DATE 6-9-94  
Gene Bailey  
3X263

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH COUNTY CLERK

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
010 1140	LISA VOGEL	(6)MONTHS STEP	DEP CLERK	7.7293 1HR 16,073 00	6 6 94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
010 1140	LISA VOGEL			7.9730 1HR 15,336 00	6 6 94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Betty Knight Smith DATE 6-8-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Auditor

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
102-1310	Deborah Schneider	3939 Kuebler Rd	Posting Clk	7.373/1H 15,336 00	June 13, 19

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Cindy Mayo DATE 6-13-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Vanderburgh County Assessor/Board of Review

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
13001180 1300	Jerome Richey	3010 W. Michigan	Citizen Member Board of Rev.	Per day 35 00	6/13/94
13001180 1300	John Meeks	7417 E. Sycamore Street	Citizen Member Board of Rev.	Per day 35 00	6/13/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY James L. Angermeyer DATE 6/13/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK 1450

sh

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1450-1120	Steven J. Craig	5120 Middle Mount Vernon Rd., 47720	Assistant Manager	30,188.00	06/14/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1450-1230	Steven J. Craig	5120 Middle Mount Vernon Rd., 47720	Maintenance Carpenter	26,251.00	06/13/94 (pm)

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Mark Tuley  
Mark Tuley, Manager

DATE June 13, 1994

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

Prosecutor's Office - Victims/Witness Assistance Program

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
108N1120108N	Lori Pinion	Temporary Address: 7377 Oakdale Drive Newburgh, IN 47630	Program Assistant	\$6.00 per hour	6.6.94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY [Signature]

DATE 7 June 1994

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CENTER ASSESSOR

*sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
249011101990	TINA M. MOERS	1776 S. NORMAN AVE	PART TIME DEPUTY	PER HOUR 7 00	6-9-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Robert E. Smith*

DATE

6-9-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department 213.8 Health/IAP

*sh*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
213.8-11	Wendy Murphy	2525 Caren Drive	Immunization Nurse	26,685.00	6/6/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Sam Elder*

DATE

6-6-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1990	JOSEPH DICKINSON	EMP# 05553	PART-TIME CORRECTION OFFICER	\$7.00	HR	6-5-94
136.1-1990	JAMES WARD	EMP# 05565	PART-TIME CORRECTION OFFICER	\$7.00	HR	6-6-94
		(WILL BE ON NEXT P.L. - 7/1/94 P.L.) - PAID TO 6/14/94 ON 6/17/94 P.L.				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1990	JOSEPH DICKINSON	EMP# 05553	PART-TIME CORRECTION OFFICER	\$5.00	HR	6-4-94
136.1-1990	JAMES WARD	EMP# 05565	PART-TIME CORRECTION OFFICER	\$5.00	HR	6-5-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE, CIRCUIT COURT

DATE JUNE 8, 94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136-1990	SUSAN BORRIES		INTERN	\$4.75	HR	5-31-94
136-1990	SHELBY CRAIG		TYPIST	\$4.75	HR	6-1-94
136.1-1990	CHERIE EPLEY		INTERN	\$5.00	HR	5-23-94 ✓
136-1990	INGRID SCHMIDT		INTERN	\$4.75	HR	6-6-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1990	TERESA DYER	EMP# 04932	INTERN	\$7.00	HR	5-21-94 ✓
260-1350	MATTHEW TAYLOR	EMP# 05487	INTERN	\$3.5485	HR	5-21-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE, CIRCUIT COURT

DATE JUNE 8, 94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Vanderburgh County Assessor/Board of Review

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
13001180 1300	Jan D. Brooks	636 W. Meadow Court	Board of Rev. Secretary	Per hour 5.00	6-6-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*James L. Angermeyer*

DATE 6-6-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1190	KARIN PALLADINO		PUBLIC DEFENDER SECRETARY	4,743.71/Hr 9867.00 AN	5-23-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1190	KIMBERLY MOSHENEK HID 6/3/94 P.L. - SEE VOID 6/10/94 P.L.		PUBLIC DEFENDER SECRETARY	9867.00 AN	5-20-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Signature]*  
JUDGE, CIRCUIT COURT

DATE

6/6/94

# June 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 3:30pm County Council 152 / 213	2 153 / 212	3 Pay Day 154 / 211	4 155 / 210
5 156 / 209	6 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners 157 / 208	7 158 / 207	8 159 / 206	9 160 / 205	10 161 / 204	11 162 / 203
12 163 / 202	13 4:30pm Solid Waste 5:30pm Commissioners 164 / 201	14 Flag Day 165 / 200	15 166 / 199	16 5:00pm Pigeon Creek 167 / 198	17 Pay Day 168 / 197	18 169 / 196
19 Father's Day 170 / 195	20 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rodeo 171 / 194	21 9:00am Insurance Comm. 172 / 193	22 173 / 192	23 9:00am Steering Comm. 174 / 191	24 175 / 190	25 176 / 189
26 177 / 188	27 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Bd. 178 / 187	28 179 / 186	29 3:30pm Personnel & Finance 180 / 185	30 181 / 184		

May

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

July

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

**RICHARD J. BOF**

**DON L. HUNTEF**

**PATRICK R. TUI**

## **AGENDA REQUEST**

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Award the bid for the Demolition and Rubbish Removal of the  
Hybrid Inn to Scott Boiler & Burner Services in the amount of  
\$2,145.00. The Health Department has funding available for  
this project.

**DATE TO BE PLACED ON AGENDA:** June 13, 1994

**ACTION** XX **CONSENT**        **OTHER**



DEMOLITION & RUBBISH REMOVAL - HYBRID INN			
VENDOR	Scott Boiler & Burner Services	Floyd I. Staub, Inc.	Deig Bros. Lumber & Construction Co., Inc.
Bid Price	\$2,145.00	\$4,750.00	\$5,935.00
Bid Bond	\$107.25 C. Check	5% Bid Bond	None submitted
EEO Pledge	Yes	Yes	Yes
Proposal Form w/Non- Collusion Affidavit	Yes	Yes	Yes
Financial Statement	Yes	Yes	Yes
Total Bid Price	\$2,145.00	\$4,750.00	\$5,085.00
Recommended Bid Award	\$2,145.00		



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

**RICHARD J. BOF  
DON L. HUNTER  
PATRICK R. TUL**

**AGENDA REQUEST**

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Approve the advertisement for bids for new Fitness Center

Equipment for the Sheriff's Department.

Bids will be advertised June 16 and 23, 1994.

Bids will be opened July 11, 1994

**DATE TO BE PLACED ON AGENDA:** June 13, 1994

**ACTION** XX      **CONSENT**        **OTHER**

## MEMORANDUM

Date: June 9, 1994  
From: P.R. Cappelletti *[Signature]*  
To: B.J. Farrell, County Commissioner's Office  
Subject: Bid for Replacement PC Equipment

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Pursuant to direction of the County Commissioners at the advice of County Attorney, I am proceeding with the advertisement and soliciting of bids to replace the personal computer hardware and network operating system software for the County Assessor's office.

Attached you will find the notification of bid and the bid documents requesting the pricing and stated requirements. As I will be on vacation on Monday June 13, 1994 and cannot attend the regular meeting, I am requesting that the Commissioners provide formal approval of this action. This action, as you remember, is a result of discussions and decisions made during Executive Session on Monday June 6, 1994.

On my behalf, please have read the following request for approval:

REQUEST *This is to be read into the minutes.*

Request approval to release an RFB document requesting pricing for replacement personal computer hardware and network operating system software for use by the County Assessor (File server, communications server, four workstations, one laptop and Novell Netware software, along with associated equipment).

Advertisement will be made on Monday June 13 and Monday June 20, 1994 with the bids being received and opened during the regularly scheduled meeting of the County Commissioners on ~~Monday June 27, 1994~~. Funding will be from the Reassessment Account.

*or - This is to be declared an emergency.*

This request is being made in this manner due to the time sensitive nature of this project.

*EMERGENCY*

**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- Request approval to release a bid for replacement personal computer hardware and network operating system software for the Vanerburgh County Assessor.

**DATE TO BE PLACED ON AGENDA:**

County Commissioners

Monday, 13, 1994

**ACTION** \_\_\_\_ **CONSENT** \_\_\_\_ **OTHER** \_\_\_\_



**INVITATION TO BID**  
**Bid # VC9411**

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON THE BEHALF OF THE COUNTY COMMISSIONERS WILL UNTIL MONDAY, JUNE 27, 1994, AT 5:30 P.M. LOCAL TIME, RECEIVE, IN ROOM 323 CITY/COUNTY ADMINISTRATION BUILDING, SEALED PROPOSALS FOR PERSONAL COMPUTER HARDWARE AND SOFTWARE. AT THAT TIME THE BIDS WILL BE PUBLICLY OPENED AND READ ALOUD DURING A REGULAR MEETING OF THE VANDERBURGH COUNTY COMMISSIONERS IN ROOM 307 IN THE CITY/COUNTY ADMINISTRATION BUILDING EVANSVILLE, INDIANA.

1. The specifications may be obtained from the Computer Services Department, 1 NW Martin Luther King, Jr Blvd, Room 205, Evansville, IN 47708 upon receipt of a written request.
2. The bid must be in compliance with the specifications, executed by the bidder on forms provided and accompanied by a completed Standard Bid Form #95 in accordance with the Indiana State Board of Accounts.
3. Consideration of applicable taxes shall be observed as covered in the specifications and Bid Forms. In no instance, however, will Federal Taxes and Indiana Sales Taxes be applicable.
4. The Vanderburgh County Commissioners reserves the right to reject any and all bids or any part of any bid if considered in the best interest of Vanderburgh County.
5. The Vanderburgh County Commissioners reserves the right to award items on a line item basis if considered in the best interest of Vanderburgh County.

Dated: June 7, 1994

COUNTY COMMISSIONERS,  
VANDERBURGH COUNTY

Patrick Tuley, President  
Rick Borries, Vice-President  
Don Hunter, Member

ATTESTED BY:

Sam Humphrey, Auditor

PUBLISHED IN THE EVANSVILLE COURIER AND PRESS:

June 13, 1994

June 20, 1994

**VANDERBURGH COUNTY  
PERSONAL COMPUTER HARDWARE & SOFTWARE**

- Requirements:** Equipment proposed must be reliable, high quality, modular design hardware including a minimum one-year warranty. Bidders must specify brand name and model of equipment being bid. Hardware bid must NOT be of a design incorporating all video and miscellaneous controllers into the primary motherboard. Equipment must be new, of current manufacture and free from defect, not previously titled. Must provide a 30-day money-back guarantee, minimum. Prices must be inclusive of all licenses, shipping and handling. PC's will be installed at user site by City/County representatives. Equipment proposed must be NOVELL compatible.
- Pricing:** Prices must be valid for 30 days following opening. The County reserves the right to purchase more or less than these quantities at the per unit price bid. Quantity discounts, if granted, shall be reflected in the extended price of the item proposed. Early payment discounts, if available, MUST also be clearly stated. Unless specifically excluded at the time of bid submission, the vendor hereby agrees to allow other local units of government to purchase from the bid at prices quoted in their response.
- Line Item Bids:** Bids will be accepted for individual items.
- Availability:** Equipment selected must be currently available and be shipped within 14 calendar days ARO.
- References:** A minimum of three (3) references, including name, address and telephone number of other active city or county clients, must be provided.
- Taxes:** Vanderburgh County is a tax exempt organization and as such Indiana State Sales and Use Tax or Federal Excise Tax shall not be included in the cost of the bid. A Tax Exemption Certificate is available. The OWNER will not be responsible for any taxes levied on the vendor as a result of the signed contract.
- Bill to/Ship To:** Computer Services Department  
Room 205  
City of Evansville/Vanderburgh County  
1 NW Martin Luther King Jr Blvd  
Evansville IN 47708

**VANDERBURGH COUNTY  
PERSONAL COMPUTER HARDWARE & SOFTWARE**

**FILE SERVER (1 EACH)**

\$ \_\_\_\_\_

Processor:	INTEL 486DX4, 100mhz with Universal ZIF Socket
Cache Memory:	128k expandable to 256k minimum
Memory:	20mb expandable to 32mb minimum
Slots:	6 full size
Floppy Disk Drives:	3.5" 1.44mb
Hard Drive:	Two (2) each 1GB+ SCSI drives with controller
Monitor:	14" VGA monochrome
Graphics Adaptor:	VGA
Interfaces:	2 buffered serial (DB9 or DB25)/1 parallel (DB25)
Pointing Devices:	3-button Mouse
Keyboard:	101-key keyboard
Software:	MS-DOS v6.2 / MS-Windows v3.1 minimum
Case:	Tower
Network Interface:	Novell Netware Compatible Ethernet adapter card with 10-base-T (RJ-45) and 10-base-2 (AUI) interfaces

**NETWORK O/S (1 EACH)**

\$ \_\_\_\_\_

Network O/S:	Novell Netware v3.12, 50 user license
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**VANDERBURGH COUNTY  
PERSONAL COMPUTER HARDWARE & SOFTWARE**

**COMMUNICATIONS SERVER (1 EACH)**

\$ \_\_\_\_\_

Processor:	INTEL 486DX, 33mhz with Universal ZIF Socket
Cache Memory:	128k expandable to 256k minimum
Memory:	8mb expandable to 32mb minimum
Slots:	6 full size
Floppy Disk Drives:	3.5" 1.44mb
Hard Drive:	200 + mb minimum w/VESA controller
Monitor:	Not Required
Graphics Adaptor:	Not Required (may be integrated)
Interfaces:	2 buffered serial (DB9 or DB25)/1 parallel (DB25)
Pointing Devices:	Not Required
Keyboard:	Not Required
Software:	MS-DOS v6.2 minimum
Case:	Tower
Network Interface:	Not Required

**WORKSTATIONS (4 EACH)**

\$ \_\_\_\_\_

Processor:	INTEL 486DX 33mhz with Universal ZIF Socket
Cache Memory:	128k expandable to 256k minimum
Memory:	8mb expandable to 32mb minimum
Floppy Disk Drives:	3.5" 1.44mb
Hard Drive:	200 + mb minimum w/VESA controller
Monitor:	15" SVGA 1024x768 NI .28mm minimum
Graphics Adaptor:	1mb SVGA VESA card
Interfaces:	2 buffered serial (DB9 or DB25)/1 parallel (DB25)
Pointing Devices:	3-button Mouse
Keyboard:	101-key keyboard
Software:	MS-DOS v6.2 / MS-Windows v3.1 minimum
Case:	Mini-Tower preferred
Network Interface:	Novell Netware Compatible Ethernet adapter card with 10-base-T (RJ-45) interface



**VANDERBURGH COUNTY  
PERSONAL COMPUTER HARDWARE & SOFTWARE**

**NOTEBOOK (1 EACH)**

\$ \_\_\_\_\_

Processor:	INTEL 486DX, 33mhz Laptop
Cache Memory:	128k minimum
Memory:	8mb expandable to 32mb minimum
Floppy Disk Drives:	3.5" 1.44mb
Hard Drive:	200 + mb minimum w/VESA controller
Monitor:	Color VGA minimum
Graphics Adaptor:	VGA
Interfaces:	2 buffered serial / 1 parallel
Pointing Devices:	Integrated, on-board trackball
Keyboard:	101-key
Software:	MS-DOS v6.2 minimum / MS-Windows v3.1 minimum
Case:	Protective Carrying Case w/strap
Network Interface:	None required
Modem Interface:	PCMCIA 14.4kb v.32 v.42bis modem, hayes compatible

**TOTAL**

\$ \_\_\_\_\_

**SHIPPING & HANDLING**

\$ \_\_\_\_\_

"FACULTY AT THE FACTORY 1994"

BUSINESS PARTNER AGREEMENT

THIS AGREEMENT MUST BE COMPLETED AND RETURNED IN THE ENCLOSED ENVELOPE IN ORDER TO PARTICIPATE IN "FACULTY AT THE FACTORY 1994." THE INFORMATION YOU PROVIDE WILL HELP US IN MAKING THE BEST MATCHES FOR BOTH YOU AND THE TEACHERS. THANK YOU FOR YOUR PARTICIPATION.

EMPLOYER VA DERBURGH COUNTY  
CONTACT NAME AND TITLE MARK ABELL - Superintendent County Building  
STREET ADDRESS Room 305 Civic Center Complex  
CITY, STATE, ZIP E'ville IN 47708  
TELEPHONE 435 5241  
NUMBER OF OPENINGS FOR EDUCATORS 1  
NAME OF PERSON(S) WHO WILL BE SUPERVISING THE TEACHER INTERN(S) MARK ABELL

PLEASE DESCRIBE THE TYPES OF ACTIVITIES THE TEACHER INTERN(S) WILL BE INVOLVED IN. (BE AS SPECIFIC AS POSSIBLE)

office administration, supervise work of carpenter,  
meetings w other depts, handle surplus property  
clean-up

\_\_\_\_\_(COMPANY NAME) WILL PARTICIPATE IN "FACULTY AT THE FACTORY 1994." WE AGREE TO PAY \$250.00 TO THE "IVY TECH FOUNDATION, INC." AND UNDERSTAND IT WILL BE USED TO PAY THE TEACHER OR WILL BE APPLIED TOWARD THE COST OF THREE GRADUATE CREDIT HOURS AT THE UNIVERSITY OF SOUTHERN INDIANA, WHICHEVER THE TEACHER CHOOSES. WE AGREE THAT OUR COMPANY NAME MAY BE USED IN PROMOTIONAL MATERIALS FOR "FACULTY AT THE FACTORY 1994."

(SIGNATURE)

Patricia Juley

DATE

6-13-94

(This form must be postmarked no later than May 27, 1994 to be included in "Faculty at the Factory 1994.")

## FACULTY AT THE FACTORY FACTS

---

### THE ISSUE IS:

- Many teachers have little or no first-hand knowledge of the business environment. Today's applied academics curriculum links the classroom with the workplace.
- Teachers are now working hard to make academic study more relevant to the workplace.
- Teachers must learn more about area business and industry so they can be more effective in the classroom. You and your company can assist by participating in "Faculty at the Factory."

### YOUR ROLE IS:

- To sponsor one or more teachers for an internship the week of June 20-24, 1994.
- To designate a person to oversee the internship experience at your business.
- To participate in the internship orientation session on June 16 at the University of Southern Indiana in Evansville,
- To provide a financial base from which teachers will select a \$250.00 stipend or graduate credit from the University of Southern Indiana.

### YOU CAN BENEFIT BY:

- Making a positive contribution to the real-world education of many students.
  - Helping to raise the skill level of the future workforce.
  - Building a win/win relationship with schools and other community leaders.
-

June 9, 1994

Mr. Mark Abell  
Vanderburgh County Government  
City-County Offices  
305 Civic Center  
Evansville, IN 47708

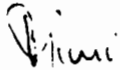
Dear Mark,

I'm very pleased to learn from Rick Borries that County Government will be participating in the Faculty at the Factory initiative and that you will be the contact person.

I'm enclosing a brochure and a contract; we would appreciate your filling out the contract and returning it in the enclosed envelope upon receipt. Please mark your calendar for the orientation at USI on June 16; information should have already been sent to you about that, and it's most important that the intern's supervisor attend the business portion of the orientation. The IVTC Foundation requests that you provide the stipend on or before the 16th for their bookkeeping.

Thanks again for your assistance—looking forward to seeing you!

Sincerely,



Dr. Mary Eleanor Nicholson

**PIC Job Center**  
Private Industry Council

**INDIANA  
WORKFORCE  
DEVELOPMENT**



Vanderburgh Co. — 160 S. Third Ave — Evansville, IN 47708 — (812) 424-HIRE — Fax 422-2438

Unemployment Insurance — 160 S. Third Ave. — Evansville, IN 47708 — (812) 428-2970

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

PROGRESS REPORT

FRIDAY, MAY 27, 1994 THRU THURSDAY, JUNE 2, 1994

FRIDAY, MAY 27, 1994

Gradall and one crew replaced pipe at Burdette and rebuilt] shoulders.  
Gradall and one crew moved dirt on Middle Mt. Vernon Road.  
Four crews hauled dirt from Waterworks Road.  
Two crews hauled dirt from Maxwell Road.  
Two patch crews worked at Burdette Park.  
Mowers worked on Old State Road and Lower Mt. Vernon Road, S. Weinbach and Pollack.  
Weed crews worked intersections at Boonville New Harmony, Green River, Oakhill, and Old State Roads.  
Two Tree crews worked on Waterworks Road.

MONDAY, MAY 30, 1994

HOLIDAY

TUESDAY, MAY 31, 1994

Gradall and one crew ditched St. Joe Ave.  
Gradall and one crew placed pipe at Burdette Park.  
Two patch crews worked on work orders.  
Two crews hauled dirt from Maxwell Ave.  
Mowers worked on St. Wendell, Motz, Wimberg, Happel, and Orchard.  
Grader, front end loader and three crews pulled shoulders on County Line East and Fitzgerald Road.  
One crew worked on paver.

WEDNESDAY, JUNE 1, 1994

Gradall and one crew placed pipe and ditched at 10125 St. Wendell Road.  
Gradall and one crew installed pipe at Burdette Park.  
Paver, Roller, broom and eight crews paved at Burdette Park.  
Trash crew ran regular routes.  
Mowers worked on Folz, Kasson, Slate, Vienna, #6 School Road.  
Weed crew worked intersections at Folz, Kasson, Slate, and #6 School Road.  
One crew worked at the garage.

THURSDAY, JUNE 2, 1994

Gradall and one crew worked at 10125 St. Wendell Road.  
Gradall and one crew installed pipe at Burdette Park.  
Paver, roller, broom and six crews paved at Burdette Park.  
Three trucks hauled dirt from Waterworks Road.  
Two patch crews worked on work orders.  
Mowers worked on Boonville New Harmony, Eichoff, Middle Mt. Vernon, West Terrace and Roesner Roads.

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, MAY 27, 1994 THRU THURSDAY, JUNE 2, 1994

FRIDAY, MAY 27, 1994

Crew #1 - finish cutting Pollack, Lynn and Fuquay.  
Crew #2 - load dirt at Maxwell and Oakhill.  
Crew #3 - work on Burdette Park pipe.

MONDAY, MAY 30, 1994

HOLIDAY

TUESDAY, MAY 31, 1994

Crew #1 - load dirt at Maxwell and Oakhill.  
Crew #2 - build drop box at Burdette Park.  
Crew #3 - trim and paint guardrails on Wimberg, Mohr, and Orchard.

WEDNESDAY, JUNE 1, 1994

Crew #1 - pour concrete for drop box at Burdette Park.  
Crew #2 - ditch and place pipe and build drop box at 10125 St. Wendell Road.

THURSDAY, JUNE 2, 1994

Crew #1 - finish drop box at Burdette Park.  
Crew #2 - ditch and place pipe at 10125 St. Wendell Road.

**VANDERBURGH COUNTY HIGHWAY DEPARTMENT**  
**PROGRESS REPORT**

**FRIDAY, JUNE 3, 1994 THRU THURSDAY, JUNE 9, 1994**

**FRIDAY, JUNE 3, 1994**

Gradall and one crew ditched and placed pipe at 10125 St. Wendel Road.

Gradall and one crew installed pipe at Burdette Park.

Paver, roller and eight crews paved at Burdette Park.

Two patch crews worked on work orders.

Mowers worked on Bayou Creek, Smith Diamond, Schmuck, West Terrace, Eichoff, Middle Mt. Vernon and Creamery.

One crew repaired lights at the garage.

**MONDAY, JUNE 6, 1994**

Gradall and one crew ditched at the Sheriff's Training Cnt.

Gradall and one crew installed pipe at Burdette Park.

Paver, roller, broom and six crews paved at Burdette Park.

Trash crews ran routes and worked on Bayou Creek.

Mower worked on Darmstadt and Old Princeton Road.

**TUESDAY, JUNE 7, 1994**

Gradall and one crew ditched at Sheriff's Training Center.

Gradall and one crew installed pipe at Burdette Park.

Grader, Belt Loader, broom and three crews pulled shoulders on Dixie Flyer, and pulled rock off County Line East.

Three crews hauled dirt from Waterworks Road.

Mowers worked on Adler, Newman, Seven Hills, Volkman and St. Joe.

One crew cut grass at the garage, sprayed weeds and picked up trash.

Trash crew worked on Green River and Lynn Road.

**WEDNESDAY, JUNE 8, 1994**

Gradall and one crew ditched and placed pipe at 10125 St. Wendel Road.

Gradall and one crew installed pipe at Burdette Park.

Grader, front end loader, broom and four crews pulled shoulders on Dixie Flyer and Old Henderson Road.

Mowers worked on Koring, Upper Mt. Vernon, Little Schmuck,

Cypress Dale, Smith Diamond, Lenn, S. Weinbach and River Rd.

Three trucks hauled dirt from Waterworks Road.

Trash crew ran regular routes.

**THURSDAY, JUNE 9, 1994**

Gradall and one crew worked at 10125 St. Wendel Road.

Gradall and one crew finished backfill at Burdette Park.

Paver, roller, broom and four crews pulled shoulders on Old Henderson Road.

Three trucks hauled dirt from Waterworks Road.

Two patch crews worked on work orders.

Mowers worked on Upper Mt. Vernon, Boehne Camp and Dieffenbach.

Vernon, West Terrace and Roesner Roads.

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, JUNE 3, 1994 THRU THURSDAY, JUNE 9, 1994

FRIDAY, JUNE 3, 1994

Crew #1 - pour concrete for drain inlet at Burdette Park.  
Crew #2 - install pipe at 10125 St. Wendel Road.

MONDAY, JUNE 6, 1994

Crew #1 - remove forms and install pipe at Burdette Park.  
Crew #2 - saw road in areas on County Line West.

TUESDAY, JUNE 7, 1994

Crew #1 - haul scrap from garage.  
Crew #2 - finish placing pipe at Burdette Park.  
Crew #3 - repair potholes on Heckel Road Bridge with Dura-crete. ~

WEDNESDAY, JUNE 8, 1994

Crew #1 - hauled scrap and straighten crib and barn.  
Crew #2 - finish placing pipe at Burdette Park.  
Crew #3 - install pipe at 10125 St. Wendel Road.

THURSDAY, JUNE 9, 1994

Crew #1 - worked at garage straightening crib and barn.  
Crew #2 - finish last drop box at Burdette.  
Crew #3 - place pipe at 10125 St. Wendel.





## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

### Agenda for June 13, 1994

1. Waterworks Road ✓
2. Fulton Avenue bridge update ✓
3. Council call request for the following: — *RA/DH*  
Transfers:

FROM:	McCutchan Road Bridge	\$ 75,000.00
	Maasberg Road Bridge	\$160,000.00
	St. George Road Bridge	\$ 25,000.00
	St. Joseph Ave. Bridge	\$ 16,000.00
	Old State Road Bridge	\$ 40,000.00
	Vogel Road Bridge	\$ 17,628.64
	Darmstadt Road Bridge	\$ 16,311.80
TO:	Franklin Street Bridge	\$349,940.44
FROM:	McCutchan Road Bridge	\$ 60,000.00
TO:	Mann Road Bridge	\$ 40,000.00
	Bixler Road	\$ 20,000.00
4. Cross Pointe Boulevard road plans ✓ *DH/RS*
5. Elpers Commercial Subdivision road plans — *RA/DH*

(c) Permanent erosion and sediment control measures are installations which remain in place and in service on completion of the construction project.

(d) Temporary erosion or sediment control measures are installations used on an interim basis during construction.

(e) Pollutants are substances, including sediment, which cause deterioration of water quality when added to surface or ground waters in sufficient quantity.

§ 650.207 Plans, specifications and estimates.

(a) Emphasis shall be placed on erosion control in the preparation of plans, specifications and estimates.

(b) All reasonable steps shall be taken to insure that highway project designs for the control of erosion and sedimentation and the protection of water quality comply with applicable standards and regulations of other agencies.

§ 650.209 Construction.

(a) Permanent erosion and sediment control measures shall be installed at the earliest practicable time consistent with good construction practices.

(b) Temporary erosion and sediment control measures shall be coordinated with permanent measures to assure economical, effective and continuous control throughout the construction phase. Temporary measures shall not be constructed for expediency in lieu of permanent measures specified in the contract.

(c) Erosion and sediment control measures shall be adequately maintained to perform their intended function during construction of the project.

(d) Erosion and sediment control measures necessary because of contractor negligence, carelessness or failure to install contract measures as scheduled shall be installed at no cost to Federal-aid funds.

(e) Pollutants used during highway construction or operation and material from sediment traps shall not be stockpiled or disposed of in a manner which makes them susceptible to being washed into any watercourse by

runoff or high water. No pollutants shall be deposited or disposed of in watercourses.

Subpart C—National Bridge Inspection Standards

§ 650.301 Application of standards.

The National Bridge Inspection Standards in this part apply to all structures defined as bridges located on all public roads. In accordance with the AASHTO (American Association of State Highway and Transportation Officials) Transportation Glossary, a bridge is defined as a structure including supports erected over a depression or an obstruction, such as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may also include multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.

[44 FR 25435, May 1, 1979, as amended at 51 FR 16834, May 7, 1986]

§ 650.303 Inspection procedures.

(a) Each highway department shall include a bridge inspection organization capable of performing inspections, preparing reports, and determining ratings in accordance with the provisions of the AASHTO Manual<sup>1</sup> and the Standards contained herein.

<sup>1</sup>The AASHTO Manual referred to in this part is the *Manual for Maintenance Inspection of Bridges 1983* together with subsequent interim changes or the most recent version of the AASHTO Manual published by the American Association of State Highway and Transportation Officials. A copy of the Manual may be examined during normal business hours at the office of each Division Administrator of the Federal Highway Administration, at the office of each Regional Federal Highway Administrator, and at the Washington Headquarters of the Federal Highway Administration. The addresses of those document inspection facilities are set forth in appendix D to part 7 of

Continued

# Veach, Nicholson, Griggs Assoc.

## *Consulting Engineers & Land Surveyors*

1830-A W. FRANKLIN ST. EVANSVILLE, IN 47712 (812) 424-2936

DARRELL A. VEACH, P.E., L.S.

BILLY T. NICHOLSON, L.S.

BROCTON O. GRIGGS, P.E., L.S.

June 6, 1994

Vanderburgh County Commissioners  
Civic Center Complex  
Evansville, Indiana 47708

Gentlemen:

RE: Fulton Avenue Bridge Project ME 300(3)

Pursuant to your request, I am attaching our latest project estimate indicating that the Fulton Avenue Bridge is 85% complete.

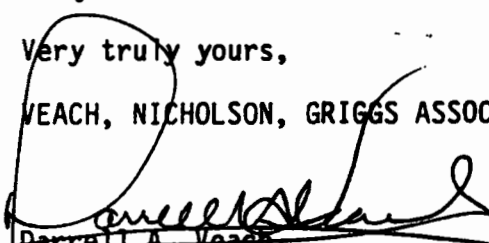
This project has not been accelerated due to the fact that it was scheduled for construction in 1996. However, in talking with Ms. Zigenfus, I am informed that it is possible that the project could be let with the paving project in 1995. Therefore, it is our intention to have the engineering on the project completed by October of 1994.

As you may be aware, INDOT has scheduled the sanitary and storm sewer portion for construction 1994 and the letting date has been set for June 14th.

Pursuant to the request in the letter of May 24, 1994, another report will follow by the first week of July.

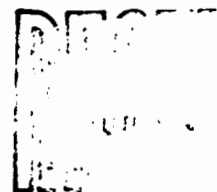
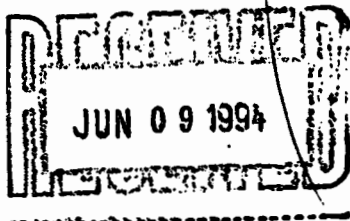
Very truly yours,

VEACH, NICHOLSON, GRIGGS ASSOC.

  
Darrell A. Veach,  
President

DAV:bar  
encl.

CC: John Stoll



-- PROJECT ME 300(3)

STRUCTURE VANDELBURGH # 67

WITH SURVEY

DESCRIPTION	Item #	MONTH COMPLETED					TOTAL	%	May 1993
		Plan			Jan. 91	MARCH 91	Aug. 91		
Revise Plans per S&ET Review	3.0	✓							
Prepare Prel. Soil Boring Sheet	0.5	✓							
<b>PRELIMINARY FIELD CHECK PLANS</b>	<b>37.0</b>	<b>37.0</b>							
Field Inspection	2.0	✓							
Revise Plans per Field Check Review	2.0	✓							
Final R/W Design & Plans	1.0	✓							
Final R/W Plat #1	0.5	✓					✓		
<b>DESIGN HEARING PLANS &amp; R/W CHECK PRINTS</b>	<b>42.5</b>	<b>42.5</b>							
Hearing	3.0	✓							
Revise Plans per Hearing & Agency Comments	1.0	✓							
Final Struct. Boring Sht. & Foundation Selection	0.5				0.5				
<b>PRELIMINARY PLANS FOR FINAL APPROVAL</b>	<b>47.0</b>	<b>46.5</b>							
Finalize Typical Cross Section	0.5				0.5				
Final Cross Sections	2.0				1.5	0.5			
Final Plan & Profile Sheets	2.0					1.5			
Final Drainage Design	1.0					1.0			
Final Approach, Drive & Intersection Details	1.0								1.0
Approach Table	1.0						0.5		0.5
Structure Data Sheet	1.5						1.0		
Revise R/W Plans per Review	2.0				2.0				
Finalize Title Sheet for R/W Plans	0.5				0.5				
<b>R/W TRACKING Check Prints</b>	<b>58.5</b>								
Revise R/W Plans	3.5				3.5				
<b>R/W Final</b>	<b>62.0</b>				<b>8.5</b>				(6.5)

7/15/91

[illegible]



## Board of Commissioners

360.00

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

REPAIR - GEORGE ELECTRIC

Vendor No. 4012

\$ 1400.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name REPAIR / PLUMBING / GROUNDS

Account No. 203-3550

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Barnes  
David Hunter

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

May 5, 1994

John Hall  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>#1</u>	<u>—</u>	<u>4/21/94</u>	<u>203-3550</u>	<u>1400.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 1400.00



INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
# 1	—	5/25/94	203-3930	4278.75
TOTAL				4278.75

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

IN FAVOR OF

Vendor Name THE COMPUTER

Vendor No. 329

\$ 93.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name ENG. EQUIP.

Account No. 203-4429

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Robert J. Lee  
Richard J. Bonis  
Attest

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

\_\_\_\_\_

\_\_\_\_\_

June 9, 1994

John Stoltz  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_, \_\_\_\_\_ Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>10073</u>	<u>—</u>	<u>6/3/94</u>	<u>203-4429</u>	<u>93.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 93.00

TOTAL 25.23

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

UNITED CONSULTING

Vendor No. 1262

\$5600.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name 6R-RIOER RD.

Account No. 216-4910

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Bonice  
Richard J. Bonice

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 9, 1994

John Stulp  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>#35</u>	<u>—</u>	<u>6/1/94</u>	<u>216-4910</u>	<u>5600.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL

5600.00

TOTAL 3215.00

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

BERNARDIN LOCHMUELLER

Vendor No. 985

\$ 27,048.42

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name USI

Account No. 430 Bond

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$

Inter July  
R. Barnes  
[Signature]

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 9, 1994

[Signature]  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>93-003-2(12)</u>	<u>-</u>	<u>5/31/94</u>	<u>430 Bond</u>	<u>27,048.42</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL

27,048.42

8/7/93

VANDERBURGH COUNTY EMT

CHANGES

Department Veterans Service #127

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
11	Mark D. Acker	842 Jackson Evansville, IN	Service Officer	10.7259 /HL 22,310 00	3/1/94 ✓
	6 mo. step increase	(RETRO_ACTIVE)			

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
11	Mark D. Acker	842 Jackson Evansville, IN	Service Officer	10.2275 /HL 21,275 00	3/1/94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE 6/8/68

TRAVEL REQUEST FORM FOR

COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: July 7-8 DEPARTMENT: Health-HIV  
 EMPLOYEE(S): Sarah H. Stanton

DATE(S) OF TRAVEL: July 7, noon - July 8  
 DESTINATION: Louisville, KY  
 PURPOSE: HIV and High Risk Youth Conference

Proof (copy of brochure or letter) must be attached.

LODGING REQUIRED: Holiday Inn

MEANS OF TRAVEL  
 COUNTY VEHICLE NUMBER: \_\_\_\_\_  
 OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

<u>X</u> Mileage	_____ Parking
<u>X</u> Per Diem	<u>X</u> Registration
_____ Air Fare	_____ Other

APPROVED: [Signature]  
 Department Head

APPROVED: \_\_\_\_\_  
 Office Holder

APPROVED BY:  
 VANDERBURGH COUNTY COMMISSIONERS this 13<sup>th</sup> day of June, 1994.

[Signature]  
 Richard J. Borries, President

[Signature]  
 Patrick Tuley, Vice President

[Signature]  
 Don Hunter, Member



TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6/9/94 DEPARTMENT: VANDERBURGH CO. ASSESSOR

JIM ANGERMEIER  
EMPLOYEE(S): EVELYN LANNERT, RAMONA IRELAND, JAN BROOKS,  
JERRY RICHEY, JOHN MEEK, DOROTHY JOEST,  
...

DATE(S) OF TRAVEL: JUNE 21, 1994; SEPT. 23, 1994; NOV. 30, 1994

DESTINATION: VINCENNES UNIVERSITY LIBRARY ROOM 117

PURPOSE: CONTINUING EDUCATION FOR CO. BOARD OF REVIEW MEMBERS

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: \_\_\_\_\_

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: \_\_\_\_\_

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/> Mileage	<input type="checkbox"/> Parking
<input type="checkbox"/> Per diem	<input type="checkbox"/> Registration
<input type="checkbox"/> Air fare	<input type="checkbox"/> Other

\* Reassessment  
fund ...

APPROVED: \_\_\_\_\_

Department Head

APPROVED: \_\_\_\_\_

Office Holder

APPROVED BY:

VANDERBURGH COUNTY COMMISSIONERS this

13<sup>th</sup>

day of

June

1994

199

Richard J. Borries  
RICHARD J. BORRIES, PRESIDENT

Patrick Tuley  
PATRICK TULEY, VICE-PRESIDENT

Don L. Hunter  
DON L. HUNTER, MEMBER

4

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6/9/94 DEPARTMENT: Vanderburgh Co. Assessor

EMPLOYEE(S): Jim & Sylvia Angermeier  
Evelyn Lannert  
Dorothy Joest

DATE(S) OF TRAVEL: August 30, 1994 to September 2, 1994

DESTINATION: Indianapolis, IN. Marriott

PURPOSE: INSTRUCTIONAL SESSIONS FOR COUNTY ASSESSOR AND DEPUTTIES

REQUESTED BY THE STATE BOARD OF TAX COMMISSIONERS

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: YES

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: PERSONAL

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/> Mileage	<input type="checkbox"/> Parking
<input checked="" type="checkbox"/> Per diem	<input checked="" type="checkbox"/> Registration
<input type="checkbox"/> Air fare	<input type="checkbox"/> Other

\* State Called

APPROVED: \_\_\_\_\_  
Department Head  
James L. Angermeier  
APPROVED: \_\_\_\_\_  
Office Holder  
Eh

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 13<sup>th</sup> day of June 1994

Richard J. Borries  
RICHARD J. BORRIES, PRESIDENT

Patrick Tuley  
PATRICK TULEY, VICE PRESIDENT

Don L. Hunter  
DON L. HUNTER, MEMBER

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 20, 1994

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:30 p.m. ....	1
Introductions & Pledge of Allegiance .....	1
Approval of Minutes .....	1
Request for Vacation of Utility Easement/Elmer Young Subdivision/Augusta McClure .....	1
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Bid Opening/Transportation Services for the County	
Authorization to Advertise for Pothole Patching & Crack Sealing Machine for County Highway Garage	
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Acceptance of Checks	
County Attorney/Alan M. Kissinger .....	4
Reading of Bids/Transportation Services for the County	
*Bassemier's Transportation                 \$52,000.08	
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Weekly Progress Report	
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Downed Trees	
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Notice to Bidders/Mann Rd.-Bixler Rd. Bridges	
Street Acceptance/Nunning Court/Westchester Place	
Request for Permit to Occupy Right-of-Way for	
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Consent Agenda .....	8
Claim/Insituform, Inc. (\$66,500)	
Scheduled Meetings .....	8
July Executive Sessions @ 4:00 p.m. on Tuesday,	
July 5; Monday, July 18th; and Monday, July 25th	
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Appointment/Airport Authority District Board	
*Re-appointment of Robert Ossenber	
Meeting Recessed @ 6:32 p.m. ....	8

\* \* \* \* \*

NOTE: The minutes for the lengthy portion of the meeting concerning REZONINGS will be submitted separately.

\* \* \* \* \*

COMMISSIONERS MEETING  
June 20, 1994

1

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 20, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, June 20, 1994 in the Commissioners Hearing Room with President Patrick Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings, Attorney Alan Kissinger, Commissioner Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, the Official Recording Secretary for the Board) and asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley said there are no minutes for approval by the Board tonight.

He then asked if there are any groups or individuals who wish to address the Commission but do not find their name or particular item of interest on this evening's agenda. If so, now is the time to come forward. He does understand that Ms. McClure is in the audience and wishes to address the Board. He asked that she come forward and state her name and address for the record.

Mrs. Augusta McClure approached the podium, identified herself and said her purpose for being here is that she purchased ground on Baumgart Road -- the Elmer Young Subdivision. There was a utility easement through the middle of the ground and 8 ft. on the south end. She purchased all of the ground in back and in the lots. There were seven (7) lots. They want to build two (2) houses on that acreage. When she purchased the ground Aaron Biggerstaff was supposed to survey it into three (3) equal lots. It was not surveyed in three equal lots, but she is going to get that straightened up so that they have two (2) equal lots for building two (2) houses. She has paid Aaron to vacate the utility easement. He has gotten the letters from the utilities that they are willing to vacate. But he has never filed the Petition with the County Commissioners and he told her during the last meeting she had with him that he would do that by June 20th -- and that is why she came tonight, to check on him and see whether or not he was fulfilling his responsibilities. She asked, "Now, what will I do if he fails to appear? What is my recourse of action? I've signed the Petition that he is to file with you."

President Tuley said, "It is not on the agenda, so I can only safely assume he did not file it with you (Joanne Matthews)?"

Ms. Matthews responded, "No, he has not -- and I've called him each time that Mrs. McClure has come into the Auditor's office to inquire about the Petition."

Commissioner Borries stated, "Ms. McClure, what we always have to go by is that the Commissioners speak through their minutes. And unless we are able to get that information -- these official records from the utilities, such as the Water Department, SIGECO, the phone company, etc. -- we can't act. I mean, Mr. Biggerstaff has put you in a position here where he has to provide that information to you. So I certainly would concur that you will have to watch him. You can come up and watch us all you want, but we can't act unless we get what Ms. Matthews has said you need to have."

COMMISSIONERS MEETING  
June 20, 1994

2

Ms. McClure said, "Well, the Auditor's office has been very cooperative. They have contacted him and he still doesn't do anything."

Mr. Borries asked, "Well, have you thought about getting someone else? Have you paid Mr. Biggerstaff?"

Ms. McClure replied, "I paid him for the service. But if I have to get somebody else to finish the job -- all I need to do is to get the letters from him and then get somebody else to finish the job?"

Commissioner Borries replied, "Yes, you have to respond to all of the utilities, who then would respond back so we could enter these into our official records that they have no objections to vacating that easement."

Ms. McClure said, "Actually, I would have to start all over again -- get the letters.:

Commissioner Hunter asked, "You say that Aaron has the letters now?"

Ms. McClure, "Beg your pardon?"

Commissioner Hunter asked, "You say that Mr. Biggerstaff has the letters in his possession now, but just hasn't bothered to submit them?"

Ms. McClure replied, "But he just hasn't bothered to finish the job."

Mr. Hunter asked, "You said this is on Baumgart Road? Is there sanitary sewer available there?"

Ms. McClure responded, "No, I have to get a permit for a septic system."

Mr. Hunter asked, "Now, will each of the -- you said two (2) lots -- you wanted to build two homes. Is there 2-1/2 acres minimum for each of those homes to be built on?:"

Ms. McClure replied, "Oh, we'll have 350 ft. frontage. There should be -- well, there's nine (9) acres altogether."

Mr. Hunter said, "Well, okay. I was just trying to figure out why perhaps Mr. Biggerstaff hasn't dealt with this. So that obviously is not a problem."

President Tuley said, "I think what they are saying is that if you're not going to be able to get Mr. Biggerstaff to do it, then you might want to entertain getting the information back from him and proceeding with somebody else. Because it sounds as though there is no reason for this not to have been filed yet. And Joanne was telling me you can't get permits or anything else until this is done."

Ms. McClure said, "No, I can't get a building permit."

Mr. Hunter asked "If the utilities have responded in the affirmative, then could they not send you a copy of their letter? I'd call the utilities and ask them and just bypass Aaron."

Attorney Kissinger asked, "Ms. McClure, have you seen the letters?"

Ms. McClure responded, "Oh, yes -- I've seen the letters."

Attorney Kissinger continued, "And all he has to do basically is attach them to the petition and file the petition?"

COMMISSIONERS MEETING  
June 20, 1994

3

Ms. McClure said, "I have to appear before the County Commissioners."

Mr. Borries said, "If we can get these in advance, we like for our County Engineer to review these for us to give any kind of technical comments he might have. But that's not a problem. I mean, it just means he would know if there's anything missing. But the main things you would need to get would be your telephone, water and sewer, electricity and cable -- that shouldn't be a lot to do. Do you have an attorney?"

Ms. McClure responded, "The last contact I had with him, he was told that I was going to turn it over to an attorney."

Mr. Borries asked, "So you have an attorney?"

Ms. McClure replied, "Yes, Brian Carroll has been taking care of abstracts for me. Do you suggest that I just have him contact Mr. Biggerstaff?"

Mr. Borries responded, "I'm only giving you one other option. It doesn't appear that Mr. Biggerstaff is going to answer to you directly, for whatever reason. But maybe he will if your attorney contacts him."

Ms. McClure said, "Okay. That will be my best recourse -- just to have my attorney contact him and go from there?"

Both Commissioners Tuley and Borries simultaneously advised, "Probably so."

Ms. McClure thanked the Commissioners.

RE: PURCHASING DEPARTMENT - LYNN ELLIS

Bid Opening/Transportation Services for the County: Ms. Ellis said this bid opening is scheduled this evening and Attorney Kissinger has two (2) bids to be opened. She is requesting the Commissioners authorize the Attorney to open those bids.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Pothole Patching & Crack Sealing Machine for County Highway Garage: Ms. Ellis said she does have one other item that is not on the printed agenda. She was asked by the County Highway Department to advertise for bids on this item and she wanted to verify that the Commission has given authorization to do this. She was not provided with that information. If the Commission has not given authorization, then she would need authorization at this time prior to soliciting bids.

The Commissioners said they thought they had given authorization to do this. President Tuley then asked if they have a new machine of this type at the County Highway or one ordered.

Mr. Howard said they do not.

Mr. Abell said he thinks Mr. Morphew came to the Commissioners and asked for permission to go on Council Call. They went to Council and got the money appropriated and from that point he doesn't know.

Ms. Ellis said Mr. Morphew contacted her office last week before leaving on vacation and she does have the specs.

Mr. Hunter asked if Ms. Ellis needs to have the specs approved or permission to advertise.

## COMMISSIONERS MEETING

4

June 20, 1994

Ms. Ellis said she has a copy of the specs if the Commissioners want to see them, but she needs permission to advertise.

Mr. Tuley said they put the specs together and they know more about it than he does.

Ms. Ellis said the notice to bidders would be published on Thursday, June 23rd and Thursday, June 30th, with bid opening on July 11, 1994. There has to be a minimum of ten (10) days between the second ad and the bid opening.

Motion to authorize Ms. Ellis to advertise for bids was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Contract/Cellular Phone for Burdette Park: Mr. Abell said he has a contract for a Cellular phone for Burdette Park to use in connection with the pick-up of children for Day Camp. He thinks Mark Tuley has already signed on this. In response to query from Commissioner Hunter, with regard to cost, Mr. Abell said it is \$150.00.

Commissioner Tuley said they lose contact when the bus picks up or drop off or what have you the kids. They were told one thing, the kid was told another thing, etc. They just need the phone in case they need to clarify something -- because they are locked up in a certain area at the Auditorium and have no access to a phone. They have radio contact on the bus but, again, they need the phone.

Mr. Hunter said they're running between 160 to 170 kids per day out to the Day Camp and he thinks they need the phone.

Motion to approve the contract was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Request to go on Council Call/Transfer of Funds: Mr. Abell said B.J. typed up a request for transfer of funds to several accounts from EUTS. He believes Commissioner Tuley has already seen this.

Commissioner Tuley said this is apparently excess money from the EUTS budget for the County's share because of increased funding from other sources. So that is money we had allocated and budgeted, but being transferred to other accounts that are short (postage, Xerox lease, tuition for patients/inmates, etc.)

Acceptance of Checks: Mr. Tuley said he also has copies of checks we recently quietused in which he will pass down for the Board's perusal.

Motion to accept the copies of the checks was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Reading of Bids/Transportation Services for Vanderburgh County: Attorney Kissinger said bids were received, as follows:

- |                                       |             |
|---------------------------------------|-------------|
| 1) Bassemier's Transportation, Inc.   | \$52,000.08 |
| 2) Community Action Program of Evlle. | \$73,744.00 |

Motion to take the bids under advisement was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

President Tuley said Purchasing should come back with a recommendation next week.

## COMMISSIONERS MEETING

5

June 20, 1994

RE: COUNTY HIGHWAY - FRED HOWARD

The meeting continued with Mr. Fred Howard, Assistant County Highway Superintendent, being recognized.

Weekly Progress Report: Mr. Howard submitted the Weekly Progress Report for the period of June 10, 1994 thru June 16, 1994.....report received and filed.

County Highway Work Hours: President Tuley asked how the highway crews are doing during this intense heat. He heard this afternoon that the heat index was 114 degrees.

Mr. Howard said it is kind of rough on the crews. They are thinking about starting two or three hours earlier. Just starting one hour earlier is not going to help them too much. Right now they're starting at 7:00 a.m.

Commissioner Hunter said the heat index was 105 degrees at 7:00 a.m. It is unbelievable; at this point it is not really safe.

Mr. Howard said what they're doing is making sure they get a lot of water and telling them to watch themselves. A lot of the guys get light headed. In response to query from Commissioner Hunter, Mr. Howard said daylight is around 5:00 to 5:30 a.m. -- but he's talked to Milton Hayden and some of the others and they said it doesn't really help them that much because of the humidity. They're just going real slow. They started paving today on Dixie Flyer and they quit about 1:00 p.m. If the humidity will just come down a bit, it would really help.

Commissioner Hunter urged Mr. Howard to tell the crews to take it easy -- we surely don't want a heat stroke out there.

Downed Trees: President Tuley asked if the crews are working on a lot of downed trees due to the recent storm.

Mr. Howard said there were quite a few downed trees last Thursday night and Bill Higgs was on call this weekend and he had a few. They've been trying to take care of those today. What they did was to get the trees off the roads after the storm. There's a bee hive in one of the trees out on Green River Rd. and they had to call a guy to take care of that. They're going to go cut up that tree today.

RE: INTRODUCTION - INTERN/FACULTY AT THE FACTORY PROGRAM

President Tuley said Mr. Abell has a guest today and asked if he would like to introduce him at this time.

Mr. Abell apologized, saying he was remiss in his duties. As the Commissioners know, we're participating in the Faculty at the Factory Program. Jim Brinkmeyer is the intern this week. We are the factory and he is the faculty. Jim is a teacher at Reitz in the Social Studies Department and also Track Coach.

The Board welcomed Mr. Brinkmeyer. Mr. Borries said he has known Mr. Brinkmeyer for some time and has a great deal of respect for his fine work. He hopes he still has the same for him -- after this week. This is kind of a peoples' factory, where we work with a lot of people on a lot of different things and he hopes Mr. Brinkmeyer will enjoy it. He's sure he will find it interesting.

President Tuley commented, "They put a heavy burden on you though -- they said you were going to learn our job in a week. Don couldn't learn it in four years."

Commissioner Hunter noted that Commissioner Borries has been at it for fourteen years.



COMMISSIONERS MEETING  
June 20, 1994

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RE: COUNTY ENGINEER - JOHN STOLL

Notice to Bidders/Mann Rd.-Bixler Rd. Bridges: Mr. Stoll submitted said notice for approval, indicating notice will be published on June 23, 1994 ad June 30, 1994, with bid opening scheduled on July 11, 1994. He thinks we have everything ironed out. We're trying to get the right-of-way addressed and should know if this is resolved within a week or so.

Motion to authorize advertising the notice was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Borries asked if we only have one right-of-way problem that Mr. Stoll is aware of.

Mr. Stoll said, "Probably. Valerie and Bill are trying to set up a meeting with the property owner one evening this week and, hopefully, we can get this all ironed out. The quantities of both the land and the money changed a bit as the result of the increased elevation and increased side slopes and all of that."

Street Acceptance/Nunning Court/Westchester Place: Mr. Stoll said Nunning Court is in Westchester Place Subdivision on the west side. It's an asphalt street with curb and gutter and was constructed properly. It is his recommendation that this street be accepted for maintenance.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

In response to query from the news media, the Commissioners said, "No, not the Westchester. We don't have any money left to re-build those -- even if they were ours."

Travel Request: Mr. Stoll said he has a travel request for Jack Crawford at the County Highway Department. Since Bill Morpew wasn't in, he asked him to bring this up. It's for a meeting in Indianapolis on Wednesday with IDEM concerning the garage remediation. Since Jack has been involved with it out at the County Garage, he feels he is the most appropriate party to attend. He and Tim Boisture will head up there on Wednesday. It will probably involve a few hours overtime for Jack -- maybe three or four.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Request for Permit to Occupy Right-of-Way for Force Main/Cynthia Heights School: Mr. Stoll said he has this request from Morley & Associates. This will run along the shaded area shown on the map and it's about 14,000 in length. That is why he is bringing this to the Board's attention. Usually they just handle these in the Engineer's office; but since this affects such a distance and there are any calls or questions concerning it, that is what is going on out there. In response to query from Commissioner Hunter as to whether this runs along Mesker Park Drive, Mr. Stoll said that it does.

Commissioner Borries said the School Corporation had asked us to work with them. Cynthia Heights is the last school on a septic system and with the growing population they need to get that sewer in. The School will, of course, be paying for all of that, but do ask for use of the County right-of-way there. He believes this is the last of thirty-seven schools that they need to work on.

Mr. Stoll said they also asked to waive the Construction Bond and he didn't see any problem with that or their proposal.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

COMMISSIONERS MEETING  
June 20, 1994

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Claim/David Franklin: Mr. Stoll said the last item is a claim to David Franklin. He attended a training session for the Troxler Nuclear Gauge in Nashville last week and they weren't able to get the claim on the consent agenda. This is for his per diem, hotel room and gasoline -- in the amount of \$120.00. The nuclear density gauge is the equipment we have to test the density of compacted soil or asphalt or anything like that. And since it does have radioactive material in it they regulate it pretty heavily.

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

Volkman Rd. Bridge: Mr. Hunter said he had breakfast the other morning with one of the big farmers out in that area and he said they are really, really pleased with the job CCC did on that. He asked, "Do we want to go ahead and mention the other thing, Rick?"

Mr. Borries responded, "Sure."

Commissioner Hunter continued, "I think one of the reasons that the Volkman Rd. Bridge finally got completed was that over a period of many, many years -- every time a new official was elected to either the County Commission or the County Council, there was a gentleman by the name of Dave Koehler who would get them in his car, take them out on Volkman Rd. and show them the need for a new bridge. Pat, you missed out because it had already been approved. But I know Rick's been out on Volkman Rd. with Dave Koehler and I remember Curt Wortman and I were. But anyway, the bridge is completed and it is referred to out there as the Dave Koehler Bridge. I went out and looked at it and there are actually some little pieces of concrete about the middle of it and I am suggesting that we have somebody come in who does some engraving and make this the Dave Koehler Bridge. Do you have any problem with that?"

President Tuley replied, "None whatsoever. That's fine."

Mr. Hunter continued, "He's the one who ram rodded it through and we didn't do much good with the Central Stadium -- but, by golly, we can do a Dave Koehler Bridge. So I am going to make that in the form of a motion."

President Tuley said, "Two's a majority here -- I think you've got it."

Seconded by Commissioner Borries. So ordered.

Waterworks Road Project: In response to query from Commissioner Borries concerning this project, Mr. Stoll said we received the plans last week and they've been forwarded to the contractor and they're supposed to get back to him by Wednesday. They will give him the prices on the concrete versus the metal pipe. We will have basically a 4 ft. bed of rock beneath the pipes.

Mr. Tuley queried Mr. Stoll concerning the time frame, assuming we continue to have hot, semi-dry weather.

Mr. Stoll said he is not yet sure, until we know what pipe we go with, as the ordering time will probably be the main factor.

Introduction of Chad Jordan/Summer Intern: Mr. Stoll said he forgot to introduce Mr. Chad Jordan, their summer intern, who is with us this evening. He started work last Monday and they're glad to have him. They need some help in the office; they're running a little short handed. In response to query from Commissioner Hunter, Mr. Stoll said that Chad is from Purdue University, where he will be a senior next year.

Commissioner Hunter asked if Chad can fix air conditioners, noting there is an air conditioner over in the Old Court House that is not working very well -- over in the Veteran's Office. If he works on it, that would be nice.

COMMISSIONERS MEETING  
June 20, 1994

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Commissioner Borries said he thinks he saw Chad at St. Joe Avenue and Allen's Lane today doing some survey work.

RE: CONSENT AGENDA

President Tuley entertained comments or questions concerning the Consent Agenda. There were none and a motion was entertained.

Claim/Insituform, Inc.: Mr. Tuley said he has a claim in the sum of \$66,500.00 for work done at Burdette Park.

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

Motion to approve the Consent Agenda, as printed, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

Commissioner Tuley said a calendar of Scheduled Meetings is attached to the meeting agenda.

Request for Executive Sessions: President Borries moved to hold Executive Sessions at 4:00 p.m. on Tuesday, July 5th; Monday, July 18th; and Monday, July 25th, for purposes of discussing Possible & Pending Litigation and Personnel Matters. Seconded by Commissioner Hunter. So ordered.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board. There were one.

RE: NEW BUSINESS

President Tuley entertained matters of New Business to come before the Board.

Appointment to Evansville-Vanderburgh Airport Authority District Board: Commissioners Borries said he would move that the Board reappoint Mr. Robert Ossenberg, who is currently serving on the Board. Seconded by Commissioner Hunter. So ordered.

President Tuley entertained further matters of business to come before the Board at this time. There being none, he entertained a motion to recess.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. Meeting was recessed at 6:32 p.m.

President Tuley then announced to the huge crowd that had entered the meeting room that rezonings are advertised to begin at 7:00 p.m. For informational purposes, the Board cannot start prior to 7:00 p.m. Rather, the Board will take a short recess to execute paperwork, etc., and will reconvene promptly at 7:00 p.m.

PRESENT:

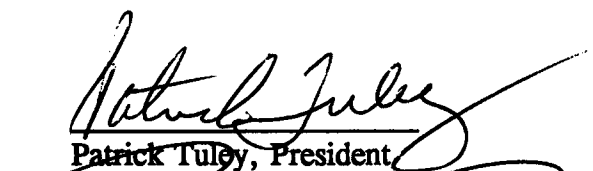
Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan M. Kissinger/County Attorney  
Cindy Mayo/Chief Deputy Auditor  
Mark Abell, Supt./County Bldgs.  
John Stoll/County Engineer

COMMISSIONERS MEETING  
June 20, 1994

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Chad Jordan/County Engineer's Office  
Fred Howard/Asst. Supt./County Highway  
Lynn Ellis/Purchasing Department  
Augusta McClure/Elmer Young Subdivision  
Kenneth McWilliams/Citizen  
Eric Williams/Sheriff's Department  
Ed Bassemier/Bassemier's Transportation  
Jim Brinkmeyer/Teacher/Reitz High School  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews



Patrick Tuley, President



Richard J. Borries, V. President

---

Don L. Hunter, Member



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**June 20, 1994**

**5:30 P.M.**

**FINAL**

✓ 1. **CALL TO ORDER** — 5:50

✓ 2. **INTRODUCTIONS**

✓ 3. **PLEDGE OF ALLEGIANCE**

**4. ACTION ITEMS**

A. Approval of Commissioner Minutes — *None*

B. Any group/individual wishing to address the commission

C. Lynn Ellis/Purchasing

**Bid Openings:**

1) Transportation Services

**5. DEPARTMENT HEADS**

Alan Kissinger ----- County Attorney ✓

Mark Abell ----- Superintendent of County Buildings ✓

Bill Morpew ----- County Garage ✓

John Stoll ----- County Engineer(see attached requests)

**6. CONSENT ITEMS**

- A. Travel/Education  
Health (1) - State Funded
- B. Employment Changes  
see attached lists
- C. County Commissioners  
\*Council Call/see enclosed requests
- D. Health Department  
\*Council Call/see enclosed requests
- E. Letter from Shane Thread  
re: use of county roads for sixth annual River City Duathlon  
(see enclosed information from Sheriff Dept/County Engineer)

**7. Scheduled Meetings - List attached**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. MEETING ADJOURNED**

**REZONINGS AT 7:00 PM  
\*SEE ATTACHED INFORMATION**

# COUNTY ENGINEER'S

## CONSENT AGENDA

JUNE 20, 1994

1. CLAIMS:

CONTRACTUAL SERVICES 203-3930

OLD PETERSBURG RD CULVERTS (VC 94-04-01)

CCC of Evansville (Inv. #94007A) \$18,268.87

CCC of Evansville (Inv. #94007B) \$34,084.86

ORCHARD ROAD BRIDGE

Evansville Concrete (Inv. #046193) \$ 492.00

Community Jobs Club (Inv. #9) \$ 60.00

VOLKMAN ROAD BRIDGE 203-4343

CCC of Evansville (Inv. #94001I) \$ 4,245.54

CCC of Evansville (Credit Memo #94001F) -\$ 18.22

ORCHARD ROAD BRIDGE 203-4387

Ohio Valley Pipeline (Inv. #0101135-IN) \$ 520.00

CONTRACTUAL SERVICES 216-3930

Koester Contr. Corp. (Inv. #94-401419-2509) \$ 7,515.64

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Prosecutor - Victims/Witness Assistance Program

## APPOINTMENTS MADE

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
108N11201084 Justine St. Louis	1504 E. Walnut	Victims/Witness	\$7.00 per hour	5.23.94
	Evansville, IN	Program Asst.		

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY [Signature]

DATE 6/10/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Knight Township Assessor

## APPOINTMENTS MADE

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
2490-1130-1990 Chandra Reeder	610 S. Bannighof	Deputy	5.00 per hr	6/14/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY [Signature]

DATE

6/14/94



# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Cooperative Extension Service - 1230

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1230-1120	Linda J. Thomas	9730 Fischer Rd. Evansville, IN 47720	Office Manager	22,251.00	6-28-94
1230-1140	Kathleen A. Rusche	6744 Sharon Rd. Newburgh, IN 47630	Secretary	21,333.00	6-28-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1230-1120	Betty M. Bumb	7505 Mesker Park Dr. Evansville, IN 47720	Office Manager	25,194.00	6-27-94
1230-1140	Linda J. Thomas	9730 Fischer Rd. Evansville, IN 47720	Secretary	19,400.00	6-27-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*John McLaughlin*

DATE 6-14-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
118	JAMES TOWNSEND		GUARD	5.00	5-25-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Mark T. ...*

DATE 6-13-94

# June 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 3:30pm County Council 152 / 213	2 153 / 212	3 Pay Day 154 / 211	4 155 / 210
5 156 / 209	6 3:30pm Dept. Head 4:00pm Exec. Session 5:30pm Commissioners 157 / 208	7 158 / 207	8 159 / 206	9 160 / 205	10 161 / 204	11 162 / 203
12 163 / 202	13 4:30pm Solid Waste 5:30pm Commissioners 164 / 201	14 Flag Day 165 / 200	15 166 / 199	16 5:00pm Pigeon Creek 167 / 198	17 Pay Day 168 / 197	18 169 / 196
19 Father's Day 170 / 195	20 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Reception 171 / 194	21 9:00am Insurance Comm. 172 / 193	22 173 / 192	23 9:00am Steering Comm. 174 / 191	24 175 / 190	25 176 / 189
26 177 / 188	27 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Bd. 178 / 187	28 179 / 186	29 3:30pm Personnel & Finance 180 / 185	30 181 / 184		

May

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

July

S	M	T	W	T	F	S
						1 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**AREA PLAN COMMISSION**  
**EVANSVILLE-VANDERBURGH COUNTY**  
Room 312 Civic Center Complex  
1 N.W. Martin Luther King, Jr. Blvd.  
Evansville, IN 47708  
Phone (812) 426-5226

June 3, 1994

County Commissioners  
Room 305  
Civic Center Complex  
Evansville, IN 47708

Commissioners:

This is certify that the following County Rezoning were considered by the Area Plan Commission of Evansville and Vanderburgh County at a public hearing held on June 1, 1994. There were 11 voting members present for the County rezonings.

**COUNTY REZONINGS**

**Docket No: VC-3-94** Petitioner: Daylight Engineering, Inc.  
**Premises Affected:** 5800 Seven Hill Road.  
Change from AG to C-4.  
This petition was denied, having 3 affirmative votes and 8 negative votes.

**Docket No: VC-4-94** Petitioner: Wolfe's Evansville Auto Auction  
**Premises Affected:** 5747 Coal Mine Road  
Change from AG to C-4 with use and development commitment.  
This petition was denied, having 3 affirmative votes and 8 negative votes.

**Docket No: VC-5-94** Petitioner: John J. Elpers, Jr.  
**Premises Affected:** 8801 Hedden Road  
Change from AG to R-1.  
This petition was approved, having 9 affirmative votes, 0 negative votes, and 1 abstention.

Sincerely,

  
Barbara L. Cunningham  
Executive Secretary/Director

BLC/kly

cc: Alan Kissinger  
Sam Humphrey

**FIRST READINGS FOR JUNE 20, 1994**

**Docket No: 94-26-PC VC-6-94** Petitioner: James Baker  
**Premises affected:** (Complete legal on file.) More commonly known as 4311 Kleitz Road. **Nature of Case:** Petitioner requests change from an Agricultural zone to a C-1 zone.

**Docket No: 94-29-PC VC-7-94** Petitioner: Jennifer Chittenden  
**Premises affected:** (Complete legal on file.) More commonly known as 10901 N. Green River Road. **Nature of Case:** Petitioner requests change from an agricultural zone to a C-1 zone.



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

**RICHARD J. BOR**

**DON L. HUNTER**

**PATRICK R. TUL**

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Approve the opening of bids, giving the County Attorney (Alan  
Kissinger) approval to open the bids for Transportation  
Services. The bids will be taken under advisement and a  
recommendation for award made at the June 27, 1994 Commission  
meeting, provided bids are in order.

**DATE TO BE PLACED ON AGENDA:** June 20, 1994

**ACTION** xx **CONSENT**        **OTHER**

VANDERBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT

FRIDAY, JUNE 10, 1994 THRU THURSDAY, JUNE 16, 1994

FRIDAY, JUNE 10, 1994

Gradall and one crew replaced culvert at 4300 Irene.  
Gradall and one crew placed lid on box at Burdette Park.  
Two graders, broom and three trucks pulled shoulders on Old Henderson Road.  
Three trucks hauled rock and dirt to and from Waterworks Rd.  
Trash crew worked on Myrtle, Happe, and Green River Road.  
One crew cut and removed a tree on Newman Road.

MONDAY, JUNE 13, 1994

Gradall and one crew placed a culvert at 9528 Hillview Dr.  
Three crews hauled dirt from Waterworks Road.  
Two graders, broom, and four trucks pulled shoulders on Old Henderson Road.  
Two patch crews worked on Boehne Camp and on work orders.  
Mower worked on Woodland Hills and Browning Road.

TUESDAY, JUNE 14, 1994

Gradall and one crew cleaned ditch and installed pipe on Wimberg.  
Three trucks hauled dirt from Waterworks Road.  
Grader, Belt Loader, broom and three crews pulled shoulders on Old Henderson Road.  
Two patch crews worked on work orders.  
Mower worked on Old State Road.

WEDNESDAY, JUNE 15, 1994

Gradall and one crew installed pipe at Pruitt and Woods.  
Paver, roller, broom, and six crews paved at Burdette Park.  
Backhoe and one crew hauled dirt from Sheriff's Training Cnt.  
One crew cleaned trucks.  
Patch crew worked on Folz and Kuebler Road.  
Mower worked on Campbell and Old State.

THURSDAY, JUNE 16, 1994

Gradall and one crew installed culvert at Pruitt and Woods.  
Paver, roller, broom and seven crews paved at Burdette Park.  
Two patch crews worked on St. George Road.  
Mower worked at Campbell and Old State Road.

**VANDERBURGH COUNTY BRIDGE CREW**  
**PROGRESS REPORT**  
**FRIDAY, JUNE 10, 1994 THRU THURSDAY, JUNE 16, 1994**

**FRIDAY, JUNE 10, 1994**

Crew #1 - place lid on drop box at Burdette Park.  
Crew #2 - install pipe at 4300 Irene.

**MONDAY, JUNE 13, 1994**

Crew #1 - remove rock from Boehne Camp Road for Patch crew.  
Crew #2 - pick up guardrail on Old Petersburg, trim and paint  
Old Petersburg and Schlensker.  
Crew #3 - place driveway culvert on Hillview, trim and paint  
Hillview and Slate.  
Crew #4 - straightened barn.

**TUESDAY, JUNE 14, 1994**

Crew #1 & Backhoe - install guardrail on Char-lee.  
Crew #2 - place pipe in ditch on Wimberg.

**WEDNESDAY, JUNE 15, 1994**

Crew #1 & Backhoe - finish guardrail on Char-lee.  
Crew #2 - install pipe on Pruitt and Woods.  
Crew #3 - trim and paint Campbell, Walnut, Hillsdale, and Old  
State.

**THURSDAY, JUNE 16, 1994**

Crew #1 - install guardrail on Char-lee.  
Crew #2 - install pipe on Pruitt and Woods.  
Crew #3 - trim and paint Green River, Millersburg, Kansas and  
Heckel.



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

### Agenda for June 20, 1994

1. Notice to bidders for Mann Road and Bixler Road bridges — *RB/ED*
2. Street acceptance for Nunning Court in Westchester Place  
Subdivision — *DP/RB*
3. Travel request —
4. Application to Cut and Occupy County Right of Way for a  
sanitary force main for Cynthia Heights School — *(Munich & Assoc) — DP/RB*
5. Claim form from David Franklin — *DP/RB*

## Notice to Bidders

Sealed Proposal, or Bids, for contract number VC94-07-01 - Replacement of Bridge No. 5 on Bixler Road over Big Creek and Bridge No. 7 on Mann Road Over Big Creek in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on July 11, 1994 local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

- Any bids received after the designed time, for any reason, will be returned unopened.
- Contract documents are on file in the Office of the Vanderburgh County Engineer, Old Courthouse, 201 NW Fourth Street, Suite 307, Evansville, IN 47708.
- Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which is being bid.
- Bids shall be submitted on the Itemized Proposal Form included in the contract documents and on Indiana Form 96, revised in 1987, provided separately, with a non-collusion affidavit, also provided in the contract documents, all properly executed, signed and sealed. The non-collusion affidavit must also be properly notarized.
- Each bid shall be accompanied by a bid bond, certified check, cashier's check, bank treasurer's check or bank money order in the amount of five percent (5%) of the total bid submitted.
- No bid shall be withdrawn after the opening of the bids without the expressed consent of the Vanderburgh County Commission for a period of thirty (30) days after the scheduled time of the bid opening.
- The Contractor receiving the award will be required to furnish a performance bond, Indiana Form 86A revised in 1947, in the amount of one-hundred percent (100%) of the award amount, which is to remain in effect for twelve (12) months from the date of acceptance of the completed work.
- Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents. The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.
- Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1993 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1993 Standard Specifications.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and waive any informality in the bidding.

**DATED THIS 20TH DAY OF JUNE 1994**  
**VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS**  
**COUNTY OF VANDERBURGH, INDIANA**

*Patricia Juby*  
*Richard T. Barries*  
*Don Humber*

ATTEST:

*Lane Humphrey*  
Vanderburgh County Auditor

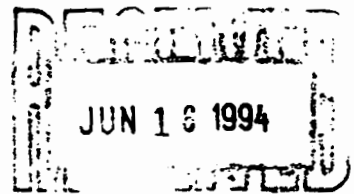
RECOMMENDED:

*John Hall*  
Vanderburgh County Engineer



COPY

Vanderburgh County Commissioners



APPLICATION TO CUT AND OCCUPY COUNTY RIGHT OF WAY (REVISED 2/10/92)

PERMIT #: \_\_\_\_\_

DATE: June 9, 1994

C.E. #: \_\_\_\_\_

PETITIONER: Evansville Vanderburgh School Corp. ADDRESS: One S.E. 9th Street

TEL. #: 435-8462 ; Evansville, IN 47708

ROAD(S) AFFECTED: Mesker Park Drive, Mill Road, and St. Joe Avenue

TYPE OF BASE CONSTRUCTION: STONE X GRAVEL    EARTH    " THICK  
TYPE OF PAVEMENT: CONCRETE    HAC X CHIP & SEAL    " THICK  
TYPE OF OPENING: BORE    CUT X  
OPENING DIMENSIONS: 14175' LONG    3' WIDE    4' DEEP  
SIZE OF INSERT:    GAS    WATER    4" SAN. SEWER    CULVERT

SUBMIT THROUGH THE VANDERBURGH COUNTY PUBLIC WORKS DEPARTMENT.  
PLEASE ATTACH (IF APPLICABLE) PLAN SHEET WITH CUT DIMENSIONS SHOWN  
RELATIVE TO PAVEMENT, PLUS ALL RELEVANT DIMENSIONS.  
APPLICANT SHALL BE BOUND BY ALL ADDITIONAL INSTRUCTIONS OF THIS FORM.

RECEIVED FOR REVIEW: \_\_\_\_\_ BY: \_\_\_\_\_

SITE INSPECTION:    NONE NEEDED    ATTACHED COMMENTS :

ACTION NEEDED: \_\_\_\_\_

THE UNDERSIGNED STIPULATES THAT HE/SHE HAS READ AND UNDERSTANDS AND  
FURTHERMORE AGREES TO FULLY COMPLY WITH THE CONDITIONS, STANDARDS, AND  
GUIDELINES SET FORTH IN THE FIVE (5) PAGES OF THIS DOCUMENT AND HAS  
THE AUTHORITY TO ENTER INTO THIS BINDING DOCUMENT.

COMPANY: Evansville Vanderburgh School Corp. ADDRESS: One S.E. 9th St.  
BY: *Virgil Miller* Evansville, IN 47708  
TITLE: Evansville Vanderburgh School Corp. Architect

APPROVED:    YES    NO

THE UNDERSIGNED HAS CONTACTED THE ENGINEERING OR RIGHT-OF-WAY DEPARTMENTS OF THE UTILITIES LISTED BELOW TO DETERMINE THE LOCATION OF THEIR PLANT AND/OR UTILITY WITHIN THE LIMITS OF THE PROPOSED WORK.

SIGECO: ☒ YES ☐ NO (GAS)  
☒ YES ☐ NO (ELECTRIC)  
WATERWORKS: ☒ YES ☐ NO  
SEWER DEPT.: ☒ YES ☐ NO  
INDIANA BELL TEL.: ☒ YES ☐ NO  
WESTERN UNION: ☐ YES ☒ NO  
CABLE TV: ☐ YES ☒ NO  
OTHER: ☐ YES ☒ NO WHO: \_\_\_\_\_

COMPANY: Morley & Associates, Inc.

BY: \_\_\_\_\_

Lee A. McClellan, P.E.

TITLE: \_\_\_\_\_

Operations Manager

#### BOND FOR CONSTRUCTION

This is to certify that \_\_\_\_\_, as Principal, and \_\_\_\_\_, as Surety, are firmly bound into contract # \_\_\_\_\_ in the Penal Sum of \$ \_\_\_\_\_, which is a minimum of 100% of the cost of returning county right-of-way and/or roadway to its original condition.

RECOMMENDED FOR APPROVAL: \_\_\_\_\_

*John Stoll*  
Vanderburgh Co. Engineer

DATE: 6-20-94

ATTEST:

*Sam Humphrey*  
Vanderburgh Co. Auditor

APPROVED:

*V. Gules*  
Vanderburgh Co. Commissioner

*Richard J. Benis*  
Vanderburgh Co. Commissioner

*[Signature]*  
Vanderburgh Co. Commissioner

THE APPLICANT AGREES TO ERECT AND MAINTAIN ALL NECESSARY BARRICADES, DETOUR SIGNS, WARNING LIGHTS, AND/OR ANY OTHER DEVICES REQUIRED TO SAFELY DIRECT TRAFFIC OVER OR AROUND THE WORK UNTILL ACCEPTABLE TO THE BOARD OF COUNTY COMMISSIONERS AND/OR THEIR DULY APPOINTED REPRESENTATIVE, AND IN ACCORDANCE WITH SECTION "D" OF THE "INDIANA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES."

THE APPLICANT AGREES ROADS WILL NOT BE BLOCKED FROM TRAFFIC, EXCEPT IN ACCORDANCE WITH AN ACCEPTABLE SCHEDULE OF TIMES AND DATES. THIS SCHEDULE SHALL BE SUBMITTED TO THE COUNTY COMMISSIONERS 48 HOURS OR MORE IN ADVANCE OF THE SCHEDULED BLOCKAGES.

THE APPLICANT FURTHER AGREES TO REMOVE ALL RESIDUE AND CONSTRUCTION MATERIAL, THAT MIGHT BE HAZARDOUS TO TRAFFIC, AT THE END OF EACH DAY.

THE APPLICANT AGREES TO ASSUME ALL LIABILITY FOR ANY INJURY OR DAMAGE TO PROPERTY RESULTING DIRECTLY OR INDIRECTLY FROM WORK PERMITTED - AND/OR PERFORMED BY THIS APPLICANT.

THE APPLICANT AGREES THAT SAID WORK WILL NOT INTERFERE WITH ANY EXISTING STRUCTURE AND/OR UTILITY, ALONG OR ACROSS SAID ROADWAY, WITHOUT PERMISSION FROM THE OWNER OF SAID STRUCTURE OR UTILITY.

THE APPLICANT AGREES TO STOP WORK AT ANY TIME UPON DIRECTION BY THE VANDERBURGH COUNTY ENGINEER OR HIS DULY APPOINTED REPRESENTATIVE.

THE APPLICANT AGREES THAT A COPY OF THIS PERMIT WILL BE MAINTAINED ON THE SITE WHILE WORK IS IN PROGRESS.

THE APPLICANT AGREES TO GUARANTEE SAID CONSTRUCTION FOR A MINIMUM OF 365 DAYS FROM THE DATE OF COMPLETION.

ON ANY WORK TO INSTALL A PERMANENT UTILITY PLANT, OR OTHER STRUCTURE, SKETCHES WILL BE INCLUDED THAT DENOTE ALL BAFFLES, SHORING, OR BULKHEADS LEFT IN PLACE AND WITH DIMENSIONS RELATIVE TO EDGE OF ROADWAY.

FINISHED ROAD SUFACES WILL BE COMPATIBLE TO EXISTING SURFACES AND STRAIGHT TO A PLANE WITHIN 1/8" IN 10'.

ALL UTILITY LINES ARE TO BE INSTALLED IN A STRAIGHT LINE, AND WITHIN THE BOUNDARIES PRESCRIBED.

**PARALLEL TO ROADBED (SHOULDER) CUTS**

THE TRENCH SHALL BE COMPACTED WITH ORIGINAL EXCAVATED MATERIAL TO WITHIN 9" OF THE FINISHED SURFACE.

THE UPPERMOST 9" SHALL CONSIST OF COMPACTIBLE AGGREGATE OR ORIGINALLY EXCAVATED MATERIAL COMPACTED USING MECHANICAL (WACKER) METHODS OR HAND TAMPERS UNTIL SATISFACTORY COMPACTION IS OBTAINED. THE LOWER FILL MATERIAL SHALL BE PLACED IN MAXIMUM 12" LIFTS AND COMPACTED BY THE ABOVE METHODS.

NO EXCESSIVE MOUNDS OR DEPRESSIONS WILL BE ACCEPTED.

IN ROADBED CUTS

- BACKFILL MATERIAL: COMPACTIBLE AGGREGATE IS PREFERRED BUT "B" BORROW  
IS ACCEPTABLE UNLESS OTHERWISE DIRECTED BY THE  
VANDERBURGH CO. ENGINEER OR HIS REPRESENTATIVE.  
ORIGINALLY EXCAVATED MATERIAL MAY BE SUBSTITUTED  
FOR FILL MATERIAL ONLY FOR GAS LINES.
- CONCRETE STREETS : TOTAL CONCRETE DEPTH SHALL BE 9 1/4". CONCRETE  
STREETS SHALL BE SAW CUT A MINIMUM OF 1" PRIOR TO  
REMOVAL.
- H.A.C. STREETS : H.A.C. SURFACE SHALL BE PLACED TO A DEPTH OF  
1 3/4" AND TACKED ON TOP OF 7 1/2" OF H.A.C. BASE.  
THE BASE SHALL BE COMPACTED IN 2 DIFFERENT LIFTS.

VANDERBURGH COUNTY ENGINEERING DEPARTMENT

Old Courthouse, Suite 307  
201 N. W. Fourth Street  
Evansville, IN 47708

DATE: JUNE 20, 1994

812-435-5773

Vanderburgh County Board of Commissioners  
Rm. 305 Civic Center Complex  
Evansville, IN 47708

RE: Acceptance of Street Improvements in  
WESTCHESTER PLACE SUBDIVISION

Dear Commissioners:

The undersigned have made an inspection of the subject Street Improvements on JUNE 13, 1994. These Street Improvements were constructed/finished on/by JUNE 13, 1994. All streets were constructed with HAC in accordance with the approved plans.

The following is a summary of the length of the completed 24' BC/BC streets in the subject Subdivision:

	ROW	LENGTH
NUNNING COURT	40'	560' .11 mile

. It is recommended that these Street Improvements and storm drainage (included within the street right of ways) be accepted for maintenance. If you have any questions please call the Engineer's Office.

Respectfully,

Accepted for Maintenance by the  
Board of County Commissioners

  
Vanderburgh County Engineer

  
President

cc: Developer  
Design Engineer  
Highway Department  
INDOT  
APC  
Road File

  
Vice President

  
Member

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6/20/94 DEPARTMENT: CO. HIGHWAY DEPT.

EMPLOYEE (S): JACK CRAWFORD

DATES OF TRAVEL: 6/22/94

DESTINATION: INDIANAPOLIS, IN

PURPOSE: MEETING WITH THE INDIANA DEPT. OF ENVIRONMENTAL MANAGEMENT TO  
DISCUSS THE GARAGE REMEDIATION

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: - N/A

MEANS COUNTY VEHICLES NUMBER: N/A

OF TRAVEL OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED:

_____	Mileage	_____	Parking
_____	Per Diem	_____	Registration
_____	Air Fare	_____	Other

APPROVED:   
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 20<sup>th</sup> day of June, 19 94.

  
Patrick Tuley, President

  
Richard J. Borries, Vice-President

  
Don L. Hunter, Member

DEPARTMENT: COUNTY COMMISSIONERS

DATE: 6-8-94

ACCOUNT	LINE ITEM	AMOUNT
203.1 130-3290	Transfer Tuition	22,433.00
203.1 130-3050	Patient - Inmate	8,147.00
*CCD Funds		

**EMERGENCY**

EXPLANATION OF NEED FOR REQUEST:

130-3290 Outstanding Bills 1990-1994

130-3050 May '94 Invoices

*ARK*

BALANCE OF ACCOUNTS:

ACCOUNT NO	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROPRIATION
130-3290	40,000.00	40,324.04	310.00	22,743.29
130-3050	250,000.00	58,290.55	204.58	8,351.58

DEPARTMENT HEAD:

*Patricia Julez*

30



NOTICE OF MEETINGS  
BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA  
EXECUTIVE SESSIONS  
JULY 1994

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana will hold Executive Sessions during the month of July at 4:00 p.m. in Room 307, Civic Center Complex, Evansville, Indiana, as follows:

Tuesday - July 5th  
Monday - July 18th  
Monday - July 25th

PURPOSE OF SAID MEETINGS is to discuss Pending and Possible Litigation and Personnel Matters.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

Patrick Tuley, President  
Richard J. Borries, Vice President  
Don Hunter, Member

Sam Humphrey  
County Auditor

Alan M. Kissinger  
County Attorney

## TRAVEL REQUEST FORM

FOR

COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: June 14 DEPARTMENT: Health / Assist  
 EMPLOYEE(S): Gill Sinclair

DATE(S) OF TRAVEL: June 22-23DESTINATION: IndianapolisPURPOSE: Assist staff meeting

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: ☒MEANS  
OF  
TRAVELCOUNTY VEHICLE NUMBER: ☒

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

\_\_\_\_\_ Mileage

\_\_\_\_\_ Parking

\_\_\_\_\_ Per diem

\_\_\_\_\_ Registration

\_\_\_\_\_ Air fare

\_\_\_\_\_ ☒ Other SubsistenceAPPROVED: *Samuel*

Department Head

APPROVED: \_\_\_\_\_

Office Holder

APPROVED BY:

VANDERBURGH COUNTY COMMISSIONERS this \_\_\_\_\_ day of \_\_\_\_\_, 199

*Richard J. Borries*RICHARD J. BORRIES, PRESIDENT L-P*Patrick Tuley*PATRICK TULEY, VICE-PRESIDENT PRS.\_\_\_\_\_  
DON L. HUNTER, MEMBER

# REQUEST FOR TRANSFER

139

DEPARTMENT: HEALTH

DATE: 6/15/94

ACCOUNT	LINE ITEM	AMOUNT
FROM:		
213.0-000.0-1920	Insurance	\$10,000.00
TO:		
213.0-000.0-2721	Laboratory Supplies	\$10,000.00

## EXPLANATION OF NEED FOR REQUEST:

Underbudgeted due to rising cost of medical supplies

*FTB*

## BALANCE OF ACCOUNTS:

ACCOUNT NO	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER TRANSFER
213.0-000.0-1920	234,148.00	72,756.92	161,391.08	151,391.08
213.0-000.0-2721	21,093.37	15,649.30	5,444.07	15,444.07

DEPARTMENT HEAD:

*Sam Eldes*

Executive Direct

Shane E. Thread  
305 S. Boehne Camp Road  
Evansville, IN, 47712

May 31, 1994

Vanderburgh County Commissioners  
Civic Center Complex  
Evansville, IN, 47708

Dear Commissioners:

The purpose of this letter is to once again seek your approval for the use of county roads to carry out the sixth annual River City Duathlon, scheduled for July 30, 1994 at 8am. I have enclosed a copy of the course map for your review. As usual, upon your approval, I intend to inform the Sheriff's Department about the race and seek their assistance in monitoring the course during the event. I will also ask the local R.E.A.C.T. to assist race volunteers monitoring the course.

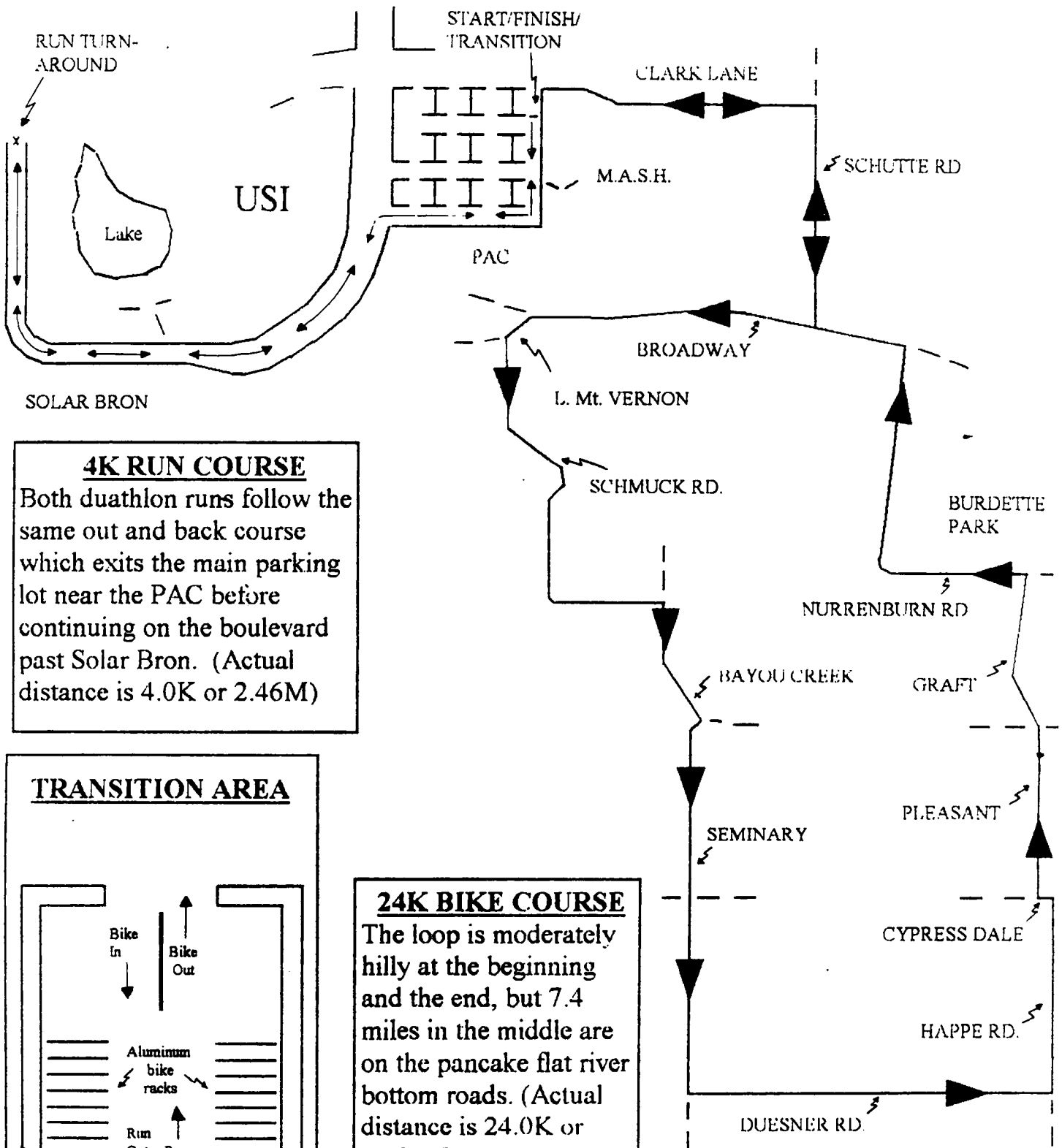
The race will be insured through Tri-Fed USA, the national governing body for multi-sport endurance races.

Thanks for your consideration,

*Shane E. Thread*

Shane E. Thread, race director

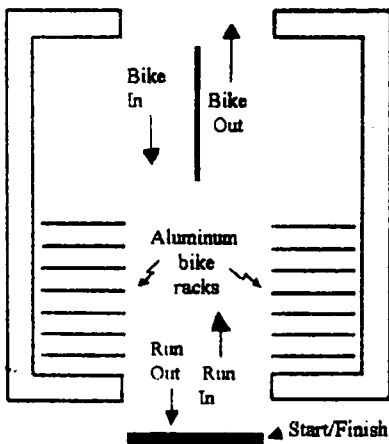
# 1994 RIVER CITY DUATHLON COURSE MAP



## 4K RUN COURSE

Both duathlon runs follow the same out and back course which exits the main parking lot near the PAC before continuing on the boulevard past Solar Bron. (Actual distance is 4.0K or 2.46M)

## TRANSITION AREA



## 24K BIKE COURSE

The loop is moderately hilly at the beginning and the end, but 7.4 miles in the middle are on the pancake flat river bottom roads. (Actual distance is 24.0K or 14.92M)



OFFICE OF

**SHERIFF OF VANDERBURGH COUNTY**

101 Civic Center Complex  
1 NW Martin Luther King Boulevard  
Evansville, IN 47708

Administration : 426-5303  
Command Post : 467-1420

**RAY HAMNER**  
SHERIFF

**ROBERT BECKHAM**  
CHIEF DEPUTY SHERIFF

**STEPHEN WOODALL**  
CHIEF DEPUTY SHERIFF

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

Dear Commissioners:

Regarding the attached correspondence by Shane E. Thread, the Sheriff's Department will provide assistance for the 1994 River City Duathlon with the aid of the reserve deputies. If I can be of any further assistance, do not hesitate to ask.

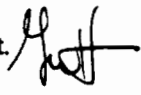
Sincerely,

A handwritten signature in black ink that reads "Stephen G. Woodall".

Stephen G. Woodall, Chief Deputy

cc: Sheriff Hamner  
File

**InterOffice Memo**

**To:** Commissioner's Office  
**From:** Bill Higgins, Vanderburgh County Engineering Dept.   
**Date:** June 16, 1994  
**Subject:** 1994 River City Duathlon

---

I have review the course outlined in the letter {original attached} requesting permission from the Vanderburgh County Commissioners to use certain roads on July 30, 1994 for this activity.

I find no problems with these roads, with one exception. There is a collapsed area on Seminary Road, south of Bayou Creek, that the Highway Department may or may not have repaired in time for the race. If it is not repaired it will have to be barricaded in one lane, making one lane travel for a few hundred feet. We will monitor road cut permits to avoid any work in the area.

Solarbron and Clark Lane are private roads, which require no approval from the Commissioners and were not inspected by our office.

**CC:** John Stoll  
Bill Morphew

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

ROESTER CONTRACTING

Vendor No. 27

\$ 7515.64

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name CONTRACTS

Account No. 216-3930

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Patricia J. Juby  
Richard J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

\_\_\_\_\_

June 17, 1994

John Hall  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>94-40419-2509</u>	<u>—</u>	<u>5/31/94</u>	<u>216-3930</u>	<u>7515.64</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 7515.64



Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

OTTO VALLEY PIPELINE

Vendor No. \_\_\_\_\_

\$ 520.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name ORCHARD RD. 158

Account No. 203-4387

Allowed \_\_\_\_\_ 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Bonies

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 17, 1994

John Hall  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>0101135-IN</u>	<u>-</u>	<u>5/16/94</u>	<u>203-4387</u>	<u>520.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 520.00



Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

Community Jobs Club

Vendor No. 4079

\$ 60.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name CONTRACTUAL

Account No. 203-3930

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 17 : 1994

John Hill  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>49</u>	<u>—</u>	<u>5/31/94</u>	<u>203-3930</u>	<u>60.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 60.00



Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

CCC OF EVANSVILLE

Vendor No. 3052

\$ 34,084.86

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name CONTRACTUAL

Account No. 203-3930

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Barnes  
Richard J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 17, 1994

John Stoltz  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>9400713</u>	<u>—</u>	<u>6/16/94</u>	<u>203-3930</u>	<u>34,084.86</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 34,084.86

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

CCC OF EVANSVILLE

Vendor No. 3052

\$ 18,268.87

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name CONTRACTUAL

Account No. 203-3930

Allowed \_\_\_\_\_ 19 \_\_\_\_\_

In the sum of \$

Richard J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 17, 1994

John Bell  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>94007A</u>	<u>—</u>	<u>6/8/94</u>	<u>203-3930</u>	<u>18,268.87</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 18,268.87

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

Insituform Midwest

Vendor No. 4599

\$66,500.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Burdette Park

Account No. 1450-4080

Allowed \_\_\_\_\_ 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard Bonica  
Ed Hurd

Board of Commissioners

VANDERBURGH COUNTY  
**FILED**

JUN 15 1994

Sam Humphrey  
AUDITOR

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 15, 94 Steven J. Craig  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>8798</u>	<u>1941037</u>	<u>5/6/94</u>	<u>1450-4080</u>	<u>66,500.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 66,500.00

**Warrant No.** \_\_\_\_\_

**Claim No.**\_\_\_\_\_

Date \_\_\_\_\_

DAVID A. FRANKLIN

Vendor No. \_\_\_\_\_

**\$** \_\_\_\_\_

**ON ACCOUNT OF APPROPRIATION**

Dept. Fund Name ENG. EQUIP.

Account No. 203-4429

**Allowed** \_\_\_\_\_ **19** \_\_\_\_\_


In the sum of \$ \_\_\_\_\_

Patricia Juby  
Richard P. Bonica  
Ex New

## Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

June 20, 1994

  
Signature of Office Holder

**Signature of Office Holder**

**I have examined the within claim and hereby certify as follows:**

**That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.**

**Auditor**

### COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
	—	6/20/94	203-4429	

**TOTAL**



SERVICE ACTIVATION DATE	PENDING RSN	SALES ID 6	COMM %
ACCOUNT NUMBER	BILL CYCLE	COMM. EMPL	
NON-REVENUE (check) <input type="checkbox"/>		APG	ACCT <input type="checkbox"/> SVC LINE <input type="checkbox"/>

**CREDIT APPLICATION AND CELLULAR SERVICE AGREEMENT**

NEW CUSTOMER ☒ EXISTING CUSTOMER ☐ PREVIOUS CUSTOMER ☐ CREDIT CLASS: DEPOSIT AMOUNT: # OF LINES: AUTH INITIALS: DATE:

PERSONAL APPLICATION		BUSINESS APPLICATION	
CUSTOMER NAME		BUSINESS NAME <u>Burdette Park</u>	
HOME ADDRESS (Physical)		BUSINESS ADDRESS (Physical) <u>P.O. 7081</u>	
CITY/STATE/ZIP		CITY/STATE/ZIP <u>Evansville 47719</u>	
PREVIOUS ADDRESS (if less than 1 year at current)		CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/>	
HOME PHONE	EMPLOYER PHONE	BUSINESS PHONE <u>513-435-662</u>	
EMPLOYER	HOW LONG?	TAX EXEMPT - (Attach Certificate)	
SEC. NO.		CONTACT NAME <u>James Moers</u> CONTACT # <u>435-3602</u>	
DRIVERS LICENSE #	STATE:	DATE OF BIRTH	SEX M <input type="checkbox"/> F <input type="checkbox"/> INCOME: ANNUAL SALES: # OF EMPLOYEES:

LEAD SOURCE CODE: <u>01</u>	SIC CODE:	SELECTION INFLUENCE CODE: <u>01</u>	PLANNED USE CODE: <u>03</u>	OCCUPATION CODE: <u>01</u>	EDUCATION CODE: <u>03</u>
<p>(check one) CH: <input type="checkbox"/> SV: <input type="checkbox"/> LOAN: <input type="checkbox"/></p> <p><b>PERSONAL OR BUSINESS REFERENCES</b></p>					
BANK <u>Citizens</u>	REFERENCE <u>Thirion's</u>	REFERENCE <u>Lensing White</u>			
ACCT NO	ACCT NO	ACCT NO			
PHONE	PHONE <u>473-2092</u>	PHONE <u>473-6371</u>			
CONTACT	CONTACT	CONTACT			

BILLING INFORMATION		USER INFORMATION	
BILLING ADDRESS (if different than above)		NAME	
ADDRESS		PH #	
CITY/STATE/ZIP		CITY/STATE/ZIP	
Bill Copies (1-8)			

CELLULAR #: <u>437-0881</u>	PREPROGRAMMED (check) <input checked="" type="checkbox"/>	VMB #	OTHER: (SPECIFY)
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EQUIPMENT INFORMATION								
MAKE/MODEL <u>Nokia (X1)C</u>	ESN/MSN or QTY <u>15601737014</u>	(CHECK ONE)			UNLOCK CODE	WARR PERIOD	WARRANTY BEGIN	PRICE
		PURCH	COE	RENTAL	LEASE	OTHER		
		<input checked="" type="checkbox"/>						

INSTALLATION CENTER	PREFERRED INSTALLATION DATE/TIME:	VEHICLE TYPE:	COLOR:	LIC PLATE#	ST
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SERVICE INFORMATION AND CHARGES		
<p><b>INITIAL CHARGES</b></p> <p>ADVANCE SERVICE CHARGES \$ <u>37.95</u></p> <p>SERVICE ACTIVATION CHARGE \$ <u>35.00</u></p> <p>SECURITY DEPOSIT \$</p> <p>EQUIPMENT CHARGES (above) \$</p> <p>INSTALLATION/PROGRAM CHARGE \$</p> <p>OTHER (specify) \$</p> <p>OTHER (specify) \$</p> <p>TAXES \$</p> <p>TOTAL DUE <u>72.95</u></p>	<p><b>MONTHLY CHARGES</b></p> <p>MONTHLY SERVICE PLAN \$ <u>37.15</u></p> <p>PEAK/OFF PEAK \$</p> <p>CALL FORWARDING \$</p> <p>CALL WAITING \$</p> <p>DETAILED BILLING \$</p> <p>VOICE MAIL BOX \$</p> <p>CUSTOM CALLING PACKAGE \$</p> <p>OTHER (specify) \$</p> <p>OTHER (specify) \$</p> <p>SUBTOTAL OF MONTHLY CHARGES <u>37.25</u></p>	<p><b>FOR OFFICE USE ONLY</b></p> <p>EQUIPMENT SALE: A B C <u>D</u> (NOT APPLICABLE)</p> <p>CIRCLE ONE</p> <p><u>25.00</u> Credit</p>

FORM OF PAYMENT (MAKE CHECKS PAYABLE TO: COMPANY) CASH	RECEIPT NO.	CHECK NO.
P.O. NO.	EXPIRATION DATE	ATTACH INITIAL P.O.
<input type="checkbox"/> CHARGE <input type="checkbox"/> VISA <input type="checkbox"/> MC <input type="checkbox"/> AMEX NUMBER	CREDIT CARD EXPIRATION DATE	

If Subscriber indicates initialing here \_\_\_\_\_ Subscriber authorizes Company to charge any amount due under this Subscription Agreement to the credit card account described above

By signature below, Subscriber confirms the truth and completeness of the above information and acknowledges reading all terms and conditions on the reverse side of the Service Agreement. Subscriber further authorizes any personal references or consumer reporting/credit agencies to furnish Company Subscriber's credit records or history. In the event of unauthorized signature by an agent of a corporate or other business subscriber, the undersigned agrees to be individually liable for all amounts not paid when due.

SUBSCRIBER NAME Mark Turkey AUTHORIZED SIGNATURE Mark Turkey DATE 6-8-74

**ANNUAL AGREEMENT**

EXTENDED TERM PLAN a.) Term. The charges for cellular service are specified above. In exchange for the Company agreeing to limit any increase in these rates as explained below, You agree to maintain cellular service under this Agreement for an initial term of \_\_\_\_\_ 12 months \_\_\_\_\_ 24 months \_\_\_\_\_ 36 months (initial one). In addition, this Agreement shall automatically renew at the end of the initial term for successive 12 month terms, unless you notify the Company of your intention to terminate this Agreement, as explained below: b.) Rates. The Company will notify You in writing at least 90 days prior to instituting any increase in the Service rates. During this 90 day period and before the rates become effective, You may terminate this Agreement by notifying the Company of Your intention to do so. If You do not terminate this Agreement during the 90 day period, the Extended Term Plan will remain in effect. c.) Termination. If You have selected the Extended Term Plan, You may terminate this Agreement at the end of the initial term or any 12 month term thereafter by notifying us of your intention to do so at least 30 days prior to the initial term or any subsequent 12 month term, thereafter. You acknowledge that any early termination by You of this Agreement will damage the company in amount that is difficult to determine, but that \_\_\_\_\_ represents a reasonable estimate of the Company's damages. You agree to pay the Company \_\_\_\_\_ in addition to all charges for Services due and owing, in the event You cancel this Agreement prior to the end of the initial term or prior to the end of any successive 12 month term, except as provided above.

The information provided above is true and complete and I authorize release of credit information. I have read and understand all terms and conditions on the reverse side, and understand this is a binding Contract. If a business subscriber, I guarantee my full authorization to sign for the above business, and personally guarantee the payment on this account if I am not so authorized.

SUBSCRIBER Mark Turkey AUTHORIZED SIGNATURE Mark Turkey PRINT NAME AND TITLE (Business only)

**GUARANTOR AGREEMENT**

To induce Company to enter into this Agreement and in consideration of such entering into this Agreement, the undersigned unconditionally guarantees to Company the prompt payment when due of all of Subscriber's obligations to Company under the Agreement. Company shall not be required to proceed against Subscriber or to enforce any other remedy before proceeding against the undersigned. The undersigned agrees to pay all attorneys' fees and other expenses incurred by Company by reason of Subscriber's default. The undersigned waives notice of the acceptance hereof and of all other notices or demands of any kind to which the undersigned may otherwise be entitled. The undersigned consents to any extensions of time or modifications in the amount of payment granted to Subscriber and to the release and/or compromise of any obligations of Subscriber or any other obligors and guarantors without in any way releasing the undersigned from its obligations hereunder. This is a continuing guaranty and shall not be discharged or affected by the debt of the undersigned and shall bind the heirs, administrators, representatives, successors and assigns and may be enforced by or for the benefit of any assignee or successor of Company.

GUARANTOR NAME \_\_\_\_\_ GUARANTOR SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DEALER White Paper SALES REPRESENTATIVE James 1756 DATE 6-8-74

WHITE COPY (Office) YELLOW COPY (Agent) PINK COPY (Customer) GOLD COPY (Installation)

SERVICE ACTIVATION DATE	PENDING RSN	SALES ID	COMM %
ACCOUNT NUMBER	BILL CYCLE	COMM. EMPL	
NON-REVENUE (check) <input type="checkbox"/>		APG	ACCT <input type="checkbox"/> SVC LINE <input type="checkbox"/>

CREDIT APPLICATION AND CELLULAR SERVICE AGREEMENT

NEW CUSTOMER ☐ EXISTING CUSTOMER ☐ PREVIOUS CUSTOMER ☐ CREDIT CLASS: DEPOSIT AMOUNT: # OF LINES: AUTH INITIALS: DATE:

PERSONAL APPLICATION		BUSINESS APPLICATION	
CUSTOMER NAME		BUSINESS NAME <u>Burdette Park</u>	
HOME ADDRESS (Physical)		BUSINESS ADDRESS (Physical) <u>P.O. Box 7081</u>	
		OWN <input type="checkbox"/> RENT <input type="checkbox"/>	
CITY/STATE/ZIP		CITY/STATE/ZIP <u>Evansville IN 47711</u>	
PREVIOUS ADDRESS (if less than 1 year at current)		CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/>	
HOME PHONE	EMPLOYER PHONE	BUSINESS PHONE <u>812-725-5612</u>	YRS IN BUSINESS
EMPLOYER	HOW LONG?	TAX EXEMPT - (Attach Certificate)	
SOC. SEC. NO.		CONTACT NAME <u>Joyce Moore</u>	CONTACT # <u>435-5612</u>
DRIVERS LICENSE #	STATE:	DATE OF BIRTH	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> INCOME:
			ANNUAL SALES: # OF EMPLOYEES:

LEAD SOURCE CODE:	SIC CODE:	SELECTION INFLUENCE CODE:	PLANNED USE CODE:	OCCUPATION CODE:	EDUCATION CODE:
(check one) CH: <input type="checkbox"/> SV: <input type="checkbox"/> LOAN: <input type="checkbox"/>	PERSONAL OR BUSINESS REFERENCES				REFERRED BY
BANK <u>First</u>	REFERENCE <u>First</u>	REFERENCE <u>First</u>			
ACCT NO	ACCT NO	ACCT NO			
PHONE	PHONE <u>435-2090</u>	PHONE <u>435-6891</u>			
CONTACT	CONTACT	CONTACT			

BILLING INFORMATION		USER INFORMATION	
BILLING ADDRESS (if different than above)		NAME	
ADDRESS		PH #	
CITY/STATE/ZIP		CITY/STATE/ZIP	
Bill Copies (1-9)			

TELEPHONE NUMBER INFORMATION	
CELLULAR #: <u>457-0882</u>	PREPROGRAMMED (check) <input checked="" type="checkbox"/> VMB # OTHER: (SPECIFY)

EQUIPMENT INFORMATION				
MAKE/MODEL <u>POCA 700</u>	ESN/MSN or QTY <u>82680221</u>			
(CHECK ONE)				
PURCH	COE	RENTAL	LEASE	OTHER
		<input checked="" type="checkbox"/>		
UNLOCK CODE	WARR PERIOD	WARRANTY BEGIN	PRICE	

INSTALLATION CENTER	PREFERRED INSTALLATION DATE/TIME:	VEHICLE TYPE:	COLOR:	LIC PLATE#	ST:
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SERVICE INFORMATION AND CHARGES		FOR OFFICE USE ONLY	
INITIAL CHARGES		EQUIPMENT SALE: A B C N (NOT APPLICABLE)	
ADVANCE SERVICE CHARGES	\$ <u>37.75</u>	CIRCLE ONE	
SERVICE ACTIVATION CHARGE	\$ <u>55.00</u>		
SECURITY DEPOSIT	\$		
EQUIPMENT CHARGES (above)	\$		
INSTALLATION/PROGRAM CHARGE	\$		
OTHER (specify)	\$		
OTHER (specify)	\$		
TAXES	\$		
TOTAL DUE	\$ <u>72.75</u>	Customer will remain on the rate plan selected or a higher rate plan for a period of 180 days.	
MONTHLY CHARGES			
MONTHLY SERVICE PLAN	\$ <u>37.75</u>		
PEAK/OFF PEAK	\$		
CALL FORWARDING	\$		
CALL WAITING	\$		
DETAILED BILLING	\$		
VOICE MAIL BOX	\$		
CUSTOM CALLING PACKAGE	\$		
OTHER (specify)	\$		
OTHER (specify)	\$		
SUBTOTAL OF MONTHLY CHARGES			

FORM OF PAYMENT (MAKE CHECKS PAYABLE TO: COMPANY) CASH	RECEIPT NO	CHECK NO.
P.O. NO.	EXPIRATION DATE	ATTACH INITIAL P.O.
<input type="checkbox"/> CHARGE <input type="checkbox"/> VISA <input type="checkbox"/> MC <input type="checkbox"/> AMEX	NUMBER	CREDIT CARD EXPIRATION DATE
If Subscriber indicates initialing here _____ Subscriber authorizes Company to charge any amount due under this Subscription Agreement to the credit card account described above.		

By signature below, Subscriber confirms the truth and completeness of the above information and acknowledges reading all terms and conditions on the reverse side of the Service Agreement. Subscriber further authorizes any personal references, or consumer reporting/credit agencies to furnish Company Subscriber's credit records or history. In the event of unauthorized signature by an agent of a corporate or other business subscriber, the undersigned agrees to be individually responsible for amounts not paid when due.

SUBSCRIBER NAME (SAME AS CREDIT APPLICATION) PLEASE PRINT AUTHORIZED SIGNATURE DATE 6-8-75

ANNUAL AGREEMENT

EXTENDED TERM PLAN a.) Terms - The charges for cellular service are specified above. In exchange for the Company agreeing to limit any increase in these rates as explained below, You agree to maintain cellular service under this Agreement for an initial term of 12 months 24 months 36 months (initial one). In addition, this Agreement shall automatically renew at the end of the initial term for successive 12 month terms, unless you notify the Company of your intention to terminate this Agreement, as explained below. b.) Rates - The Company will notify You in writing at least 90 days prior to instituting any increase in the Service rates. During this 90 day period and before the rates become effective, You may terminate this Agreement by notifying the Company of Your intention to do so. If You do not terminate this Agreement during the 90-day period, the Extended Term Plan will remain in effect. c.) Termination - If You have selected the Extended Term Plan, You may terminate this Agreement at the end of the initial term or any 12 month term thereafter by notifying us of your intention to do so at least 30 days prior to the initial term or any subsequent 12 month term, thereafter. You acknowledge that any early termination by You of this Agreement will damage the company in amount that is difficult to determine, but that represents a reasonable estimate of the Company's damages. You agree to pay the Company \_\_\_\_\_ in addition to all charges for Services due and owing, in the event You cancel this Agreement prior to the end of the initial term or prior to the end of any successive 12 month term, except as provided above.

The information provided above is true and complete and I authorize release of credit information. I have read and understand all terms and conditions on the reverse side, and understand this is a binding Contract. If a business subscriber I guarantee my full authorization to sign for the above business, and personally guarantee the payment on this account if I am not so authorized.

SUBSCRIBER (Print name of person or business) AUTHORIZED SIGNATURE PRINT NAME AND TITLE (Business only)

GUARANTOR AGREEMENT

To induce Company to enter into this Agreement and in consideration of such entering into this Agreement, the undersigned unconditionally guarantees to Company the prompt payment when due of all of Subscriber's obligations to Company under the Agreement. Company shall not be required to proceed against Subscriber or to enforce any other remedy before proceeding against the undersigned. The undersigned agrees to pay all attorneys' fees and other expenses incurred by Company by reason of Subscriber's default. The undersigned waives notice of the acceptance hereof and of all other notices or demands of any kind to which the undersigned may otherwise be entitled. The undersigned consents to any extensions of time or modifications in the amount of payment granted to Subscriber and to the release and/or compromise of any obligations of Subscriber or any other obligors and guarantors without in any way releasing the undersigned from its obligations hereunder. This is a continuing guaranty and shall not be discharged or affected by the debt of the undersigned and shall bind the heirs, administrators, representatives, successors and assigns and may be enforced by or for the benefit of any assignee or successor of Company.

GUARANTOR NAME GUARANTOR SIGNATURE DATE

DEALER SALES REPRESENTATIVE DATE

Bill To: \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State \_\_\_\_\_ Zip \_\_\_\_\_

### Sales Order

**No. 87693**

Qty.	Product No. and Description	Amount
	<b>Total Credit</b>	
<b>Special Instructions</b>		

<b>Total Purchase</b>	
<b>Total Trade-In Allowance</b>	
<b>Net Purchase</b>	
<b>Sales Tax</b>	
<b>Installation</b>	
<b>Total Cost</b>	<b>154.76</b> <b>150.00</b>

Account Representative Ken [Signature] Declines G. M. S. [Signature]  
 Maintenance Billing Mark Tully Jr Maintenance Contract Period From To  
☐ Quarterly ☐ Semi-Annually ☐ Annually  
 Equipment repaired by [Signature] Installed by [Signature]  
 This order is subject to the terms and conditions of the contract.

Lafayette, 47904 410 N. Earl Ave. (317) 448-4598	Muncie, 47303 1214 E. McCallard Rd. (317) 284-1779	South Bend, 46814 2625 S. Michigan (219) 289-4006	Terre Haute, 47802 1400 E. Pugh Dr., Apt. 8 (812) 232-1939	Columbus, 47201 236 California St. (812) 372-0050	Evansville, 47711 2551 Stringtown Rd. (219) 432-5736	Fort Wayne, 46804 1319 Magnavox Way (502) 683-1547	Owensboro, KY 42303 3000 Alvey Park Dr West (502) 683-4711
--	--	---	--	---	--	--	--

**CUSTOMER COPY**



June 20, 1994

QUIETUS

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 14790

FUND 130-3600

\$135,000.00

I HEREBY CERTIFY THAT: VAND COUNTY HEALTH DEPT

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$135,000.00 DOLLARS

ON ACCOUNT OF RENT

SAM HUMPHREY  
AUDITOR VANDERBURGH COUNTY, INDIANA

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947  
NO. 21 - 1947

June 20, 1994

QUIETUS

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 14791

FUND 130-3140

\$239.50

I HEREBY CERTIFY THAT: LEGAL AID

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$239.50 DOLLARS

ON ACCOUNT OF PHONE

SAM HUMPHREY  
AUDITOR VANDERBURGH COUNTY, INDIANA

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947  
NO. 21 - 1947

June 20, 1994

QUIETUS

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 14792

FUND VARIOUS

\$5,612.00

I HEREBY CERTIFY THAT: COMMUNITY IMPROVEMENTS

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$5,612.00 DOLLARS

ON ACCOUNT OF 130-1930 2700.00 LENSES  
428.1 2912.00 W COMP

SAM HUMPHREY  
AUDITOR VANDERBURGH COUNTY, INDIANA

000000003029

TREASURER OF VANDERBURGH COUNTY  
Evansville, Indiana

000000342767

342767

DATE	INVOICE NUMBER	REFERENCE	INVOICE AMOUNT	BALANCE
06/14/94	JUNE 1994	0101657 HLTH DEPT RENT	135,000.00	
			135,000.00	

VANDERBURGH COUNTY COMMISSIONERS

000000003029

TREASURER OF VANDERBURGH COUNTY  
Evansville, Indiana

000000342596

342596

DATE	INVOICE NUMBER	REFERENCE	INVOICE AMOUNT	BALANCE
04/18/94	02	0101488 LEGAL AID phones	239.50	
			239.50	

VANDERBURGH COUNTY COMMISSIONERS

000000003029

TREASURER OF VANDERBURGH COUNTY  
Evansville, Indiana

000000341939

341939

DATE	INVOICE NUMBER	REFERENCE	INVOICE AMOUNT	BALANCE
06/01/94	UNEMPLOYMENT	0100912 CIRCUIT	2,700.00	
06/01/94	WCONFIRMT	0100913 CIRCUIT COURT	2,912.00	
			5,612.00	

ANDERBURGH COUNTY COMMISSIONERS  
00000003029  
TREASURER OF VANDERBURGH COUNTY  
Evansville, Indiana

000000342596  
342596

DATE	INVOICE NUMBER	REFERENCE	INVOICE AMOUNT	BALANCE
04/18/94	02	010488 LEGAL AID  phones	239.50	
			239.50	

Mark -  
Please  
have these  
accepted @  
tonight's meeting  
Shank!  
B

TREASURER OF VANDERBURGH COUNTY		71-4 883	342596
Evansville, Indiana			
CITIZENS NATIONAL BANK EVANSVILLE, INDIANA			
VOID AFTER 180 DAYS		APPROVED BY THE STATE BOARD OF ACCOUNTS 1877 FOR VANDERBURGH COUNTY.	
DATE	WARRANT NO.	FUND	PAY EXACTLY
06/13/94	000000342596		*****239.50
TWO HUNDRED THIRTY NINE AND 50/100			
PAY TO THE ORDER OF			
VANDERBURGH COUNTY COMMISSIONERS			
CIVIC CENTER			
RM 305			
EVANSVILLE IN			
47708			
Sam Humphrey Jaye Perry - Blount			
VAND. CO. AUDITOR VAND. CO. TREASURER			

⑈ 342596 ⑈ ⑆08630004⑆ ⑈ ⑆0⑆236805⑈

ANDERBURGH COUNTY COMMISSIONERS

00000003029

TREASURER OF VANDERBURGH COUNTY  
Evansville, Indiana

000000342767

342767

DATE	INVOICE NUMBER	REFERENCE	INVOICE AMOUNT	BALANCE
06/14/94	JUNE 1994	0101657 HLTH DEPT RENT	135,000.00	
			135,000.00	

TREASURER OF VANDERBURGH COUNTY

Evansville, Indiana

71-4  
863

342767

CITIZENS NATIONAL BANK  
EVANSVILLE, INDIANA

VOID AFTER 180 DAYS

APPROVED BY THE STATE BOARD OF ACCOUNTS 1977  
FOR VANDERBURGH COUNTY.

DATE

WARRANT NO.

FUND

PAY EXACTLY

06/17/94

000000342767

\*\*\*135,000.00

ONE HUNDRED THIRTY FIVE THOUSAND AND 00/100

PAY TO THE ORDER OF

VANDERBURGH COUNTY COMMISSIONERS  
CIVIC CENTER  
RM 205

EVANSVILLE IN

47708

*Don Humphrey* VAND. CO. CLERK  
*Jayne Perry-Blond* VAND. CO. TREASURER

⑈ 342767 ⑈ ⑆ 08630004 ⑆ ⑆ 101236805 ⑈



ANDERBURGH COUNTY COMMISSIONERS  
00000003029  
TREASURER OF VANDERBURGH COUNTY  
Evansville, Indiana

000000342767  
342767

DATE	INVOICE NUMBER	REFERENCE	INVOICE AMOUNT	BALANCE
06/14/94	JUNE 1994	0101657 HLTH DEPT RENT	135,000.00	
			135,000.00	

TREASURER OF VANDERBURGH COUNTY  
Evansville, Indiana

71-4  
863

342767

CITIZENS NATIONAL BANK  
EVANSVILLE, INDIANA

VOID AFTER 180 DAYS

APPROVED BY THE STATE BOARD OF ACCOUNTS 1977  
FOR VANDERBURGH COUNTY.

DATE

WARRANT NO.

FUND

PAY EXACTLY

06/17/94

000000342767

\*\*\*\*135,000.00

ONE HUNDRED THIRTY FIVE THOUSAND AND 00/100

PAY TO THE ORDER OF

VANDERBURGH COUNTY COMMISSIONERS  
CIVIC CENTER  
RM 205  
EVANSVILLE IN 47708

Don Thompson

CLERK

Gayle Perry-Blond

CLERK

# 342767# 086300041# 101236805#

DATE	INVOICE NUMBER	INVOICE AMOUNT	BALANCE
06/01/94	UNEMP GRANT	2,700.00	
06/01/94	WCOMP GRANT	2,912.00	
		5,612.00	

Commissioners  
Box

TREASURER OF VANDERBURGH COUNTY  
Evansville, Indiana

71-4  
883

341939

CITIZENS NATIONAL BANK  
EVANSVILLE, INDIANA

VOID AFTER 180 DAYS

APPROVED BY THE STATE BOARD OF ACCOUNTS 1977  
FOR VANDERBURGH COUNTY.

DATE

WARRANT NO.

FUND

PAY EXACTLY

06/03/94

000000341939

\*\*\*\*\*5,612.00

FIVE THOUSAND SIX HUNDRED TWELVE AND 00/100

PAY TO THE ORDER OF

VANDERBURGH COUNTY COMMISSIONERS  
CIVIC CENTER  
RM 305  
EVANSVILLE IN 47708

Sam Thompson  
VAND. CO. AUDITOR

Gayle Perry-Blond  
VAND. CO. TREASURER

#341939# 10863000410# 101236805#

TRANSCRIPT  
REZONING PETITIONS  
JUNE 20, 1994

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Reconvened @ 7:00 p.m. ....	1
VC-3-94/Petitioners, Daylight Engineering, Inc. .... (Third Reading; Denied)	1
VC-4-94/Petitioner, Wolfe's Auto Auction .... (Third Reading; Denied)	1
VC-5-94/Petitioner, John J. Elpers, Jr. .... (Approved on First Reading)	15
VC-6-94/Petitioner, James Baker .... (Approved on First Reading)	16
VC-7-94/Petitioner, Jennifer Chittenden ....	16

TRANSCRIPT  
COUNTY COMMISSIONER'S MEETING  
JUNE 20, 1994

ADDENDUM - REZONING PETITIONS

The Vanderburgh County Board of Commissioners reconvened promptly at 7:00 P.M. for purposes of hearing Rezoning Petitions. President Tuley called the meeting to order and stated the Board has before them three (3) Third Readings and two (2) First Readings.

Mr. Tuley noted that there several Petitions being heard that were of great public interest. He reminded the audience that the minutes had to be recorded and requested that everyone speaking come to the microphone and clearly state their name and address, keeping discussions between audience members to a minimum as it is very difficult for the transcription of an accurate record. He asked everyone for their cooperation in the length of their speaking. He noted that several Petitioners were represented by attorneys and he asked that the representatives be allowed to speak without a group at the microphone. He did remind the audience that it was an open public meeting and anyone was welcome to add new information or speak.

He stated the Petitioners were as follows:

VC-3-94/Petitioners, Daylight Engineering, Inc.: President Tuley said the premises affected were 5800 Seven Hill Road with a requested change from Agricultural to C-4.

Attorney Steve Bohleber approached the microphone, introduced himself and said, "Good evening, Mr. Tuley, I'm Steve Bohleber and I represent the Petitioner in this rezoning request, as well as the one immediately thereafter. I have agreed with counsel for the remonstrators in both of these matters that we will combine them for purposes of simplicity. This is the way we approached it at the Area Plan Commission because other than the nature of the businesses, the arguments are virtually identical and we have the agreement from the representatives of the remonstrators to approach it that way. And, if that's acceptable with the Commissioners that's the way we'll approach it. This by no means indicates that we want a vote collectively on those, but they will be voted on individually, of course."

Mr. Tuley asked the Commissioners, Area Plan Commission and all attorneys involved if it was agreeable that VC-3-94 and VC-4-94 could be heard at the same time. There was general agreement that this was appropriate.

Mr. Bohleber said, "I represent the Petitioners in both causes and I consent to the matters being heard together, reserving, of course, the separate vote."

Mr. Marco Deluccio said, "I represent Arrowhead Farms and I agree to the same thing."

Mr. Les Shively said, "My name is Les Shively and I represent all the other property owners in the vicinity of Old Highway 57, Seven Hills Road area and we consent to the combining of both Petitions for public hearing."

Mr. Tuley said, "Okay, thank you all."

Mr. Bohleber said, "And also, to conform with your preferred approach, I will try not to be particularly repetitive. We did have a somewhat lengthy presentation before the Plan Commission and I know you all have transcripts of that and likewise I have supplied probably a lot more information than you wanted to see from me concerning -- concerning both of these matters and I'll try not to repeat myself too much. I want to basically touch on the highlights of what has been presented before in addition to some other folks who may be able to answer your questions and then allow a couple of other people to speak briefly. The first Petition

chronologically that appears on tonight's docket is a Petitioner by the name of Daylight Engineering, Inc. and the owner of the property American Plastic, Inc. These two corporations really are one man by the name of Tom Sawyer and he's sitting back here right behind me. Tom, raise your hand and let everybody see who you are. He is going to relocate his existing offices and also expand his business on one of the two parcels and for your information, I did provide you a copy of this. It wasn't a very good one. The area we are talking about on this aerial map is right here. This is Coal Mine Road, or Elberfeld Road. This is Old State Road 57, Seven Hill Road and I-164. The Petitioner, whom I'll refer to as Tom Sawyer, has basically the bottom half of that section and Tony Wolfe the upper half. The remonstrators I presume are from the scattered houses that are up and down this area. Mr. Sawyer has been around for a couple of decades in this area and he's a graduate of Purdue with a degree in chemical engineering. He has four businesses throughout this immediate midwestern area and he wishes to relocate his current business which is in Elberfeld, not Daylight as the name might imply to this site. In addition to his current engineering operation he has two exciting opportunities to bring into the fold, if permitted to do so by this expansion. He's working on two contracts. The first is with a chemical company to analyze the content of certain gasolines and organic fuels. Now, this doesn't mean he's going to be manufacturing, packaging, processing, refining or producing anything there, just testing other people's products. This contract is going to result in the need to purchase approximately one million dollars worth of equipment and require the erection of the building that you see on the site plan that accompanies the Petition. At least three tech -- new technical employees making forty thousand plus will be created to complement his six current employees. Also, Mr. Sawyer's involved in negotiations with another company to require patents to develop a new type of battery. The potential of these new contracts should attract additional business for Mr. Sawyer, Evansville and he looks at his future here to be quite bright. Again, trying to brief, his businesses would keep jobs here in Indiana and provide a service for a technology that often gets contracted outside the state. Mr. Sawyer, if unable to locate here, may decide to take these businesses to either his Springerton, Illinois or London, Kentucky sites. That's not something he wants to do since he lives here and quite frankly the Evansville area is a more attractive city for professional and technical employees. So, that's what Mr. Sawyer wants to do on the southern portion of that property. He has been in tune with the Elberfeld, Daylight community for most of the time he has been in Evansville and he checked with the businesses in both of those communities since the Area Plan Commission meeting and asked them to indicate in writing if they would whether they supported this business or not and the business of Mr. Wolfe and the subsequent Petition. I have a Petition I'd like to submit at this time with the names of twelve businesses in Daylight and Elberfeld. Mr. Sawyer indicates to me this is virtually every business in those two communities. They believe this will provide a needed economic boost for their business and for the two communities as well. So, in addition to the Petitions we submitted at the Area Plan Commission, I'd like to submit this Petition at this time. The second Petition, and then we'll talk about some problems common to both of them, is Wolfe's Evansville Auto Auction, Incorporated and currently that's located on South Kentucky Avenue here in Evansville, has been around for fifty years and is Evansville's best kept business secret. Before meeting Tony Wolfe a few years ago I really didn't know what went on out there, didn't think it was particularly significant, but it is a very, very important business in this community. For those of you who don't know the auction is involved in the selling of automobiles and trucks on behalf of dealers, banks, insurance companies, lease companies, municipal governments and other entities that deal in large numbers of wholesale motor vehicles. Its not open to the retail trade. Currently, this business has customers from thirty-nine states and the nation of Mexico who visit the city from time to time to buy and sell automobiles. I provided a lot of information to the Commissioners about the current and projected economic impact of this business. I want to restate just a couple of other things. Currently, there are about 600 vehicles auctioned per week. That's about \$31,000.00, per annum. Gross annual sales of \$55,000,000.00. There are 120 employees at this business, two-thirds approximately of which are part-time and the big business activity is on Thursday which is the day of the auto auction. The rest of the week traffic and activity is very minimal. This business has grown in leaps and bounds since the Wolfe family purchased it in 1987. Prior to that the auction was about 125 cars per week. It's grown dramatically. It can grow an awfully lot more relatively speaking. The Wolfe family has been experienced in this business for a

couple of decades now and Tony Wolfe, who is seated behind me, Tony, along with his children operate this business and the one in Terre Haute and the auto auction there. Tony's past present of the National Auto Auction Association and that's opened up a lot of new immediate vistas for this business. But, the problem is in order to continuing operating an auction in Evansville they need to expand. Their currently location quickly became too small. But, this is not the first knee-jerk attempt to find a way to expand the business that brings us here tonight. The initial thought was to vacate a municipal street that intersects south Kentucky known as Prosperity Avenue. That came before the City Council. Three different attempts were made since 1990 to vacate Prosperity Avenue to allow the orderly operation of the business that currently is on both sides of Prosperity. Those attempts have met with defeat. Even while that process was going on and since, two realtors have actively looked for land to meet the needs of the business. The professional, the Wolfe family back here, tells me to be effective that an auto auction of this magnitude must be located at or near an interstate highway or other major regional thoroughfare and be on a minimum of thirty acres of land. After a two and a half year search and that's even as recently as taking a look at the Builder's Square property south of their land, they've been looking. Builder's Square by the way is not for sale and not for lease according to inquiries made by the Wolfe family, besides its too small and has a big building sitting on it that would have to be torn down. This is all that they can find after two and half years that's big enough, located in the proper place and affordable. If unsuccessful two things will happen, either the search will go on, or Mr. Wolfe will go elsewhere outside the area. Other states and other counties approach him with some regularity wanting him to move his business there, but he has a fifty year tradition here. He has 120 people to think about and he likes Evansville. So, the last thing he wants to do is move, but we may be getting toward the end of that rope at this point because there really isn't anything out there on the horizon to accommodate his needs as an alternative to this. If allowed to expand this business wherever that expansion might be in this area, we believe, my client believes that they can virtually double all the economic statistics that I gave you earlier, perhaps a thousand or more vehicles per week, annual sales volume of approximately \$120,000,000.00 and maybe add another 80 employees to bring it to a total of 200. Annual payroll at that point could be one and half to one and three-quarters million dollars. It goes without saying that this is a major business in this community. It brings not only jobs, economic opportunities for local citizens in a direct way, but it has a very indirect but equally important component part. As I said, there are 39 states and the nation of Mexico that send people here to buy and sell cars. These are the registered dealers with the business. They're not all here every week. Don't get me wrong. Some of them come every month, some of them come twice a year, some come every week. But, when they do come from out of town they bring their spouses, drivers, salesmen, employees, families. They eat at our restaurants, shop at our various retail facilities, stay in our motels and even use the airport to come to town, in addition to other transportation facilities. Quite frankly, the businesses on South Kentucky report that auction day, which is Thursday, is their big day, and they probably don't want to see them leave, quite frankly, but they'll have that type of economic impact wherever they go and its significant and I have no statistics. There's no way to gauge these things. We could give you all sorts of statistics as to how a dollar is spent here doubles and triples while people stay in the area, but I'm not even going to attempt to do that. We all can see the impact of that. Another important thing is that this is a component business to virtually all the new car sales operations in this community as well. All, virtually all, local new and used auto dealers use the services of this auction. If it moves away they'll have to ship their product further to get rid of it. Additional expense to them, additional expense to all of us buying automobiles. Again, this is a sleeping giant. This is a business that goes on without anyone knowing its there until they attempt to do something to try to expand and that's when we meet opposition. The proposed site of the auto auction, again, is immediately north of the Sawyer property, scattering houses around it on Old 57 and Coal Mine Road which might be known to you also as Elberfeld Road. This parcel, in fact, both of these parcels were purchased by the Petitioners earlier this year from the Clarence Clutter estate. They were sold at auction. Everyone knew what was happening when that property was being purchased. These guys weren't going to farm it. Let's address the concerns. Is this a commercially viable site? That's a matter of disagreement and I respect that disagreement. But, it's been my observation just as a traveler around this country and when you put up in interstate highways close to cities commercial activity and residential



activity for that matter increases. I think that we are being rather naive if we believe that I-164 and I-64 are not going to attract business that close to Evansville and where they virtually intersect is where these two business are locating. In fact, our community leaders have dubbed I-164 as Evansville's new front door for development. So, all of us know and I'm sure if ask the Chamber of Commerce they'd tell you that as well that cities on interstates see businesses develop on those interstates. Billboards were a concern. Mr. Wolfe has submitted a use and development commitment to prohibit the utilization of this property for off-premises advertising. Minor concern, but nonetheless one that we've tried to address. A big concern is utility service and surface water run-off. Without question, there are not municipal utilities there. This is argued to be fatal to these developments by the remonstrators. I've talked to Dave Waninger who is an engineer with ARC construction and Steve Hahn, an engineer as well, who are working on this project. They're both here this evening. Gentleman would you stand or wave or signify your presence someway. There's Dave back here. Where's Steve? Okay, I asked these gentleman to come here this evening to explain to you the process to provide adequate water and sanitary disposal for this site. These gentleman feel there are no problems providing more than adequate water with a single well and many could be drilled there and not impact in any way upon the surrounding neighbors. Likewise, a mound septic system can be utilized here. The type of soil is not particularly porous, but it also covers about one-quarter of Vanderburgh County, so it's not anything unique. Mr. Hahn indicates that he's put in many of these. The State Board of Health has never turned him down. In fact, he constructed mound system just directly south at a coal mining operation, or a coal operation on 57 and it is not a perceived problem by either of these professionals to provide adequate utility service to this site. Likewise, you can see from a larger version of the site plan for Wolfe's Auto Auction that retention ponds are anticipated in addition to the mound system over here on the southern boundary of the property to take care of the surface water run-off that's going to be created by the paving. These are problems, but there are always problems when you build something. They are problem that are easily solved. This is going to be a two and half million dollar project by ARC Construction at the Wolfe site if this rezoning is approved. Significant operation. Significant construction and it utilizes union labor exclusively. To that end, Mr. Fleener of ARC Construction has asked some of the folks that might be working on this project, the various trade unions, to be here this evening and there's some folks here as well and you're going to hear from a couple of them to talk about their support of this project. Both of these businesses are going to be aesthetically pleasing in the final analysis and that may seem incredible to the remonstrators, but Tony Wolfe's a class guy. He was sort of chalked up by his development of South 41. He's got plenty of room to build a beautiful two buildings here, landscape the periphery in an aesthetic fashion. Of course, there's going to be security fences and a very minimal amount of lighting here. But, you know, again, the auction doesn't do repair work, body work. It only takes in vehicles for immediate resale at auction. The traffic concerns that were expressed by the remonstrators have to be put in perspective. Without question traffic will be increased by both of these businesses' location at this site. But, look where the traffic is. Its on Old State Road 57. Its now at this time not the major thoroughfare from Evansville to Indianapolis and points in-between. I-164 has relieved that traffic from 57 and anything these people do is not going to restore it anywhere close to what it was when it was a state highway, a state thoroughfare that was used as a major artery across the State of Indiana. Proper permits will be obtained from INDOT for the commercial curb cuts and they'll work to modify their plans to make INDOT happy, if necessary. Deceleration lanes are anticipated in this plan to access the site. ARC Construction, Dave Waninger, Steve Hahn and all the other professionals and laborers that work on this project know how to do it. They know what the laws are and Tony Wolfe fully understands that as well and is going to pay for it. I know they're are a lot of people here with No buttons on. The Yes people don't have Yes buttons on, but I'd like to ask at this time that employees, the supporters and the Petitioners themselves all wave, I guess, or if you stand up you might just blend into those standing, but wave, raise your hand and show -- show the Commissioners whose here in support of this Petition tonight. And I found quite frankly folks that its a lot more difficult to get people to come down, particularly on a ninety-eight degree evening to support something than it is to oppose it. This only scratches the surface of the people that recognize the need for this business to stay here and for Tom Sawyer's business to stay here as well. Before any concluding remarks I'd like to ask Roy

Mabrey to come up and say a few words on behalf of Laborers position on this project, particularly Tony Wolfe."

Mr. Mabrey said, "I'm Roy Mabrey. I live at 1132 South Fredrick Street here in Evansville. We spent thousands -- thousands of dollars trying to get industry to come into Evansville and Vanderburgh County. Tony Wolfe, I guess I've known Tony three or four years. He's done all of his work fair. He's put a lot of money into the site he's got now. We've got assurances from him that he will use craftsman from this area. He's not going to go to Mexico to get them like a lot of the other people that we give zoning to, they've turned around and slapped Evansville, Vanderburgh County in the face. A lot of the part-time people that he has working for him are also members of mine with the AFLCIO. A lot of the jobs that we've got in Evansville now are the type jobs you've got to have a supplemental income and that's the type of income that Tony Wolfe's Auto Auction brings to these people. Its the matter with some of them whether they have a good life or a mediocre life. So, we do have a lot of -- a lot of our members working at those part-time jobs. To address the construction part of it, Don Walker, you want to..."

Mr. Walker said, "I'm Don Walker, I represent the Lower Ohio Valley Building Trades and I live at 941 North Boeke Road. That's my office, I'm sorry. I live at 319 Harrison Boulevard. It seems like I live there. I'm there most of the time. I represent about sixteen building trades union in this area and we do need jobs and that's what this looks that this will bring, construction jobs for us. ARC Construction is one of our fair contractors and we believe that we have to support something our members are going to get jobs out of and when you say sixteen construction trade unions that's probably ten thousand men and women who are working in construction in this town and a lot of them will be working on this project, hopefully, both projects, but particularly Wolfe's Auto Auction."

Mr. Bohleber said, "Thank you. How many people that stood earlier are members of any local unions that these gentleman referred to? Raise your hands. Now, to get these people out after they've worked all day on a 98 degree temperature means that this is something important to them I think too. Briefly, in conclusion, I know this is a difficult decision and every once in a while I get to serve as Judge Pro Tem and I know how difficult that is as opposed to sitting back in the audience and saying you ought to do this, you ought to do that, or by God, I'd do it this way if I had the opportunity, so I know its difficult. But, this business, both of these businesses, are important to Evansville's economy. They are significant employers that draw money and people into this community. Whenever a business relocates, it seems in Evansville, in proximity to either residences or other businesses there's some suspicion, there's some opposition and often remonstrators come about when there's a big project at hand and its difficult to say no to those remonstrators, those people who live across 57. But, to put it in balance, I think its also difficult to say no to 120 jobs that could be 200 to fifty-five million dollars in gross annual sales that could be 120, to a two and a half million dollar building project that's going to put a lot of skilled tradesmen during that phase and no to those two thousand people who come here to do business, many of whom are from states across this nation and Mexico. We want people to come to our community and learn about it, to spend their money here and perhaps stay here. And, again, I'm not saying and Tony Wolfe will not stand up here as a threat to tell you as threat I'm leaving town if this doesn't happen, but gentleman, he's running out of options. He's running out of options and if this is turned down chances are better that this business will leave town and quite frankly, he'd love to be in closer to Evansville, but there's nothing there that's for sale that meets his needs. This comes as close as anything and he believes it can be viable, effective and really not, not, the nightmare the neighbors think it is. Tom Sawyer's business is much less burdensome on the neighborhood. Ten maximum employees, a couple of buildings far away from the roadway, but nonetheless equally vital to this community, because again, Tom has a choice if this is turned down to expand elsewhere or to go to one of his other current business locations in Illinois or Kentucky. Not a threat either, may not happen, but it could and I encourage you to consider these factors, consider the history behind, particularly Tony Wolfe's attempts to expand his business and the frustration that he's been facing each time. He's been a good corporate citizens. He's a good guy, too and, I don't



-- if I were him I'd begin to think at this point, and this is not Tony Wolfe speaking, because he's an upbeat positive guy, if I were him I'd begin to think that Evansville doesn't want him if he gets turned down here tonight. That's the way I would feel. And that -- that's a heavy burden. Please consider those thoughts."

President Tuley asked if Mr. Shively wanted to speak next or if any of the Commissioners had any questions. Mr. Bohleber pointed out that the Wolfes and the engineers were present for questioning.

Attorney Les Shively introduced himself and said, "Members of the Board of County Commissioners, my name is Les Shively, representing not individuals who purchased on speculation that they could adapt agricultural property to commercial in this vicinity in the northern part of Vanderburgh County, but property owners that have made a substantial investment in their farms and their homes for long-term investment and a long-term commitment to the tax base of this community. Mr. Bohleber makes a very passionate speech about economic development. There's nobody that cares more about economic development in this community than myself and the County Commissioners and everybody else in this room, but the issue before you this evening, I think Buddy Bower, our President of the Plan Commission says it best. He takes time before every Plan Commission Meeting, and a lot of people don't like that he does this, but I think its good that he does this, he reads from the ordinance what the purpose of the planning process is. Its to look at a proposal and determine whether that proposal is in harmony with the comprehensive plan this community has set forth for its development and to first and foremost make sure that it fits that particular plan and then once it meets that criteria then we talk about the particulars of the suitability of the infrastructure or necessity for additional infrastructure, roads, sewer, water. The first -- first and foremost analysis is is it consistent with the comprehensive plan. The staff has already told you that it clearly is not. The comprehensive plan I might add that you pay tax -- in terms of monitoring our tax dollars, pay a lot of money for and use as guidance in taking care of or dispensing with your official duties. Mr. Bohleber would lead you all to believe and I know that the Commissioners are a lot more sophisticated than this that the only site for the auto auction and Daylight Plastics is this acreage they bought at auction. It wasn't advertised as commercial. It was sold as farm property. In fact, it went for \$2000.00 an acre and my father told me, he said, now you don't get in the real estate business Les and I won't get in the law business, but I've been around real estate long enough to know what agricultural property goes for and that's \$2000.00 an acre. Commercial property goes for a lot more. This was sold as agricultural property. In fact, if you drove out there lately you'll see the crops are already planted and hopefully growing. Let me show you right now, give the President a highlighted copy and give the other members a similar copy although the highlights are not as clear, this is a computer print-out as of a week ago of eighteen -- by the way what I did was, there's a roundtable of commercial brokers that meet every Saturday morning that exchange listings and talk about potential prospects and keep in mind that the commercial area of real estate is not like residential. A lot of properties that are for sale in the commercial market aren't -- don't have for sale signs out front. And so, these are the properties that are actually listed that there are actually signs and I gave to a couple of members of that group that meets on Saturday morning the specifications, after talking to Mr. Wolfe following the Plan Commission meeting, because I too think he has a very good business and this is not an issue or referendum on what a great guy Tony Wolfe is. I'm sure that he is and I know he has a good business. But, I always was concerned that he have a suitable site, a site that has -- is appropriate for commercial, a site that has sewer and water and all the things that we do believe are necessary for commercial development and these are eighteen properties that are on the market. I specifically did not include in there properties that I know are properties owned by my clients because I felt that'd be a conflict of interest, but I know one you're familiar with is a sixty-four acre tract at Lloyd Expressway and I-164 could accomodate both these gentleman, but nonetheless there are parcels out there and we know where they are and you folks -- in fact, I would say that probably one of the best databases for available properties for commercial development would be these three gentleman sitting right here. You're very familiar with what's going on out there and you know this is not the only location it could go. I would also not that Fred Barber of F.C. Tucker/Huber Realtors, a real estate

brokerage concern that I do not represent, they're not a client of mine, I made Mr. Barber aware of it the next day following the Plan Commission meeting of my discussion with Mr. Wolfe and his attorney and what their needs were. Mr. Barber, who also supplied me with this document that I just gave you, Mr. Barber contacted Mr. Wolfe by telephone, calls were not returned, and even left a note by his business with no response. And, I don't fault good businessmen for making good business decisions and there's no question they got a good price on this particular land. It's not the job of this Commission to help these investors realize a substantial benefit for their bargain. Its the role of these Commissioners in this setting to determine whether its appropriate land use. To that end I would make you aware of another report, you all of the Commission, I'm sure paid significant dollars for, and that was the study done in anticipation of I-164 and having been involved with requests for rezonings on I-164 one thing this Commission has set, and Mr. Borries has been on the Commission I think longer than the present members here and he set that tone when he sat on this Commission when I-164 was in its developmental stage and right before it opened and that was the importance that areas that we want for commercial development, areas we want for commercial development should be located on intersections, interchanges for I-164 and should be able to be served by public utilities, not the least of which were sewer and water and I have taken an excerpt from that report. Its called the I-164 Growth Management Report and it talks specifically about this State Road 57 interchange and I -- its the, I believe its the second page of your handout gentleman, the second handout. I'm not going to read it to you, but basically it reiterates that sanitary sewer and water service is not available in the area. It goes on to say that the soils in this area are of a certain type and series that do not drain well and there is slow permeability of the soil of the area which limits extensive development unless sewers are available. Under the heading of future conditions your planners say this is a rural and agricultural area which should remain rural and agricultural in the future. Now, these aren't Mr. Wolfe's experts or Daylight Engineering's experts. These are the experts of the taxpayers, the people of Vanderburgh County who gave their opinions in this report. One of the issues not specifically addressed in this excerpt that Plan Commission staff has brought to our attention is this Commission has looked at several I-164 requests and I alluded to it, to a moment, is the necessity of being on an I-164 interchange. I know that you all have been out there to see this area. This property is not on an I-164 interchange and in fact these gentleman in their presentation have been very up front. They're going to access this by Old State Road 57. Old State Road 57 along that area has never had commercial operations and we hope never will have commercial operations in the whole history of its existence. This is, in fact if you look at these photographs here, this diagonal line separates photographs of the present operations of Wolfe Auto Auction at its present location at South Kentucky. These photographs over here are taken from various angles of the community in which they want to put this commercial development. I-164 is not even visible in those photographs. And I think if you take a close look at aerial photo you will also see that there's a substantial difference from the point where State -- Old State Road 57 tees off, you continue across a bridge, loop around and then you're down at a substantially lower elevation on I-164, not even in visibility of many of the homes in this area. This is not I-164 property. Another concern that this group, this Board has had is concerning the proliferation of outdoor advertising signs, especially on this new strip of highway. There may be a use and development commitment with regard to one tract here, but I don't believe Daylight Engineering has given a use and development commitment which would prevent outdoor advertising. Also included in the handout I just gave you with the I-164 Growth Management Report is a study done by Riddle and Company, Incorporated, real estate valuation experts and they only examined the impact of the rezoning of the thirty acres for Wolfe Auto Auction and Mr. Riddle basically indicates that the rezoning of this land would not be consistent with other land uses of the area and would be detrimental to single family homes. The issue here is not economic development. The issue here is appropriate land use. They've admitted they're not going to have a sewer. They've admitted they're not going to have water. Your experts, the County's experts say septic will not work. You've seen the staff field reports. You've seen the reports that have come back from the various agencies. If you were to rezone this property tonight, still left as questions are whether the State Highway Commission or now the Indiana Department of Transportation would even approve a commercial cut or ingress and egress. Still remaining is whether the Health Department and the State of Indiana's Health Department would approve a mound system in the

area and I want to figure out if you're going to have all these cars and wash all these cars, this is the car situation alone and have all these people, even if they come there once a week, the hundreds and hundreds, if not close to thousands of people that come as they say from all around the United States but the world, are going to depend on well water. Do we do commercial developments of sixty acres in this day and age, in the nineties depending upon well water. Of course, we don't. Of course, we don't. And those infrastructure questions remain. The important thing to keep in mind is this. This is speculative zoning and the first question which you have to answer when you evaluate this, is it consistent with the master plan. It is not. At this time, I would like to have you hear briefly from two of the residents, people that live out there, people that can tell you firsthand of the impact, the first of which is Mr. Greg Gordon which will speak to you about traffic concerns in the area."

Mr. Gordon introduced himself and said, "My name's Greg Gordon and I live at 19109 Highway 57. Our second story bedroom windows look out on this field and I assure you that blacktop and barbed wire is not aesthetic. I'm here to talk to you however about the traffic issues. About fourteen months ago my wife was in an accident. I believe you've got the picture. Do you still have the picture that I gave to the Plan Commission? It looks like this. It shows half of a Chevy Celebrity. My wife was in an accident there, like I said about fifteen months at the interchange of I-164 and Highway 57. It is a very confusing interchange and we're talking about bringing a thousand cars or so a day up there. One of our neighbors just did a traffic count down at the auction and counted over 250 cars an hour going in and out of that place on a Thursday and this interchange has roads coming into from five different directions, both exits off of 164, Highway 57 and Old 57. The way my wife's accident happened, she was coming home, thank heavens the kids weren't in the car with her because they wouldn't be here tonight. They would've been dead. The trunk was shoved all the way touching the backseat and if they had been sitting in the backseat of her car they would be dead today. If the car had exploded my wife would be dead. She was pinned in there until the Scott Volunteer firefighters could come and extricate her and her gas tank had obviously ruptured and it was lucky that it did not catch on fire. She was coming down the highway, 57, coming home and a lady exited off the interstate from somewhere, didn't know where she was going cause its a very confusing intersection and started coming up the wrong way in my wife's lane. My wife put on her brakes and there's a hill on 57 right before you get to that intersection. A guy came over that hill at 55 miles an hour, slammed into her, spun her around twice and obviously totalled the car and it could've been much, much worse. If we put six, seven hundred, thousand cars a day coming into there, a lot of them are people who aren't even familiar with the area, I think we're going to have a massive, massive traffic problem there and I think its just extremely inappropriate. I think Old 57 isn't appropriate for this kind of traffic now. We moved there just as it was closing, knowing that it was closing so we wouldn't be living on a heavy traffic area so we could raise our three children in the country and this State continued maintenance of that road for a couple of years after that and just since the County has taken over we've seen a difference in maintenance, a difference in snow removal and that kind of thing. It's going to be a lot more maintenance with this kind of traffic to maintain. So, I think there's just a lot of reasons why you know this isn't appropriate and I certainly hope you'll vote against it."

Mr. Shively said, "Next, I'd like to ask Mr. Scott McNabb to come forward please."

Mr. McNabb said, "Good evening Commissioners. My name is Scott McNabb. I live at 18750 Highway 57 North, or directly across the street from the proposed auto auction and plastic corporation location. I'm here tonight speaking on behalf of two hundred and twenty voters or petitioners, whichever you'd liked to look at them and thirty-two concerned families who live in this rural portion of Old Highway 57. We've heard tonight, as we did before the Area Plan Commission, of the benefits of the auto auction, the benefits that it offers Evansville. There's been considerable emphasis placed on the economic advantages of Mr. Wolfe's operation to this community. It seems obvious to me that Mr. Wolfe is an excellent businessman and he's -- and he's operating a very successful business that's growing all the time. As a businessman he's invested his time, his effort and probably a considerable amount of money to make his business grow and produce a profit. Likewise, every landowner, each one of these people in the room

that are here tonight with a No button on, you know, they've all done the same thing with their properties in an effort to make them more attractive and to increase the value of their initial investment. If you look at this on a relative basis, you know each one of us have put as much into our homes and properties as these entrepreneurs here have put into -- into their business. In effect, this conflict is not one of big business versus a group of landowners, but more so a conflict between a group of small businesses versus two very -- very larger businesses. The auto auction is in the business to make money, to turn a profit. I think all of us in this room here are in the business of producing a better quality of life for our families. This is why we chose to relocate to the Old 57 North area. The people I represent here tonight, including myself, are hardworking individuals, people that have put all they've got into their homes and properties. Should you allow these two businesses to relocate in our front yards our properties' net worths will plummet substantially. You know, I ask each one of you gentleman the same question. Would you care to live next door or right across the street from an auto auction operation that's going to be moving a thousand vehicles as Mr. Bohleber said possibly, in and out every week. I'd have a hard problem with that. In summary, each one of us here had a dream when we bought our homes and properties out on Highway 57 north. I would also say that Mr. Wolfe surely had a dream when he started his business here quite a few years ago. He has watched his dream come true. Please, please do not -- do not deny us that same realization. We adamantly and respectfully request that you exercise your power and deny this rezoning petition as the Area Plan Commission did earlier this month. We thank you for your consideration."

Mr. Shively said, "In conclusion, one other point that I would make for the record, the application or petition was filed from the Daylight Plastics, a laboratory was indicated as its proposed use. My review of your county ordinance, that's a use group 14 which would require an M-1. So, part of what is being requested under C-4 can't happen legally in C-4. I would note that for the record. For those that are here in opposition this evening to these two rezoning requests, either if your standing raise your hand, if you're not standing please stand up. Thank you very much. There are petitions that are part of your record that were submitted at the time of the Plan Commission meeting and as I said, there are also farming properties out here and with that transitional remark we would conclude our remarks and let another property owner represented by Mr. Deluccio speak at this time, if that'd be the Commissioner's pleasure."

Mr. Deluccio said, "Mr. President, members of the Commission, my name is Marco Deluccio. I'm here on behalf of the owners of Arrowhead Farms, which is located directly across the street from both of these proposed rezonings. We mirror all Mr. Shively's comments and the comments of Mr. McNabb and Mr. Gordon and we'll be brief, but there are a couple of things that are particularly unique to our property that we think should be brought to the Commission's attention. Arrowhead Farms is a three hundred acre farm which is located, as I said, across the street. Its been in the Clutter family. Mr. Gormley is a son-in-law of Anna Margaret Clutter and Ray Clutter. It's been in their family for over a hundred and fifty years and in fact in 1977 was declared to be a Hoosier Homestead Farm by the then-governor of the State, Governor Bowen and that is something that they probably hang on their wall out there. Arrowhead Farms is also the home to the DePauw University Conference Center which is used by DePauw University -- which Mr. Clutter donated to DePauw University a number of years ago. It's used by a number of -- by DePauw University as a conference center and for -- there is also -- there is also log cabins located out there if any of you have ever been out there, that Mr. Clutter collected over the years that are used basically administered by the Day School and used for both public and private school, student, high school education from an historical and educational standpoint. Arrowhead Farms is also the home to the Three Lakes Girl Scout Camp which is located on the top of the hill on the farm out there and I'm told that's the highest point in Vanderburgh County. The entrance to the girl scout camp which is used extensively by the Girl Scouts from late spring to the end of summer is located directly across the street and as I mentioned, it's on top of the hill, which overlooks where the auto auction is to be located and where the Daylight Plastics office building is to be constructed if this rezoning is passed. Obviously the area that they look out over now is farmland, is much more serene, much more conducive to camping activities than would be an auto auction or a commercial office building. Arrowhead Farms is also the home to two residences out there, Greg and Carol Gormley who

is here this evening reside out there along with Mrs. Clutter when she's in Evansville and they've lived out there -- Mrs. Clutter's lived out there basically all of her life when she was in Evansville. They lived in Indianapolis for a time. The reason why the Gormleys are out there and we believe the reason why many of the neighbors are out there is to avoid the traffic and the noise pollution and the light pollution that you experience in the city and they've given up a number of things to have that including city services such as sewer and water. They now have cisterns most of them. I'm not even sure that they use wells in the area due to the content of the water out there, but its mainly a cistern as I understand it. We're not opposed to the businesses that are being -- that are doing business in Vanderburgh County. We would encourage them to stay there. What we are opposed to is bad zoning. We noted from Mr. Bohleber's comments that many of his comments pertain to the economic impact, the economic goodwill of these two businesses in the county. He spent very little time discussing the land use and what impact this is going to have on the land use. Mr. Shively clearly detailed what your comprehensive plan shows. He also discussed what the I-164 Growth Management Plan shows and we note in addition to that in the introduction its very, very interesting that -- I think it was almost had a foresight as to situations like this where it said the intent of the report is to provide comprehensive information to serve as a policy guide to you to assist decision makers in land use and development decision. It is an effort to anticipate problems and act on them prior to development. That's exactly what the I-164 plan has done when it showed that this area is agricultural, has been agricultural and should remain agricultural. We also would point out and I think the record reflects that the Health Department has indicated that it could not support this development unless it had information concerning whether or not sanitary sewers were going to be available in the area. The utility board, the utilities have indicated that there are no sanitary sewers, hence we believe the Health Department is opposed to this development based upon their comments. We also, despite what Mr. Bohleber said about the reconditioning building, which I think is shown on the Wolfe's Auto Auction rezoning petition that there is going to be no body work done. We still have a fear that there will be some type of minor body work done in this. In this regard we looked at the Kelly's Blue Book which I think is deemed to be the Bible in this kind of industry which states when it talks about what goes into reconditioning that the normal person does not know and that includes repaint -- repair of paint and chips and dents, replacement of upholstery and replacement of bumpers. That sounds to me like body work and if it is body work it needs like the laboratory to have a zoning classification. Mr. Bohleber also indicated that the reason for the expand -- that they needed to expand in this area was because they have had numerous attempts to have Prosperity Avenue vacated. The City Council has turned them down. I don't think that this is the forum to try to decide whether the City Council made a proper or improper decision in that regard and it shouldn't be used to try to rectify any decision that they believe that the City Council was wrong on. In closing, the Gormleys and other neighbors in the area chose to live in this area giving up many of the benefits that you would have -- otherwise have in city life. They've -- they've given up city water, they've given up the sanitary sewers. They would like to have the benefit of their bargain which is to avoid the noise pollution, the asphalt jungles, the street lights and the added traffic which always come with a development of this kind. So for these reasons we would request that the County Commissioners exercise their powers as Mr. McNabb indicated and deny these, both of these rezoning petitions."

Mr. Bohleber said, "May I have some brief rebuttal first, Mr. President?"

Mr. Tuley said, "Yes, you may."

Mr. Bohleber said, "Before I make any comments about the technicalities of the law that were brought up I think some technical information beyond my expertise needs to be addressed. I would call on the engineers that are here this evening to answer once again questions about water and sewage. As a preface to the concept of water, Mr. Waninger prepared a report that you each have a copy of that says the current water usage by the auto auction is two hundred and seventy-three gallons a year which computes out to twenty-two thousand seven hundred and fifty gallons a month or seven hundred fifty gallons a day. A single well producing five gallons a minute would supply seventy-two hundred gallons per day or ten times the current usage. All



experts consulted say that that is no problem from a single well. This expanded facility could support many more than one well. But, a single well, again, is going to provide five times the needed water, two wells ten times the needed water. Again, this is not twenty-four hour day, day in and day out usage, contrary to what was inferred by reconditioning is a slight misperception. Reconditioning does occur but these guys don't do the work on-site. They send it off. They don't have gas there to gas these up either. They send it off. All they do is sell these vehicles at their site. They wash the cars in the reconditioning building and again, they wash the cars at their current site so the water figures we're giving you are consistent with that. Sanitary sewers, there aren't any obviously. I'm going to ask Steve Hahn to come up here and tell you a little bit about a mound system. His experience with mound systems and success with them in this area and throughout Southwestern Indiana. He's the expert on such matters that ARC has consulted with and would be utilized in this project."

Mr. Hahn said, "My name is Steve Hahn and I live at 801 Mells Drive and I'm not sure about an expert, but I have had some experience with on-site systems. I've worked on systems in this area. One was to a coal company which was about two miles away and the soils are similar. Its been working successfully for three or four years. I have worked on problems that were greater than this and more difficult and lasted the same way. I have done twenty-five or thirty on-site systems like this and currently have four or five at the State Board of Health now being reviewed. Let me tell you about the sequence should you decide favorably to let these businesses expand. It really isn't a local situation from that point as far as the sanitary waste disposal concern. Its a State Board Department of Health problem. The first logical step will be to employ a soil scientist which is approved by them to sample the soils because they don't perk tests anymore. When he makes those samples he will mail them to the State Board of Health and they will do a summary and provide us with a technical data sheet which gives us the minimum sizes and type systems that they're willing to accept and we prepare a set of plans that is acceptable to them and provide the local health department with copies of those plans and after we secure their approval we can begin potentiall begin construction. I have been fortunate in that I have not run into any situations in the time that I've been doing this that where there just was not a solution. I have had several systems that are larger and am currently working on a larger system now which is in poorer soil so, this really isn't that big a deal. The Soil Conservation Services classifies [Inaudible] soils as severe for this use, but the majority of the soils in Vanderburgh County that are classified are severe by their definition and its still possible to put working systems. Do you all have any questions? I'm not sure what..."

Mr. Borries asked, "How large a system are you talking about, where you have some Steve?"

Mr. Hahn said, "It will -- the land area that'll occupy my guess is about an acre and a half."

Mr. Borries said, "Acre and a half?"

Mr. Hahn answered, "Thereabouts. The State Board of Health will give us the sizes and then you just fit it to the property, or minimum sizes."

Mr. Hunter asked, "Did I understand you to say that the local Board of Health has nothing to do with this?"

Mr. Hahn answered, "The local Board of Health deals with residential. The State Board of Health deals with commercial unless the State Board of Health refers a commercial property to them and I have had that happen where on smaller systems they say just -- but the difference is between commercial and residential. They have two different standard books that you design by."

Mr. Tuley indicated there were no other questions.

Mr. Bohleber said, "Both Mr. Wolfe and Mr. Sawyer would like to come up here for a second and say a few brief words and answer any questions you might have before I briefly conclude

about the legalities that were brought up by counsel."

Mr. Wolfe said, "I'm Tony Wolfe, president of Wolfe's Auto Auctions. Commissioners, the reason I'm here is my father has been a farmer, he's 78 years old. He was a farmer the first 35 years of his life. We seen development around our farm ground and it done nothing but made our ground go up. So, I'm not going out there to build something that's bad. It'll be a nice facility that anybody'd be proud of. You can look at my one in Terre Haute. You can look at the addition I put on out here. This building is -- was built in 1945. When we come here we grewed so fast that we had to do something and I thought maybe we'd get the street closed. So, if you go out and look at the brick south side of it we put on, its a nice addition anybody'd be proud of. But, the main reason -- I understand farmers, they're good people. These people's all good people. I'm just wanting to expand my business. That's what I'm interested in and I don't think I'm going to hurt anybody. I think they'll find out when I'm there I'll be a very good neighbor. I want to answer Mr. Shively's -- and I did talk to Mr. Shively, me and my attorney about properties. He says there's eighteen properties for sale. I've had one call on property. It is in Warrick County. Its at the corner of 164 and 64. That's the only call out of eighteen. In answer to our -- anybody that's been to our place knows we are visible from 164 right where we're at now and to me that's very important and in answer to water wells. We've had a water well at Terre Haute, Indiana. I built the facility 19 years ago, and its operated very successfully. We do not do any body work on site at all. We only wash, vaccuum and buff polish cars. Thank you very much for your time."

Mr. Sawyer said, "I'm Tom Sawyer and I'm the other party involved and I'd just like to comment that in my normal method of operation in our business I drive a lot. We are in the natural gas engineering business and I log fifty to sixty thousand miles per year and in the process when I drive into towns like Odessa, Texas and London, Kentucky, I find that as I come in on the interstate I see business five miles before I get to the town, ten miles and I didn't do any great thought when we went to this auction. We were looking to expand. I said -- looked at this ground and I said that's got to be a development area. When I did go to a meeting two years ago with the state highway department when they were talking about putting the Indianapolis road in and doing the initial explanations and they talked about commercial development all along the road from Indianapolis to Evansville. So, I just naturally assumed there would be no problem in acquiring this ground and getting it zoned commercial. Particularly since at the Boonville-New Harmony exit we had Koester Trucking move in there three years ago with no water and no sewer and he has a mound system and has roughly sixty to seventy-five employees working daily and has had no problem and in fact, I understand that Koester has now sold the trucking, rezoned the ground immediately to the ground north of him and he's getting ready to expand in there and there's no water and no sewer. I do know for a fact that in my discussions, I bought my ground from Mrs. Clutter. She knew what I wanted to do with it. I talked to her about it. She explained to me that I should contact the Pike Gibson Water Company because they had surveyed the area and were very close to putting water in. She said what they need, she said they indicated to her, that just five or ten more houses or one or two businesses and they would extend their water lines in there. I don't have that as a written commitment. I do know that a company is negotiating with the City of Evansville. In fact, it may have been signed this afternoon to put a sewer system in in Daylight, Indiana which is basically an extension of the Evansville system. It will be extended to the Terrace Coal Mine and it has the capacity to handle our property. The engineers handling it, Utility Consulting informed me that they should -- if we go ahead with this, no guarantees again, but we probably could apply to the State for at least grant assistance to extend that sewer systems on into the area because of the number of employees, not at my business, but particularly with the auto auction. But, that's really all I want to say. I believe the property is developable. I think eventually if you look at most cities, everything along an interstate develops and they don't say -- even in the core of Atlanta they moved business in and if you drive at all you have to realize that. And we just need a place to expand and its simpler to attract educated people in a metropolitan area than it is in a rural area where our other locations are. Thank you."

Mr. Bohleber said, "In conclusion, Mr. Shively indicates that the application of Mr. Sawyer's

inappropriate. He accurately states the written word in the section he quotes, but if you look in use group 8-B which C-4 zoning accommodates research laboratory as found in that category. If you look in use group 9, photo laboratories and other similar laboratories are mentioned as well as battery repair and rebuilding. The man's going to be doing a little research, a little analysis, a little work on batteries, in addition to this other day to day business activities. We think there's certainly a compelling argument that C-4 is even more than is necessary for one of those definitions of laboratories. We think the Petition is wholly appropriate in that regard. I would point out to you a quote that I provided to you in the materials provided from Pennsylvania Court and it says, quote, it is a matter of common sense and reality that a comprehensive plan is not like the law of Medes and the Persians. It must be subject to reasonable change from time to time as conditions in an area or a township or a large neighborhood change, end quote. Zoning is absolutely necessary. I have a vacation home in a rural county in Tennessee where you can see a two hundred thousand dollar home next to a trailer next to a body shop with fourteen billboards in front of it. That's what happens when you don't have zoning, but its not written in stone and change frightens everyone. I appreciate that too and I'm not different than any of these folks here, but the dynamic character of planning and zoning requires flexibility and change. Notwithstanding the I-164 Growth Management Report that Les makes reference to or the Comprehensive Plan of the Area Plan Commission as it exists in 1994, we must recognize and we cannot ignore what Tom Sawyer says, that when major interstate highways into cities are constructed they attract and promote commercial development. The I-164, I-64 interchange accelerates that inevitable result in this community and just like Tom Sawyer I drove back this morning through Knoxville, Tennessee and Nashville along I-40, both directions along I-75 north of Knoxville I've driven many times, businesses are attracted like magnets. That's all that's happening here. That's all the gentlemen recognize as a reality and I appreciate that not everyone agrees with that position and I appreciate what some of the neighbors have said, but I think it all needs to be put in perspective if this community is to move forward. I think we need to develop jobs for our people and develop economic opportunity if the entire community is going to survive. I think both these individuals before you tonight provide that. I would ask you to vote favorably on their petition and I will conclude my remarks with that comment. Thank you."

Mr. Tuley entertained further comment.

Mr. Deluccio said, "Again, Marco Deluccio representing Arrowhead Farms. The only -- the only comment that I would have is that Mr. Bohleber had talked about doubling the size of the auto auction, the records at the Assessor's office indicate that currently their situate on seven acres down there and what they're asking for at this point in time is to rezone thirty acres. Likewise Daylight Plastics is asking to rezone thirty acres to C-4 in an agricultural acres when its only going to entail, you know, ten jobs. Its a small building, yet they're requiring, they're asking to rezone the entire thirty acre tract. At the very least I think that this may be an over-request to have property rezoned. It encompasses too much property for what these fellows want to do. Thank you."

Jeff Wolfe said, "My name is Jeff Wolfe, Wolfe's Auto Auction. First of all, if they're going to start throwing out facts, seven acres is wrong, its thirteen acres. I just wanted to make -- present. We have thirteen acres now."

President Tuley again asked for any other comments or corrections.

Ray Karchefski said, "I live in Henderson, Kentucky but I work for the -- Wolfe's at the Auto Auction and what I wanted to say, two and a half years ago, I got diagnosed with Lyme's disease and that's the reason I'm working there, because basically nobody else wanted me and the Wolfe's are a very compassionate family, they care about people. I think they care about the people that are all in here and all these folks that are in here that live out in that area, I know their thinking about their homes and that, but anytime you go into an area and you're talking about building something people seem to say no, we don't want it here, but if they're working at the coal mines or working at some other business that was going to be closing down and their families were going to be affected they probably would be thinking a little bit



differently about this here. I'm not an attorney. I know that the attorney for the folks that are here tonight had made a statement that what the Wolfe's had paid for this property and made the comment that there was eighteen commercial properties available in Evansville. I'm not a real estate man, but I know that if you're talking about buying twenty-five or thirty acres of commercial ground at commercial prices, you're talking a lot of money and sure corporations like Nabisco and Eaton Axle and Whirlpool probably can afford to pay these kind of prices for property. What they're doing, from my understanding and being around them, and I know they're good people, they're trying to build a facility, trying to keep it in Vanderburgh County, trying to keep the jobs in this area and they're some people, I don't know how many houses are out in that area, but no matter where you go, there may be some houses in an area. The Wolfe's aren't going to put up a facility that's going to be an embarrassment to anybody over there and what Tony said earlier, their property values aren't going to go down. They're going to go up. They're not going to do anything to embarrass anybody. Traffic flow, I work at this auction every day. There isn't a thousand cars coming in on a daily basis. Traffic flow is kind of spread out. It's not all at one time. I know a gentleman brought up that his wife was involved in an accident and that's sad, but an accident can happen anywhere, on a rural road out in the country where there's only one house within twenty-five miles, an accident can happen. You know, we operate that auction over there every week and I don't know how many -- and I don't know how many and this is in the inner city. If you went back into the inner city and looked and checked over the number of years that the auto auction has been there there probably wouldn't be as many accidents in that area as one might think, in an area over there that's less congested the likelihood for accidents would be even less than where it is right now at the auto auction. But we are, I know as an employee and in the job capacity that I have with the auto auction, that we do have a need to build and a need to grow and we don't have it where we're at right now and the options aren't as vast as everybody might think they are in trying to find a location suitable for this auction because no matter where you go there may be some houses close by and you're going to run across this probably no matter where you go to. We're just going to be -- somebody's going to be unhappy about you moving your facility in this area. I just think that it's something that really, you know, I'd love for it to move to Henderson, Kentucky. I live over there. It's going to create a twenty, fifteen or sixteen mile drive further for me, but I know what the need of the auction is and I know that what they do bring into the area and I'm sure it's going to help the Elberfeld area economically as far as the businesses and things like that are around there, that it's going to help with some growth for the area and good growth, not bad growth. This is just my own opinion. I appreciate the time you've given me."

President Tuley said, "I think we've been, I don't want to say bombarded, but provided with, about as much information from both sides as my short time on the Commission that we've ever had in one or two rezonings. So, I've asked the other two Commissioners, they really don't have any questions at this particular time. They're ready to bring this thing to a vote. Much like you did in the Area Plan Commission, we'll vote on VC-3-94 first and then we'll come back and vote for VC-4-94 second. This does call for a roll call vote, correct?"

Both Commissioners Hunter and Borries answered, "Correct."

Mr. Tuley said, "Okay, in reference to docket number VC-3-94, Petition of Daylight Engineering, Inc., Commissioner Hunter, how do you vote. I'm sorry, I guess we'd better get a Motion."

Mr. Hunter said, "Mr. President, I move that we consider the Petition, the passage of the Petition VC-3-94 of Daylight Engineering, Inc."

Mr. Borries seconded the motion. So ordered.

President Tuley then asked for a roll call vote: Commissioner Hunter, no; Commissioner Borries, no; and Commissioner Tuley, no. Motion denied by unanimous roll call vote. So ordered.

Mr. Tuley then had a motion to consider the passage of Petition VC-4-94. Mr. Borries seconded the motion. So ordered.

President Tuley then asked for a roll call vote: Commissioner Hunter, no.

Commissioner Borries said, "I would just like to say first before I vote I want to commend the folks here for an outstanding conduct. Sometimes we get in this day and age a lot of surliness and hostility and these things are not easy and it has been a hot night and I certainly want to commend you for how -- how everybody has conducted themselves in this meeting and I also want to say something, because I have several friends who I would consider, excellent people, insofar as knowing them for their union activities. I want to commend the Wolfes for clearly stating that they want to provide union jobs and I also want to state that based on my experience in these which are never have been easy, but I also have some concerns about how land use is going, not only where its been proposed, but where we'd be leaving and I frankly think that the City of Evansville may have made some errors in relation to what I would have seen some alternatives for the Wolfes. I personally would want to see them stay, but in this particular situation with what I see as a lack of direct access off of 64, no sanitary sewers and water, I will vote no at this time."

Mr. Tuley said, "Okay and before I cast my vote. I too would like to thank you. We asked you to perform in such a manner and you've more than done that. In addition to Commissioner Borries' comments and stuff there's a couple of things I had to be thinking about was the Comprehensive Plan for development in this community. Yes, they're not set in concrete. They're not set in stone. I think if time warrants, those plans will change. I don't think this is the appropriate time for the particular area we're talking about. I weigh as a new Commissioner very heavily on the recommendation of the Area Plan Commission. Its a very integral part of this whole planning process. As opposed to just the three of us here to sit here and having to make a decision. When these were heard there were eleven people and there was a strong no recommendation that came from that committee. And I really have to weigh heavily too on the people that live out there. The area that I particularly live in I chose to live close to some commercial development in terms of retail business and on my west I have development in the form of a major housing project which happens to be vacant right now, but I chose to live there. It wasn't cast upon me after I moved. Having said that, I must vote no also.

Petition denied by unanimous negative vote. So ordered.

VC-5-94/Petitioner John J. Elpers, Jr.: The premises affected are 8801 Hedden Road with a requested change from Agricultural to R-1.

Mr. Shively said, "The only reason we're rezoning it to R-1, two-fold, you can put covenants and restrictions and try to cover everything, but if you leave ag there's always somebody might say they'll slip something on you. This way now its supposed to be a single family residential subdivision, now its zoned single family. Protects the consumers, protects my client who put together the development.

Mr. Borries asked, "Sanitary sewer and water will be extended?"

Mr. Shively answered, "Yes sir. That's the condition of the plat approval, right?"

Mr. Shively said, "Yeah. They got that -- the one question that came up on this, the only reason there was discussion about keeping it ag, wasn't this to do with the adjacent property owner keeping of animals? Would you kindly fill these people in on that."

Mrs. Cunningham said, "That's correct and it has been determined that the adjacent property owners and across the road has prior agricultural uses and they will not be affected by this, only the subdivision itself. The adjacent agricultural property -- there's a section of the code that says if you bring in new agricultural property you have to stay five hundred feet from the residences, but these are pre-established agricultural uses and they won't be affected by the

zoning."

Mr. Shively said, "Mr. Hunter, those ladies did contact me before the Plan Commission Meeting. I told them the same thing. In fact, I wasn't even aware of this provision in the ordinance."

Mr. Hunter said, "Well, there's even -- there's even an ordinance that needs to be cleaned up on this. Its totally wrong."

Mr. Shively said, "In fact, given all the good things they said about rural settings, we welcome the farming activity around the property."

Mr. Tuley entertained discussion regarding Petition VC-5-94. There being none. Motion was entertained.

Mr. Borries moved that VC-5-94 be approved. Mr. Hunter seconded the motion.

President Tuley then asked for a roll call vote: Commissioner Hunter, yes; Commissioner Borries, yes; and Commissioner Tuley, yes. Motion passed by unanimous affirmative roll call vote. So ordered.

VC-6-94/Petitioner James Baker: Commissioner Borries moved that the petition for change from Agricultural to C-1 for premises 431 Kleitz Road be approved on First Reading and forwarded to Area Plan Commission.

Commissioner Hunter seconded the Motion. So ordered.

VC-7-94/Petitioner Jennifer Chittenden: Commissioner Hunter moved that the petition for change from Agricultural to C-1 for premises 10901 N. Green River Road be approved on First Reading and forwarded to Area Plan Commission.

Commissioner Borries seconded the Motion. So ordered.

President Tuley declared the meeting adjourned at 8:15 p.m.

PRESENT:

Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan M. Kissinger  
Cindy Mayo, Chief Deputy Auditor  
Barbara Cunningham, APC  
Steve Bohleber, Attorney  
Marco Deluccio, Attorney  
Les Shively, Attorney  
Tony Wolfe, Wolfe's Auto Auction  
Don Walker, Lower Ohio Valley Bldg. Trades  
Roy Mabry, AFLCIO  
Greg Gordon/Citizen  
Scott McNab, Citizen  
Steve Hahn/Citizen  
Tom Sawyer, Citizen  
Jeff Wolfe, Wolfe's Auto Auction  
Ray Karchefski/Henderson, KY resident  
Others (Unidentified)

**MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 27 1994**

**I N D E X**

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Filing of Conflict of Interest Notice/Ed Bassemier (Attorney Kissinger to obtain ruling from the Attorney General's Office and report back to the Board); awarding of Contract for Transportation Services to be deferred until such time as the aforementioned ruling has been communicated to the Board)	
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**Consent Agenda ..... 11**  
    **Volunteer Program/Vanderburgh Auditorium**

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**Old Business (None) ..... 12**

**New Business ..... 12**  
    **Evlie. Athletic Council/Sports Appreciation Picnic**

    Awarding of Bid/Replacement Personal Computer, etc.  
    for County Assessor (CoMark to be awarded \$15,429 for  
    all items they bid); Commission approved \$3,100  
    low bid for lap top computer, which actually came  
    from The Computer Store, but was inadvertently read  
    as Global. Global was second lowest bidder @ \$3,629.  
    Copy of bid recap attached hereto. R. Cappelletti  
    to appear at July 5, 1994 Commission meeting with  
    regard to this matter

**Meeting Adjourned @ 6:55 p.m. .... 13**

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 27, 1994

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, June 27, 1994 in the Commissioners Hearing Room with President Patrick Tuley presiding. Commissioner Don Hunter was absent.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings, County Attorney Alan Kissinger, Commissioner Rick Borries, himself, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, Official Recording Secretary for the Board) and subsequently asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

It was noted by President Tuley that the Board has two sets of minutes for approval today -- June 13, 1994 and June 20, 1994.

Upon motion made by Commissioner Borries and seconded by Commissioner Tuley, both sets of minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Commissioner Tuley asked if there are any individuals/groups in the audience who wish to address the Commission but do not find their name or particular item of interest on tonight's agenda. If so, now is the time to come forward. He said he does understand that Mr. Richard Murdock is here for that reason. Is there anyone else?

RE: CIVIC CENTER CAMPAIGNING - RICHARD MOURDOCK

Having been recognized, Mr. Richard Mourdock approached the podium and said, "Thanks, Mr. Tuley, and Commissioners. As I begin, I just want to make the point here that what I am about to say is not directed at any one individual or meant in any way to be partisan politics. It is politics, to be sure, but I don't intend it to be partisan politics. I will give you a -- well, let me go ahead and do this now." (Mr. Mourdock distributed copies of a letter to the Commissioners - copy attached hereto as part of the formal record. Commissioner Tuley gave Mr. Hunter's copy to Mark Abell and asked that he give same to Commissioner Hunter.)

Mr. Mourdock continued, "My reason for being here tonight is basically to state very simply that the people of Vanderburgh County should not be subsidizing with their tax dollars political campaigns. Vanderburgh County residents entering the Civic Center to do their normal business do not want and should not be subjected to the efforts of political campaigns and partisanship. Voters for every level of office are tired of politics as usual and they do not appreciate entering the Civic Center to be greeted with banners, literature, flashing computer screens with election messages and comments of please remember to vote for so and so. Such campaigning only reinforces the idea that politicians are more interested in the next election than in doing the current job. The misuse of county facilities by incumbents or candidates of either party -- and I want to stress that of either party -- is simply wrong. Gentlemen, it is up to you to insure that this election season is different than the last several. The Civic Center and its offices are the common ground of all the people of this county. It is not a convention hall. As a board, you routinely strive to keep partisanship out of your decision making -- and I think you should be

complimented for that -- and you attempt to do your jobs in a non-political fashion. And, again, I compliment you for that. But now you have an obligation, I think, to make sure that the Vanderburgh County office holders and the candidates who work in this building all abide by that same high standard. And I would just add that the reason I bring this up, as I think both of you are well aware, on January 1, 1992 there was an ordinance passed by this Commission that set Employee Personnel Policy for the employees of Vanderburgh County and one of those items specifically deals with political activity and the use, and more specifically, the non-use of any public property in political campaigns. I would urge you, as a citizen here tonight, just, if necessary, to circulate a letter through every department of the county to make sure that that message and that the original text of that ordinance is reinforced on all county employees. Thank you."

Commissioner Borries said, "Thank you, Dick. I can see where the political campaigns have begun with your being here today and I certainly do appreciate your thoughts about the fact that we have taken a non-partisan stance -- not only by the people we have hired, but also in the stance that this Board has taken. I think part of this may have stemmed from actually an article that was old news in the media -- something that was indicated to me or brought to my attention about two months ago -- and I would say that if this is news -- or really old news -- which was a recent article in one of the newspapers, then we should find out about O.J. Simpson next month. It is that bad. This occurred, you know, some time ago on an issue where, frankly, a person who is seated at this table is not only, I think, an excellent religious person, simply made a mistake and newspapers cover that by doing that in a way in which every day they publish some kind of correction item on the news and, frankly, she not only admitted that she had made a mistake, but has corrected that entire situation to where I would be virtually assured that would never happen again. Now, if you're implying or talking about the Section 2.5 Political Activities, it also mentions that all county employees shall be allowed to participate in political activities on an equal basis without intimidation or coercion or threat of reprisal. So I also see that. It seems that it is very fashionable to exist, as what I have seen as some rather disturbing trends by some groups, to bash government and bash people at all levels. And, frankly, I don't see many wholesome, good things being pointed out to do anything any different. So here you have said that we are being labeled as politicians and encouraging people via lurking in the halls in a building which, by the way, is not owned here by Vanderburgh County or the City of Evansville, which is operated by the Vanderburgh Building Authority -- a totally separate authority -- and saying that people at this point, I guess, are offending people and, again, in this anti-government mood by saying that they now cannot talk about politics at all. I would certainly take your comments under advisement, Dick. But I also have to defer to our Attorney and look at some other constitutional rights that people would have in relation to saying that, you know, that they are a candidate for public office, that this is, in fact, a good thing; that they are not all crooks and that in many cases they try to do the job to the best of their ability. And, again, I regret this anti-government, negative mood that we're in -- in this county -- of bashing of institutions and people -- that this is somewhat typical and is, indeed, tragic. But, again, certainly for Cindy Mayo's benefit, I wanted to say some things because, frankly, I was again appalled by something that had happened two months ago had now leaked out supposedly in this thing. And, again, if we have a look at those kinds of leaks, we'll hear about O.J. Simpson some time this fall. So, I will certainly take your remarks under serious advisement. But, again, I would also want to defer to our Attorneys to see under what grounds that a person has constitutional freedom to express either political views or some kind of political expression without offending the voters, as you point out."

Mr. Mourdock countered, "Well, all I am asking for here -- and your term 'take it under advisement' is more than fair, as I said at the outset, and it is somewhat ironic as I was expressing to someone in the hallway -- I had intended to make this same comment about three or four weeks ago, long before the story broke. I said at the outset that this was not addressed at any one individual or at any one party and I, again, want to emphasize that. Your suggestion that you take it under advisement and that you ask the City Attorney for -- uh, the County Attorney for a ruling on that -- I think is only fair, because in reading through the ordinance, and I am not an attorney and I take a certain amount of pride in that -- but I do not see where

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the line is drawn; and I don't know where to draw the line. You know, is wearing a button -- is that objectionable? Certainly it is to some. But is it within the constitutional rights? I would argue that in some cases that certainly is, as well. Obviously, you can't wear a button at a poll. But the Recorder's office, Auditor's office, Assessor's office, whatever is not a poll, either. So, again, I am not coming in here to bash people -- I am simply coming in here and, as one obviously running for office, if I felt that all people who do such things are crooks and deserve to be beat up, I wouldn't be in this situation. So I am simply asking that if you are going to take it under advisement, if you are going to have the County Attorney report back to you on it, I'd like for the public to know what the ruling is on that -- where those lines are to be drawn."

Commissioner Tuley said, "I just have one comment and one question, Dick. Is this you, as Richard Mourdock, Candidate for County Commissioner? Or is the Republican Party stance the same?"

Mr. Mourdock replied, "I am not in the position to speak for the Republican Party. To be very-honest with you, Mr. Tuley, I know you know me well enough that my background is that I've run for other political offices; this kind of thing has been a theme of mine. I am not a Johnny-Come-Lately to this issue. But even more than Dick Mourdock, as a Candidate, I see it as Dick Mourdock, private citizen."

Mr. Tuley said, "The reason I am asking this question is I think we heard this same stuff in -- I don't know what year it was -- but when I tell you the following year when the Republican County Chairman's father-in-law ran for Mayor, this all went out the window. That is the reason I was asking you if this is the message from you, Dick Mourdock, or from the Republican Party?"

Mr. Mourdock responded, "In my term of political involvement, the case you just defined I guess I would rule on as ancient history, because I am not aware of that. I wasn't actively involved politically then. So, you know, I think as private citizen Dick Murdock, it comes more from the heart and certainly wanting to see things done correctly here in the county. We have what I think, having read through it, is an excellent Personnel Policy -- the ordinance that was drafted on 1/1/92. It is simply a matter that needs to be enforced."

Commissioner Tuley said, "Well, as Rick said, I think we will take it under advisement and refer it to our Attorney to see what rights or obligations we have as a Board and what rights the individuals have, as well."

Mr. Mourdock said, "And I would very much like that to be made public, as far as what rights are there -- because I'll guarantee you there are people, again, non-partisan here in the Republican and Democratic offices who want to know -- can they wear that button? What can they do? What can they say? And I think all of that, personally -- again, not the Republican Party -- but, personally, I think that ought to be kept to an absolute minimum. I have had comments made to me by people who may vote Republican and who may vote Democrat -- that they really don't like that. They don't like the feeling in the county offices. They want to come in and do their business and not be subjected to political campaigning. And I think that is only fair and it is an obligation of the Commissioners to see that people have that chance."

Mrs. Mayo said, "I would like to make one comment -- and I do feel that this is directed personally at me since the article was about me. But the one thing that I would like to say is there was no cost to the taxpayer involved in this whatsoever. There was no work done on county time and I do feel that this is directed at me and I do want to make the point that there was absolutely no cost to the taxpayer involved in this. I made an error in putting an office address down on there, but I only erred in putting that down. There was no work on county time and there were no county funds, no county paper, nothing used other than my things. And I do want to clarify that. I'm new -- this is my first time running for office and I have not yet developed the politician's outlook on things, I guess -- and I maybe will become more seasoned



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in that."

Mr. Mourdock said, "This is my third time -- and if I had the politician's outlook, I probably wouldn't be doing this to be honest with you, because most people, I think, don't care -- to be honest with you -- but I care about it and, as I said, I am not here to point a finger at you -- because I think certainly there is no question through the last several election cycles there were a lot of offices where there are a lot of other things that have been involved here."

Commissioner Borries said, "Again, I appreciate your comments and certainly would want to take this under advisement and have our Attorney research the statutes. As I say, I have parts of our Personnel Policy to review and we have not, I don't think, as a Board, encouraged much. However, I can remember, you know, certain buttons being worn up here and, again, there are certainly constitutional guarantees that have to be taken into consideration. This building is, I guess, indirectly administered by this Board as well as we're the chief tenant -- so probably, based on what you have said, we'd probably have to check on the charter and what all is involved in so far as the Vanderburgh Building Authority. They regulate certain fire codes, placement of Christmas trees and other things and this is something else we'll want to research."

Mr. Mourdock said, "I'm sure that somewhere it is written. Thank you."

RE: BID OPENING/REPLACEMENT PERSONAL COMPUTER HARDWARE AND NETWORK OPERATING SYSTEM SOFTWARE FOR COUNTY ASSESSOR

The meeting continued with President Tuley recognizing Mr. Richard Richard Cappelletti of the Data Processing Department.

Mr. Cappelletti said he believes we received six (6) bids that need to be opened. He would request that the Commissioners authorize the County Attorney to open the bids and read the responding bidders, provide him with the bids so he can analyze same and return in a few minutes and, hopefully, make an award with the Board's approval.

Motion to authorize Attorney Kissinger to open the bids was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: PURCHASING DEPARTMENT - LYNN ELLIS

Filing of Conflict of Interest Notice: Ms. Ellis said she believes Attorney Kissinger will need to comment on the first two items she has -- the filing of the Conflict of Interest that is being filed by Mr. Ed Bassemier (currently a County Councilman) who bid on the Transportation Services. At this point she would recommend that we hold off on any action on Items (1) and (2) under Purchasing and defer same at a minimum until next week -- and possibly longer, depending on how long it takes to get a ruling. Attorney Kissinger is going to contact the Attorney General's office in regard to this item. They will then come back and present this at a later date.

In response to query from Commissioner Tuley, Attorney Kissinger said the only comment he has is that he thinks her suggestion is totally appropriate. He thinks that we need to do some further research on this and he also thinks that we may be able to get an unofficial opinion from the Attorney General's office that will give us more guidance in this matter.

Lease Agreement re Xerox Copier for Recorder's Office: Ms. Ellis said the funding for this is to be taken out of the Recorder's Perpetual Fund, so it will not be taken out of the County General Fund. The monies are in place in the Perpetual Fund. The lease is \$176.81 per month and the total amount for the three year period (this is a three year lease, but it would be written that upon appropriations in the subsequent years falling under 1995 and 1996 and part of 1997 would be based upon appropriations) -- but the total amount would be \$6,365.16 for the three year period. She believes the contract allows for option to purchase at the end of that lease

term, but that would be brought back later.

Motion to approve the lease for the Xerox 5310 Copier for the Recorder's office in the terms set forth by Ms. Ellis was made by Commissioner Borries, with a second from Commissioner Tuley. There being no discussion, it was so ordered.

RE: CAMPAIGNING IN CIVIC CENTER

Before proceeding, President Tuley said he forgot there are three (3) individuals in the audience. Do they want to go back to this issue or just let it go and go forward.

The individuals indicated they want to let it go and go forward.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Hazardous Chemical Spills/Request for Authorization to use Environmental Consulting & Engineering: Mr. Abell said that in response to a couple of hazardous chemical spills that we've had recently, Mr. Jack Crawford from the County Highway Garage (they seem to be out there helping to clean those up) has forwarded a letter to the Commissioners suggesting that if they would like, that in the future if there are chemical or fuel spills in the county that we have designated numbers that we give to the Sheriff's Department and to EMA that they will call (and that would include late night numbers, emergency numbers or whatever) so we can officially use Environmental Consulting & Engineering, whom we already have contracted to handle those chemical and fuel spills. That is his suggestion and he thought he would run it through the Commission meeting to see what the Board has to say about it.

Commissioner Borries said this matter was brought to his attention when a foreman from the County Garage arrived at his house -- either last weekend -- or a day on which we were not working -- and said that they had to call out some of our county forces because there had been an oil spill. His first reaction was, "Who did it?" They said it happened over night and the Sheriff or someone called them in then to clean this up and he didn't know what to do. Mr. Borries said he stated we then obviously have to get it cleaned up, but in so far as getting some technical advice, he referred him to this group since they were handling the environmental work at the Vanderburgh County Garage. We would, from time to time -- unfortunately, this also comes at the taxpayers' expense, because it is a shame they couldn't find out who committed this spill. Had it been as easy to trace as the Valdez was a few years ago, we might have been able to recoup some of the expense that the rest of us are going to pay to clean this up. But we've not been able to find out who did it. Anyway, for the record, probably one thing we need to do -- but not publicly -- in situations like this is to get some kind of a phone chain as to who should be called on this Board as well as at the County Garage in order to clean these particular spills up when they occur.

Mr. Abell stated, "And we are already contracted with that firm."

Mr. Borries said these spills do sometimes occur and we do have to act immediately in the interest of public safety.

Mr. Tuley asked if Mr. Borries wants to put this in the form of a motion.

Commissioner Borries said he does, and he would move that Environmental Consulting & Engineering Company, Inc., who is currently contracted for remediation at the Vanderburgh County Garage, be contacted in the event of any future chemical spill in Vanderburgh County where the Vanderburgh County Highway Department will need assistance. Seconded by Commissioner Tuley.

Commissioner Tuley then entertained any discussion. There being none, he then called upon

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Fred Howard, Assistant County Highway Superintendent -- Mr. Morpew, the Superintendent, is still on vacation.

Mr. Tuley advised Mr. Howard that there has been a motion, which has been seconded. However, at this time he would want to get any comments Mr. Howard might have with regard to the letter from Mr. Crawford, the Safety Director for the Highway Department, with regard to the recent oil spill and requesting that since we already have a contract with Environmental Consulting & Engineering Company, he would like for them to be designated as the firm we contact in the future if we have anymore of these spills. He then asked if it is right that Mr. Howard and Mr. Morpew have no problems with this.

Mr. Howard said, "Right. That is correct. None. Because they have really worked with us well."

Mr. Tuley asked if there is any further discussion.

Commissioner Borries asked, "Have you been able -- I guess just for an update, because we were talking about this as it occurred. I did not hear back from Bill Higgs. Have we found out who did this?"

Mr. Howard replied, "No, we never did find out who did it. We're guessing that it was either a farmer or some piece of equipment that broke a hydraulic line and when they realized it they turned back around -- but we tried to follow the trail and it just lead to nothing. We think it is hydraulic oil."

Mr. Borries said, "Well, you did the right thing. I guess we needed to make sure we have a clear understanding of who should provide assistance. There was no doubt that we had to clean it up. You can't stand around and point fingers in a public safety situation like that."

Mr. Tuley stated the motion is made and so ordered.

Auction of Trucks: Mr. Abell said if the Commissioners will recall, some time last summer the Health Department had a truck burn up (the fogger truck) and we still have the hulk of that, which is being stored at the City Garage, where they keep their vehicles. It's a four wheel vehicle and parts of it are still usable and, they think, sellable. While we haven't done it yet, we had discussed using Wolfe's Auto Auction to sell any surplus properties and it seems we've had that out there long enough and we don't really have any other vehicles to sell. He wondered if this is a good time to try to use Wolfe's Auto Auction to sell this burned out hulk.

President Tuley said last Monday would have been a good day to contact them.

Mr. Abell said he hadn't thought of that. They said they'd do it -- of course, they said that before Monday.

Commissioner Borries said, "The only thing is -- I don't know how many times we've sold surplus property. Usually we hold all that stuff out at the County Garage and then at some point we have some kind of sale."

Mr. Tuley said, "We need to talk about that. Remember, was it a year ago they agreed to handle this kind of thing -- because we thought they could do a better job in terms of getting more money for the County."

Attorney Kissinger said, "They can do it as long as they comply with the necessary publishing requirements."

Mr. Abell asked if this would be a good time to try them out - make sure they comply with all the notices that need to be sent?"

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Mr. Tuley said, "I think we talked about it just last year; I know it's been since I've been on the Commission."

Mr. Abell said he can research the minutes.

Mr. Borries said maybe we'd better check on Benny Gossar's truck, too.

Mr. Abell said, "Hopefully, we'll know after the Council meeting. Maybe we won't have to keep that much longer."

Commissioner Borries said, "Yes, that's another one. The Wolfe's may like us less after the kind of vehicles we're asking them to sell."

Mr. Abell said, "And we also have the Weights & Measures van coming -- and maybe a prover."

President Tuley said, "Go ahead and dig up those minutes, Mark, and go ahead and contact them."

Mr. Howard cautioned, "Don't come out to the Garage -- we're still using some of those vehicles. They could make a Flintstone movie out of some of our stuff."

RE: COUNTY HIGHWAY - FRED HOWARD

Weekly Progress Report: Mr. Howard submitted the Weekly Progress Report for period of June 17, 1994 thru June 23, 1994.....report received and filed.

Paving Program: It was reported by Mr. Howard that they are still paving on Dixie Flyer, trying to get that finished up. They've had a few people off who were hurt, sick or what have you.

Mr. Borries asked, "We don't have enough money this year to hire any part time crews at all?"

Mr. Howard said they do not -- and that is really hurting them.

Charlee Drive: Mr. Tuley said he received a phone call a week or so ago concerning Charlee Drive. Is that the one that is out there off Broadway?"

Mr. Howard said it is.

Mr. Tuley continued, "Now, I haven't been out there to look at it, but the caller said the crews were out there doing something when it was extremely hot and kind of gouged the asphalt -- the equipment setting down into it. And you haven't been back out there because it has been so hot?"

Mr. Howard said it has been hot, plus since they started paving he has not been able to do a lot of things they need to be doing, because they don't have the manpower.

Mr. Tuley said his understanding was that the complaint was that each of the homeowners out there spent around \$1,000 to bring those roads up to county standards so the County would accept them. And if we've gone out there and damaged them, then we need to get out there and put them back in the condition they were in when we accepted them.

Mr. Howard asked if Mr. Tuley remembers who called him.

Mr. Tuley said the last name is Bolin - a developer out on the west side. His wife is the one

who called. He is selling the property, so he is not as concerned about it. But they were the ones who made the contact. So if Fred will check into this, see what we have done, and put it back in shape. The surface was so soft from all the heat, that the equipment just kind of sank.

Burdette Park Work: In response to query from Commissioner Borries concerning work at Burdette Park, Mr. Howard said that on Thursday they were finishing up the new entrance, filling it up with dirt -- because they put a lid on a manhole there and they just finished grading that through.

Mt. Pleasant Rd.: Mr. Borries said he will give Mr. Howard the card from a gentleman who had called concerning Mt. Pleasant Rd. At some point the county had done some ditching -- this is across from several developments along Mt. Pleasant -- and, for whatever reason, dug this along county right-of-way. The gentleman had some concerns about the steepness of what had transpired and how far it was to go down to improve some kind of drainage. Mr. Borries said the only reason he brings it up at this point is that he doesn't think it was done by the bridge crew, it had to be done by the County Highway on county right-of-way. If we could check this out. First of all, why it ended where it did; and secondly, the steepness of what was cut. It may have been that we used something in terms of trying to get down to improve the drainage - - but it has also made it very difficult to maintain along there. If Mr. Howard can make some contact on this with that person, he'd appreciate it.

Mr. Tuley asked if Mr. Morphew is still on vacation.

Mr. Howard confirmed that he is, saying he will be back next Tuesday.

Site Visitation: Mr. Tuley said he was supposed to do his site visitation next week. Unfortunately, he is not going to be able to make it. He has had some other things come up that he is going to be taking care of that morning and Kyle Foster is on vacation next week. He will have to set up another time; the next couple of weeks are going to be a bad time for him.

Part Time Help: Mr. Borries said he wishes Mr. Howard would pull together some figures as to what we might be able to do with some part time help. In the past we have hired college students or whoever to do that -- mowing and a lot of other things; we're going to end up short.

Mr. Howard said he understood there was some money there, but Bill had to put it in the County Highway overtime account, because it was depleted from the snows.

Mr. Borries continued, "But I have concerns about what we need to do. If we have another hot, dry spell, things get a little dormant. But, by the time you get some rains again, we're in a situation to get the paving done and everything else. Could you pull some figures together or have someone else to do that to see what we could do -- maybe ask Council to see if we could do some summer work through a portion of July or August. We've got a lot to do; and summer is a busy time.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Reading of Bids/Replacement Personal Computer Hardware, etc. for County Assessor: Attorney Kissinger offered the following bid recap for the Replacement Personal Computer Hardware and Network Operating System Software for the County Assessor, saying all bids are unit bids (there were six or seven different pieces of equipment and each unit was bid on separately. That is why Mr. Cappelletti asked for the opportunity to have them, because he has all of the information prepared to plug it in and tell us which bid or bids are the lowest. But they are all unit bits.

The Computery  
Pioneer Standard Electronics, Inc.

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Elek-Tek, Inc.  
The Computer Store  
Global Computer Supplies  
CoMark Government Education Sales, Inc.

Mr. Cappelletti has asked that if we come to the end of our agenda that we recess our meeting briefly, so he can come back and make a recommendation to the Commissioners tonight with regard to this bid.

Real Estate Immediately Behind (East)/County Garage: Attorney Kissinger said that Vanderburgh County is now the owner of the real estate immediately behind (he believes it is to the east) of the Vanderburgh County Garage. He has signed for the County accepting the deed; the deed now needs to be recorded. He has the abstracts and left them all in his office. However, one of the conditions attached to the real estate is that it continue to be used by the County Garage or for some other County purpose for the next fifty (50) years. Otherwise, it goes to the Humane Society and if the Humane Society doesn't use it properly, it goes to his other heirs. So we own the property and apparently can't get rid of it. He will bring the deeds in so we can get them recorded properly. He thinks the estate is anxious to get the tax obligation on to the county and off the estate. He will do this some time next week; bring the abstracts and the deeds in.

Commendation Letter from William Agnew re N. Green River Rd.: Mr. Tuley said he received the following letter dated June 24, 1994 from Mr. William Agnew of 4100 N. Green River Rd.:

"Just a short note of thanks to Fred Howard and his crew at the County Garage. These folks promptly and neatly removed an uprooted tree on county property that landed on mine following a summer storm. Fred's attention to this problem was much appreciated.

Sincerely,"

Mr. Tuley said he will put this in Mr. Howard's file, since someone took the time to write a letter in appreciation of something he did -- and he thought Mr. Howard should be aware of that.

Mr. Howard said he does appreciate that.

RE: COUNTY ENGINEER - JOHN STOLL

Ordinance Amending Stop Signs: Mr. Stoll said he has a copy of the Amended Stop Sign Ordinance, which includes about 15 intersections in subdivisions where we need stop signs. This will need to be advertised and he will give it to Joanne.

Agreement with J. H. Rudolph/Reconstruction - Replacement of Pipes/Waterworks Rd.: Mr. Stoll said he has two copies of an agreement concerning reconstruction/replacement of pipes according to the plans that were prepared. The concrete pipe option was \$18,000 more than the metal pipe option, as discussed already, and we feel that is the way we should approach this -- go ahead with the concrete pipe.

Mr. Borries interjected, "Just very quickly for the record, so that if someone would come back later and question -- what is the durability and life span of the concrete versus the corrugated pipe?"

Mr. Stoll responded, "Some people said the concrete would last up to 100 years versus what we've seen with the 55 years on the corrugated metal pipes."

Mr. Borries asked, "So, essentially, the concrete pipe has a much longer life span?"

Mr. Stoll replied, "Right. The installed price for the concrete pipe is \$117,1010 and the total on this reconstruction according to plans is \$292,837.75. The first page is an agreement between the County and J. H. Rudolph that specifies that the payment will be in accordance with the itemized proposal attached to the agreement and that they have thirty (30) working days in order to complete the reconstruction. The pipe will be delivered starting July 11th -- that is when the 30 days will begin."

President Tuley asked if there is a provision in the agreement in the event they do not make the 30 days?"

Mr. Stoll replied, "Yes. So, according to INDOT standards for this value contract it is \$300-per work day they will be charged if it is not open to traffic."

Mr. Borries asked, "So you're satisfied with this?"

Mr. Stoll responded, "Yes."

Mr. Borries continued, "Well, you've done excellent work and I certainly want to commend you. This has been such an unusual situation -- this whole sequence of events -- but I just want to commend you on your excellent work on this and getting things in writing and really your concept of focus (inaudible) -- you've really done an outstanding job."

Mr. Tuley said, "Now you can start sleeping at night a bit; you're getting closer to that point, at least."

Mr. Borries moved to approve the agreement, with a second from Commissioner Borries. So ordered.

Mr. Stoll said he did discuss this with Commissioner Hunter on Saturday and he agreed with the concrete pipe option, as well. The current estimate on what we have spent to this point is \$200,000 to \$225,000 -- so the overall instead of the \$400,000 initial estimate will be about \$500,000 to \$525,000, but it had to be done.

Mr. Tuley asked how long it will be before the first pipe is delivered?

Mr. Stoll said they are supposed to make delivery on July 11th and that is when the 30 days kicks in.

Mr. Tuley said, "Hopefully, then, we'll be operational."

Mr. Stoll said, "Since it is on work days, if there is rain or something like that we can't control it and may have to extend it a bit longer. But I think we figured something like August 19th otherwise -- mid to late August."

Mr. Borries asked, "The soils reports and everything else are in now -- and we have all the information?"

Mr. Stoll replied, "I think, unless something else occurs down there. And the way things have gone, I wouldn't be surprised."



COMMISSIONERS MEETING  
June 27, 1994

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Travel Request/David Franklin: Mr. Stoll said the only remaining item he has is a travel request for David Franklin to go to Vincennes tomorrow for some information concerning our nuclear density gauge, as far as documentation on how we should make sure we provide all the paperwork in case there is an inspection anytime by the Nuclear Regulatory Commission. In response to query from Commissioner Tuley, Mr. Stoll said it will probably just be tomorrow morning.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Stop Sign Ordinance: Motion was made by Commissioner Borries that the Stop Sign Ordinance be advertised, seconded by Commissioner Tuley and so ordered.

Intersection of Covert Avenue & Fuquay Rd.: Commissioner Borries said there is a letter circulating from a gentleman by the name of Chad Bennett who, unsolicited, dropped the letter along with a copy of the afternoon newspaper to him recently. Chad travels the intersection of Covert Avenue and Fuquay Rd. frequently and he is concerned about the speeds and the stop in that particular area and, contrary to what other agencies have said -- that there is no problem - there is a problem there. He has also given his own suggestions. If Mr. Stoll would just look at Mr. Bennett's suggestions, maybe we could improve the situation. The area seems to be high speed at this point and visibility problems as you travel west -- approaching Fuquay Rd. from I-164. There is some large shrubbery that may be restricting some views. When there are accidents there, there are some really bad grinders because of the high speed. Mr. Bennett has put in his two cents worth and if Mr. Stoll would review those, perhaps with Mr. Stoll's technical skills there are some things we could do.

Commissioner Tuley said the letter from Mr. Bennett is on his desk. He will get it and forward it to Mr. Stoll.

RE: CONSENT AGENDA

The meeting continued with President Tuley asking if there are any comments or questions concerning the Consent Agenda.

Volunteer Program/Vanderburgh Auditorium: Commissioner Borries noted that Sandy Toten, Manager of Vanderburgh Auditorium has put together a rather comprehensive Volunteer Program for Vanderburgh Auditorium which would allow members of the West Side AARP group and others to volunteer at the Auditorium. She has put together a rather extensive manual and has said she noticed that in Owensboro (River Park Center) and other places have saved close to \$141,000 over a two year period by having a volunteer program in place. He thinks is a commendable kind of thing to do and he wondered if Ms. Toten wishes to make further comments.

Ms. Toten was seated in the audience and indicated she has no further comments at this time, unless the Commissioners have questions.

There being no further discussion, motion was made by Commissioner Borries that the Consent Agenda, including the Volunteer Program, be approved. Seconded by Commissioner Tuley. So ordered.

RE: SCHEDULED MEETINGS

It was noted by Commissioner Tuley that the next Commission Meeting will be held on Tuesday, July 5th, following the Executive Session at 4:00 p.m. Mr. Tuley also noted there is a Department Head Meeting at 3:30 p.m., but he will not be present. In fact, he may be late to the Commission Meeting; he is on a Committee for Judge Lensing, reviewing the need for



COMMISSIONERS MEETING  
June 27, 1994

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a Detention Center and that meeting is set at 2:30 p.m. and he has asked all Committee Members to clear their calendar and plan to be present until that matter is resolved. County Council meets on July 6th. Commission Executive Sessions are also scheduled at 4:00 p.m. on July 18th and July 25th, as well.

RE: OLD BUSINESS

Commissioner Tuley entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Commissioner Tuley entertained matters of New Business to come before the Board.

Evansville Athletic Council/Sports Appreciation Picnic: Mr. Borries said that Mike Madriaga has requested that the rental fee at Burdette Park be waived for the Sports Appreciation Picnic on Wednesday, August 24th. Arrangements for the event have been made with Mark Tuley at Burdette Park. Mr. Borries moved that the request be approved. Seconded by Commissioner Tuley. So ordered.

President Tuley said the meeting needs to be recessed until such time as Richard Cappelletti returns with his recommendations concerning the replacement personal computer, etc. for the County Assessor. Meeting recessed at 6:35 p.m.

Awarding of Bid/Replacement Personal Computer, etc., for County Assessor: At 6:50 p.m., motion was made by Commissioner Borries that the Commission Meeting be reconvened, seconded, so ordered and Mr. Richard Cappelletti was recognized.

Mr. Cappelletti said there were six (6) responding vendors. One of the responding vendors (ElekTek) responded with a primary and an alternate bid. He will read downthrough the pricing as he calculated their responses. Some bidders bid all items and some bidders bid some of the items.

Pioneer responded with all items at \$33,273

ElekTek: Primary bid for all items for \$24,831

The Alternate bid did not meet the specifications and was not considered.

The Computery: A partial bid of \$9,285

The Computer Store: All items bid for \$21,445

CoMark: All but a single item was bid for \$15,429

Global: All items bid for \$20,791

Mr. Cappelletti said that comparing all bidders on a line item basis (copy of breakdown attached here) his recommendation (contingent upon verification of the provided references, which he will do tomorrow) is to make a split award, as follows:

CoMark will be awarded \$15,429 for all items they bid. They did not bid the lap top computer.

Global had the lowest price for the lap top computer for \$3,100.

COMMISSIONERS MEETING  
June 27, 1994

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**Note: As noted in the attached bid recap, The Computer Store was the low bidder on the lap top computer at \$3,100. Global's bid was second lowest at \$3,629. Subsequent to the meeting, Mr. Cappelletti discovered he had misread the low bidder as Global, and so advised the Official Recording Secretary so the record could be corrected. This will be brought to the attention of the Board at their July 5, 1994 meeting.**

This would make the bid award a total of \$18,529 -- and all of these items meet the specifications as they were written.

President Tuley asked Attorney Kissinger if the Board could have a motion to go forward, subject to Mr. Cappelletti's verification.

Attorney Kissinger indicated this would be appropriate.

Motion to award the contracts, as recommended by Mr. Cappelletti, was made by Commissioner Borries, with a second from Mr. Tuley. So ordered.

Mr. Borries asked, "So we returned what was a little over \$63,000 worth of equipment?"

Mr. Cappelletti responded, "If my memory serves me correctly, I believe it was a little over \$65,000 in hardware and services. Obviously, we are performing services and we are just paying for hardware."

Commissioner Borries said, "Unbelievable. Cap, nice job."

Mr. Cappelletti said, "Thank you very much."

There being no further business to come before the Board, Commissioner Borries moved to adjourn, with a second from Commissioner Tuley. So ordered. Meeting adjourned at 6:55 p.m.

PRESENT:


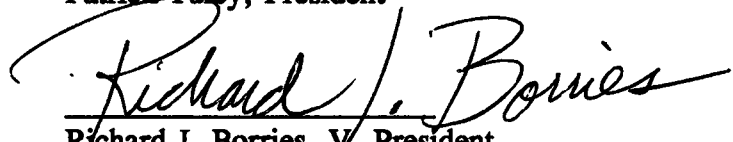
Patrick Tuley  
Richard J. Borries  
Alan M. Kissinger/County Attorney  
Cindy Mayo/Chief Deputy Auditor  
Mark Abell/Supt., County Bldgs.  
John Stoll/County Engineer  
Fred Howard/Asst. Supt./County Highway  
Lynn Ellis/Purchasing Department  
Richard Mourdock (Citizen-Candidate for Commissioner)  
Richard Cappelletti/Data Processing  
Eric R. Williams/Deputy Sheriff  
Ed Bassemier/Bassemier Transportation  
Jayne Berry-Bland/Treasurer  
Sunny Titzer (Treasurer/Elect Cindy Mayo Auditor)  
Julie Hinton (Elect Mayo Auditor)  
Others (Unidentified)  
News Media

ABSENT: Don Hunter, Commissioner

COMMISSIONERS MEETING  
June 27, 1994

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SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President  
Richard J. Borries, V. President



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

115

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**June 27, 1994**

**5:30 P.M.**

- 1. CALL TO ORDER**
- 2. INTRODUCTIONS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ACTION ITEMS**
  - A. Approval of Commissioner Minutes
  - B. Any group/individual wishing to address the commission
  - C. Bids:
    - 1) Richard Cappelletti/Data Processing  
re: Bids for replacement personal computer hardware and network operating system software for the Vanderburgh County Assessor be **received, opened, analyzed and awarded** during this meeting.
    - 2) Lynn Ellis/Purchasing  
Bid Award for Transportation Services
- 5. DEPARTMENT HEADS**

Alan Kissinger -----	County Attorney
Mark Abell -----	Superintendent of County Buildings
Bill Morpew -----	County Garage
John Stoll -----	County Engineer(see attached requests)

**6. CONSENT ITEMS**

A. Travel/Education  
None

B. Employment Changes  
see attached lists

C. Vanderburgh Auditorium  
re: Volunteer program

**7. Scheduled Meetings - List attached**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. MEETING ADJOURNED**

**DRAINAGE BOARD IMMEDIATELY FOLLOWING**

## COUNTY ENGINEER'S

## CONSENT AGENDA

JUNE 27, 1994

## 1. CLAIMS:

OLD PETERSBURG RD CULVERTS VC 94-04-01 203-3930	
CCC of Evansville (Inv. #94007C)	\$ 9,336.77
OHIO ST. BRIDGE #3C 203-4345	
Bernardin Lochaueller (Inv. #94-026-5(1))	\$ 442.68
Bernardin Lochaueller (Inv. #93-097-5(5))	\$ 580.00
Bernardin Lochaueller (Inv. #91-068-1(24))	\$ 2,276.72
Indiana Dept. of Environmental Mgmt. (Permit)	\$ 100.00
ENGINEERING EQUIPMENT 203-4429	
Troxler Radiation (Inv. #109677)	\$ 200.16
LYNCH ROAD EXT. 216-4827	
Bernardin Lochaueller (Inv. #91-060-5(13))	\$ 1,848.44
USI & SR 62 430 BOND	
Blankenberger Brothers (Est. #20)	\$153,812.84

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department vanderburgh County Assessor/Reassessment

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
24901090 1990	Mary E. Baker	629 A South Harlan Ave.	Reassessment Part time	Per hour 5 00	June 23, 1990

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED

*James L. Angermeyer* 6/23/90  
30

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department PERRY Township TRUSTEE

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
	ALICE M. MAYER	1806 N RED BANK RD	INVESTIGATOR	19412 00	7-1-94 7-4-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
	ALICE M MAYER	1806 N. RED BANK RD	INVESTIGATOR	18,500 00	6-30-94 7-1-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Lipman "Red" Mosby* DATE 6-

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

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Department HEALTH 213.0

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1460	Spainhoward, Kathryn L.	508 Princeton Court Evansville 47715	Clerk	14,691 00	7/4/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Signature]*  
Director

DATE 5/22/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Legal Aid Society of Evansville, Inc.

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
	Kathleen Rusche	6744 Sharon Road	Jr. Leg. Sec.	21,333 00	6-24-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Signature]*  
Sue Ann Hartig

DATE 6/20/94



# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH COUNTY CLERK

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1010 1180	DENISE HALL		JUV CLERK	8,434.11/hr. 17,647 00	6-20-94 ✓
1010 1330	MARY JUDGE		CRIM CLERK	3,895.11/hr. 18,502 00	6-20-94 ✓
1010 1660	PATRICIA PATTON		DEPUTY CLERK	7,723.31/hr. 16,075 00	6-20-94
1010 1360	PAUL W BURTON		POSTING CLERK	7,667.71/hr. 14,691 00	6-20-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1010 1330	DENISE HALL		CRIM CLERK	17,647 00	6-20-94
1010 1660	MARY JUDGE		DEPUTY CLERK	16,852 00	6-20-94
1010 1360	PATRICIA PATTON		POSTING CLERK	15,399 00	6-20-94
1010 1180	PATRICIA MATLOCK		JUV CLERK	18,502 00	6-20-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Betty Knight Smith* DATE 6/20/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136.1-1210	TRAVIS AUSLAND	EMP# 05519	CORRECTION OFFICER	19,142 AN	6-12-94
276-1110	PATRICIA MERRIWEATHER	EMP# 05540	COOK	19,224 AN	6-20-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136.1-1210	TRAVIS AUSLAND	EMP# 05519	CORRECTION OFFICER	18,230 AN	6-11-94
276-1110	PATRICIA MERRIWEATHER	EMP# 05540	COOK	18,000 AN	6-19-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE

*[Signature]* DATE 6-23-94

To: Vanderburgh County Commissioners

Submitted by: Richard E. Mourdock

Re: Civic Center Campaigning

Date: June 27, 1994

Gentlemen:

The people of Vanderburgh County should not be subsidizing with their tax dollars partisan political campaigns.

When Vanderburgh County citizens enter the Civic Center and County Offices to do their business, they do not want, and should not be forced to become part of a political campaign. Voters for every level of office are tired of politics as usual and do not appreciate entering the Civic Center to be greeted with buttons, banners, literature, flashing computer screens with election slogans and comments of 'please remember to vote for so-and-so'. Such campaigning only reinforces the idea that politicians are more interested in the next election than in doing the present job. The misuse of county facilities by incumbents or candidates of either party is simply wrong.

Gentlemen, it is up to you to insure that this election season is different than the last several. The Civic Center and its offices are the common ground of all the people of this county. It is not a convention hall. As a board, you routinely strive to keep partisanship out of your decision making and you attempt to do your jobs in a non-political fashion. Now, it is your obligation to see that the Vanderburgh County office holders and the candidates who work in this building do the same.

Thank you.

**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- Bids for replacement personal computer hardware and network operating system software for the Vanerburgh County Assessor be received, opened, analyzed and awarded during this meeting.

**DATE TO BE PLACED ON AGENDA:**

County Commissioners

Monday, June 27, 1994

**ACTION** \_\_\_\_

**CONSENT** \_\_\_\_

**OTHER** \_\_\_\_

BID RECAP SHEET

PROJECT: REPLACEMENT PERSONAL COMPUTER HARDWARE &  
NETWORK OPERATING SYSTEM SOFTWARE FOR  
COUNTY ASSESSOR

BID OPENING DATE: July 27, 1994

\* \* \* \* \*

<u>Bidder Name</u>	<u>Calculated Amount</u>
<u>PIONEER</u>	<u>33,273 (Au Bid)</u>
<u>ELEK-TEK (Primary &amp; ALTERNATE)</u>	<u>24,831 (Au Bid)</u>
<u>COMPUTERY</u>	<u>9,285<sup>00</sup> (PARTIAL)</u>
<u>COMPUTER STORE</u>	<u>21,445 (Au Bid)</u>
<u>COMARK</u>	<u>15,429 (Au But Laptop Bid)</u>
<u>GLOBAL</u>	<u>20,791 (Au Bid)</u>
_____	_____
_____	_____
_____	_____

COMMENTS: ELEK-TEK ALTERNATE DID NOT MEET SPECS

ACTION TAKEN: \* Recommended: COMARK \$15,429 All items but one  
GLOBAL \$3,100 Laptop only

\$18,529<sup>-</sup>

\* Contingent upon Verification References -

x5233

PC BID - VC9411  
Computer Store  
Etek-Tek (A)  
Pioneer  
(A)

General Item	Vendor A	Vendor B	Vendor C	Vendor D	Vendor E	Vendor F	Lowest
DX4 Server	N/A	3,687	4,199	4,500	6,219	6,724	
Novell Software	N/A	2,506	3,199	2,950	2,799	2,915	
DX/33 Comm PC	1,284	1,076	1,199	1,345	1,349	2,589	
Workstations	9,285	8,160	8,565	9,750	9,805	16,205	
Laptop	N/A	N/A	3,629	3,100	4,359	4,750	
Shipping/Handling	N/A	included	0	0	300	90	
TOTAL BID	10,569	15,429 <sup>2</sup>	20,791	21,445	24,831	33,883	

Etek-Tek (S) NOT Compliant

Award - (Contingent upon Verification of references)

COMARK - \$15,429<sup>2</sup>  
All items but Laptop

Computer Store - Laptop \$3,100 Laptop  


---

 \$18,529



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

105  
RICHARD J. BOF  
DON L. HUNTEF  
PATRICK R. TUL

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Approve the lease agreement for a Xerox 5320 copier for the  
Recorder's Office. The agreement is based upon State Contract  
Number, QPA 7193... The monies will be taken out of the  
Recorder's Perpetual Fund.

**DATE TO BE PLACED ON AGENDA:** June 27, 1994

**ACTION** XX **CONSENT**        **OTHER**



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. B

DON L. HUNT

PATRICK R. T

## AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

### REQUEST(S) BEING MADE:

Approve the award of the price agreement for Transportation  
Services for Elderly and Handicapped to Bassemiers' Transportation  
Inc. at a yearly cost of \$52,000.08. The initial contract  
period would be for a period of 6 months, i.e., July 1, 1994  
through December 31, 1994. Extensions of the contract can be  
awarded by the Commission provided services and fees remain  
constant.

DATE TO BE PLACED ON AGENDA: June 27, 1994

ACTION XX CONSENT \_\_\_\_\_ OTHER \_\_\_\_\_

TRANSPORTATION SERVICES - ELDERLY & HANDICAPPED BID NO. VC9409		
VENDOR NAME	Bassemiers' Transportation, Inc.	Community Action Program of Evansville & Vanderburgh County, Inc.
BID PRICE/YEAR	\$52,000.08	\$73,744.00 - not provided on correct form
BID PRICE/MONTH	\$4,333.34	\$6,145.33
ADDITIONAL COSTS	None	None
COST FOR PERFORMANCE BOND	Not indicated	\$1,565.00
HOURS OF OPERATION	8am-4pm, Monday thru Friday, could be expanded	8am-4pm, Monday thru Friday, could be expanded
FORM 95	Yes	Yes
NON-COLLUSION STATEMENT	Yes	Yes
EEO PLEDGE	Yes	Yes
CERTIFICATE OF INSURANCE	Yes	Yes
LIST OF VEHICLES	Yes - 8+ vehicles	Yes - 1 vehicle
FINANCIAL STATEMENT	Yes	Yes - 1992 statement
ADDITIONAL SERVICES	None indicated	Yes - working with METS (\$1/year contract)



VANDERBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT  
FRIDAY, JUNE 17, 1994 THRU THURSDAY, JUNE 23, 1994

FRIDAY, JUNE 17, 1994

Gradall and one crew replaced culvert at Pruitt & Woods.  
Paver, roller, and three trucks worked on Old Henderson Rd.  
Three trucks hauled rock to the bottoms.  
Two crews cleaned up tree limbs on Broadway, Old Henderson and GreenRiver Road.

MONDAY, JUNE 20, 1994

Gradall and one crew placed a culvert at Pruitt and Woods.  
Paver, roller, distributor, and seven crews paved Dixie Flyer.  
Gradall and two crews placed pipe on Green River and removed trees from Green River.

TUESDAY, JUNE 21, 1994

Gradall and one crew cleaned ditch and installed pipe at Pruitt and Woods.  
Paver, roller, distributor, and nine crews paved Dixie Flyer.  
Gradall and one crew ditched on Green River Road.  
Mowers worked on Woodland Hills, Baseline and Upper Mt. Vernon.

WEDNESDAY, JUNE 22, 1994

Gradall and one crew ditched at Pruitt and Woods.  
Paver, roller, distributor and nine crews paved on Dixie Flyer.  
Gradall and one crew ditched on Green River Road.  
Two mowers mowed on Snow Route #8, and #2.

THURSDAY, JUNE 23, 1994

Gradall and one crew ditched at Pruitt and Woods.  
Paver, roller, distributor paved on Old Henderson Road.  
Grader worked in the bottoms.  
Gradall and one crew worked on Wimberg Road.  
One crew worked at Burdette Park.  
Mowers worked on Speaker Road and on Snow Route #8, and #2.

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, JUNE 17, 1994 THRU THURSDAY, JUNE 23, 1994

FRIDAY, JUNE 17, 1994

Crew #1 - install guardrail on Char-lee and Green River & Hirsch.  
Crew #2 - install pipe at Pruitt and Woods.  
Crew #3 - clean tools and trucks.

MONDAY, JUNE 20, 1994

Crew #1 - worked on guardrail on Broadway.  
Crew #2 - installed pipe at Pruitt and Woods.

TUESDAY, JUNE 21, 1994

Crew #1 - check all drains in Melody Hills.  
Crew #2 - install pipe at Pruitt and Woods.  
Crew #3 - backhoe worked in the yard.

WEDNESDAY, JUNE 22, 1994

Crew #1 - weedat guardrail on Owensvill Road.  
Crew #2 - install pipe on Pruitt and Woods.

THURSDAY, JUNE 23, 1994

Crew #1 - relap guardrail as needed on Old Henderson Road.  
Crew #2 - install pipe on Pruitt and Woods.

William Agnew



6/24/94

Mr. Pat Tuley  
Vanderburgh County Commissioners  
Room 305 Civic Center Complex  
Evansville, In. 47708

Dear Pat,

Just a short note of thanks to Fred Howard and his crew at the County Garage. These folks promptly and neatly removed an uprooted tree on county property that landed on mine following a summer storm.

Fred's attention to this problem was much appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".



**VANDERBURGH COUNTY HIGHWAY DEPARTMENT**

5105 ST. JOSEPH AVENUE  
EVANSVILLE, INDIANA 47720  
TELEPHONE 428-0573

RECEIVED

JUN 24 1994

Vanderburgh County Commissioners

TO: VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
ATTN: MARK ABELL  
RE: CHEMICAL SPILLS AND FUEL SPILLS ON VANDERBURGH  
COUNTY HIGHWAYS

SINCE ENVIRONMENTAL CONSULTING & ENGINEERING COMPANY, INC., IS CURRENTLY CONTRACTED TO CONSULT WITH REMEDIATION AT THE COUNTY GARAGE, I WOULD LIKE TO SUGGEST THAT IN THE FUTURE, IF A CHEMICAL OR FUEL SPILL OCCURS AND THE COUNTY HIGHWAY DEPARTMENT NEEDS ASSISTANCE, ENVIRONMENTAL CONSULTING AND ENGINEERING BE THE DESIGNATED ENVIRONMENTAL PEOPLE TO CALL AND THAT EMERGENCY MANAGEMENT AND THE SHERIFF'S DEPARTMENT BE NOTIFIED OF THIS DESIGNATION.

SINCERELY,

JACKE L. CRAWFORD  
SAFETY DIRECTOR,  
V.C.H.D.

*Approved 6-27-94*



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel (812) 424-9603

### Agenda for June 27, 1994

1. Waterworks Road update
2. Travel request for David Franklin and John Stoll to travel to Vincennes for information on the County's nuclear density gauge

# AGREEMENT

This agreement is made and entered into on the 27<sup>th</sup> day of June, 1994, by and between the Vanderburgh County Commissioners hereinafter referred to as the "County", and the J.H. Rudolph Co., Inc. hereinafter referred to as the "Contractor" for the reconstruction of Waterworks Road.

The County and the Contractor mutually agree as follows:

The Contractor shall reconstruct Waterworks Road in accordance with the plans and specifications provided by the County and the 1993 INDOT Standard Specifications. The Contractor shall receive payment from the County in accordance with the attached itemized proposal. Payment for and time to perform the work of any quantities of materials omitted from the plans or itemized proposal will be negotiated between the County and the Contractor. The on-going time and materials work currently being performed by the Contractor at the site, and not included in the attached itemized proposal but necessary for the completion of the total project shall continue. This shall include labor and continuing rentals of materials and equipment for pile driving and sheeting, dewatering, wet excavation, office trailer, safety, traffic control and barricades, temporary facilities, utilities, etc. The County reserves the right to re-enter into a time and material contract if necessary.

The Contractor shall begin the work to be performed under this agreement immediately upon receipt of the written notice to proceed from the County.

The reconstruction of Waterworks Road shall be open to traffic no later than thirty (30) working days after the date of the first delivery of pipe to the site. In accordance with the itemized proposal, the first delivery of the pipe will be on July 11, 1994. In accordance with 1993 INDOT Standard Specifications, if Waterworks Road is not open to traffic within said thirty (30) working day period, or any extensions thereof, liquidated damages of \$300 per working day will be assessed until the road is opened.

CONTRACTOR:

J.H. Rudolph Co., Inc.

J. Steven Rudolph, President

COUNTY:

Vanderburgh County Commissioners

Patrick Tuley  
Patrick Tuley, President

Richard J. Borries  
Richard Borries, Vice President

Don Hunter, Member

## ITEMIZED BASE BID PROPOSAL

CULVERT REPLACEMENT

WATERWORKS ROAD

VANDERBURGH COUNTY

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	AMOUNT
1	Mobilization & Demobilization	Lsum	1	5,000 <sup>00</sup>	5,000 <sup>00</sup>
2	Mobilization & Demobilization for Seeding	Lsum	1	500	500 <sup>00</sup>
3	Surface Milling	Sys	338	6 <sup>-</sup>	2028 <sup>00</sup>
4	Bituminous Surface, 11 MV	Ton	80	40 <sup>-</sup>	3200 <sup>00</sup>
5	Bituminous Binder, 8 or 9 MV	Ton	156	35 <sup>-</sup>	5460 <sup>00</sup>
6	Bituminous Base, MV	Ton	585	28 <sup>-</sup>	16,380 <sup>00</sup>
7	Bituminous Material for Tack Coat	Sys	4935	.25	1233.75
8	Borrow	Cyd	4922	8 <sup>00</sup>	39,376 <sup>-</sup>
9	Common Excavation	Cyd	2241	5 <sup>00</sup>	11,205 <sup>00</sup>
10	B-Borrow for Structural Backfill	Cyd	1550	10 <sup>00</sup>	15,500 <sup>00</sup>
11	Anchor Bar	Each	108	9.25	999
12	Line, Paint, Solid, Yellow, 4 Inch	Lft	1004	.25	251 <sup>-</sup>
13	Line, Paint, Solid, White, 4 Inch	Lft	1004	.25	251 <sup>-</sup>
14	Mulched Seeding	Sys	2679	1 <sup>00</sup>	2679 <sup>00</sup>
15	Top Soil	Cyd	448	10 <sup>00</sup>	4460
16	Class A Concrete	Cyd	48	375 <sup>00</sup>	18,000 <sup>00</sup>
17	Reinforcing Steel	Lbs	784	1 <sup>00</sup>	784 <sup>00</sup>
18	Compacted Aggregate, No. 53	Ton	1209	11.50	13,903.50
19	Rip Rap, Revetment	Sys	2025	15 <sup>00</sup>	30,375 <sup>-</sup>
20	Geotextiles Under Rip Rap	Sys	2025	1.25	3442.50

LUMP SUM BASE BID 175,027.35  
SHEET 1 OF 3

## ADDITIVE ALTERNATE I ITEMIZED PROPOSAL

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	AMOUNT
1	Multi Plate Pipe, (3') Corrigation * Galvanized, Fully Bt. Coated	LR	306	325	79,450

ANTICIPATED ON-SITE DELIVERY DATE July 21 1994ALTERNATE I BID 99,450

## ADDITIVE ALTERNATE II ITEMIZED PROPOSAL

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	AMOUNT
1	Reinforced Concrete Pipe, CL IV, * Wall B, 96 Inch w/ Gasketed Joints	LR	306 →	385	117,810

ANTICIPATED ON-SITE DELIVERY DATE July 15, 1994 - For Complete  
July 11, 1994 First Delivery of Pipe ORDERALTERNATE II BID 117,810

\* See Specifications for Additional Information



ITEMIZED PROPOSAL

CULVERT REPLACEMENT  
WATERWORKS ROAD  
VANDERBURGH COUNTY

BASE BID: 175,027<sup>13</sup>

ALTERNATE I BID: 99,450<sup>00</sup>

SUMMATION I OF BIDS: 274,477<sup>25</sup>

ALTERNATE II BID: 117,810

SUMMATION II OF BIDS: 292,837<sup>25</sup>

\_\_\_\_\_  
BIDDER'S NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
BID SUBMITTED BY

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6/27/94 DEPARTMENT: CIVIL ENGINEERING DEPT.

EMPLOYEE (S): DAVID FRANKLIN  
David Stew  
\_\_\_\_\_

DATES OF TRAVEL: 6/28/94

DESTINATION: VINCENNES, IN

PURPOSE: MEETING WITH INDOT OFFICIALS FOR NUCLEAR DENSITY GAUGE INFORMATION

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: N/A

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLES NUMBER: 90  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED:

_____ Mileage	_____ Parking
_____ Per Diem	_____ Registration
_____ Air Fare	_____ Other

APPROVED: John Stew  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 27<sup>th</sup> day of June, 19 94.

Patrick Tuley  
Patrick Tuley, President

Richard J. Borries  
Richard J. Borries, Vice-President

Don L. Hunter, Member



TO: VANDERBURGH COUNTY COMMISSIONERS  
 PAT TULEY, PRES.  
 RICK BORRIES  
 DON HUNTER  
 FROM: SANDRA TOLON, GENERAL MANAGER  
 DATE: JUNE 21, 1994  
 REF: VANDERBURGH AUDITORIUM VOLUNTEER PROGRAM

Please review the attached Volunteer Program for the Auditorium. Approval of the program will allow us to accomplish the proposal outline.

Several months ago, I conducted a telephone survey to the Westside AARP group. The purpose was to determine if there was interest among the retired citizen population for such a program. Two weeks later I received a list of interested person in the program. I feel that the results show the volunteer program will be a plus for the community and the Auditorium.

Also, by tracking the total numbers of volunteer hours based on a dollar value per hour, my office will be able to calculate at year end the number of county dollars saved by volunteers.

As a note of interest, River Park Center in Owensboro, Ky. saved close to \$141,000.00 over a two year period by having a volunteer program in place.

AUDITORIUM VOLUNTEER PROGRAM = COUNTY DOLLARS SAVED.....

*Sandra Tolon*

Proposal: To develop a volunteer program at the Vanderburgh Auditorium

Purposes:

- I. A volunteer program will lower operation costs.
  - A. Ushers and ticket takers will be in-house and work free of charge; Vanderburgh Auditorium will charge clients for their usage.
  - B. Volunteers can provide office assistance free of charge.
  - C. Volunteers can assist with concessions and coat check free of charge.
- II. A volunteer program will improve time management/operation standards.
  - A. It will allow management staff to concentrate on marketing and event coordination.
  - B. It will decrease twelve to fourteen hour days now put in by management staff.
  - C. It will prevent having to utilize outside channels for services (e.g. ushers, concession staff).
  - D. It will allow for expansion of services (e.g. greeters, registrars) without cost.
- III. A volunteer program will increase community support and interest in the Vanderburgh Auditorium and cultural programs.
  - A. It will involve the community in the Vanderburgh Auditorium which was built for them.
  - B. It will build a marketing and customer base through interest and familiarity.
  - C. It will provide a base of interest for the cultural programs Vanderburgh Auditorium hosts.

Program Development:

- I. Develop a volunteer pool
  - A. Senior Citizens (SWIRCA, AARP, Retired Teachers)
  - B. Theatre Students (University of Evansville, University of Southern Indiana)
  - C. Community Volunteer Bank
- II. Define Duties
  - A. Ushers, Ticket Takers
  - B. Office/Box Office Assistants
  - C. Greeter, Guides, Registrars
  - D. Coat Check, Concessions Staff
- III. Train
  - A. Utilize manual submitted
  - B. Meetings/in-services
- IV. Coordinate volunteer personnel
  - A. Utilize manual submitted
  - B. Utilize forms submitted
  - C. Utilize management staff



**ADMINISTRATION BUILDING**  
1 S. E. Ninth Street, Evansville, IN 47708  
Telephone (812) 426-5053

June 20, 1994



Mr. Richard Borries  
7617 Taylor Circle  
Evansville, IN 47715

Dear Rick:

The Evansville Athletic Council respectfully request that you consider waiving the rental fee for the third annual Sports Appreciation Picnic to be held at Burdette Park on Wednesday, August 24, 1994.

Arrangements for use of Bishea Building on that date have been cleared with Mr. Mark Tuley, park manager. Thank your.

Sincerely,

Michael E. Madriaga  
Supervisor of Athletics,  
Physical Education, and  
Driver Education

MEM/lh

86















Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

BERNARDIN LOCHMUELLER

Vendor No. 985

\$ 580.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Ohio St. Bldg

Account No. 203-4345

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$

Richard F. Bonias

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

June 23, 1994

John Stoll  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>93-097-5(5)</u>	<u>-</u>	<u>6/13/94</u>	<u>203-4345</u>	<u>580.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL				<u>580.00</u>





**MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 5, 1994**

**I N D E X**

<b><u>Subject</u></b>	<b><u>Page No.</u></b>
Meeting Opened @ 5:30 p.m. ....	1
Introductions & Pledge of Allegiance .....	1
Approval of Minutes (Deferred) .....	1
Correction/Bid for Computer Services/Reassessment	
Purchasing Department/Lynn Ellis .....	2
Authorization to Cancel Sheriff's Contract with Shell and Enter into City's Contract with Thornton's	
Weights & Measures/Request to Declare Test Prover and 1993 Van as Surplus Equipment .....	3
County Redevelopment Commission .....	3
Appointments to County Redevelopment Commission	
Adoption of By-Laws	
Approval of Interlocal Governmental Agreement	
Approval of Resolution	
County Attorney/Alan Kissinger .....	4
Property Deeded to Vanderburgh County Behind County Garage by H. W. Grady	
Lease Agreement w/David Austill for Property/ Burdette Park	
Burdette Park/Nightmare Forest (M. Tuley authorized to communicate w/Entertainment, Inc. and A. Kissinger to bring Agreement for approval	
Opinion re Potential Conflict of Interest/Ed Bassemier (A. Kissinger to continue to work on this and report back to the Board)	
Superintendent of County Buildings/Mark Abell .....	6
Central Air Conditioning for 3rd Floor/Old Court House (Declared an emergency; M. Abell authorized to proceed with bid procedure pending official approval from Council)	
Weights & Measures/100 Gallon Test Prover (Value to be determined before proceeding with bid for sale of this equipment)	
Sale of Surplus Vehicles (M. Abell authorized to proceed with Wolfe's acting as disposing agent; Wolfe's must follow appropriate advertising procedure)	
County Highway/Bill Morpew .....	8
Weekly Progress Report	
Paving/Old Henderson Rd. & Dixie Flyer	
Weeds (R. Borries and B. Morpew to contact Harris Howerton @ Safe House re assistance)	
Property Adjacent to County Garage (B. Morpew authorized to proceed with cutting of weeds; buildings to be razed by County crew; fence needs to be moved to encompass the recently acquired property)	



New Harmony Rd./Request for rock and shoulder work, etc.

Consent Agenda ..... 10

Old Business/New Business ..... 10

Local Government Finance Study Committee (R. Borries  
to keep Board apprized; Committee will meet on July 20th)

State Mandates

Scheduled Meetings ..... 11

Executive Sessions on July 18th and July 25th  
Public Hearing re Area by I-164, etc. on July 11th  
Cancellation of Commission Meetings on August 1st  
and August 8th (No Executive Sessions to be  
scheduled on these dates)

County Engineer/John Stoll ..... 11

Approval to Commit to Local Match for Railroad  
Crossing Improvements and Preliminary Engineering  
(Mill Rd. between Kratzville & St. Joe Ave.)

Repairs to Railroad Crossing on Boonville-New Harmony Rd.  
East of 4-H Center

Notice to Bidders/Concrete Repair of Various Roads

Purchase of Right-of-Way for Mann Rd. & Bixler Rd.  
Bridges (Board authorized \$1,000 amount rather  
than the initial \$625)

Waterworks Road/Update

Meeting Adjourned at 6:50 p.m. .... 14

COMMISSION MEETING  
July 5, 1994

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 5, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Tuesday, July 5, 1994 in the Commissioners Hearing Room with Vice President Richard Borries presiding. Commissioner Patrick Tuley was absent.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

Commissioner Borries called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings, Attorney Alan Kissinger, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, Official-Recording Secretary for the Board) and asked the group to stand for the Pledge of Allegiance.

It was subsequently noted by Commissioner Borries that Commissioner Tuley may or may not arrive for tonight's meeting. He is currently attending a meeting in Superior Court as a member of Judge Lensing's panel concerning whether a Juvenile Detention Facility should be built in Vanderburgh County and/or alternatives.

RE: APPROVAL OF MINUTES

Commissioner Borries said approval of last week's minutes will be deferred, as Commissioner Hunter was not present for the June 27th meeting and he cannot approve them by himself -- Commissioner Tuley needs to be present when those are approved.

Correction/Bid for Computer Services/Reassessment: Also, for the record today, we need to correct the records with regard to one bid concerning computer services regarding the reassessment and Mr. Richard Cappelletti is here.

Mr. Cappelletti said that during the June 27th meeting, he did analyze some bids that were opened during that meeting and read the results. A portion of his reading was in error and he is here tonight to correct that. Of the bids read he had stated that for a portion of the bid that a company by the name of Global would be awarded the lap top computer bid for \$3,100. That was an error. The \$3,100 is correct and is the low bid. But the correct company name is The Computer Store that is doing business as Computer Store -- legal name All Star Software. He has been in contact with both companies and both understand. The figures and the chart that he provided to Ms. Matthews were correct. It was his reading that was in error.

Commissioner Borries said he appreciates Mr. Cappelletti's doing that. So, for the record, this is what Ms. Matthews has included in last week's minutes in bold faced type. He will read same to see if Mr. Cappelletti agrees:

"Note: As noted in the attached bid recap, The Computer Store was the low bidder on the lap top computer at \$3,100."

Mr. Cappelletti stated, "That is correct."

Mr. Borries continued, "Global's bid was second lowest at \$3,629. Subsequent to the meeting, Mr. Cappelletti discovered he had misread the low bidder as Global and so advised the Official Recording Secretary so the record could be corrected. This will be brought to the attention of the Board at their July 5, 1994 meeting."

Mr. Cappelletti again stated, "That is correct."

COMMISSION MEETING  
July 5, 1994

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Mr. Borries said he doesn't have to do any handwritten thing -- we have corrected it and it is in the minutes of July 27th. And, it will also appear in the minutes of tonight -- "Is that correct, Joanne?"

Ms. Matthews confirmed that is correct.

Mr. Borries again thanked Mr. Cappelletti.

In proceeding, Commissioner Borries asked if there are any other individuals or groups in the audience who wish to address the Commission but do not find their name or particular item of interest on tonight's agenda. If so, now is the time to come forward. There was no response.

RE: PURCHASING DEPARTMENT/LYNN ELLIS

Authorization to Cancel Sheriff's Contract with Shell and Enter Into City's Contract with Thornton's: Ms. Ellis said the Sheriff's Department is experiencing a problem with fueling. The vendor who has been supplying them with fuel and offered 24-hour service (Skyway Shell) closed. They have one existing station and it is not open 24 hours per day and they cannot fuel their vehicles in the needed time frame. Therefore, they're asking that the Board of Commissioners authorize adding the Sheriff's Department to a existing contract with Thornton's. They currently provide service to the Police Department and to other County and City offices. She has been in contact with Thornton's and they are very agreeable to doing that and will be meeting with her on Thursday if the Commission so approves.

Commissioner Borries said he thinks the Sheriff's Department could run out of gas late at night when they most need it and we don't want that to happen. Turning to Attorney Kissinger he asked, "Do we have to take any action to void any contract at this time. Or, by the nature of them being unable to fill the contract they, in effect, have voided it?"

Attorney Kissinger said, "I believe that is the case. Has anyone contacted Skyway Shell?"

Chief Deputy Steve Woodall from the Sheriff's Department said he has been in contact with the owner. What happened was he lost the lease on one of the Shell stations. He understands it fully and, as a matter of fact, until we can get this matter resolved he has extended his hours somewhat."

Attorney Kissinger asked, "He has acknowledged then that he does not have the ability to comply with the terms of the contract?"

Chief Woodall responded "Right."

Attorney Kissinger continued, "It is totally appropriate then that we take the appropriate action to keep the Sheriff's cars on the road. And this contract, I am assuming, Lynn, is this bid basically in line with what the Sheriff was paying at Skyway Shell?"

Ms. Ellis responded, "It is comparable. The pricing is good and it is a lot less than we pay at the station -- so I would think it is in line."

Motion was made by Commissioner Hunter to authorize the Sheriff's Department to enter into the contract with Thornton's. Seconded by Commissioner Borries.

Ms. Ellis asked, "Would you also include in that recommendation authorization so I can terminate the contract, in writing, with Shell? Then we can terminate the one and begin the other immediately."

## COMMISSION MEETING

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July 5, 1994

Attorney Kissinger stated, "Probably the appropriate motion would be to terminate the contract with Skyway Shell and add the Sheriff's Department to the existing contract between the City and Thornton's."

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Mr. Hunter said he understands the Shell station at Lynch Rd. and U. S. Highway 41 is closed. Isn't this the one the Sheriff's Department does business with?

Chief Woodall said they have another one on Diamond Avenue that is still open, but the hours are limited.

Mr. Hunter said the station at Lynch Rd. and U. S. Highway 41 is by far the one they need to use because of the Sheriff's Command Post location.

Mr. Borries asked if the Sheriff's Department will be able to use any Thornton's station?

Ms. Ellis responded that is correct.

RE: WEIGHTS & MEASURES/REQUEST TO DECLARE TEST PROVER AND 1993 VAN AS SURPLUS EQUIPMENT

Commissioner Borries said he does not see Loretta Townsend.

Mr. Abell said she called to see if she needed to be here and he told her he thought the written request was sufficient.

Mr. Borries said copies of the request are in the Commissioners' meeting packets.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: COUNTY REDEVELOPMENT COMMISSION

Appointments to County Redevelopment Commission, Adoption of By-Laws, Approval of Interlocal Governmental Agreement and Resolution: Mr. Borries said he does not see Mike Robling from DMD here tonight, but he does see a communication from him. The memorandum contains a list of the current membership of the Evansville Redevelopment Commission. The County Commissioners appoint all five (5) members of the County Redevelopment Commission. Attached is a Certificate of Appointment/Oath of Office that could be used for those appointments and copies of these documents have also been provided to Alan Kissinger. Mr. Borries said the County Redevelopment Commission will not duplicate the work of the Evansville Redevelopment Commission. Rather, what it will do is to study and provide input on those particular instances when there will be perhaps some county funding and some County Financial Agreements given to some potential economic development. The way this will be handled is through an Interlocal Governmental Agreement between the County and the City of Evansville. So we will jointly use the staff of DMD as we have done for staff services or, again, the County Board would only meet when it strictly involves a County economic development action of some sort. And there could be some of these that are pending. So we have been advised to go ahead and start this Redevelopment Commission they could meet when the need arises. Commissioner Hunter, Commissioner Tuley and I have each asked various people to serve on this Board. If Commissioner Hunter has his names, he has a list of names to give for Commissioner Tuley and himself.

Commissioner Hunter said he was asked to submit two (2) names and he decided he would like to go with "youth" on this. He forgot to ask them their politics, so he doesn't think that makes

## COMMISSION MEETING

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July 5, 1994

a lot of difference. The two young men he has asked who have accepted are:

Brett Schultheis (Schultheis Insurance Agency)  
Eric Williams (Sheriff's Department)

Mr. Borries said he would assume that both are residents of Vanderburgh County.

Commissioner Hunter said, "Yes, they are -- I looked it up in the phone book."

Commissioner Borries said, "The three persons that I would like to submit to complete this Board would be:

Mrs. Joan David (a Vice President at Citizen's National Bank)  
Darvin Collins (Business Agent for the IBEW Local 16)  
Jeff Shoulders (Attorney-at-Law)

Mr. Borries asked Ms. Matthews if the Board has ever officially adopted the By-Laws of this Redevelopment Commission.

Ms. Matthews replied, "Not to my knowledge. I believe this is the first time I've seen them."

Mr. Borries said the By-Laws, themselves, are fairly generic. They have the five (5) members necessary and they will have to establish that. There was a legal notice previously published for the establishment of this Redevelopment Commission and there is a Local Intergovernmental Agreement the Commissioners will need to execute, basically authorizing what is being done right now -- that the Department of Metropolitan Development handle these matters as per a previous Interlocal Governmental Agreement.

Motion to adopt the By-Laws, as presented, was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Motion to appoint Eric Williams, Brett Schultheis, Mrs. Joan David, Darvin Collins and Jeff Shoulders to serve as the members of the Vanderburgh County Redevelopment Commission was made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

With regard to the Interlocal Governmental Agreement, Ms. Matthews stated that on Page 2 under Section 8 (Effective Date) it reads 1st day of April 1994. Does that effective date need to apply for some specific reason or does it need to be changed?

Commissioner Borries said the effective date will need to be changed to July 5, 1994, should the Board vote today to approve the agreement.

Motion to approve the agreement was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

It was noted by Commissioner Hunter there is also a Resolution to be approved by the Commission, as well as a Resolution which needs to be approved by the Council.

Motion to approve the Resolution approving the Interlocal Governmental Agreement was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Mr. Borries said that hopefully this will result in some good news for our county and economic development matters.

RE: COUNTY ATTORNEY/ALAN M. KISSINGER

Property Deeded to Vanderburgh County Behind County Garage by H. W. Grady:  
Commissioner Kissinger said he spoke briefly about this matter last week and this week he

## COMMISSION MEETING

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July 5, 1994

actually remembered to bring the documents. He would like to make the presentation this evening to the County Commissioners in an open meeting of the Personal Representative's Deed to the approximately 1/4 acre which lies behind the present Vanderburgh County Garage. This is real estate that has been conveyed to Vanderburgh County by Mr. H. W. Grady through his estate. In his will he indicated that this real estate must be used solely by Vanderburgh County, Indiana in connection with its present County Garage or for any other County use for a period of fifty (50) years from the date of my death and in the event any part of my real estate is sold prior to fifty (50) years from the date of my death, title to such real estate to the Commissioners of Vanderburgh County, Indiana shall terminate and be transferred and conveyed to the Vanderburgh County Humane Society -- the upshot of that being that the County must use this property for the County Garage purposes or other specific County purposes for a period of fifty (50) years after which time it becomes the sole real estate of Vanderburgh County. It is our real estate at the present time, assuming that we continue to use it and don't try to sell it or something such as that. Attorney Kissinger said he does recommend to the Commissioners that this real estate be accepted by Vanderburgh County and that our Superintendent of County Buildings be authorized to record this deed.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Commissioner Borries said it is very thoughtful of that gentleman to leave the County the property in his will. He's sure it will be put to good use by the Vanderburgh County Highway personnel. As always, as he has so often said, space has a way of filling up and anytime we can get a little extra space he is sure it will be put to good use.

Lease Agreement w/David Austill for Property/Burdette Park: Attorney Kissinger said that Burdette Park leases a particular piece of property which borders on Burdette Park. This lease has been going on for several years. It is a lease between the County and a property owner by the name of David Austill. We are to the point where we need to re-enter lease and have been advised by Mark Tuley at Burdette Park that this property is of great benefit to us and this lease is only for \$400.00 per year and this is a unique piece of property in that it borders Burdette Park -- so there is no need to enter into some of the other statutory matters. Attorney Kissinger said he would recommend to the Commissioners that Mr. Tuley be given permission to contact the landowner and renegotiate the terms and the dates of this lease of property for further use by Burdette Park.

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

Burdette Park/Nightmare Forest: Attorney Kissinger said this is the Halloween event run by Entertainment, Inc. They want to contract with the County. We have already negotiated with Entertainment, Inc. before they even presented this to the Commissioners what we thought were matters that needed to be changed in the lease. Those matters have been changed to our satisfaction. Specifically, we are going to exclude the Old County Jail Halloween project that goes on over there, so that they will be allowed to continue. But we have agreed not to compete in any other fashion. He would recommend to the Commissioners that, once again, Mr. Mark Tuley be allowed to communicate with these people and indicate basically that if we have negotiated all the terms that we will be contacting them to notify them of the approval of this agreement in the very near future.

Mr. Borries asked if Attorney Kissinger needs any action by the Board.

Attorney Kissinger responded, "Don't really need any action at this point, I guess it would be most appropriate to bring it back and ask you to sign it. That is all I have to report at this time."

Potential Conflict of Interest/Ed Bassemier: Attorney Kissinger said he would note that he has contacted an individual in Indianapolis to get an opinion in reference to the potential Conflict

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of Interest on the bid that was considered last week by the Commissioners for Transportation Services. It is a very lengthy process to get that opinion, but he will continue to work on this and report back any progress he has in reference to that opinion and any other opinion that he may have, as well, as the result of his research.

RE: SUPERINTENDENT OF COUNTY BUILDINGS/MARK ABELL

Central Air Conditioning for Third Floor/Old Court House: Mr. Abell said he needs a little guidance from the County Attorney on this issue. Last week the County Council tentatively gave permission to install central air conditioning on the third floor of the Old Court House. As we're getting into the time of year for...

Mr. Borries asked, "That wasn't a unanimous vote, was it?"

Mr. Hunter asked, "Using whose money?"

Mr. Abell responded, "CCD Fund money. I think they all agreed that is what it is there for -- well, not all, but they agreed in large part. My question is, we're already into the hot time of the year and is there any way -- I guess I need, you know, at some point to ask permission to let that out for bids, because it will be a sizable chunk of money. Secondly, you know, should I start that process now? Should it be declared an emergency so as to expedite it? If we go through the usual procedure, it will probably be the end of August before ..."

Mr. Borries said, "Yes. It's 97 degrees today -- so what the heck."

Mr. Hunter said, "The heat index was 103 degrees when I came in and he's dealing with elderly people -- so I think that justifies it."

Mr. Abell continued, "But I didn't know if there was anything I could do specifically to boost the project forward -- or are we just trapped with the time table as is?"

Commissioner Borries said, "If our Attorney says -- which, I think, we've answered our question -- I'm trying to be a bit facetious on that -- if this is an emergency, I think we can move forward in proper fashion with getting competitive bids from at least three vendors. There were previous bids on this and once we were able to get those and review same, I think we could take action pretty quickly, I guess."

Commissioner Hunter stated, "And from the clientele he deals with, it does need to be done quickly."

Mr. Abell asked, "Should I ask for permission tonight then to seek bids -- or, you know -- pending Council's formal approval?"

Attorney Kissinger said, "That way you won't have to come back after Council approves."

Commissioner Borries stated, "I think the money is already in place on that."

Mr. Abell said, "CCD Fund money -- right."

Mr. Borries continued, "I mean, we have funding available and, again --"

Ms. Mayo interrupted, "The appropriation request will go before Council tomorrow."

Mr. Borries said, "For the record, let us notice that it is about 97 degrees out there today and we were asking for air conditioning in an historic building which, in my opinion (and which I'm sure Commissioner Hunter would feel) does constitute an emergency."

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Attorney Kissinger said, "We can advise Council that you have the Commissioners' approval to proceed with the solicitation of bids as soon as the County Council approves."

Mr. Abell said, "Okay. Well, just let me ask for permission then to proceed, I guess, officially with the letting of bids on this."

Commissioner Borries asked, "Commissioner Hunter, do you agree that this is an emergency?"

Commissioner Hunter responded, "I certainly do."

Commissioner Borries said, "So ordered -- and I will state that as such. Okay, I think you can now go ahead and ask."

Mr. Abell continued, "Then I need permission to proceed with the bid procedure pending the official approval from Council."

Motion to this effect made by Commissioner Hunter, with a second from Commissioner Borries. - So ordered.

Weights & Measures/100 Gallon Test Prover: Mr. Abell said that with regard to the request from Mrs. Loretta Townsend concerning the 100 gallon test prover, she feels there is a market out there specifically for that and if we took it out and just kept it at the County Garage and put it up for sale at the Count Surplus auction we may not get a lot of money for it. He thinks her intention was to request that we seek a specific bid from people who might have a need for that type of equipment. That is the way he read that, but he wasn't sure if that was what she meant. (Copy of request attached hereto)

Commissioner Borries said he doesn't know if that can be done. We'll just have to let the Attorney research that.

Attorney Kissinger said he is looking at the statute right now. He then asked if Mr. Abell has any idea as to what the value might be.

Mr. Abell said he does not. Maybe \$1,000 - it's not a lot.

Attorney Kissinger said he will have to give an opinion on that next week. He subsequently stated we will need to determine the value. If it's under \$1,000 you do not have to advertise.

Mr. Abell said, "So the first step is to find out the value more or less, and then to proceed from that point."

Sale of Surplus Vehicles, etc.: Mr. Abell said that last week he had asked the Commission about selling the automobiles out at the County Garage. Subsequently (he didn't know this last time) the Sheriff's Department will be adding vehicles to the list. He looked up what the Commission discussed before and he thinks we left it at that one meeting that if the advertising were correctly handled by Wolfe's that Attorney Kissinger felt it was okay to proceed with them handling the sale of those automobiles.

Attorney Kissinger said, "If the County authorizes it, in view of the fact we have already entered into the agreement with them that they could act as our disposing agent in these circumstances. They must follow the appropriate advertising procedure and, yes, they can certainly do that."

Mr. Abell said, "Then I would ask permission to do that with the appropriate vehicles. I will put a list together and proceed along -- if that is your intention."

Commissioner Borries stated, "It is."



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RE: COUNTY HIGHWAY - BILL MORPHEW

Commissioner Borries said he would like to welcome back Bill Morpew, the County Highway Superintendent, who has been on vacation.

Weekly Progress Report: Mr. Morpew stated it was a wonderful vacation . He then submitted the progress report for period of June 24, 1994 thru June 30, 1994.....report received and filed.

Paving: Mr. Borries stated it looks as though they've been down on Old Henderson Rd. Mr. Morpew said they have -- and they're still paving down there, putting base down. Right now the crews are in the vicinity just past Deusner Rd. and they should be done towards the end of the week with putting the surface on that section. It looks far better than it did. They also finished the base on Dixie Flyer and by the end of the week or next Monday at the latest they should also have the surface on all of that. It looks good -- he was down there today.

Weeds: Mr. Morpew said they are having a little problem right now with weeds. Fred Howard had talked about getting a couple of kids as summer help.

Mr. Borries said he had asked about that. It seems to him we've had a bridge foreman who retired and we won't be able to replace him the way his benefit structure is through July 15th. People are certainly entitled to take their vacations, as has Mr. Morpew -- and it seems to him when you go through the normal cycle, too, of the union employees that we could get into a situation where we are really short handed. He wanted to see if there is some way we could talk to Council to try to get at least some summer help with the mowing through the season.

Mr. Morpew said due to the harsh winter they used so much money in overtime -- along with quite a bit of compensatory time -- that they were virtually out of money. So the only avenue he had left due to the condition of the County budget was to put whatever funds were left into the union overtime account. To hire four employees at the \$5.00 per hour rate from July through August 26th would be \$5,600 -- that is about what we'd have to ask for. The other option would be to go to Harris Howerton at the Safe House and ask for a mowing/trimming crew and give them specific locations on a daily basis.

Commissioner Borries asked, "Why don't we do that? That might be a faster way of getting this done. If we have to go through Council, we'd still have next week to get on Council Call for August, but that still is not going to help us in relation to our needs in July."

Mr. Morpew said he believes this would be a faster route.

Commissioner Borries said he does, too. He will try to make contact with Mr. Howerton tomorrow and perhaps Mr. Morpew also contact him. Then we'll know before next week if we have to get on Council Call. Mr. Morpew has no money to transfer, so we'd have to ask for new money.

Mr. Morpew said by the time the money is approved it would probably be August.

Ms. Mayo interjected, "Mid-August."

Mr. Borries said that by then the weeds will all be dead.

Property Adjacent to County Garage: Mr. Morpew said he does have a question concerning the property adjacent to the County Garage which was just deeded to the County by Mr. H. Grady's personal representative. There are several buildings on that property and the property is overgrown with weeds. He'd say we need to get in there right away and cut weeds. But wouldn't those buildings need to be razed? The fence that borders the County Highway property now would need to be moved and run due north on St. Joe Avenue to encompass that property.

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Mr. Borries said, "If you're going to use it in somewhat the same fashion -- are there structures on that?"

Mr. Morphew replied, "Several."

Mr. Borries said, "Well, it's our property now and we could use our own forces to raze that."

Attorney Kissinger commented, "I am assuming that, obviously, nothing is occupied."

Mr. Morphew said that is correct. There was an auction there two or three months ago and he doesn't really know if the buildings are empty. That is something we could go in and determine."

Commissioner Borries asked, "When do we take official title to it?"

Attorney Kissinger replied, "Basically, we have the official acceptance now by the Commissioners. It is official. The recording is simply an action that gives notice to other parties that it is now owned by the County. So we basically own it now."

Mr. Morphew asked, "So I should go ahead and cut the weeds?"

Attorney Kissinger responded, "Yes, or the neighbors are going to continue to complain. Now it's our responsibility to cut the weeds."

Commissioner Hunter asked, "Are any of the structures worth saving?"

Mr. Morphew replied, "No. It's a couple of out buildings and a small house. They are not really large enough to store anything. It would be an ideal location for a salt barn. There's just enough property there to build a salt barn and racks to suspend our spreaders."

Commissioner Borries stated, "And we could dedicate that barn to this gentleman, you know, for deeding us the property. We put names on fire trucks of fallen fire fighters, etc. Were it not for this gentleman's generosity we would not have had that land."

Mr. Morphew said, "Buildings are named after people."

Mr. Borries said, "Maybe we can proceed in that direction. As far as razing the property, if Alan says the County now owns it and occupies it, then I think we need to move forward on that."

Attorney Kissinger stated, "I think, as a matter of fact, we have had complaints from neighbors who assumed we already owned it -- as a result of the weeds, etc."

Mr. Morphew said, "Yes, Sir, we have."

New Harmony Rd.: Mr. Borries said he has a letter from an individual who lives at 9840 New Harmony Rd. and she says there is a very steep fall off on the road. Basically what it needs is some rock and shoulder work on the south side of New Harmony Rd. from 9840 thru 9830 New Harmony Rd. He will give Mr. Morphew the letter. He's talked with John Stoll about this at some point but, again, he's never understood our agreement with the sign department -- sometimes we get signs and sometimes we don't. Nonetheless, this individual had requested we look to see if we can get a SLOW SIGN -- it has something to do with children, because there are children who apparently play around -- there's a curve that starts at 8909 New Harmony. But just a sign that says SLOW, CHILDREN, and that type of thing. Again, he will give the letter to Mr. Morphew so he can follow through on this. He then thanked Mr. Morphew and again welcomed him back.

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RE: CONSENT AGENDA

Commissioner Borries noted that John Stoll is currently engaged in a telephone conversation and the Board will defer his report until he returns to the meeting room. In the interim, he asked if there are any comments or questions concerning the Consent Agenda. There being none, a motion was entertained.

Motion to approve the Consent Agenda was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: OLD BUSINESS/NEW BUSINESS

Local Government Finance Study Committee: Mr. Borries said that last year there was a Local Government Finance Study Committee created by the Legislature. He was asked to serve on that and they have now renewed this for one more year. What this thing will do, he guesses, at some point is to possibly result in some substantial changes in terms of local government financing for counties, cities and schools. There could be some action. He will share the communication he received in the mail today with Commissioners Hunter and Tuley. There could be some action in next year's Legislature since this will be the long session and the Legislature will not be running for office -- they tend to get more done in the long session than they do in the short session. What this thing was designed to do -- they are going to meet on July 20th -- is basically look at five major items:

- 1) Ways to simplify and recodify the statutory property tax controls
- 2) Revenue sources and uses of revenue
- 3) The impact of property tax controls on economic development
- 4) Alternative sources of revenue that are not derived from property taxes, and
- 5) Substantive changes to the Barrett Law

Mr. Borries said they have produced some reports and included minutes of the previous meeting. He will try to keep the Board informed as best he can when this committee starts its work again. Where it is headed, he is really not clear - but, as we have seen in other states, he guesses there is some movement toward trying to change this local structure.

State Mandates: Commissioner Borries said he noted with interest in a book -- many of them come through our local government, or whatever -- they had a printout of states that had to do with mandates and local units of government could respond to any of these mandates. Indiana has none. We simply cannot do anything. He said, "Let me show you that chart -- when the State does something in Indiana, there is just not much we can do about it -- you do it. He doesn't think there is any move afoot to change that at the State level."

Commissioner Borries said the foregoing covers Old Business and New Business and he guesses they can end this meeting.

Commissioner Hunter interjected he has one item. He wanted to recognize the young Mr. Musgrave in the back of the room. This young man is with 4-H and is working on 4-H requirements -- no other reason for him to attend this meeting. "Anyway, I would like to welcome you and you're welcome to come back any time you like. Next week's meeting will be a real fun one -- we'll have wall-to-wall people here. What do you do with this report?"

Young Mr. Musgrave said his report will be submitted at the County Fair.

Mr. Borries said he usually reviews those every year and will look forward to seeing Mr. Musgrave's.

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RE: SCHEDULED MEETINGS

Executive Sessions: Commissioner Borries noted the Board will not have an Executive Session next week due to the Solid Waste Meeting. However, Executive Sessions will be held at 4:00 p.m. on July 18th and July 25th.

Public Hearing re Area by I-164/Lloyd Expressway, Burkhardt Rd., S.R. 62: Mr. Borries said the Board does have a busy agenda next week as they hold this Public Hearing concerning some disputes in relation not only to zoning, but to look at the big picture in a visionary sense as to what this area needs to be, what it needs to have in it by fifty years from now. He hopes we can get some constructive dialogue from those people who are interested enough to attend. In this age of negativism, any constructive things will be greatly appreciated.

Rezoning Petitions will be heard on July 18th and there will be a Drainage Meeting on the 25th.

Cancellation of Commission Meetings/August 1 and August 8: Commissioner Borries said that he and Commissioner Hunter are both going to be involved in some other activities the first couple of weeks in August -- so it looks as if they're going to put a few folks out of their misery here for two weeks. There will no weekly Commission Meetings on August 1st and August 8th because a quorum will not be present. State Statutes requires the Board to meet once a month, but because of the volume of business in this County they meet once a week -- and even then that probably doesn't even get close to what they need to do. The Board will probably have one horrendous meeting on either July 25th or August 15th when they all return.

Ms. Matthews asked if Executive Sessions will also be excluded on those two dates and Mr. Borries confirmed this is correct.

RE: COUNTY ENGINEER - JOHN STOLL

Request for Approval to Commit to Local Match for Railroad Crossing Improvements & Preliminary Engineering/Mill Rd. Between Kratzville Rd. & St. Joe Ave.: Mr. Stoll said the first item he has concerns a request from EUTS Study. They did a study for all the railroad crossings in Evansville and Vanderburgh County to identify deficient crossings. In order to get it on Federal-Aid, we have to make a commitment to provide the local match for railroad crossing improvements. The top County crossing on their list was on Mill Rd. between Kratzville and St. Joe. It was identified as needing signals and gates. The construction cost of the signals and gates would be about \$125,000, of which we'd pay 10% and the Preliminary Engineering would be funded at 100% local, which would be about \$4,000. So all in all we would end up paying about \$16,500, based on their estimates. This project will be in competition with all the other deficient crossings statewide, so there is no guarantee that this will even be a Federally funded project. But in order for them to be able to proceed and request it through the State, they need a commitment from the County that we would put up our local match, as well as putting up the local Preliminary Engineering cost.

Mr. Borries asked Mr. Hunter what he thinks.

Commissioner Hunter said he has no problem with it -- and our chances of getting it don't sound too great anyway.

Mr. Stoll said, "Based on the date they gave me, it didn't sound as though it would be prioritized high enough Statewide to get the funding, but it was worth a shot.

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

Repairs to Railroad Crossing on Boonville-New Harmony Rd. East of 4-H Center:

Mr. Hunter said, "John, while I have you and Bill both here, speaking of railroad crossings, I have had a couple of calls the last few days on Boonville-New Harmony just east of the 4-H

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Center. I was over it yesterday two or three times and it is just horrible and we've got the 4-H Fair coming up and there are so many major activities out there. Is there anything we could do to that? Shave it off? Do anything to make it just a little more palatable?"

Mr. Stoll responded, "I got a note from Mike Roake from the Town of Darmstadt and he said that the crossing was supposed to be closed this week for some repairs -- so he hasn't been out there."

Mr. Hunter said, "Well, let's hope so -- because it is really in sad shape -- it's one of the worst we have in the County."

Mr. Stoll said, "I think part of the problem is that it is within the Town limits of Darmstadt, so it is really outside our jurisdiction as far as ..."

Mr. Hunter asked, "Oh, it's in Darmstadt?"

Commissioner Borries interjected, "It is. If it isn't, it's close -- because there is a sign right by the Christmas tree guy -- I mean, it's right there -- where it says, 'Welcome to the Town of Darmstadt' -- and you have to kind of visualize."

Commissioner Hunter said, "But if we can help the Town of Darmstadt though -- you know, it reflects on us. People call us and they assume it is Vanderburgh County whether it is or not and it really is bad."

Mr. Borries asked, "When is the Fair?"

Mr. Borries said it is the last week of July or the first week of August.

Young Mr. Musgrave, who was seated in the audience, said he thinks it starts July 23rd.

Mr. Stoll said he will give Mike Roake in Darmstadt a call and ask him what they are planning on doing to it. He assumes this was work by the railroad and not by the Town of Darmstadt - he is not sure.

Commissioner Hunter commented, "Ideally it should be covered with asphalt, but CSX might not appreciate that."

Commissioner Borries said he wonders if this is one of those long term things; they've been going up and down that whole corridor there.

Mr. Hunter said there is just a drop off there and it's just unreal.

Mr. Stoll said he will check into it.

Notice to Bidders/Concrete Repair of Various Roads in the County: Mr. Stoll said the two areas we're looking at repairing with this contract would be the Airport Industrial Park (Heddon Rd.) and out in Melody Hills.

Mr. Hunter asked, "On Heddon Road? Which way, between Millersburg & Kansas?"

Mr. Stoll responded, "North of Kansas -- not on the section where the new subdivision is going. This is in the Industrial Park north of there -- from Kansas Rd. north. There are quite a few areas of broken concrete up there."

Mr. Hunter said he hears it is in pretty bad shape.

Motion to approve the Notice to Bidders was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

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Purchase of Right-of-Way for the Mann Rd. & Bixler Rd. Bridges: Mr. Stoll said this is one other item that came up today. He discussed this with Alan Kissinger and we initially offered \$625.00 for the parcel and he would like authorization from the Commissioners to be able to pay \$1,000 in settlement for the property to keep the project moving -- as far as being able to acquire the right-of-way and still move ahead with the bridge projects.

Motion to this effect was made by Commissioner Hunter. Mr. Borries said he will reluctantly second the motion. He will say for the record that what Mr. Stoll suggests here is -- he sometimes has to put his heart away from his logical thinking -- but by the time we would incur some additional Court costs and by the time we cost out other appraisals, frankly, we're probably going to be okay. In this particular case, in view of some of the things the County has done to help, he frankly thinks this is a bit of a slap in the face -- but he doesn't see that we have any other alternative.

Commissioner Hunter said, "On the other side of the coin, there are a lot of people in that area who will make use of those bridges and they're nice to work with. I agree wholeheartedly with Commissioner Borries - I think we're being ripped off, but it is the cheapest way out and the bridge needs to be replaced. It was recommended on the survey of bridges and we're helping a lot of good people out there."

Attorney Kisinger interjected, "I'd like to advise the Commissioners, too, that this particular purchase will not be covered by I.C. 36-1-10.5-1, which requires the appointment of two (2) appraisers. In consideration of the fact that this purchase is less than \$25,000, we can proceed - - and I assume that John was able to reach an agreement with this guy and generate the appropriate claim for payment and we'll need to get a deed prepared, etc. and we can proceed merely by approval of the Commissioners at the time we actually purchase the real estate."

Mr. Stoll stated, "We've got the deed prepared, so we're ready to go. It's just a matter of being able to proceed to offer him the money. There will be two other parcels we'll have to acquire. One is temporary right-of-way -- and I believe they are going to donate the temporary right-of-way. The other property owner -- we don't expect any problems in acquiring that right-of-way either -- so we should be able to keep this moving and, hopefully, get them under construction pretty soon."

Mr. Stoll said the bids are due back next Monday -- so we could award it the week after that. We could start it maybe by August.

Mr. Hunter said it shouldn't take long to put either of those bridges in. Maybe we could have them in before the fall harvest.

Mr. Stoll commented, "Right."

Waterworks Road Update: In response to request for report from Commissioner Borries with regard to an update on the Waterworks Road project, Mr. Stoll said that is just why he was on the telephone a short time ago. We've proceeded with dredging the Marina and the contractor has been out there starting up again today trying to get the area beneath the pipes all cleared, cleaned up and dried up and ready to go for when the pipe starts arriving next week.

Mr. Borries asked if the river is low at this point.

Mr. Stoll said he doesn't know at what stage the river is -- but he will assume it is pretty low.

Mr. Borries asked, "So we're proceeding again. The pipe has been ordered, etc.?"

Mr. Stoll replied, "Right. In their itemized proposal it called for first delivery of the pipes by July 11th, with total delivery by July 18th. So those are the target dates we were quoted."

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Commissioner Borries commented, "That's great -- good. Thanks for your work, John."

Mr. Stoll also expressed his thanks.

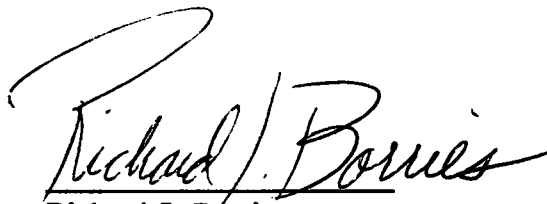
Commissioner Borries entertained further matters of business to come before the Board. There being none, Commissioner Borries declared the meeting adjourned at 6:50 p.m.

PRESENT:

Richard J. Borries/Vice President  
Don Hunter/Member  
Alan M. Kissinger/County Attorney  
Cindy Mayo/Chief Deputy Auditor  
Mark Abell/Supt., County Buildings  
John Stoll/County Engineer  
Bill Morphew/Supt., County Highway Garage  
Lynn Ellis/Purchasing Department  
Richard Cappelletti/Data Processing  
Stephen G. Woodall/Chief Deputy Sheriff  
Eric Williams/Sheriff's Office  
Ken McWilliams/State Representative Candidate  
Paul Musgrave/4-H Club Observer  
Robert Musgrave  
Others (Unidentified)  
News Media

ABSENT: Patrick Tuley

SECRETARY: Joanne A. Matthews



Richard J. Borries



Don Hunter, Member



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

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RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**July 5, 1994**

**5:30 P.M.**

**FINAL**

- ✓ 1. **CALL TO ORDER**
- ✓ 2. **INTRODUCTIONS**
- ✓ 3. **PLEDGE OF ALLEGIANCE**
- 4. **ACTION ITEMS**
  - A. Approval of Commissioner Minutes
  - B. Any group/individual wishing to address the commission - *R. Cappelluti*
  - ✓ C. Lynn Ellis/Purchasing  
re: Request to add Sheriff's Dept. to existing contract  
for gasoline
  - ✓ D. Loretta Townsend/Weights & Measures  
re: 1983 Van and 100-gallon Test Prover-to be declared surplus
  - ✓ E. Mike Robling/DMD  
re: Vanderburgh County Redevelopment Commission  
(appointment and signing of by-laws, interlocal agreement)
- 5. **DEPARTMENT HEADS**
  - Alan Kissinger ----- County Attorney ✓
  - Mark Abell ----- Superintendent of County Buildings ✓
  - Bill Morpew ----- County Garage ✓
  - John Stoll ----- County Engineer ✓



**6. CONSENT ITEMS**

- A. Travel/Education  
Area Plan (they have sufficient funds to cover costs)
- B. Employment Changes  
see attached lists
- C. County Treasurer's report for May  
\*acceptance

**7. Scheduled Meetings - List attached****8. OLD BUSINESS****9. NEW BUSINESS****10. MEETING ADJOURNED**

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

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Department 213.2 Health/MCH

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1110	McBride, Jan	1309 S. Roosevelt Dr. Evansville, IN 47714	Clinic Clerk	14,691 00	7/11/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Signature]*

DATE 6/23/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Auditor

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
102-1280	Lisa Tieken ✓		Transfer clk	18502 00	8/1/94
102-1350	Donna Krowl		Tax Sale clk	21139 00	8/1/94
102-1990	Daviete Redmond		Part Time	5.00 hr.	8/1/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
102-1260	Lisa Tieken		Posting Clk	16852 00	7/29/94
102-1280	Donna Krowl		Transfer clk	19400 00	7/29/94
102-1350	Daviette Redmond		Tax Sale clk	21139 00	7/29/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*[Signature]*

DATE June 27, 1994

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH SUPERIOR COURT

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
3701970	Sue A. Rheinhardt		Temporary Replacement	18,334	00	7/5/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY 1 July 10 Dietrich DATE

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH COUNTY HWY. DEPT. 2010 02010

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
20101023	CECIL D. SILLS	708 N. ELEVENTH AVE. EVANSVILLE, IN 47712	TRUCK DRIVER	11	67	6-24-94
	CECIL WAS INJURED ON THE JOB. LOA WITH INSURANCE. WILL HAVE A MILOGRAM ON JULY 5, TO DETERMINE EXTENT OF THE BACK INJURY.					

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Fred W. Howard - as DATE July 1, 94  
Asst. Supt.

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

59

Department Health 213.0

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
152	Berman, Cathy A.	7923 Coventry Court Evansville 47715	Staff Nurse HCOP	12.8293/hr.	5/27/94
127	Camp, Lea Ann	1113 Westchester Ct. Evansville 47710	CD/STD Nurse	12.8293/hr.	6/29/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

Director

DATE 6/28/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department BURDETTE PARK - 1450

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
50-1230	Nicholas McCallister	117 Peerless Rd. Evansville, IN	Maint./ Carpenter	26,251.00	07/06/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
50-1240	Laural Berkley		Cashier/ Bookkeeper	18,346.00	06/24/94
	MATERNITY LEAVE OF	ABSENCE WITH INSURANCE			

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE

Mark July 5, 1994

# July 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 182 / 183 Dominion Day (Canada) Pay Day	2 183 / 182
3 184 / 181	4 185 / 180 Independence Day	5 186 / 179 4:00pm Exec. Session 5:30pm Commissioners	6 187 / 178 3:30pm County Council	7 188 / 177 3:00pm Job Study	8 189 / 176	9 190 / 175
10 191 / 174	11 192 / 173 3:30pm Dept. Head 4:30pm Solid Waste 5:30pm Commissioners	12 193 / 172	13 194 / 171	14 195 / 170	15 196 / 169 Pay Day	16 197 / 168
17 198 / 167	18 199 / 166 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	19 200 / 165 9:00am Insurance Comm.	20 201 / 164	21 202 / 163 9:00am Steering Comm. 5:00pm Pigeon Creek	22 203 / 162	23 204 / 161
24 205 / 160	25 206 / 159 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Brd.	26 207 / 158	27 208 / 157 3:30pm Personnel & Finance	28 209 / 156	29 210 / 155 Pay Day	30 211 / 154
31 212 / 153						

June

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

August

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**MEMORANDUM**  
**Department of Metropolitan Development**  
**1 N.W. M.L. King, Jr. Blvd., Room 306**  
**Evansville, IN 36608-1869**  
**(812) 426-5580 FAX (812) 426-5384**

**TO:** Pat Tuley, Presidnet - County Commissioners  
**FROM:** R. Michael Robling, Deputy Executive Director *MR*  
**DATE:** February 8, 1994  
**RE:** Vanderburgh County Redevelopment Commission

Attached is a list of the current membership of the Evansville Redevelopment Commission.

The County Commissioners appoint all five (5) members of a county redevelopment commission. Attached is a Certificate of Appointment / Oath of Office that could be used for those appointments.

Also enclosed are copies of a proposed Ordinance to Establish the Redevelopment Commission, By-Laws for the Commission, and a Public Notice concerning the February 22, 1994 meeting.

Copies of all of these documents have also been provided to Alan Kissinger.

If you have any questions, please contact me at 426-5580.

**Vanderburgh County  
Redevelopment Commission**

**BY-LAWS**

**I. Meetings**

1. Regular meetings shall be held on the \_\_\_\_\_ of each month unless otherwise decided by the Commissioners and at such place as designated by the membership.
2. A quorum shall consist of three (3) of the total of five (5) members.
3. A quorum shall be necessary for a meeting to take place.
4. The order of business shall be as follows:
  - a. Roll Call
  - b. Reading of Minutes
  - c. Reading and Signing of Claims
  - d. Reports
  - e. Old Business
  - f. New Business
  - g. Adjournment
5. Recess or suspension of any regularly scheduled meeting may be accomplished by a quorum of the Commissioners.
6. Special meetings may be called by the President. In the absence of the President at a regularly scheduled meeting, the Vice President may call special meetings.

**II. Elections**

1. Nominations for offices shall be made from the floor. Persons who are absent may be nominated in absentia if their permission is obtained prior to the meeting held for nominations. Each nomination for office should be seconded by another member.
2. The names of the candidates for various offices, and a list of nominations shall be recorded by the secretary and made a permanent part of the minutes.
3. Officers will be elected by a majority vote of the total membership.

**III. Duties of Officers**

1. The President shall preside at all meetings, sign all official documents, and shall fulfill all other duties as specifically prescribed herein.
2. The Vice President shall assist the President at meetings. In the absence of the President, the Vice President shall have all the powers of the President and fulfill all the duties of that office.
3. The Secretary shall sign all official documents.

**IV. Amendments**

These By-Laws may be amended with the approval of three (3) or more members.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

**Vanderburgh County Redevelopment Commission**

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member



Notice of Intention  
to Establish  
Vanderburgh County  
Redevelopment Commission

At its meeting on Tuesday, February 22, 1994, at 5:30 p.m. in Room 307 of the Civic Center Complex, 1 N.W. M.L. King, Jr. Blvd., Evansville, Indiana, the Board of Commissioners of Vanderburgh County, Indiana will consider an ordinance to establish the Vanderburgh County Redevelopment Commission, pursuant to IC 36-7-14.

The public is invited to attend and comment on this proposed action.

Board of Commissioners  
Vanderburgh County, Indiana

Patrick Tuley, President  
Richard J. Borries, V-P  
Donald Hunter, Member

Attest: Sam Humphrey  
Auditor

Courier & Press - 2/11/94

**An Interlocal Governmental Agreement  
Between Vanderburgh County and the City of Evansville  
Concerning Joint Utilization of Department of  
Metropolitan Development for Staff Services to the  
Vanderburgh County Redevelopment Commission**

THIS AGREEMENT entered into between Vanderburgh County, Indiana (the "County"), and the City of Evansville, Indiana (the "City");

**WITNESSETH:**

THAT in consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Term.** This Agreement is for an initial term of three (3) years from its effective date and shall be automatically renewed for additional, successive terms of three (3) years each, unless either party gives the other party notice of the notifying party's intention to terminate this Agreement, which notice shall be served on the party no later than one (1) year before the expiration date of the then current term of this Agreement.

2. **Purpose.** The purpose of this Agreement is to provide administrative services to the Vanderburgh County Redevelopment Commission ("VCRC") by the City by and through its Department of Metropolitan Development ("DMD").

3. **Agreement.** In consideration of the mutual covenants made herein, the parties agree as follows:

A. The Department of Metropolitan Development agrees to provide staff services to the Vanderburgh County Redevelopment Commission. Activities to be carried out on behalf of the Vanderburgh County Redevelopment Commission shall be authorized by said commission.

B. In consideration for said services, DMD shall be entitled to reimbursement for out-of-pocket expenses incurred in carrying out the terms of this agreement. DMD shall be entitled to reimbursement for staff costs to the extent that such costs are eligible expenses of grants received by the VCRC or an eligible expense from the proceeds of bonds issued by the VCRC.

C. Vanderburgh County, through its Auditor, agrees to be responsible for receiving and disbursing any and all monies on behalf of the Vanderburgh County Redevelopment Commission.

4. **Notices.** Any notice, request, approval, consent, acceptance, claim direction or other communication required or permitted to be given under this Agreement must be in writing and is deemed sufficiently given if delivered in person or dispatched in the United States Mails (first class postage prepaid), addressed as follows:

If to COUNTY: Vanderburgh County Board of Commissioners  
305 Civic Center Complex  
Evansville, Indiana 47708

If to CITY: City of Evansville  
Department of Metropolitan Development  
306 Civic Center Complex  
Evansville, Indiana 47708

Either party may change the person or address specified in this section upon the giving of notice to the other party of such change in the manner provided in this section.

**Interlocal Agreement**  
**Page Two**

5. **Amendments.** No amendment, modification, termination or waiver of any provision of this Agreement, nor consent to the departure by either party therefrom in any event is effective unless same is in writing and signed by the parties, then such waiver and consent is effective only in the specific instance and specific purpose for which given.

6. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and there is no promise, agreement, condition, undertaking, warranty or representation, either written or oral, express or implied, between the parties other than as set forth therein. This Agreement is an integration of all prior and contemporaneous promises, agreements, conditions, undertakings, warranties and representations between the parties.

7. **Statutory Authority.** This Agreement is entered into in accordance with I.C. 36-1-7, and such agreement must be construed so as to comply with that statute.

8. **Effective Date.** This Agreement will be effective as of the <sup>5th</sup> day of <sup>July</sup> ~~April~~, 1994.

EXECUTED this <sup>5th</sup> day of July, 1994.

**"COUNTY"**

Vanderburgh County, Indiana  
 Board of Commissioners

Patrick Tuley, President

Richard J. Borries  
 Richard Borries, Vice President

Don Hunter  
 Don Hunter, Member

ATTEST:

Sam Humphrey cm  
 Sam Humphrey, Auditor

**"CITY"**

City of Evansville, Indiana

By \_\_\_\_\_  
 Frank F. McDonald II, Mayor

ATTEST:

\_\_\_\_\_  
 Marsha Abell, City Clerk

**Interlocal Agreement  
Page Three**

Authorization and approval of this Interlocal Agreement by the Vanderburgh County Council is indicated by the attachment of a resolution to that effect to this document.

Authorization and approval of this Interlocal Agreement by the Common Council of the City of Evansville is indicated by the attachment of a resolution to that effect to this document.

**APPROVED AS TO LEGAL FORM:**



Alan Kissinger, County Attorney  
Vanderburgh County, Indiana

---

Toby D. Shaw, Corporation Counsel  
City of Evansville, Indiana

Copy of the foregoing agreement filed with the Board of Accounts of the State of Indiana,  
this \_\_\_\_ day of \_\_\_\_\_, 1994.

**A Resolution of the Vanderburgh County Board of Commissioners  
Approving an Interlocal Governmental Agreement  
with the City of Evansville Concerning Joint Utilization  
of the Department of Metropolitan Development for Staff  
Services to the Vanderburgh County Redevelopment Commission**

**Whereas**, Vanderburgh County is desirous of entering into an agreement with the City of Evansville, whereby the City's Department of Metropolitan Development agrees to provide staff services to the Vanderburgh County Redevelopment Commission; and

**Whereas**, the City's Department of Metropolitan Development has the capability of providing such staff services to the Vanderburgh County Redevelopment Commission and is willing to provide such services; and

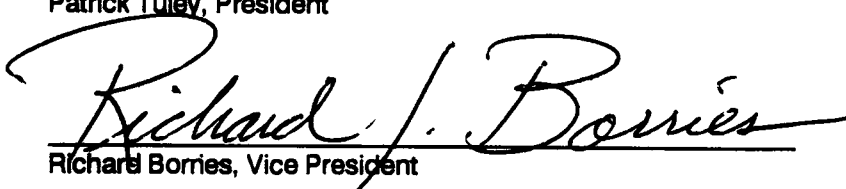
**Whereas**, such agreement is in the best interests of the citizens of the Vanderburgh County and the City of Evansville and will advance the health, safety, welfare and economic vitality of said entities,

**Now, Therefore, Be It Resolved** by the Board of Commissioners of Vanderburgh County, Indiana that the parties do enter into the Interlocal Governmental Agreement, as attached hereto, and approve and adopt said Agreement in all respects.

Adopted this 5<sup>th</sup> day of July, 1904.

**Board of Commissioners  
Vanderburgh County, Indiana**

\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard Borries, Vice President

  
\_\_\_\_\_  
Don Hunter, Member

ATTEST:

  
\_\_\_\_\_  
Sam Humphrey, Auditor

**A Resolution of the Vanderburgh County Council<sup>cl</sup>  
Approving an Interlocal Governmental Agreement  
with the City of Evansville Concerning Joint Utilization  
of the Department of Metropolitan Development for Staff Services  
to the Vanderburgh County Redevelopment Commission**

**Whereas,** Vanderburgh County is desirous of entering into an agreement with the City of Evansville, whereby the City's Department of Metropolitan Development agrees to provide staff services to the Vanderburgh County Redevelopment Commission; and

**Whereas,** the City's Department of Metropolitan Development has the capability of providing such staff services to the Vanderburgh County Redevelopment Commission and is willing to provide such services; and

**Whereas,** such agreement is in the best interests of the citizens of the Vanderburgh County and the City of Evansville and will advance the health, safety, welfare and economic vitality of said entities,

**Now, Therefore, Be It Resolved** by the County Council of Vanderburgh County, Indiana that the parties do enter into the Interlocal Governmental Agreement, as attached hereto, and approve and adopt said Agreement in all respects.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1994.

**Vanderburgh County Council  
Vanderburgh County, Indiana**

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Sam Humphrey, Auditor**

Resolution C-94-

Introducing: Scales  
Committee: ASD

**A Resolution of the Common Council Approving  
an Interlocal Governmental Agreement with Vanderburgh County  
Concerning Joint Utilization of the Department of Metropolitan Development  
for Staff Services to the Vanderburgh County Redevelopment Commission**

**Whereas**, Vanderburgh County is desirous of entering into an agreement with the City of Evansville, whereby the City's Department of Metropolitan Development agrees to provide staff services to the Vanderburgh County Redevelopment Commission; and

**Whereas**, the City's Department of Metropolitan Development has the capability of providing such administrative services to the Vanderburgh County Redevelopment Commission and is willing to provide such services; and

**Whereas**, such agreement is in the best interests of the citizens of the Vanderburgh County and the City of Evansville and will advance the health, safety, welfare and economic vitality of said entities,

**Now, Therefore, Be It Resolved by the Common Council of the City of Evansville, Indiana, as follows:**

- Section 1.** That the parties do enter into the Interlocal Governmental Agreement, as attached hereto, and approve and adopt said Agreement in all respects.
- Section 2.** This resolution shall be in full force and effect from and after its passage, signing by the Mayor, and advertisement, if any, all as required by law.

## **Membership of Evansville Redevelopment Commission**

**Howard Abrams**- owner of deJong's

**Remig Fehn** - retired Chairman of Peoples Savings Bank

**Alphonza "Pete" Watkins** - assistant director of Community Action Program of Evansville

**Steve Shofstall** - Business Manager of Painter's Local 156

**Ryan Gray** - employee of Gibbs Die Casting



## Board of Commissioners

of the  
County of Vanderburgh  
308 ADMINISTRATION BUILDING  
CVC CENTER COMPLEX  
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK  
DON L. HUNTER  
RICHARD J. "RICK" BORRIES



TEL. (812) 426-8241

## AGENDA REQUEST

June 28, 1994

NAME OF REQUESTOR: Loretta TownsendREQUESTOR TITLE: DirectorDEPARTMENT: Weights and Measures

## REQUEST(S) BEING MADE:

RE: 1983 Van and 100-gallon Test Prover-to be declared surplus

Van - Vehicle # 447, Inventory # 0087 - no longer of any use to the department, but may be of use to other departments that do not have to carry extra weight or hazardous materials and who have the money to fix various problems including the door.

100 - gallon Moody fuel Test Prover, inventory # 0089, trailer mounted, condemned by the State of Indiana for use in certification of equipment.

The device, although of no use to us because of the purpose we must use it for, there have been inquiries by fuel pump installers to use it for transporting large amounts of fuel from the pumps to the underground storage which is necessary and the prover would meet that need. I suggest that it be put up on bids and ask that the money from the sale of the prover be transferred into the Weights and Measures account 130-2-4250, Equipment. This was a donated item to the department.

DATE TO BE PLACED ON AGENDA: July 5, 1994ACTION ☒CONSENT ☐OTHER ☐

FAX LEGAL AD TRANSMISSION

FROM: Joanne Matthews - c/o County Auditor, Room 208, Civic Center, Evansville, IN 47708

NO. OF PAGES INCLUDING COVER: 3

LEGAL AD RUN SCHEDULE: THE EVANSVILLE COURIER & THE EVANSVILLE PRESS ON FRIDAY JULY 8, 1994 and FRIDAY, JULY 15, 1994

EXTRA PROOFS OF PUBLICATION NEEDED AND TO WHOM: -

SPECIAL REQUESTS FOR SETTING STYLE: PER ATTACHED

COPY OF LAST TIME LEGAL AD ATTACHED: -

VANDERBURGH COUNTY AUDITOR.....FAX NO. 426-5344

Dear Paula,  
Many thanks!

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)  
WAS SENT

\*\* COUNT \*\*  
# 4

\*\*\* SEND \*\*\*

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	9-4647487	7- 6-94 10:45AM	2' 16"	4	

TOTAL 0:02 16" 4

XEROX TELECOPIER 7020

ATTN: PAULA NANCE

**FAX LEGAL AD TRANSMISSION****FROM:** Joanne Matthews - c/o County Auditor, Room 208, Civic Center, Evansville, IN 47708**NO. OF PAGES INCLUDING COVER:** 3**LEGAL AD** THE EVANSVILLE COURIER & THE EVANSVILLE PRESS ON  
**RUN SCHEDULE:** FRIDAY \_ JULY 8, 1994 and FRIDAY, JULY 15, 1994**EXTRA PROOFS OF**  
**PUBLICATION NEEDED** -  
**AND TO WHOM:** \_\_\_\_\_**SPECIAL REQUESTS FOR SETTING STYLE:** PER ATTACHED**COPY OF LAST TIME LEGAL AD ATTACHED:** -**VANDERBURGH COUNTY AUDITOR.....FAX NO. 426-5344**

Dear Paula,

Many thanks!

NOTICE OF HEARING DATES  
ORDINANCE TO AMEND CHAPTER 72,  
SCHEDULE II (STOP INTERSECTIONS) OF THE CODE OF  
ORDINANCES OF VANDERBURGH COUNTY

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Vanderburgh County, Indiana, has scheduled Hearing Dates at 5:30 p.m. in Room 307, Administration Building, Civic Center Complex, Evansville, Indiana with regard to the subject Ordinance, as follows:

Second Reading - Monday - July 25, 1994  
Final Reading - Monday - August 15, 1994

(PLEASE INSERT ATTACHED ORDINANCE HERE IN ITS ENTIRETY)

\* \* \* \* \*

PUBLICATION DATES:

THE EVASVILLE COURIER &  
THE EVANSVILLE PRESS ON FRIDAY, JULY 8, 1994 AND  
FRIDAY, JULY 15, 1994

ORDINANCE TO AMEND CHAPTER 72,  
SCHEDULE II, OF THE CODE OF  
ORDINANCES OF VANDERBURGH COUNTY

WHEREAS, traffic engineering studies have verified that traffic control signs are necessary at certain additional intersections within Vanderburgh County,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

(A) Chapter 72, Schedule II (Stop Intersections), of the Code of Ordinances of Vanderburgh County, Indiana, is hereby amended to include the following locations as designated stop intersections. All vehicles are required to stop at one or more entrances to these intersections, as indicated below.

<u>ROAD NAME</u>	<u>ROAD THAT INTERSECTS</u>	<u>ROAD THAT STOPS</u>
Benningfield Drive	Southport Drive	Benningfield Drive
Benningfield Drive	Northfield Drive	Benningfield Drive
Beringer Drive	Northfield Drive	Beringer Drive
Brookcrest Drive	Belmont Drive	Brookcrest Drive
Brookline Drive	Belmont Drive	Brookline Drive
Brookmeadow Drive	Belmont Drive	Brookmeadow Drive-
Brookmeadow Drive	Brookcrest Drive	Brookmeadow Drive
Brookview Drive	Southbrook Drive	Brookview Drive
Brush Ridge Drive	Whispering Hills Drive	Brush Ridge Drive
Dove Lane	Ridgeway Avenue	Dove Lane
Gold Ridge Drive	Whispering Hills Drive	Gold Ridge Drive
Hickory Lane	Brush Ridge Drive	Hickory Lane
Kolb Drive	Plaza Drive	Kolb Drive
Lakebrook Court	Brookview Drive	Lakebrook Court
Marion Court	Plaza Drive	Marion Court
Marion Court	Ridgeway Avenue	Marion Court
Ridgeway Avenue	Plaza Drive	Ridgeway Avenue
Wilderness Court	West Summit Drive	Wilderness Court

(B) The designation of all other stop intersections listed in Chapter 72, Schedule II of the Code of Ordinances of Vanderburgh County shall remain in full force and effect, as previously adopted or amended.

(C) This ordinance shall be in effect after it has been signed by the President of the Board of Commissioners of Vanderburgh County and after all necessary signs giving notice of the foregoing stop intersections have been posted in accordance with I.C. 9-21-3 and I.C. 9-21-4.

(D) Any violation of this traffic schedule shall be punishable pursuant to the applicable section of Title 9 of the Indiana Code.

Date: \_\_\_\_\_

\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners of  
Vanderburgh County

ATTEST: \_\_\_\_\_  
Sam Humphrey  
Vanderburgh County Auditor

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan M. Kissinger  
Vanderburgh County Attorney

## Notice to Bidders

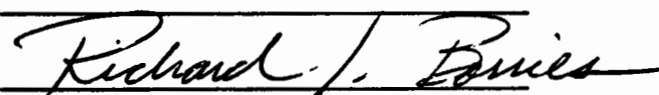

Sealed Proposals, or Bids, for contract number VC94-06-01 Concrete Repair of Various Roads in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on **July 25th, 1994** local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

- Any bids received after the designated time, for any reason, will be returned unopened.
- Contract documents are on file in the Office of the Vanderburgh County Engineer.
- Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which is being bid.
- Bids shall be submitted on the Itemized Proposal Form included in the contract documents and on Indiana Form 96, revised in 1987, provided separately, with a non-collusion affidavit, also provided in the contract documents; all properly executed, signed and sealed. The non-collusion affidavit must also be properly notarized.
- Each bid shall be accompanied by a bid bond, certified check, cashier's check, bank treasurer's check or bank money order in the amount of five percent (5%) of the total bid submitted.
- No bid shall be withdrawn after the opening of the bids without the expressed consent of the Vanderburgh County Commission for a period of thirty (30) days after the scheduled time of the bid opening.
- The Contractor receiving the award will be required to furnish a performance bond, Indiana Form 86A revised in 1947, in the amount of one-hundred percent (100%) of the award amount, which is to remain in effect for twelve (12) months from the date of acceptance of the completed work.
- Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents. The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.
- Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1993 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1993 Standard Specifications.

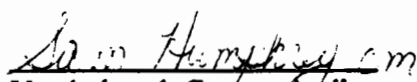
The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and waive any informality in the bidding.

DATED THIS 5TH DAY OF JULY 1994

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS  
COUNTY OF VANDERBURGH, INDIANA

ATTEST:

  
Vanderburgh County Auditor

RECOMMENDED:

  
Vanderburgh County Engineer

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE WITNESSETH, that Edwin W. Johnson, as Personal Representative of the Estate of H.W. Grady, deceased, by virtue of decedent's said Will, recorded in Will Record 89, of the Records of Wills of Vanderburgh County, in the State of Indiana, on pages 222 - 223, for good and sufficient consideration, CONVEYS to the Commissioners of Vanderburgh County, State of Indiana the following described real estate in Vanderburgh County, State of Indiana, to-wit:

Part of the Northwest quarter of the Southwest quarter of Section One (1), Township Six (6) South, Range Eleven (11) West, lying in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at a point on the West line of Section One (1), Township Six (6) South, Range Eleven (11) West, Six Hundred Forty and Two tenths (640.2) feet North of the Southwest corner of the Northwest quarter of the Southwest quarter of said section, thence East One Hundred Ninety-eight and Eight tenths (198.8) feet to the West line of the right of way of the I.C.R.R. thence Northwest along the West line of said right of way Sixty-four and Fifteen hundredths (64.15) feet, thence West One Hundred Seventy-one and seven tenths (171.7) feet to the West line of Section One (1), thence South along said West line Fifty-six and eight tenths (56.8) feet to the place of beginning and containing Twenty-four hundredths (24/100) acres and lying in Vanderburgh County, Indiana.

Subject to the existing highways, easements and rights of way affecting said real estate.

Subject to the following conditions as set forth in Item II of the decedent's Last Will and Testament, to-wit:

This real estate must be used solely by Vanderburgh County, Indiana in connection with its present county garage or for any other county use for a period of fifty (50) years from the date of my death and in the event any part of my real estate is sold prior to fifty (50) years from the date of my death, title to such real estate in the Commissioners of Vanderburgh County, Indiana, shall terminate and shall be transferred and conveyed to the Vanderburgh County Humane Society, Inc. to be used by it for a period of ten (10) years after such title is vested in the Vanderburgh County Humane Society, Inc. and in the event any portion of said real estate so transferred is conveyed away by the Vanderburgh County Humane Society, Inc., prior to ten (10) years from the vesting of title in it, the title to said real estate shall vest in my residuary beneficiaries free from any condition subsequent or restriction."

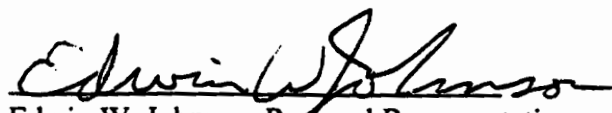
Subject to the second installment of taxes for the year 1993, due and payable in



November, 1994, and all subsequent taxes, which taxes the Grantee herein assumes and agrees to pay.

Grantor warrants and represents that H.W. Grady, deceased on the 23rd day of March, 1994.


IN WITNESS WHEREOF, the said Edwin W. Johnson, as Personal Representative of the Estate of H.W. Grady, deceased, has hereunto set his hand and seal this 21<sup>ST</sup> day of June, 1994.

  
Edwin W. Johnson, Personal Representative  
of the Estate of H.W. Grady, deceased

STATE OF INDIANA                    )  
  ) SS:  
COUNTY OF VANDERBURGH        )

Before me, the undersigned, a Notary Public residing in said County and State, personally appeared the within named Edwin W. Johnson, as Personal Representative of the Estate of H.W. Grady, deceased, who acknowledged the execution of the above and foregoing Personal Representative's Deed as his free and voluntary act.

WITNESS my hand and Notarial Seal this 21<sup>ST</sup> day of June, 1994.

  
Andrea R. Kormelink, Notary Public  
County of Residence: Vanderburgh

My Commission Expires:  
January 27, 1996

This instrument prepared by Edwin W. Johnson of the firm of Johnson, Carroll and Griffith, P.C., Attorneys, Evansville, Indiana, without examination of title. Preparer does not warrant the legal description, nor any reference to acreage. (#69/80006E)

Grantee Address Is: Room 305, Civic Center  
Evansville, IN 47708

Mail Tax Duplicate To: As above



Notwithstanding IC 5-14-3, a sales disclosure form is not a public record and may only be used by the State Board of Tax Commissioners or persons acting on behalf of the State Board of Tax Commissioners.

PART I - TO BE COMPLETED BY SELLER OR BUYER

SELLER	First Name Herbert	M.I. W.	Last Name Grady, deceased	
	Social Security number or Federal ID number (optional) SSN# 579-24-1890 Estate Federal ID #35-6589010			
ADDRESS OF PROPERTY CONVEYED	Address (number and street) c/o 2230 West Franklin Street	City, Town or Post Office Evansville,	State IN	Zip Code 47719-0016
	First Name Vanderburgh County Commissioners	M.I.	Last Name	
ADDRESS OF PROPERTY CONVEYED	Social Security number or Federal ID number (optional)			
	Address (number and street) Room 305, Civic Center	City, Town or Post Office Evansville	State IN	Zip Code 47708
	Address (number and street) 5301 N. St. Joseph Avenue	City, Town or Post Office Evansville	State IN	Zip Code 47720
	Parcel or Key number R0208002188008			
ADDRESS OF PROPERTY CONVEYED	County Vanderburgh	Township name Center Out		
	Property class code (check one) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Mineral <input type="checkbox"/> Agricultural <input type="checkbox"/> Other (specify) _____			
<b>EXEMPT TRANSACTIONS</b>				
Does the transaction qualify as an exempt transaction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, specify the number of the exemption and skip to the signature section below. (To determine the number of the exemption see section entitled "Exempt Transactions" below) Reason number <u>7</u>				
<b>Exempt Transactions</b> If the document to be recorded clearly indicates that it is an exempt transaction, please certify that the transaction is exempt and provide the reason number. 1. Security interest document such as mortgage and trust deeds 2. Leases that are for a term of less than ninety (90) years 3. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation or probate 4. Transfer to a charity 5. Agreements and other documents for mergers, consolidations and incorporations involving solely nonlisted stock 6. Quitclaim deeds not serving as a source of title 7. Transfer for no consideration or gift 8. Documents involving the partition of land tenants in common, joint tenants or tenants by the entirety 9. Re-recording to correct prior recorded document 10. _____ 11. Easements / Right of Way Grants for no consideration _____				
<b>Signature and Verification Section</b>				
parties to a real property conveyance document are required to file this form and attest in writing and under the penalties of perjury that the information contained herein is true and correct. A person who knowingly and intentionally falsifies any information required on this form commits a Class C misdemeanor.				
Under Penalties of Perjury, I hereby certify that this Sales Disclosure, to the best of my knowledge and belief, is true, correct and complete as required by law, and is prepared in accordance with IC 5-1.1-5.5, "Real Property Sales Disclosure Act".				
For an exempt transaction only one signature (seller, buyer or either's representative) is required.				
Signature of seller or representative Estate of H.W. Grady, deceased By: <i>[Signature]</i>		Telephone number (812 ) 425-4466	Date signed (month, day, year) 06/21/94	
Signature of buyer or representative		Telephone number ( )	Date signed (month, day, year)	
<b>TO BE COMPLETED BY THE AUDITOR AND RECORDER</b>				
COUNTY AUDITOR STAMP		COUNTY RECORDER STAMP		

VANDERBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT

FRIDAY, JUNE 24, 1994 THRU THURSDAY, JUNE 30, 1994

FRIDAY, JUNE 24, 1994

Gradall and one crew ditched on Denzer Road.  
Four weed crews worked on intersections and work orders.  
One crew hauled trash from the garage.  
One mower worked on Speaker Road.  
Grader graded roads in the bottoms.

MONDAY, JUNE 27, 1994

Gradall and three tree crews worked on Nuebling and Old Boonville Hwy.  
Paver, roller, distributor, and six crews paved Dixie Flyer.  
Mowers worked on St. Joe Median and routes.

TUESDAY, JUNE 28, 1994

Gradall and one crew installed pipe on Wimberg Road.  
Trash crew ran regular routes.  
Paver, roller, distributor, and nine crews paved Dixie Flyer.  
One crew hauled trash from garage.  
Mowers worked on St. Joe Ave. and Sensmier Road.

WEDNESDAY, JUNE 29, 1994

Gradall and one crew ditched at Sheriff's Training Center.  
Paver, roller, distributor and nine crews paved on Old Henderson.  
Two patch crews worked on work orders.  
Two mowers mowed on Wright Road, Meier, and Fisher Road.

THURSDAY, JUNE 30, 1994

Gradall and two crews worked on downed tree on St. Joe Ave.  
Paver, roller, distributor, and ten crews paved Old Henderson.  
One crew worked hauling trash from the bottoms.

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, JUNE 24, 1994 THRU THURSDAY, JUNE 30, 1994

FRIDAY, JUNE 24, 1994

Crew #1 - cut weeds on Darmstadt, clean all sub division drains  
and drains on Burkhardt Road.  
Crew #2 - repair guardrail on Dixie Flyer.

MONDAY, JUNE 27, 1994

Crew #1 - cut weeds around guardrails and bridges.  
Crew #2 - installed pipe at Pruitt and Woods.

TUESDAY, JUNE 28, 1994

Crew #1, #2 & Backhoe - repaired guardrail on Dixie Flyer.

WEDNESDAY, JUNE 29, 1994

Crew #1 - cut weeds on Hogue, St. Wendell, and St. Joe Road.  
Crew #2 - work on Union Township project.  
Crew #3 - worked at the garage.

THURSDAY, JUNE 30, 1994

Crew #1 & Backhoe - install guardrail at 821 Red Bank Road.  
Crew #2 - cut weeds on Slate, Vienna, #6 School Road, Neu, and  
#3 School Road.



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

### Agenda for July 5, 1994

1. Authorization to commit County funds for a federal aid improvement of the Mill Road railroad crossing — *SH/RB*
2. Notice to bidders for concrete repair contract — *DH/RB*



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES  
DON L. HUNTER  
PATRICK R. TULEY

**AGENDA REQUEST**

**NAME OF REQUESTOR:** Barbara Cunningham

**REQUESTOR TITLE:** Executive Director

**DEPARTMENT:** Area Plan Commission

**REQUEST(S) BEING MADE:**

Travel Request  
\_\_\_\_\_  
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**DATE TO BE PLACED ON AGENDA:** \_\_\_\_\_

**ACTION** \_\_\_\_\_ **CONSENT** \_\_\_\_\_ **OTHER** \_\_\_\_\_

**AREA PLAN COMMISSION**  
**EVANSVILLE-VANDEBURGH COUNTY**  
*Room 312 Civic Center Complex*  
*1 N. W. Martin Luther King, Jr. Blvd.*  
*Evansville, IN 47708*  
*Phone (812) 435-5226*

June 30, 1994

County Commissioners  
Room 305 Civic Center Complex  
1 N. W. M L King Blvd.  
Evansville, IN 47708

Commissioners:

I am requesting travel approval to attend an Indiana Planning Association meeting on July 8, 1994. I am chairperson of the State Awards Committee and need to be present at this meeting.

I request to use the county vehicle. We have money in our budget to cover expenses.

Sincerely,

  
Barbara L. Cunningham  
Executive Director

28-Jun-94

MONTH ENDING-MAY 1994

VANDEBURGH COUNTY TREASURER

CHARGES:

1. TOTAL TAXES COLLECTED	\$19,873,036.57
2. STATE ASSESSED WEED	\$5,359.00
3. INNKEEPERS TAX	\$1,237.25
4. CASH CHANGE FUND	\$500.00
5. CERTIFIED TO CLERK	\$120,904.84
6. DEMAND FEES	\$565.00
7. DELINQUENT WEED	\$5,947.14
8. DRAINAGE ASSESMENTS	\$67,819.89
9. BOAT EXCISE TAX	
10. GROSS INCOME TAX	\$206.40
11. LICENSE EXCISE TAX	
12. AIRCRAFT EXCISE TAX	
13. AUTO RENTAL EXCISE TAX	
14. SEWAGE COLLECTIONS	\$4,815.27
15. TAX SALE - ADVERTISING	\$323.00
16. TAX SALE - ATTORNEY	
17. TAX SALE - TITLE SEARCH	
18. TOTAL BALANCE OF LEDGER ACCOUNTS - CASH	\$11,193,287.33
19. TOTAL BALANCE OF LEDGER ACCOUNTS - INVESTMENTS	\$4,423,000.00
20. TOTAL CHARGES	<hr/>
	\$35,696,801.69

CREDITS:

21. DEPOSITORY BALANCES AS SHOWN BY DAILY BALANCE OF CASH AND DEPOSITORIES RECORD	\$486,976.69
22. INVESTMENTS AS SHOWN BY DAILY BALANCE OF CASH AND DEPOSITORIES RECORD (COLUMN 12, LINE 38)	\$34,801,653.48
23. TOTAL CASH ON HAND AT CLOSE OF MONTH	
CURRENCY	\$8,685.00
COINS	\$0.87
CHECKS, MO, ETC.	\$52,387.97
UNCOLLECTED CKS	\$5.00
TOTAL	\$61,078.84



24.		
25.		
26.TOTAL		
27.CASH SHORT (ADD) VOLPE (\$346939.30) BLAND (\$153.38)		\$347,092.68
28.CASH LONG (DEDUCT)		
29.PROOF	\$35,696,801.69	\$35,696,801.69
=====		
RECONCILEMENT WITH DEPOSITORIES		
30.BALANCE IN ALL DEPOSITORIES PER DAILY BALANCE RECORD (#21 ABOVE)	\$486,976.69	
31.OUTSTANDING WARRANTS (DETAILED LIST BY DEPOSITORIES)	\$637,859.63	
32.BALANCE IN ALL DEPOSITORIES PER BANK STATEMENTS (DETAILED LIST)		\$1,358,192.93
33.DEPOSITS IN TRANSIT 06/01/94		\$60,573.84
34.ADJUSTMENTS		(\$233,356.61)
35.PROOF	\$1,124,836.32	\$1,124,836.32
=====		
ANALYSIS OF CASH ON HAND AT CLOSE OF MONTH:		
(A) CASH CHANGE FUND		\$500.00
(B) RECEIPTS DEPOSITED IN DEPOSITORIES		\$60,573.84
(C) UNCOLLECTED ITEMS ON HAND		\$5.00
(D) TOTAL (MUST AGREE WITH # 23)		\$61,078.84

=====

# DEPOSITORY BALANCES AT CLOSE OF MONTH

	BALANCE PER BANK STMT	ADJUSTMENTS	OUTSTANDING CHECKS	BALANCE PER DAILY BALANCE OF CASH AND DEPOSITORIES
OLD NATIONAL BANK	\$2,967.18			\$2,967.18
CITIZENS NATIONAL BANK	\$1,219,364.77	(\$233,356.61)	\$509,230.07	\$476,778.09
NATIONAL CITY BANK	\$7,226.42			\$7,226.42
INB	\$128,634.56		\$128,629.56	\$5.00
TOTAL	\$1,358,192.93	(\$233,356.61)	\$637,859.63	\$486,976.69

## SCHEDULE OF UNCOLLECTED ITEMS ON HAND

DATE ORIGINALLY RECEIVED	RECEIVED FROM	FOR	DATE RETURNED	RETURNED BY	REASON FOR RETURN	AMOUNT
05/13/94	PHILIP THORSON	SHERIFF'S DEPT	05/24/94	CITIZENS BANK	NSF	\$5.00
TOTAL						\$5.00







**MINUTES  
COUNTY COMMISSIONERS MEETING  
(REGULAR BUSINESS SESSION)  
JULY 11, 1994**

**I N D E X**

<b><u>Subject</u></b>	<b><u>Page No.</u></b>
Meeting Opened @ 5:30 p.m. ....	1
I-69 Resolution/Jonothon Weinzapfel .....	1
Public Hearing/The Portion of Vanderburgh County Bordered by I-164, Lloyd Expressway, Burkhardt Road and Morgan Avenue..	1
Data Processing/Richard Cappelletti (Deferred to 7/18/94).....	1
Community Corrections/Report by Waggoner, Irwin, Scheele (Deferred to July 12th @ 9:30 a.m.) .....	1 & 4
Approval of Minutes (June 27th and July 5th) .....	2
Purchasing Department/Lynn Ellis .....	2
Authorization to Advertise for Bids/Sale of Prover	
Authorization to Advertise for Bids/Bullet-Proof	
Vests or Body Armor/Sheriff's Department	
Notice to Proceed/Rubbish Removal/Old Union Twp. School	
Authorization to Open Bids/Pothole Patching & Crack	
Sealing Machine	
Authorization to Open Bids/Bridge No. 5 and Bridge No. 7	
County Highway/Bill Morpew .....	4
Weekly Work Report	
Burdette Park	
Request re Paving/Old Green River Rd.	
Charlee Drive/B. Morpew to contact Don Bolin	
Bridge Crew/Boonville-New Harmony/Field Entrance Culverts	
Help from Safe House (To provide two people per day for remainder of the summer to work as weed crew)	
Recently Donated Property behind County Garage/	
Garage to be used by B. Gossar for storage	
Pole Barn to be used for storing summer equipment such as paver, rollers, tractors, etc.	
Disposal of old rail passenger car	
Building Commissioner/Roger Lehman .....	6
Request for Garage Move	
Paving of Blue Ridge Drive (R. Lehman to talk to City)	
County Engineer .....	7
Request to go on Council Call/Cost of Waterworks	
Road Project	
Waterworks Road Project (J. Stoll to draft letter to INDOT over Commissioners' signatures and submit tomorrow morning)	
Change Order/USI Project	
Acceptance of Right-of-Way for Mr. & Mrs Gene Adler re Mann Rd.-Bixler Rd. Bridge Replacements	
McCutchan Estates/Section II/Street Plan Approval	
County Attorney - Alan M. Kissinger .....	10
Bid Recap/Project VC9410/Fitness Center Equipment for Sheriff's Department	
Bid Recap/VC9407/Bridge No. 5 and Bridge No. 7	
Bid Recap/VC9412/Pothole Patching & Crack Sealing Machine	
Entertainment, Inc./Contract re Haunted Forest Halloween Display (Approved; A. Kissinger to submit revised contract for signatures next week)	

Superintendent of County Buildings/Mark Abell .....	11
Acceptance of Checks/Koester Contracting; Kevin Bryant and Check re Katheryn Sickmann Revolving Account to be set up/Collections	
Consent Agenda .....	11
Scheduled Meetings .....	12
Old Business/New Business .....	12
*Request to Go On Council Call re Central Dispatch Equipment/CCD Fund --\$80,589.83. M. Abell to prepare paperwork and submit.	
Discussion re Repairs at Vanderburgh Auditorium; to be included in reconvened session on July 12th.	
Supreme Court Affirms Value of Planning (Article provided to Commission by B. Cunningham)	
Correction in Name of Bidder/Bids on Bridge No. 5 and Bridge No. 7 (W. E. Ltd., not United Consulting)	
Meeting Recessed @ 8:00 p.m. ....	15
*To be reconvened at 9:30 a.m. tomorrow (July 12th)	

MINUTES  
COUNTY COMMISSIONERS MEETING  
(REGULAR BUSINESS SESSION)  
JULY 11, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: I-69 RESOLUTION - JONATHON WEINZAPFEL

Following a presentation by Mr. Weinzapfel, the Board approved this Resolution. Mr. Weinzapfel's presentation and the action of the Board concerning this matter is covered in a separate set of minutes, along with the Public Hearing concerning The Portion of Vanderburgh County Bordered by I-164, Lloyd Expressway, Burkhardt Road and Morgan Avenue.

RE: PUBLIC HEARING - THE PORTION OF VANDERBURGH COUNTY BORDERED BY I-164, LLOYD EXPRESSWAY, BURKHARDT ROAD AND MORGAN AVENUE

A separate set of minutes will be submitted to the Board covering this matter, as well as the I-69 Resolution.

\* \* \* \* \*

AT 7:00 p.m., following the above-mentioned items, President Tuley again called the meeting to order for purposes of continuing with the published agenda.

Item C - Data Processing: Commissioner Tuley said before commencing, because of time constraints on Mr. Cappelletti, this item has been deferred until July 18th (next Monday night).

Item G - Waggoner, Irwin, Scheele & Associates/Community Corrections Program: They are making a presentation tonight in Knox County and will not be here.

Commissioner Borries asked if they can be here tomorrow.

Mr. Tuley said, to his knowledge, they can be here in the morning. They will come on into Evansville late tonight. That is the last word he had from Kent Irwin.

Attorney Kissinger said, "When I was advised of this, Mr. President, I went to the Burns Statutes on the County Executive meetings. Basically, the statute, itself, doesn't give you much guidance. But there are several cases that say the County Board may adjourn meetings from time to time. Subsequently, these are part of the regular session. The Commissioners do not finally have to adjourn a meeting, so what we can do in reference to that particular topic is recess, subject to adjournment. If, in fact, they can be here tomorrow we can have the presentation tomorrow and then adjourn the meeting after that."

Commissioner Tuley said he has not talked to them tonight. He did talk to them late last week. Kent apologized for the conflict in scheduling. But their intent was to go ahead and do Knox County tonight and then come to Vanderburgh County. Mr. Tuley said he believes the Commissioners can continue this meeting by 9:30 a.m. tomorrow in this room. He then asked the other Commissioners if they can be present at that time. Commissioners Hunter and Borries having indicated they can be present, President Tuley said the Board will reconvene at 9:30 a.m. tomorrow in Room 307.



RE: APPROVAL OF MINUTES

President Tuley said the Board has two sets of minutes for approval. The minutes of July 5th (last week) for approval by Commissioners Borries and Hunter, since he was not present. Secondly, he has the minutes of June 27th, which were deferred for approval by Commissioners Borries and Tuley, since Commissioner Hunter was out of town.

Motion to approve the minutes of June 27, 1994 as engrossed by the County Auditor and waive reading of same was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Motion to approve the minutes of July 5, 1994 as engrossed by the County Auditor and waive reading of same was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

President Tuley then asked if there are any other groups/individuals present who wish to address the Commission but do not find their names or item of interest on the published agenda for this evening. There was no response from the audience.

RE: PURCHASING DEPARTMENT - LYNN ELLIS

Authorization to Advertise for Bids for Sale of the Prover: Ms. Ellis said this item was declared surplus at the last meeting. They would ask permission to advertise for bids. The other option would be turn the item over to Evansville Auto Auction and they could put it up for auction. Ms. Ellis said that Loretta Townsend knows of several companies that would be interested in the purchase of the prover; companies that have expressed an interest.

Attorney Kissinger said, "I'm not sure if I addressed the Commissioners on this previously. If we didn't anticipate it was going to bring a price of no more than \$1,000, then we could basically go ahead and just contact these people. Mrs. Townsend has advised me that it may very well bring more than \$1,000; so we are either going to have to invite bids or auction it at a public auction and we do have an arrangement with Evansville Auto Auction so they will prepare our legal notices, etc., and we could do it in that fashion. I don't know if anyone has a preference. It doesn't make any difference which way we do it."

Ms. Ellis said, "In preparation, I've drafted a bid and a legal notice. That isn't a problem; those can be canceled or not sent out. I don't know whether Mrs. Townsend has a preference or not."

Mrs. Townsend said, "It shouldn't even be called a prover now. It should be called a container -- because that is exactly what it is. It no longer can be used for the purpose for which it was made. When these people go out (like Dirsch, for instance, would be one of them) whenever they install new gas pumps, at the very least they have to run 50 gallon through each hose in order to get the air out, get it functioning right and everything. The only alternative they have are these five (5) gallon test measures and it takes a long time -- because this fuel has to be carried and put back into the underground storage, which may be half a block away. We have used this device, which we'll use the new one, too, for the same purpose -- to put fuel into of the same type, like all unleaded or whatever -- and then take this over to the underground storage and then dump it; because it does have a motor on it -- and this is what these repair people and installers are interested in this container for now. These would probably be the only ones who would have any interest in it, because of the fact it has had nothing by diesel fuel, gasoline -- it had a bunch of jet fuel and Avgas in it today and you really can't put a lot into something where these kind of chemicals have been in it."

Commissioner Borries asked whether more than one person is interested.

Mrs. Townsend responded affirmatively, saying she has given Ms. Ellis a whole list of names/addresses.

COMMISSIONERS MEETING

3

July 11, 1994

Commissioner Borries stated, "Let her bid it out; that way the County will get more money back."

Mrs. Townsend agreed, saying the people who know what it is will have a purpose for it and willing to use it and, like Lynn, she feels the Commissioners are covering themselves a little bit if each one is given the same type of letter. Knowing these people, she thinks in the long run the Commissioners will come out ahead.

Motion to bid the prover out was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Authorization to Advertise for Bids for Bullet-Proof Vests or Body Armor for Sheriff's Department: Ms. Ellis said if there are technical questions, Chief Woodall is here and could answer those. They would like to advertise for bids, with bid opening on August 15th, as with the 100 gallon fuel container - the first available meeting, since the Commissioners will not be meeting on August 1st or August 8th.

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

Notice to Proceed/Rubbish Removal/Old Union Township School: Ms. Ellis said she is requesting this be executed so work can progress Monday for the rubbish removal section of the this project. The letter reads, as follows:

Mr. Stuart R. Scott  
Vice President  
Scott Boiler and Burner Service  
111 E. Washington Street  
Chandler, IN 47610

Re: Rubbish Removal at Old Union Township School  
Bid No. VC9405  
NOTICE TO PROCEED

Dear Mr. Scott:

Notice is hereby given that work may begin for the above referenced project. Work shall commence July 18, 1994 and be completed no later than August 12, 1994.

Brett Townsend will act as Project Manager for this project. Please direct any questions or problems to him.

Thank you for your cooperation in this matter.

Sincerely,

BOARD OF COMMISSIONERS

Patrick Tuley, President  
Richard J. Borries, Vice-President  
Don L. Hunter, Member

cc: Brett Townsend, Supervisor/General Sanitation  
Chief Stephen Woodall, Sheriff's Department  
Lynn W. Ellis, Buyer

Ms. Ellis said that along with that are the contracts for that project. The contractor has executed those and the Commissioners need to execute those, as well.

Mr. Borries asked, "When we do this, this really sets the trigger in motion, right?"

Ms. Ellis replied, "Yes, Sir. He will have twenty (20) days. The notice gives him the time frame that his work must be finished in. Again, this is only the rubbish removal section of that project. The demolition of the building will be handled at a later meeting. The monies have been put into the account for the project -- so that is taken care of."

Motion to approve and sign the Notice to Proceed was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Attorney Kissinger stated it would also be appropriate at this time to move to approve and sign the Contract, as well.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner-Hunter. So ordered.

Authorization to Open Bids/Pothole Patching & Crack Sealing Machine and Fitness Center Equipment for Sheriff's Department: Ms. Ellis said she would request that Attorney Kissinger be authorized to open the subject bids.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Authorization to Open Bids/Bridge No. 5 and Bridge No. 7 (VC9407-01): Ms. Ellis said she is also requesting that Attorney Kissinger be authorized to open these bids.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COMMUNITY CORRECTIONS/WAGGONER, IRWIN, SCHEELE ASSOCIATES

President Tuley stated that, as indicated earlier, Waggoner, Irwin, Scheele will give their presentation at 9:30 a.m. tomorrow in this meeting room. He then instructed Mr. Abell to check to be sure there is no conflict with using this meeting room at that time.

Commissioner Tuley subsequently suggested Mr. Abell call Judge Young in the morning and advise him that Waggoner, Irwin, Scheele will be giving their report at 9:30 a.m. if he is available at that time. Mr. Tuley said he will try to call Judge Young at home tonight; but Mr. Abell is to contact him in the morning just in case Mr. Tuley doesn't reach him tonight.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morphey submitted the Weekly Work Report for period of July 1, 1994 thru July 7, 1994.....report received and filed.

Burdette Park: In response to query from Commissioner Tuley, Mr. Morphey said he talked to Mark Tuley last Thursday or Friday and the only thing left to do up there is to remove some asphalt at the old exit on Nurrenbern Rd. That's all they are going to do. All Mark Tuley has left to do is the fence on Nurrenbern Rd. He talked to Dennis Feldhaus today and he said that he and Jerry Schenk thought it looked very good.

Paving: In response to query from Commissioner Borries, Mr. Morphey said they pulled more shoulders today on Old Henderson Rd. They pulled Roth Rd. and Shore Drive. They pulled the excess rock off Roth Rd. and Shore. They're going to go back to paving on Wednesday.

July 11, 1994

Old Green River Rd.: Mr. Borries said someone called him with a request - and he's trying to envision paved versus unpaved on Old Green River Rd. At one time we used to call it Old Green River Rd. and New Green River Rd. It is a County road. Could Mr. Morphew just send someone out to look at this.

Mr. Morphew said he has and we do need to pave that. That had never had surface applied to it. All it had on it was a couple of inches of base. Koester paved that four years ago when they built their plant down there. That section of road is not very long; it runs between Lynn Rd. and South Green River Rd. It's called Old Green River Rd.

Charlee Drive: Mr. Tuley said he received a call about where we'd done some work on Charlee Drive off Broadway. We had done some work and the caller said we had poked some holes in the road.

Mr. Morphew said there was sinking of the asphalt where they set the downgraders on the backhoe. We thought we'd get off it and wait until cooler weather.

Mr. Tuley said the Bolin Construction people gave him the call - they live out there. Maybe he can just call them and tell them that we are aware of it.

Mr. Morphew said if Mr. Tuley would like, he can talk to Don Bolin of Bolin Construction. A resident had called the County Highway about this; a resident who lives on top of the hill on Charlee. What we were doing was extending the guard rail out there around the lake.

Mr. Tuley said the caller noted that they had to pay to get the road to County standards and we need to fix it back like it was.

Mr. Morphew said they will repair the spots whenever the weather permits.

Bridge Crew: Mr. Hunter said he notes the Bridge Crew installed two field entrance culverts at Green River and Boonville-New Harmony. He noticed yesterday a lot of pipe laying out there. Is that ours?

Mr. Morphew said that is our pipe and those aren't completed. We had some trouble with the Gradall that day.

Help from Safe House: Mr. Morphew said last week we talked about getting some help from the Safe House. He talked with Mr. Bob Hart (he couldn't get in touch with Harris Howerton) and he is going to send the County Highway two (2) people per day for the rest of the summer starting tomorrow morning, and that will give us a weed crew.

Mr. Tuley noted that after all the recent rains, the weeds may be starting to get away from us.

Mr. Morphew acknowledged it is getting pretty bad. He noted, however, they do have the recently donated property behind the County Highway Garage cut. They've started cleaning this property up. There are two (2) buildings back there they'd like to keep. Benny is storing his paint and all of his materials in the old galvanized barn behind the garage. There is a garage on that property - a frame building with concrete floor -- and there is also a fairly new pole barn. Both are good sound buildings -- good structures -- and they'd like to keep both of them. Benny could keep all of his materials (ladders and things like that) in the garage out there and the pole barn would be an ideal location for them to house their summer equipment during the winter months (the paver, the roller, tractors).

Mr. Tuley asked if that ground abuts right against the County property? Is it fenced?

Mr. Morphew said we're putting a fence around it. They measured it today. They will need about \$500 for fencing.

Mr. Borries said, "As you get the property secured and get the money together to perhaps look into a salt storage facility to comply better environmentally, I'd like to have a little plaque or something put on that facility to honor Mr. Grady. I think it's a very nice gesture on his part and he needs to be remembered in some small way for what he did."

Mr. Morpew said he agreed, as did the other Commissioners.

Mr. Borries continued, "A pretty interesting story, I guess, his death. I was not aware of the circumstances surrounding his death and the whole scenario."

Mr. Morpew said, "He was a very lonely man."

Commissioner Borries said, "There is also a very interesting train car back there. That might be a little hard to dispose of as surplus property."

Messrs. Tuley and Morpew commented simultaneously, "Scrap metal."

Mr. Morpew said they've hauled a lot of scrap metal out of there. They took down his mailbox, his sign, sign post; he had quite a bit of scrap metal on the property. He had quite a few outbuildings."

Mr. Borries asked, "Is the train car sitting on any kind of track at all?"

Mr. Morpew said it is not.

Mr. Abell said Mr. Grady had used it as part of an office. He had built a front that opened, right near the train car.

Mr. Hunter asked if it's a freight car.

Mr. Borries said it is a passenger car.

Mr. Morpew said he understands that this train car and a small one room house was all that was on that property -- and that is what he started his sign shop with -- in that railcar -- and he added a brick building onto that, as well as several parts to his house and several parts to his garage.

Mr. Hunter said it would be worth the trip out there to see the railcar.

Mr. Borries said it is worth seeing. You've probably seen it but just don't remember it -- but it is there. You can see it from St. Joe Avenue.

RE: BUILDING COMMISSION/REQUEST FOR GARAGE MOVE - ROGER LEHMAN

Request for Garage Move: Mr. Roger Lehman entered the meeting, stating he had been at City Council. He said he has a last-minute request for a garage move. It is a small (24 ft. x 24 ft.) garage and it is being moved from 1600 W. Baseline Rd. to 11421 St. Wendel Rd. Due to the contractor's scheduling they need to move it tomorrow.

Mr. Borries said he assumes the contractor will take all the necessary safety precautions, etc.

Mr. Lehman stated he will notify the Sheriff the day of the move.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Request for Paving/Blue Ridge Drive: Mr. Tuley said today while his dentist was poking sharp instruments in his mouth, he was asking about the possibility of Blue Ridge being on the paving

COMMISSIONERS MEETING

7

July 11, 1994

list this year.

Mr. Lehman said, "I'm the Building Commissioner, not the City Engineer. I could get it done for you -- but....."

Attorney Kissinger asked, "Before he goes back to the dentist?"

Mr. Lehman said he is going to his dentist at 9:45 a.m. tomorrow, so he will see what he can do - that's no problem.

RE: COUNTY ENGINEER - JOHN STOLL

Request to go on Council Call: Mr. Stoll said he is requesting permission to go on Council Call for an appropriation of \$100,000 to cover the cost of the Waterworks Rd. project and culvert replacement out on Schroeder Rd.

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

Waterworks Rd. Project: With regard to the continuing saga on Waterworks Rd., Mr. Borries said that Mr. Riecken called -- and the State is going to be paving part of U. S. Highway 41 and Mr. Riecken is worried they won't even be able to get in on the other side of Waterworks Rd.

Mr. Stoll said, "Right. The State will close down two lanes of U. S. Highway 41 and shift both northbound and southbound traffic on two lanes. They will put a temporary median down the middle of it and that way there won't be any left turns in or out of Waterworks Rd."

Mr. Tuley noted Mr. Riecken had also tried to call him.

Mr. Hunter said he is glad he didn't call him.

Commissioner Borries asked, "Do you have any suggestions as to what we can do?"

Mr. Stoll said, "I called INDOT on Friday and talked to Greg Curtis and asked him whether or not they could make provision to allow a break in that median until we were completed with the culvert replacement and he said that due to safety reasons they really couldn't allow that break in the median at that location. That was the only thing I could think of right off hand that would alleviate the problem of his access."

Mr. Tuley said, "So you mean 'you can't get there from here' is really going to ring true in about two months."

Mr. Stoll said, "You will be able to make a right turn in or a right turn out, but northbound traffic won't be able to make a left turn."

Commissioner Borries asked, "How in the (excuse me) hell -- what do they want you to do if you're bringing a boat out -- make a right hand turn toward Kentucky?"

Mr. Stoll responded affirmatively.

Mr. Abell interrupted, "They're projecting 45 minute waits at that juncture just to get from Evansville over to Kentucky."

Mr. Tuley asked, "Do you know what it is going to be like trying to break in the track traffic that is backed up? Basically they are going to do that from now until December and then next year they are going to switch and do it the other way."

Mr. Stoll continued, "Greg Curtis said they proceeded with their project on the assumption ours was going to be completed by June 30th. Since that was an estimate -- not a deadline -- when we initially started the project, he said they proceeded based on that."

Mr. Hunter asked, "Will this be a Monday through Friday or a seven day a week thing?"

Mr. Stoll said, "A seven day a week, so I understand."

Mr. Hunter asked, "So there's no way of having that open on weekends then for boaters to get in and out?"

Mr. Stoll replied, "Right. I think the only options were flagmen or a traffic signal, both of which were ruled out by the State, as well."

Chief Woodall of the Sheriff's Department approached the podium and said, "Our concern regarding this is our officers can, obviously come down and make a run to Waterworks Rd. and Inland Marina, but where do they go from there? They have to go all the way to Kentucky and we have no obvious jurisdiction and, from what I understand, we will have to go all the way past the twin bridges to turn around."

Mr. Stoll said, "I don't know what the nearest crossover would be, but that is what I have been told."

Deputy Eric Williams said the nearest one is Ellis Park and he's been told there is a possibility that has been closed off by Kentucky -- but he doesn't know whether or not that is true. Any kind of emergency service -- ambulances, etc. - will not be able to get out.

Commissioner Borries asked, "Has Mr. Riecken sought -- do you think - some legal means to do something about this?"

Mr. Stoll replied, "I've talked to his Attorney, so I know he is working on some things."

Commissioner Borries asked, "John, could you draft a letter tomorrow at your convenience -- since we're going to be recessing this meeting and meeting again tomorrow -- something we can sign and send to INDOT expressing our concerns. But I think probably from your perspective as an engineer -- and get Chief Woodall here to back you up -- I mean, putting in some public safety situations as well as -- I don't know, they need to leave us some kind of alternative here. We didn't plan on this Waterworks Rd. thing and there is no way you can give an exact day on it. It's been too complicated a project. But, man, oh, man!"

Commissioner Hunter said he thinks we need letters from the Engineer, the Sheriff and perhaps Mercy Ambulance. Would Mr. Stoll contact them, as well? Mr. Hunter said he thinks this is critical and unnecessary. There's got to be some way around this. He would think INDOT has been kind of unresponsive on this.

Commissioner Borries said, "I just want to go on record expressing our concern on this."

Mr. Stoll asked, "Do you want me to draft a letter concerning improving the access etc.?"

The Commissioners indicated that is correct -- expressing their concerns and perhaps offering any suggestions Mr. Stoll might have. They're going to have to start talking about installing a light down there or something.

Mr. Stoll said he doesn't really know where the nearest crossover is.

Deputy Williams said there is a crossover up around Ellis Park -- but he doesn't believe the Kentucky State Police let them cross over, at least during the races. The only other way would

be to go all the way past the twin bridges and turn around and come back.

Mr. Hunter said the only turn there is at the south end where the bridges are and that is not a very safe place to turn.

Deputy Williams said the response time for emergency vehicles -- you might as well....

Commissioner Hunter interrupted, "In fact, you might as well take them to the Henderson Hospital if you're going to get that far down on an emergency."

Commissioner Borries said the Board appreciates Mr. Stoll's help.

Mr. Stoll said he never did receive a set of plans for what INDOT was going to do, so he doesn't know a lot of the specifics -- which is basically what he talked to Greg Curtis about. He said they were going to proceed as planned. However, he will draft a letter -- that's no problem.

Commissioner Tuley noted it's not very far south of Waterworks Road to the State line where the sign says "Welcome to Kentucky."

Commissioner Hunter asked if turning around at the weigh station area and coming back would be an option.

It was noted this is not feasible. The rest of his comment was inaudible, because he was speaking from the rear of the room and not from the podium.

In response to query from the Commissioners, Mr. Stoll said he doesn't know exactly where they plan to begin their work, since he didn't receive a set of their plans.

Mr. Tuley asked when this takes effect.

Mr. Stoll said originally it was going to be later this week. He doesn't know whether the weather has changed that or not.

Mrs. Mayo said on the news this morning they said mid-week.

Mr. Tuley said he went down there Sunday where they're building the crossover -- and they have a lot to do on that yet.

Commissioner Borries said it is a real shame. The Commissioners have voiced some real concerns and he hopes somehow they can give them some real consideration. We're still pushing for a completion date on the Waterworks Road project by when?

Mr. Stoll said the agreement called for thirty (30) working days -- so that would be six weeks - - August 19th, he believes. In response to query from Mr. Borries as to whether the pipes are in, Mr. Stoll said they started arriving today. As he understands it, the contractor is going to keep working on Saturdays, as well, so that could shorten the time frame for the completion of the Waterworks Road project. Hopefully.....

Commissioner Borries interjected, "Well, we're doing the best we can with it.

Mr. Stoll said they were down there working last Saturday, pouring the collars for the pipes so it would be ready to go when the pipe started arriving today. So the work has been progressing. It's just a matter of getting the rest of the pipe in and keep building the fill back up.

Change Order/USI Project: Mr. Stoll submitted a change order and said there is basically a drop box for an inlet where an elevation called for in the plans was off by three or four inches. Rather than having the shoulder drop off four inches to get to the grate, they are going to have



it raised and recommend the Change Order be approved. (Copy attached to the minutes)

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

Acceptance of Right-of-Way for Mr. & Mrs. Gene Adler/Mann Rd.-Bixler Rd. Bridge Replacements: Mr. Stoll said he has the legal descriptions and a claim form for Mr. & Mrs. Gene Adler for the right-of-way for the Mann Rd. and Bixler Rd. Bridges. We bought the right-of-way for \$1,000.00 and he has the right-of-way dedications and claim forms ready and recommends approval of same.

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

McCutchan Estates/Section II/Request for Street Plan Approval: Mr. Stoll submitted the subject plans, stating they will be concrete streets. Any grades above 5% will have lugs, etc. It is his recommendation the plans be approved.

Motion to approve made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Mr. Stoll said that is all he has unless the Board has questions.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Bid Recap/Project VC9410/Fitness Center Equipment for Sheriff's Department: Attorney Kissinger read the following bids into the record:

Universal Gym Equipment, Inc.	\$38,446.00
Hammer Strength Corporation	\$22,009.20
Body Masters Sports Industry, Inc.	\$38,664.00
Gilles Schwinn Cyclery & Fitness	\$37,552.00

Attorney Kissinger said he should note that some of these were unit bids -- not all articles were bid on.

Bid Recap/Project VC9407-01/Bridge No. 5 & Bridge No. 7: Bids were as follows:

*United Consulting Engineers, Inc.	\$142,642.19
CCC of Evansville, Inc.	\$173,205.58
Deig Bros. Lumber & Construction	\$417,908.70
Phoenix Construction Co.	\$203,516.82

Attorney Kissinger said he should also note here there were alternate bids and the amounts he read were the average combined total.

**\*Just prior to the meeting being recessed, County Engineer John Stoll advised the bid being read as United Consulting Engineers is from W. E. Ltd. It's just a proposal. They went the whole proposal with United's logo on the front. So, he just wanted to clarify that. Attorney Kissinger apologized for the oversight on his part.**

Bid Recap/Project VC9412/Pothole Patching & Crack Sealing Machine:  
Attorney Kissinger read the following bids:

Bowling Manufacturing, Inc.	No Bid
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H. D. Industries, Inc.

No Bid

Those two bidders responded, but did not bid.

Korte Bros., Inc.	\$39,500.00
Carlisle Equipment Co., Inc.	\$32,077.34
Southeastern Equipment Co., Inc.	\$43,790.00

Attorney Kissinger said he believes all of the foregoing bids need to be taken under advisement.

Commissioner Borries said that based on the Attorney's recommendation, he moves that the bids be taken under advisement and a report be given at next week's meeting. Seconded by Commissioner Hunter. So ordered.

Entertainment, Inc.: Attorney Kissinger said we have reached an accord with Entertainment, Inc., the entertainment outfit out of Brandenburg, KY for the Haunted Forest Halloween Display at Burdette Park. He has requested that certain changes be made in the contract. Those changes have been made. Mark Tuley has reviewed the contract and recommends the Commissioners give favorable consideration to it. If he has the permission of the Commissioners, Attorney Kissinger said he is going to notify Entertainment, Inc. to go ahead and proceed with the final form of the contract and he will present same next week for signing.

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

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Acceptance of Checks: Mr. Abell said he has a check from Koester Contracting in the amount of \$200 for their monthly rent to be entered into the record and quietused in. (Copy attached herewith.)

Motion to accept and endorse the check was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Abell said he also has a check from Kevin Bryant, Attorney and another in regard to the same matters concerning Katheryn Sickmann -- collections matters. He would like to have them quietused into Acct. 130-3610. (Copies attached herewith.)

Motion to accept the two checks was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mrs. Mayo said B. J. Farrell called her last week on this and she did speak with Tom Simpson from the State Board of Accounts. Normally this would have gone into the County General Fund, but we're going to set it up as a revolving account because there always has to be money appropriated into this if the money does come from Mr. Bryant and it is written out again. As Attorney Fees, part of this goes to the Treasurer's office. So we agreed that can be set up as a revolving account, rather than having to ask for appropriations all the time. There will still be appropriations, but, hopefully, not as many.

RE: CONSENT AGENDA

For the record, President Tuley said he would like to request that in view of the fact of Commissioner Hunter's initiative, we have an intern program that calls for this County to receive an award from the National Association of Counties (NACO). They are having their annual conference in Las Vegas on July 31st thru August 4th. He would like for Commissioner Hunter to attend and receive that award. However, Mr. Hunter says that he has a prior commitment and cannot attend.

Mr. Hunter said he will be in Aspen, Colorado.

Mr. Borries said he will be out of the country.

President Tuley said there is another reason he'd like to go. The Association of Counties is getting an award for their Diploma Program and he was a member of the study committee that helped develop that program. So far, the Auditor from Bartholomew County is going to receive that award, as Chairman of that committee. But, for both of those reasons, if the Commission would so approve to reimburse him for the registration fee, lodging and per diem, he will gladly pay his own travel. (And the third reason is because it is in Las Vegas.)

Commissioner Borries said he thinks that is more than fair and he would move to approve. Seconded by Commissioner Hunter. So ordered.

In continuing, Commissioner Borries noted there is no Commission Meeting that week anyway and, as President, he certainly thinks it more than reasonable that Mr. Tuley represent Vanderburgh County when we receive a national award.

President Tuley said Commissioner Hunter needs to be commended for this program and his initiative to go ahead and submit the application. It is unfortunate he cannot attend.

Motion was made by Commissioner Borries that the Consent Agenda be approved, with the one noted change. Seconded by Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

President Tuley said a list of Scheduled Meetings is attached to the meeting agenda, bearing in mind this meeting will be continued at 9:30 a.m. tomorrow for purposes of hearing the Waggoner, Irwin, Scheele report. And, hopefully, John will have a letter to go to INDOT expressing the Board's concerns about the closing off of Waterworks Road.

RE: OLD BUSINESS/NEW BUSINESS

Request to Go on Council Call/Central Dispatch Equipment/CCD Fund: Mr. Tuley presented a FAX he received today from Mark Owen, President of the Central Dispatch Board concerning the mobile data transmitters. (Copy attached hereto.) Steve Woodall has left the meeting, but perhaps Deputy Eric Williams can address this. Part of Central Dispatch -- well, things are coming in phases and quite a while back apparently there was an appropriation for the County's share -- and what these are is computer equipment that goes in the cars that they can plug in and come up with any information in terms of owner's registration, warrants outstanding, reports of auto theft -- about anything, I guess, is that right?

Deputy Williams responded, "If it is in the system."

Mr. Tuley continued, "If it's in the system you can access it. It also gives Dispatch a way to send out to them, as opposed to strictly by radio contact, exact messages. Anyway, they need to ask for an appropriation from the CCD Fund. The total is \$80,589.83, but it is broken down. The total cost of the contract for equipment necessary to proceed with the next phase is \$149,671. The City is paying the balance over and above \$49,890.33. In order for the contract to go forward the City has agreed to go ahead and pay the County's share, with the understanding that as soon as we get this appropriation we will reimburse them. An additional \$30,699.50 needs to be appropriated for the actual terminals that are going in the vehicles. Basically, because the City has spent their money they would like to have their money back. It says here the City has already ordered twenty (20) of the terminals for their cars. The County side couldn't do it because we didn't have the money up front appropriated. Therefore, he'd like to ask Mark to put this on Council Call for an appropriation from the CCD Fund of \$80,589.83. He did bounce this off Alan. He then asked, "And your opinion is that the CCD Fund is appropriate for the funding of this?"

Attorney Kissinger replied, "I believe it is. Especially in consideration of the type of equipment it is. I think that is what the CCD Fund anticipated."

Mr. Abell asked, "I'm sorry, what was the amount again?"

Mr. Tuley replied, "I'll give you this."

Motion to approve using CCD Fund monies for this purpose was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Commissioner Borries said he has some concerns regarding an action by the Vanderburgh County Council this week in terms of rejecting a request that this Board made regarding a piece of equipment at the Auditorium that was in very bad shape. If we're going to meet tomorrow morning, if Ms. Matthews could pull some minutes of that. I can't understand quite how that was rejected. They wanted it to come out of a regular budgeted item somewhere. Apparently there is no item in the budget for that. If this piece of equipment fails, we had acted because Ms. Toten, the Manager, had indicated that this could constitute an emergency.

Ms. Hunter said, "Yes. And the way I read it, somebody on the Council wanted a second opinion."

Mr. Borries continued, "Well, it's pretty hard, you know, just like us as we work sometimes - it's a part time job, but oftentimes becomes a full time commitment here. I don't know where they are headed with this."

Commissioner Hunter commented, "I don't either."

Mr. Borries continued, "She identified it as an emergency. She obviously had some professional opinions to that effect and I don't get quite where they were headed with this, but I would like to have a review of that by maybe tomorrow -- so we could either re-submit or do something. Because the first time something happens over there and we have an accident -- then I think we have some liability. I don't understand it."

Commissioner Tuley stated, "They pointed out it was a safety problem."

Mr. Hunter said, "I thought we declared it an emergency and were going to use CCD Funds."

Mr. Borries said, "We did."

Mr. Hunter asked, "Well, how can they reject that?"

Mr. Borries responded, "I don't know."

Mr. Hunter asked, "If it was an emergency, can they do that?"

Attorney Kissinger responded, "Yes, they can reject it -- despite the fact it was an emergency - if no funds were there."

President Tuley said, "But the funds were there -- there was no question of funds."

Attorney Kissinger said, "They can reject it -- but they have to put their reasons on the record - so if we get sued ...."

Mr. Borries said, "Well, I think it's very unfortunate."

Supreme Court Affirms Value of Planning: Mr. Borries said, "The other thing is, I think this is an excellent written piece I received from Mrs. Cunningham, which I want to enter for the official record: "The Supreme Court Affirms the Value of Planning -- that basically talks about

property owners in municipalities can be encouraged by the ruling. Landowners can be confident their property cannot be taken for public use without just compensation. Communities can be assured that they may still require property developers to act in the public's best interest. This is really an excellent piece. It's done by a Jim Segedy, Indiana Planning Association Chapter of the American Planning Association. For the record, I would just like to have that as part of the minutes."

The article read, as follows:

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#### SUPREME COURT AFFIRMS VALUE OF PLANNING

Hoosiers interested in protecting or improving the quality of life in their communities received some welcome news the end of June, 1994 from the U. S. Supreme Court. In Dolan v. City of Tigard, the Court told local governments they may continue to impose conditions on property development, provided the conditions are reasonable and advance a legitimate-community interest.

Both property owners and municipalities can be encouraged by the ruling. Landowners can be confident that their property will not be taken for public use without just compensation. Communities can be assured that they may still require property developers to act in the public's best interest.

The case stems from Florence Dolan's desire to demolish her 10,000 square foot plumbing supply store and replace it with one nearly double the size. The City of Tigard, in granting the request, required Dolan to dedicate about 10 percent of her property for floodplain protection and a stream side bicycle path. The City contended that increased stormwater runoff and traffic resulting from a larger store, justified the requirements.

Dolan disagreed, arguing that the City did not adequately demonstrate how her proposed new store would impact the community. She contended that the city forced her to choose between the building permit and her right under the Fifth Amendment to just compensation for the public easement.

Although Oregon courts had ruled against Dolan, the High Court found in her favor. The Court said local governments must show a "rough proportionality" between effects of new development and the amount of land government wishes to use, but not pay for, to protect the public interest.

While the Dolan case dealt only with traffic and flooding, the decision will have a far-reaching effect. Many communities, for example, use land dedication and exaction to preserve historic structures and to protect scenic views and animal habitats.

What the Dolan decision demonstrates more than anything else is the need for quality planning in communities cross Indiana. Good planning can balance the needs of property owners with the desires of the community. It can help municipalities determine the potential impact of new development and take measures to protect citizens from harmful effects. Since plans are developed with extensive citizen participation, they reflect a community's values. If municipalities hope to preserve their unique character, they should heed the Court's planning imperative. Otherwise, they risk potential lawsuits from angry property owners.

The Court has remanded the Dolan case to the Oregon Supreme Court where the City of Tigard will have a chance to show a reasonable relationship between its requirements and the potential impacts associated with Dolan's proposed new store. The city must show that the public-private balance in land use is equitable. And that, after all, is what planning and planners

in Indiana are committed to do.

James Segedy  
Indiana Planning Association Chapter  
of American Planning Association

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Commissioner Tuley said he would like to have that referred to at every planning meeting we have.

Correction in Name of Bidder/Bids on Bridge No. 5 and Bridge No. 7: County Engineer John Stoll advised that one of the bids on this project was read into the record as being United Consulting Engineers. It is actually W. E. Ltd. The proposal contained the logo of United Consulting Engineers -- and he just wants to clarify this for the record.

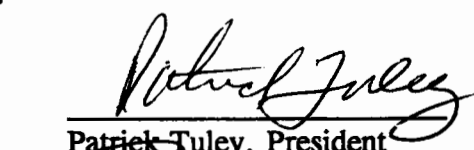
Attorney Kissinger apologized for the oversight.

There being no further business to come before the Board at this time, at 8:00 p.m. President Tuley declared the meeting recessed until 9:30 a.m. tomorrow (July 12, 1994) pursuant to adjournment.

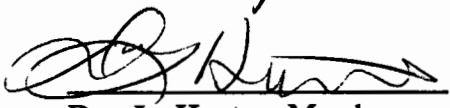
PRESENT:

Patrick Tuley, President  
Richard J. Borries, Vice President  
Don L. Hunter, Member  
Alan M. Kissinger/County Attorney  
Cindy Mayo/Chief Deputy Auditor  
Mark Abell/Supt., County Bldgs.  
John Stoll/County Engineer  
Bill Morphew/Supt., County Highway  
Lynn Ellis/Purchasing Dept.  
Loretta Townsend/Weights & Measures  
Roger Lehman/Building Commissioner  
Stephen Woodall/Chief/Sheriff's Dept.  
Jonathan Weinzapfel  
Eric Williams/Sheriff's Deputy  
Others (see attached list)  
News Media

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President

  
Richard J. Borries, Vice-President

  
Don L. Hunter, Member



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**July 11, 1994**

**5:30 P.M.**

- 1. CALL TO ORDER**
- 2. INTRODUCTIONS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ACTION ITEMS**

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**PUBLIC HEARING  
PORTION OF VANDERBURGH COUNTY  
BORDERED BY I-164  
LLOYD EXPRESSWAY, BURKHARDT ROAD AND MORGAN AVENUE**

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- ✓ A. Approval of Commissioner Minutes
- B. Any group/individual wishing to address the commission - *None*
- ✓ C. Richard Cappelletti/Data Processing - *Deferred to 7/18*  
\* see attached
- ✓ D. Jonathon Weinzapfel  
re: I-69 Resolution
- ✓ E. Lynn Ellis/Purchasing
  - 1) Approve advertisement for bids for:
    - a. Sale of the Prover
    - b. Protective/Bullet-proof vests for Sheriff's Department
  - 2) Execute notice to proceed for rubbish removal at Union Township School

**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- Request approval to release a bid for computer hardware to replace existing equipment. Approval was granted by the Databoard on 6/28/94.
- Further request approval to award the bid at the County Commissioner's meeting following the bid opening. The exact dates are yet to be determined but are anticipated to be late August 1994.

**DATE TO BE PLACED ON AGENDA:**

Board of Public Works

Wednesday, July 7, 1994

County Commissioners

Monday, July 11, 1994

**ACTION** \_\_\_\_

**CONSENT** \_\_\_\_

**OTHER** \_\_\_\_

⊕



**F. Bid Openings:**

- 1) Pothole patching and crack sealing machine
- 2) Fitness center equipment for Sheriff's department
- 3) VC-94-07-01 Bridge No. 5 and Bridge No. 7

**G. Waggonner, Irwin, Scheele and Assoc. — *Deferre***  
**re: Community Corrections Report**

**5. DEPARTMENT HEADS**

Alan Kissinger ----- County Attorney  
Mark Abell ----- Superintendent of County Buildings  
Bill Morpew ----- County Garage  
John Stoll ----- County Engineer

**6. CONSENT ITEMS**

- A. Travel/Education  
(none)
- B. Employment Changes  
see attached lists
- C. Bovine Brucellosis and Tuberculosis Eradication Contract

**7. Scheduled Meetings - List attached**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. MEETING ADJOURNED**

# COUNTY ENGINEER'S

## CONSENT AGENDA

JULY 11, 1994

### 1. CLAIMS:

#### ENGINEERING EQUIPMENT 203-4429

Kuester's Hardware (#13174/18988/19254)	\$	88.88
Van Ausdall & Farrar (Inv. #4061300242)	\$	15.00
Community Jobs Club (Inv. #10)	\$	60.00

#### USI & SR 62 430 BOND

Blankenberger Brothers (Est. #21)	\$155,219.10
-----------------------------------	--------------

# July 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 182 / 183 Dominion Day (Canada) Pay Day	2 183 / 182
3 184 / 181	4 185 / 180 Independence Day	5 186 / 179 4:00pm Exec. Session 5:30pm Commissioners	6 187 / 178 3:30pm County Council	7 188 / 177 3:00pm Job Study	8 189 / 176	9 190 / 175
10 191 / 174	11 192 / 173 3:30pm Dept. Head 4:30pm Solid Waste 5:30pm Commissioners	12 193 / 172	13 194 / 171	14 195 / 170	15 196 / 169 Pay Day	16 197 / 168
17 198 / 167	18 199 / 166 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	19 200 / 165 9:00am Insurance Comm.	20 201 / 164	21 202 / 163 9:00am Steering Comm. 5:00pm Pigeon Creek	22 203 / 162	23 204 / 161
24 205 / 160	25 206 / 159 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Bld.	26 207 / 158	27 208 / 157 3:30pm Personnel & Finance	28 209 / 156	29 210 / 155 Pay Day	30 211 / 154
31 212 / 153						

June

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

August

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff - Jail

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
105111300324	Victor Heath		Correction Officer	9 8144 20414 00	7-4-94 ✓
10511750	" "		Other		7-4-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
105111300324	Tonya Kelley		Correction Officer	9 8490 20486 00	6-30-94 ✓
10511750	" "		Other		6-30-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

Ray Hamm

DATE

7/6/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff - Jail Misd.

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
278013702780	Jeffrey Ludwig		Correction Officer	9 5740 19914 00	7-5-94 ✓
278013802780	Jeffrey Hales		" "	9 5740 19914 00	7-5-94 ✓
27801750	Jeffrey Ludwig		Other		7-5-94 ✓
27801750	Jeffrey Hales		Other		7-5-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
278013802780	Victor Heath		Correction Officer	9 8144 20414 00	7-4-94 ✓
27801750	Victor Heath		Other		7-4-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

Ray Hamm

DATE

7/6/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	HR	EFFECTIVE
260-1980	TY WESTON	EMP# 05542	INTERN	4.75	HR	6-20-94 ✓
260-1980	MICHAEL BERGER	EMP# 05546	INTERN	4.75	HR	6-20-94 ✓
260-1980	INGRID SCHMIDT	EMP# 05621	INTERN	4.75	HR	6-20-94 ✓
260-1980	SHELBY CRAIG	EMP# 05622	TYPIST	4.75	HR	6-20-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	HR	EFFECTIVE
136-1990	TY WESTON	EMP# 05542	INTERN	4.75	HR	6-19-94 ✓
136-1990	MICHAEL BERGER	EMP# 05546	INTERN	4.75	HR	6-19-94 ✓
136-1990	INGRID SCHMIDT	EMP# 05621	INTERN	4.75	HR	6-19-94 ✓
136-1990	SHELBY CRAIG	EMP# 05622	TYPIST	4.75	HR	6-19-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE

DATE

July 7, 94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department PELTY TRUSTEE'S

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	HR	EFFECTIVE
	ALICE M. MAYER	1806 N. RED BANK RD	INVESTIGATOR	9.5625/HR 9,897.00	00	7-1-94-

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	HR	EFFECTIVE
	ALICE M. MAYER	1806 N RED BANK RD	INVESTIGATOR	8.5942/HR 18,500.00	00	6-30-94-

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

7/1/94 "Red" Moly

DATE

6-28-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136.1-1990	DANIEL THOMAS	EMP# 05555	PART-TIME CORRECTION OFFICER	7.00 HR	6-21-94 ✓
505.0136Z-11	10 THOMAS AGNEW	EMP# 05533	CORRECTION OFFICER	9 20.27 19,142 AN	7-1-94 ✓
136.1-1990	JOHN WEITZEL		PART-TIME CORRECTION OFFICER	5.00 HR	6-22-94 ✓
136.1-1990	DAVID SNYDER		PART-TIME CORRECTION OFFICER	5.00 HR	6-20-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1990	OMAR SCHOFFSTALL	EMP# 05584	INTERN	4.75 HR	6-24-94 ✓
136.1-1990	DANIEL THOMAS	EMP# 05555	PART-TIME CORRECTION OFFICER	5.00 HR	6-20-94 ✓
505.0136Z-11	10 THOMAS AGNEW	EMP# 05533	CORRECTION OFFICER	18,230 AN	6-30-94 ✓
136-1990	SUSAN BORRIES	EMP# 03809	INTERN	4.75 HR	7-1-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]*  
JUDGE

DATE July 7, 94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
260-1980	ROBERT HAYS, II	EMP# 03269	INTERN	5.50 HR	6-20-94 ✓
260-1980	CARRIE WEBB	EMP# 05456	INTERN	5.00 HR	6-20-94 ✓
260-1980	CHRIS PALMER	EMP# 05535	INTERN	4.75 HR	6-20-94 ✓
260-1980	TONYA VANHOOSIER	EMP# 05536	INTERN	4.75 HR	6-20-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1990	ROBERT HAYS, II	EMP# 03269	INTERN	5.50 HR	6-20-94 ✓
136-1990	CARRIE WEBB	EMP# 05456	INTERN	5.00 HR	6-20-94 ✓
136-1990	CHRIS PALMER	EMP# 05535	INTERN	4.75 HR	6-20-94 ✓
136-1990	TONYA VANHOOSIER	EMP# 05536	INTERN	4.75 HR	6-20-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]*  
JUDGE

DATE July 7, 94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1980	KEVIN CONDUCT		INTERN	5.00	HR	6-27-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE

July 7, 94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Prosecutor's Office - Room 108

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
108012901080	Andrea J. Baus	634 College Hwy	Paralegal/Sec	<del>9,242</del> 19,224	<del>HR</del> 00	4 July 1994
		Evansville, IN 47714				
108N1110108N	Barbara Borchert	3700 Richardt Ave	Director	<del>11,907</del> 24,767	<del>HR</del> 18	4 July 1994
	NOW Barbara Brown	Evansville, IN 47715				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
108012901080	Andrea J. Baus	634 College Hwy	Paralegal/Sec	<del>8,814</del> 18,334	<del>HR</del> 00	1 July 1994
		Evansville, IN 47714				
108N1110108N	Barbara Borchert	3700 Richardt Ave	Director	<del>11,520</del> 24,045	<del>HR</del> 00	1 July 1994
	NOW Barbara Brown	Evansville, IN 47715				

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

Chief Deputy Prosecutor

DATE

6 July 1994

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department 213.0 Health

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1270	Leslie J. Thompson, RN	1124 Shiloh Square Evansville 47714	STD/HIV Clinic Nurse	12.8293/hr.	7/11/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDED  
COMMISSIONER'S RECORD

SIGNED BY

*Sam Alder*  
Director

DATE

7/7/94



# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff

APPOINTMENTS MADE					
	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
10501130022	Jan Happe.		Custodian	11 389 23690 00	7-7-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED					
	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Ray Hamm DATE 7/8/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Cooperative Extension Service - 1230

APPOINTMENTS MADE					
	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED					
	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1230-1170	Janet McBee	R #2, Box 569 Haubstadt, IN 47639	Extension Educator	652.07	7-15-94
		STILL PAID 7/15/94 P.L.			

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Susan Plasmeyer DATE 7-8-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

Cumulative Bridge 203

21

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
203-1100	Tim Spurling		Asst. Co. Eng	\$33,075.00	7/11/94
		NOT ON 7/15/94 PR.	-will pay 15 days		7/24/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

John Steel

DATE 7/8/94

## VANDEBURGH COUNTY EMPLOYMENT CHANGES

**Department**

## BUNDETTE PARK

**RELEASED**

[illegible]

## RECORDER COMMISSIONER'S RECORD

**SIGNED BY:**

Mark T. Inley DATE

## sh

**SIGNED BY:**

## Market Ineqy

DATE \_\_\_\_\_

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department     PIGEON TOWNSHIP ASSESSOR

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
	Deborah has an appointment with M.D. 7-8-94.				
	She expects to be released soon after that.				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
90	Deborah K.		Reassessment		
50-130	Schulze	901 Stewart Ave	Co-Ord II	719 53	7-9-94 ✓
	Medical Leave of Absence with Insurance				

ORDER

COMMISSIONER'S RECORD

SIGNED BY

*Diana G. Fox*

DATE

7-5-94

**CITY—COUNTY PURCHASING DEPARTMENT**

ROOM 323, CIVIC CENTER COMPLEX  
1 NW MARTIN LUTHER KING JR. BOULEVARD  
EVANSVILLE IN 47708-1833  
PHONE (812)-426-5495  
TDD/HEARING IMPAIRED (812)-426-5483  
FAX (812)-426-5399

July 12, 1994

Mr. Stuart R. Scott  
Vice President  
Scott Boiler and Burner Service  
111 E Washington Street  
Chandler IN 47610

Re: Rubbish Removal at Old Union Township School  
Bid No. VC9405  
NOTICE TO PROCEED

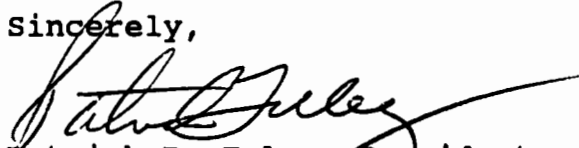
Dear Mr. Scott:

Notice is hereby given that work may begin for the above referenced project. Work shall commence July 18, 1994 and be completed no later than August 12, 1994.

Bret Townsend will act as Project Manager for this project. Please direct any questions or problems to him.

Thank you for your cooperation in this matter.

Sincerely,



Patrick R. Tuley, President  
Board of County Commissioners



Richard J. Borries, Vice-President  
Board of County Commissioners



Don L. Hunter, Member  
Board of County Commissioners

cc: Bret Townsend, Supervisor, General Sanitation  
Chief Stephen Woodall, Sheriff's Department  
Lynn W. Ellis, Buyer

## CONTRACT

THIS CONTRACT, made and entered into at Evansville, Indiana by and between the COUNTY OF VANDERBURGH, INDIANA, as Agent for OWNER as "COUNTY" and Scott Boiler & Burner Service, hereinafter designated as "CONTRACTOR".

WITNESSETH that the County of Vanderburgh, acting as agent for OWNER and the CONTRACTOR, for the mutual considerations hereinafter expressed, agree as follows:

ARTICLE I. Scope of work: The Contractor shall do and perform everything required to be done to wreck and tear down the building and/or remove all rubbish in accordance with the bid specifications incorporated herein.

The CONTRACTOR further agrees to fill any excavation caused by said removal, and to clear the site of all debris in accordance with the bid specifications.

"All mixed debris (containing metal, or wood or other demolition debris) must be disposed of in a state approved Class III Landfill."

ARTICLE II. COMPONENT PARTS OF THIS CONTRACT: this contract consists of the following component parts, all of which are as fully a part of this contract as if fully set out herein verbatim, and whether physically attached hereto or unattached:

1. Notice to Bidders
2. Information for Bidders
3. General Conditions
4. Specifications
5. Bid Bond and Performance and Payment Bond
6. Bidder's Proposal
7. Form 96
8. Equal Employment Opportunity form
9. All applicable state and county laws
10. Certificates of Workmen's Compensation Insurance and Public Liability Insurance
11. Contract

ARTICLE III. CONTRACT PRICE: The COUNTY shall pay to the CONTRACTOR for the performance of this contract the sum of \$18,302.00.

ARTICLE IV. COMPLETION: CONTRACTOR agrees to complete the work in twenty (20) calendar days from the Notice to Proceed.

Should CONTRACTOR fail to complete the said work within the said period of time, the COUNTY may declare said contract forfeited and relet the contract. In such event, the CONTRACTOR herein shall be entitled to no compensation for such services as may have been performed by said CONTRACTOR prior to the time of forfeiture.

ARTICLE V. CONTRACTOR'S RESPONSIBILITY FOR THE WORK: Until the final acceptance of the project by the County, it shall be under the charge and care of the Contractor. He shall take every precaution to protect the work from damage by the elements or from any cause whatsoever and shall repair and make good at his own expense any such damage. He shall provide and maintain suitable strong and substantial barricades and signs wherever necessary, which signs and barricades shall be kept lighted from sunset to sunrise with suitable warning lights. THE CONTRACTOR SHALL SAVE AND KEEP HARMLESS THE COUNTY, AND ITS EMPLOYEES FROM ANY AND ALL CLAIMS FOR DAMAGE TO PERSONS OR PROPERTY SUSTAINED DURING THE PROSECUTION OF THE WORK.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed in duplicate this 11<sup>th</sup> day of ~~May~~, 1994.

VANDERBURGH COUNTY, INDIANA as agent for Owner *July (Dmr)*

BY: *Pat Tuley* (seal)  
Pat Tuley, President

ATTEST: *Sam Humphrey cm*  
Sam Humphrey, Auditor

BY: *Stewart R. Scott*  
CONTRACTOR - signed

SCOTT BOILER & BURNER SERVICE  
Company - Typed Name of Firm

ATTEST: *Russell E. Scott*  
Name: Russell E. Scott  
Title: Owner

Approved as to form:

*Alan Kissinger*  
County Attorney - Alan Kissinger





**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BO

DON L. HUNTI

PATRICK R. TI

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Approve the advertising for bids for the sale of the Prover.

It is expected that the value of the equipment exceeds the  
statutory requirement of \$1,000.

Bids will be advertised on July 14 and 21, 1994

Bids will be due August 15, 1994

**DATE TO BE PLACED ON AGENDA:** July 11, 1994

**ACTION** XX **CONSENT**        **OTHER**

CITY OF EVANSVILLE  
VANDERBURGH COUNTY

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS WILL UNTIL, MONDAY, AUGUST 15, 1994 AT 5:30 P.M. RECEIVE AND PUBLICLY OPEN AND READ SEALED BIDS FOR THE SALE OF THE FOLLOWING:

100 GALLON FUEL CONTAINER

BID REQUIREMENTS:

1. Each bid must be in full compliance with the specifications and executed by the bidder on Proposal Form, wherein the Non-Collusion Affidavit must be completed in accordance with the Indiana State Board of Accounts.
2. All bids must be accompanied by a Bid Bond or Certified Check payable to the BOARD OF COUNTY COMMISSIONERS of Vanderburgh County in an amount of not less than five percent (5%) of the total bid amount as evidence of good faith of the bidder and such deposit shall be subject to forfeiture in the event the bidder fails to execute his contract in accordance with his bid.
3. Consideration of applicable taxes shall be observed as covered in the specifications and Bid Forms. In no instance, however, will Federal Taxes or Indiana Sales Tax be applicable.
4. The BOARD OF COUNTY COMMISSIONERS OF VANDERBURGH COUNTY reserves the right to award separate contracts for each item and/or the right to reject any and all bids if considered to be in the best interest of Vanderburgh County.

DATED THIS 11th day of July 1994.

THE BOARD OF COUNTY COMMISSIONERS  
VANDERBURGH COUNTY

Patrick R. Tuley, President  
Richard J. Borries, Vice-President  
Don L. Hunter, Member

Attest: Ms. Joanne Matthews, Secretary to the Board

PUBLISH IN THE EVANSVILLE COURIER AND PRESS:

JULY 14, 1994  
JULY 21, 1994



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BC

DON L. HUNTE

PATRICK R. TL

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Approve the advertisement for bids for protective/bullet-proof  
vests for the Sheriff's Department.

The bid will be advertised July 14, 1994 and July 21, 1994

Bids will be due August 15, 1994

**DATE TO BE PLACED ON AGENDA:** July 11, 1994

**ACTION** XX

**CONSENT**           

**OTHER**

CITY OF EVANSVILLE  
VANDERBURGH COUNTY

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS WILL UNTIL, MONDAY, AUGUST 15, 1994 AT 5:30 P.M. RECEIVE AND PUBLICLY OPEN AND READ SEALED BIDS FOR THE FURNISHING AND DELIVERY OF THE FOLLOWING:

BODY ARMOR

BID REQUIREMENTS:

1. Each bid must be in full compliance with the specifications and executed by the bidder on State Bid Form #95, wherein the Non-Collusion Affidavit must be completed in accordance with the Indiana State Board of Accounts.
2. All bids must be accompanied by a Bid Bond or Certified Check payable to the BOARD OF COUNTY COMMISSIONERS of Vanderburgh County in an amount of not less than five percent (5%) of the total bid amount as evidence of good faith of the bidder and such deposit shall be subject to forfeiture in the event the bidder fails to execute his contract in accordance with his bid.
3. Consideration of applicable taxes shall be observed as covered in the specifications and Bid Forms. In no instance, however, will Federal Taxes or Indiana Sales Tax be applicable.
4. The BOARD OF COUNTY COMMISSIONERS OF VANDERBURGH COUNTY reserves the right to award separate contracts for each item and/or the right to reject any and all bids if considered to be in the best interest of Vanderburgh County.

DATED THIS 11th day of July 1994.

THE BOARD OF COUNTY COMMISSIONERS  
VANDERBURGH COUNTY

Patrick R. Tuley, President  
Richard J. Borries, Vice-President  
Don L. Hunter, Member

Attest: Ms. Joanne Matthews, Secretary to the Board

PUBLISH IN THE EVANSVILLE COURIER AND PRESS:

JULY 14, 1994  
JULY 21, 1994



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. B

DON L. HUNTI

PATRICK R. T

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Execute the Notice to Proceed for Rubbish Removal at Union  
Township School, Bid No. VC9405, to Scott Boiler and Burner  
Service.

**DATE TO BE PLACED ON AGENDA:** July 11, 1994

**ACTION** xx **CONSENT**        **OTHER**

**CITY—COUNTY PURCHASING DEPARTMENT**

**ROOM 323, CIVIC CENTER COMPLEX  
1 NW MARTIN LUTHER KING JR. BOULEVARD  
EVANSVILLE IN 47708-1833  
PHONE (812)-426-5495  
TDD/HEARING IMPAIRED (812)-426-5483  
FAX (812)-426-5399**

July 12, 1994

**Mr. Stuart R. Scott  
Vice President  
Scott Boiler and Burner Service  
111 E Washington Street  
Chandler IN 47610**

**Re: Rubbish Removal at Old Union Township School  
Bid No. VC9405  
NOTICE TO PROCEED**

**Dear Mr. Scott:**

**Notice is hereby given that work may begin for the above referenced project. Work shall commence July 18, 1994 and be completed no later than August 12, 1994.**

**Bret Townsend will act as Project Manager for this project. Please direct any questions or problems to him.**

**Thank you for your cooperation in this matter.**

**Sincerely,**

**Patrick R. Tuley, President  
Board of County Commissioners**

**Richard J. Borries, Vice-President  
Board of County Commissioners**

**Don L. Hunter, Member  
Board of County Commissioners**

**cc: Bret Townsend, Supervisor, General Sanitation  
Chief Stephen Woodall, Sheriff's Department  
Lynn W. Ellis, Buyer**



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BO

DON L. HUNTE

PATRICK R. TU

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Authorize the County Attorney, Alan Kissinger, to open bids  
for one (1) Pothole Patching and Crack Sealing Machine for  
the County Highway Department. Bids are to be taken under  
advisement for review by County Highway and Purchasing. A  
recommendation for award will be prepared for the July 18, 1994  
Commission meeting.

**DATE TO BE PLACED ON AGENDA:** July 11, 1994

**ACTION** xx **CONSENT**        **OTHER**



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J.

DON L. HUN

PATRICK R.

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Authorize the County Attorney, Alan Kissinger, to open bids

for the Fitness Center Equipment for the Sheriff's Department.

Bids are to be taken under advisement for review by the Sheriff's

Department and Purchasing. A recommendation for award will be

prepared for the July 18, 1994 Commission meeting.

**DATE TO BE PLACED ON AGENDA:** July 11, 1994

**ACTION** xx

**CONSENT**        **OTHER**



**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- Request approval to release a bid for computer hardware to replace existing equipment. Approval was granted by the Databoard on 6/28/94.
- Further request approval to award the bid at the County Commissioner's meeting following the bid opening. The exact dates are yet to be determined but are anticipated to be late August 1994.

**DATE TO BE PLACED ON AGENDA:**

Board of Public Works

Wednesday, July 7, 1994

County Commissioners

Monday, July 11, 1994

**ACTION** \_\_\_\_

**CONSENT** \_\_\_\_

**OTHER** \_\_\_\_



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**A RESOLUTION IN SUPPORT OF EXTENDING I-69  
FROM INDIANAPOLIS TO EVANSVILLE AS PART OF THE  
MID-CONTINENT HIGHWAY STRETCHING FROM  
CANADA TO MEXICO**

- WHEREAS:** Southwest Indiana has suffered from the lack of a direct interstate highway connection to the State Capitol in Indianapolis, and,
- WHEREAS:** an interstate highway is essential to economic expansion and the attraction of new industry and new jobs to the area, and,
- WHEREAS:** it has been projected that this highway would generate a \$2.9 billion increase in Gross State Product and create as many as 4,210 permanent jobs, and,
- WHEREAS:** it has been calculated that the development of this highway would support more than 7,100 construction related jobs, and
- WHEREAS:** it has been estimated that an interstate highway would reduce the total number of accidents in southwest Indiana by more than 2,380 per year,

**THEREFORE, BE IT RESOLVED THAT:**  
supports efforts currently underway to extend I-69 south from Indianapolis to Evansville, via Bloomington and strongly encourages the State of Indiana and the federal government to accelerate investment in and development of this project.

**SUBMITTED AND ADOPTED ON THIS DAY OF \_\_\_\_\_**

\_\_\_\_\_  
**PRESIDENT**

\_\_\_\_\_  
**SECRETARY**

VANDEBURGH COUNTY HIGHWAY DEPARTMENT  
PROGRESS REPORT  
FRIDAY, JULY 1, 1994 THRU THURSDAY, JULY 7, 1994

FRIDAY, JULY 1, 1994

Paver, roller, distributor and eight crews paved Old Henderson.  
Gradall and one crew ditched at Sheriff's Training Center.  
Gradall and one crew installed pipe at 1821 Wimberg Road.  
One mower worked on New Harmony Road and work orders.

MONDAY, JULY 4, 1994

HOLIDAY

TUESDAY, JULY 5, 1994

Paver, roller, distributor and seven crews paved Old Henderson.  
Mower worked on Covert, Fuquay, Pollack and Spry.

WEDNESDAY, JULY 6, 1994

Gradall and one crew installed pipe at Boonville New Harmony and  
Green River Road for field entrance.  
Paver, roller, distributor and seven crews paved Old Henderson.  
Mowers worked on St. Joe Ave, Oak Hill, Millersburg, Pollack,  
Eastland Drive and Covert Ave.  
One crew cut weeds at the garage.

THURSDAY, JULY 7, 1994

Gradall and one crew replaced culvert at 3326 Bromm Road.  
Paver, roller, distributor, and seven crews paved Old Henderson.  
Mowers worked on Green River, Oak Hill, Millersburg, and St. Joe.  
One crew cut weeds at garage and at property next door.

VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, JULY 1, 1994 THRU THURSDAY, JULY 7, 1994

FRIDAY, JULY 1, 1994

Crew #1 - installed pipe on Wimberg Road.  
Crew #2 - cut weeds around guardrail and bridges.

MONDAY, JULY 4, 1994

HOLIDAY

TUESDAY, JULY 5, 1994

Crew #1 & Backhoe - remove four sections of guardrail and posts  
on St. Wendel Road, remove concrete posts on Big Schaeffer.  
Crew #2 - open hole, check culvert damage at 3025 St. George Rd.

WEDNESDAY, JULY 6, 1994

Crew #1 - install 2 field entrance culverts at Green River Road  
and Boonville New Harmony.  
Crew #2 - open sink hole and repair at 3025 St. George Road.

THURSDAY, JULY 7, 1994

Crew #1 & Backhoe - remove concrete posts on Big Schaeffer Road.  
Crew #2 - install culverts on Boonville New Harmony and Green  
River Road.



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

### Agenda for July 11, 1994

1. Council call request for \$100,000 cumulative bridge fund appropriation for Waterworks Road and for replacement of a culvert on Schroeder Road — *RB/DH*
2. Change order for the USI interchange resulting in an \$800 increase in cost — *RB/DH*
3. Acceptance of right of way from Mr. and Mrs. Gene Adler for the Mann Road bridge replacement — *DH/RS*
4. Street plan approval request for McCutchan Estates Section II Phase II — *DH/RS*

# INDIANA DEPARTMENT OF TRANSPORTATION

## CHANGE ORDER

Project No. LOC E180(A) Contract No. VCR 20697

Change Order No. 03.....

Whereas, the Standard Specifications for this contract provides for such work to be performed, the following change is recommended. (Give location, description and reason)

AFTER INSTALLING STRUCTURES #34A & 35 IT IS APPARENT THE GRATES ON THESE STRUCTURES ARE TOO LOW FOR PUBLIC SAFETY. IT IS THEREFORE RECOMMENDED THESE GRATES BE RAISED 4 INCHES. THE FOLLOWING ITEM NEEDS TO BE CREATED FOR THE REBUILDING OF THE TOPS OF THESE STRUCTURES

ITEM NO.	DESCRIPTION OF ITEM	UNIT PRICE	INCREASE		DECREASE		% CHANGE	
			QUANTITY	AMOUNT	QUANTITY	AMOUNT	THIS C.O.	TO DATE
192	RAISE STRUCTURE GRATE	400.00	2	800.00			100	100
PLACE "EW" FOR EXTRA WORK ITEMS		TOTALS						
PLACE "FA" FOR FORCE ACCOUNT ITEMS		NET	INCREASED <del>DECREASED</del>	ESTIMATED COST \$ 800.00				

It is the intent of the parties that this change order is full and complete compensation for the work described above. Notification and consent to this change in plans is hereby acknowledged.

Contractor Blankenshaw Bros. By Patrick Blankenshaw Date 7-7-94

<b>Submitted For Consideration</b>	
PE/S	D.E.
AE	CONST. ENGR.
DCE	CHIEF DIV.

Patricia J. Jones  
Richard J. Barnes  
~~Patricia J. Jones~~

**Approved for Indiana Department of Transportation**

Approved for Indiana Department of Transportation

Brian R. Minn P.S. 7-7-94  
(SIGNATURE) (TITLE) (DATE)

BID RECAP SHEET

PROJECT: 109410 FITNESS CENTER EQUIPMENT FOR SHERIFF'S DEPARTMENT

BID OPENING DATE: July 11, 1994

\* \* \* \* \*

<u>Bidder Name</u>	<u>Amount</u>
UNIVERSAL <sup>GYM</sup> <del>GYM</del> EQPT., INC.	\$30,446 <sup>00</sup>
HAMMER STRENGTH CORP.	\$22,009.20
BODYMASTERS SPORTS INDUSTRY, INC.	\$38,664.00
GILLES SCHWINN CYCLERY & FITNESS CENTER, INC.	\$37,552.00
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

COMMENTS: UNIT BIDS

ACTION TAKEN:

## BID RECAP SHEET

**PROJECT: VC9412 POTHOLE PATCHING & CRACK SEALING MACHINE**

**BID OPENING DATE:** July 11, 1994

✿ ✿ ✿ ✿ ✿ ✿

Bidder Name	Amount
SPAULDING MFG., INC.	NO BID
H.D. INDUSTRIES, INC.	NO BID
KORTE BROS., INC.	\$39,500 <sup>00</sup>
CARLISLE EQPT. CO., INC.	\$32,077.34
SOUTHERN EQPT. CO., INC.	\$43,790.00

COMMENTS:

**ACTION TAKEN:**



## BID RECAP SHEET

PROJECT: PROJECT VC-94-07-01/BRIDGE NO. 5 & BRIDGE NO. 7

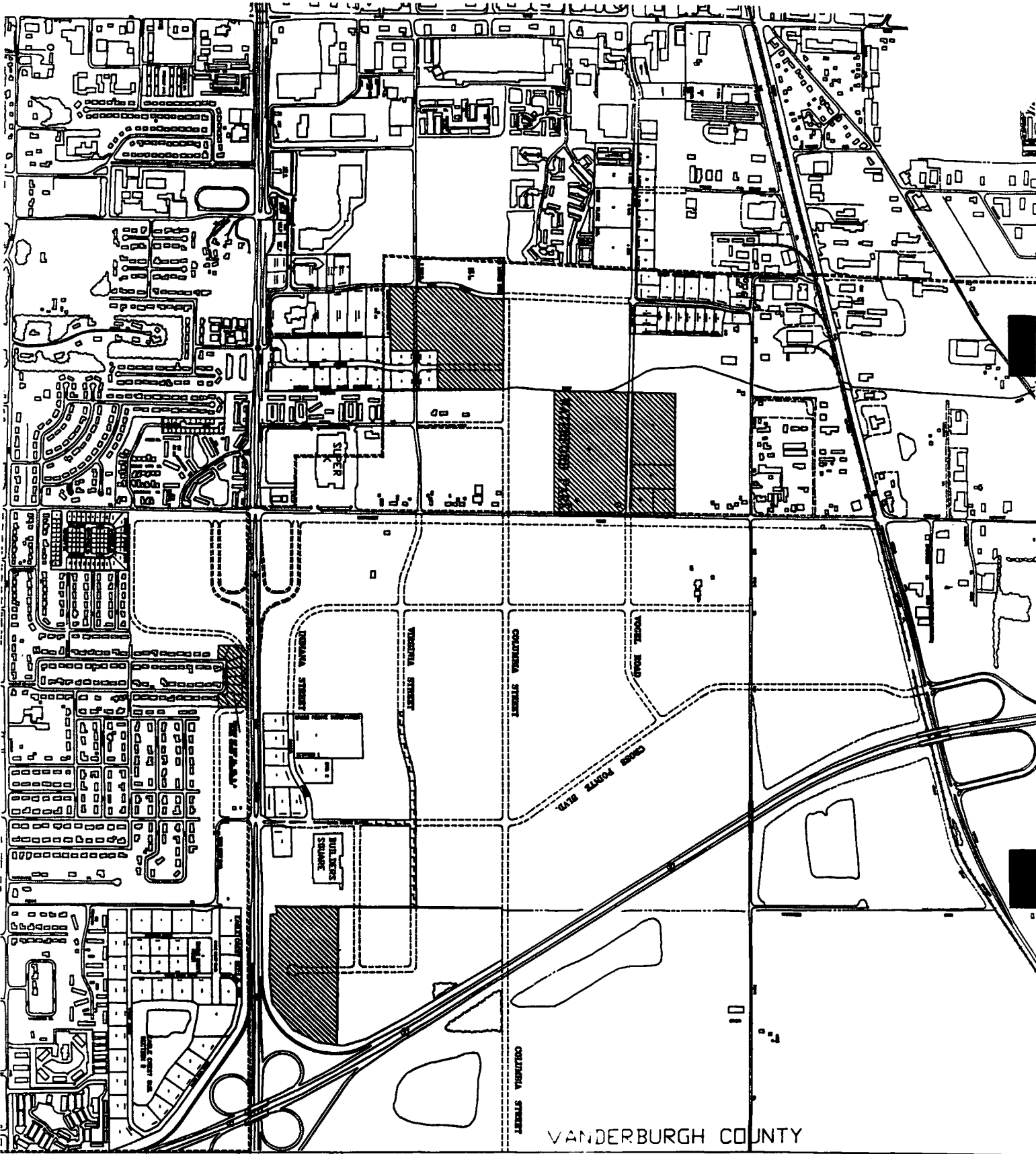
**BID OPENING DATE:**      July 11, 1994

\* \* \* \* \*

<u>Bidder Name</u>	<u>Amount</u>
<u>UNITED CONSULTING ENGINEERS, INC.</u>	<u>\$142,642.19</u>
<u>CCC OF EVANSVILLE, INC.</u>	<u>\$173,205.58</u>
<u>DIG BROS LUMBER &amp; CONSTR. CO., INC.</u>	<u>\$412,908.70</u>
<u>PHOENIX CONSTR. CO.</u>	<u>\$203,516.82</u>

COMMENTS: ALLOCATE BILLS & AVERAGE COMBINED TOTALS

**ACTION TAKEN:**



VANDERBURGH COUNTY  
WARRICK COUNTY

**AREA PLAN COMMISSION**

**SCALE : 1" = 400'**  
**DATE : JULY 11, 1994**

**CITY BOUNDARY**  
**UNIMPROVED DEDICATED RIGHT-OF-WAY**  
**PLANNED TRAFFIC NETWORK**  
**SUBDIVISION WITH PRIMARY APPROVAL NOT RECORDED**

**MARK R. OWEN**  
COURT BUILDING, SUITE 522 • 123 N.W. 4TH STREET  
EVANSVILLE, INDIANA 47708  
(812) 425-3411

## MEMORANDUM

**TO:** Pat Tuley, President  
Vanderburgh County Commissioners

**FROM:** Mark R. Owen, President  
Central Dispatch Board

**DATE:** July 11, 1994

---

*At the Board Meeting of the Central Dispatch on July 7, 1994, the Central Dispatch Board proceeded awarding the contract for the purchase of the switching equipment necessary to proceed with the next phase of the Dispatch Center.*

The total cost of the contract was \$149,671.00. The County's share of this contract is \$49,890.33. The City has agreed to up-front these costs and guarantee payment of the contract until the County appropriates its necessary share. In addition to these costs, each unit of government is responsible for its individual purchase of the Mobile Data Terminals (MDT). The cost for these units individually is \$2,550 plus \$471.00 each for the interface units and an additional \$48.95 per unit for the warranty. No other costs would apply so long as the County performs its own installation.

Therefore, with the purchase of 10 units, an additional amount of \$30,699.50 needs to be appropriated. Originally, funds for these purchases were included in the Dispatch Budget. At this point, it is not clear whether these funds have been encumbered and what the status for the county may be. Regardless, it is incumbent on me to advise the appropriate governmental bodies that we are proceeding with this phase and that if the county wishes their continued participation in this project, the necessary funds will need to be appropriated. The total appropriation required is \$80,589.83.

Should you have any questions, please feel free to contact me.

cc: Rick Borries  
Don Hunter  
Phil Hoy  
Art Gann  
Ray Hamner  
Barbara Hertzberger

MOBILE DATA TRANSMISSION

## EVANSVILLE POLICE DEPARTMENT

INTER-DEPARTMENT  
CORRESPONDENCE

DATE: July 8, 1994  
TO: Mark Owen, President Central Dispatch Board  
FROM: Major James Kleeman  
SUBJECT: MDT Project

---

As you requested, the following is a breakdown of the costs associated with the MDT project that would be split between the city and county:

Description	Total cost	County share
Message switch	\$84,932.00	\$28,310.67
MDCS Infrastructure	\$33,982.00	\$11,327.33
Maintenance	\$20,892.00	\$6,964.00
Training	\$9,865.00	\$3,288.33
Total	\$149,671.00	\$49,890.33

It is possible that the training cost may be reduced as this is an optional item that we will make a decision later into the project after we receive more detailed information on the training content.

The cost for each MDT unit is \$2,550 plus approximately \$471 each for and RDI interface and mounts. If they do their own installation, there is an additional cost of \$48.95 per unit for the three months warranty maintenance.

I hope this information is helpful to you for planning purposes.

CC: Chief Gann  
Captain Hertzberger

**AREA PLAN COMMISSION**  
**EVANSVILLE-VANDERBURGH COUNTY**  
*Room 312 Civic Center Complex*  
*1 N.W. Martin Luther King, Jr. Blvd.*  
*Evansville, IN 47708*  
*Phone (812) 435-5226*

**TO:** Commissioner Borries  
**FROM:** Barbara L. Cunningham  
**DATE:** July 11, 1994  
**SUBJECT:** Supreme Court Case Dolan v. City of Tigard

I would like to share with you a Press Release that I received Friday from Jim Segedy, President of the Indiana Planning Association.

## **SUPREME COURT AFFIRMS VALUE OF PLANNING**

Hoosiers interested in protecting or improving the quality of life in their communities received some welcome news the end of June, 1994 from the U.S. Supreme Court. In Dolan v. City of Tigard, the Court told local governments they may continue to impose conditions on property development, provided the conditions are reasonable and advance a legitimate community interest.

Both property owners and municipalities can be encouraged by the ruling. Landowners can be confident that their property will not be taken for public use without just compensation. Communities can be assured that they may still require property developers to act in the public's best interest.

The case stems from Florence Dolan's desire to demolish her 10,000 square foot plumbing supply store and replace it with one nearly double the size. The City of Tigard, in granting the request, required Dolan to dedicate about 10 percent of her property for floodplain protection and a stream side bicycle path. The City contended that increased stormwater runoff and traffic, resulting from a larger store, justified the requirements.

Dolan disagreed, arguing that the City did not adequately demonstrate how her proposed new store would impact the community. She contended that the City forced her to choose between the building permit and her right under the Fifth Amendment to just compensation for the public easement.

Although Oregon courts had ruled against Dolan, the High Court found in her favor. The Court said local governments must show a "rough proportionality" between effects of new development and the amount of land government wishes to use, but not pay for, to protect the public interest.

While the Dolan case dealt only with traffic and flooding, the decision will have a far-reaching effect. Many communities, for example, use land dedication and exaction to preserve historic structures and to protect scenic views and animal habitats.

What the Dolan decision demonstrates more than anything else is the need for quality planning in communities across Indiana. Good planning can balance the needs of property owners with the desires of the community. It can help municipalities determine the potential impact of new development and take measures to protect citizens from harmful effects. Since plans are developed with extensive citizen participation, they reflect a community's values. If municipalities hope to preserve their unique character, they should heed the Court's planning imperative. Otherwise, they risk potential lawsuits from angry property owners.

The Court has remanded the Dolan case to the Oregon Supreme Court where the City of Tigard will have a chance to show a reasonable relationship between its requirements and the potential impacts associated with Dolan's proposed new store. The City must show that the public-private balance in land use is equitable. And that, after all, is what planning and planners in Indiana are committed to do.

James Segedy  
Indiana Planning Association Chapter  
of American Planning Association

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947

NO. 21 - 1947

JULY 19, 1994

001810-

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 15318

FUND COUNTY REVENUE

\$200.00

I HEREBY CERTIFY THAT: KOESTER CONTRACTING

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$200.00 DOLLARS

ON ACCOUNT OF RENT - GREEN RIVER RD. PROPERTY

SAM HUMPHREY  
AUDITOR VANDERBURGH COUNTY, INDIANA

**KOESTER**

**CONTRACTING CORP.**

14649 HIGHWAY 41 NORTH EVANSVILLE, INDIANA 47711

PAY TWO HUNDRED AND NO/100 DOLLARS

TO THE  
ORDER OF

BOARD OF COMMISSIONERS  
305 ADMINISTRATION BLDG  
CIVIC CENTER COMPLEX  
EVANSVILLE, IN 47708



71-1  
863

DATE

CHECK NO.

07/05/94

042793

42793

CHECK AMOUNT

\*\*\*\*\*200.00

*D. Robert Brown*

NOT VALID WITHOUT TWO SIGNATURES OVER \$50,000

⑈042793⑈ ⑆086300012⑆ ⑈410⑈00074 4⑈

KEVIN BRYANT, ATTORNEY  
TRUST ACCOUNT  
COUNTY COLLECTION FUND  
P.O. BOX 3531  
EVANSVILLE, IN 47734

7-1 94 71-7187/2863

Pay to the order of County Commissioners \$ 1,103.34  
One Thousand One Hundred Three and 34/100 DOLLARS

FIRST FEDERAL  
SAVINGS BANK  
EVANSVILLE, IN 47712

39-22/16-10-94 *K. Bryant*

+ 886371676 01210106651 0521

PRESCRIBED BY STATE BOARD OF ACCOUNTS REVISED COUNTY FORMS NO. 20 - 1947  
NO. 21 - 1947

July 19, 1994 QUIETUS  
OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA NO. 15319

FUND 139-3510 \$1,103.34

I HEREBY CERTIFY THAT: KEVIN BRYANT, ATT.

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$1,103.34 DOLLARS

ON ACCOUNT OF COLLECTIONS

SAM HUMPHREY  
AUDITOR VANDERBURGH COUNTY, INDIANA



July 19, 1974

CLERK

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 15320

FUND 130-3e10

\$165.00

I HEREBY CERTIFY THAT: COUNTY CLERK/LEVIN BRYANT

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$165.00 DOLLARS

ON ACCOUNT OF COLLECTION (KATHARINE BIGKMAN)  
CASE NO. 82D069402SC00704

SAM HUMPHREY  
AUDITOR VANDERBURGH COUNTY, INDIANA

APPROVED BY STATE BOARD OF ACCOUNTS FOR VANDERBURGH COUNTY 1982

DATE 7/19/74

CASE NO. 82D069401SC00704

CLERK VANDERBURGH CIRCUIT COURT

EVANSVILLE, INDIANA

KATHARINE BIGKMAN

AMOUNT \$165.00

VOID 30 DAYS FROM DATE

NO. 00034696

OLD NATIONAL BANK EVANSVILLE, INDIANA

PAY TO THE ORDER OF VANDERBURGH COUNTY

THE OFFICE OF THE COUNTY CLERK

LEVIN BRYANT

82D069402SC00704

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

Blankenbiller Brothers

Vendor No. 481

\$ 155,219.10

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name 451

Account No. 430 Bond

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$

Richard P. Boies

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

July 8, 1994

John Stora  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>Est. #21</u>	<u>—</u>	<u>7/1/94</u>	<u>430 Bond</u>	<u>155,219.10</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL

155,219.10

## Board of Commissioners

TOTAL 60.00

## Board of Commissioners

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
4061300242	-	6/13/94	203-4429	15.00
TOTAL				15.00

## Board of Commissioners

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<del>XXXXXXXXXX</del>	—	6/13/94	203-4429	4.80
18988		6/9/94	203-4429	52.10
19254		6/9/94	203-4429	31.98
			TOTAL	88.88

Commission Meeting  
July 11, 1994

Name		Affiliation
<del>James Dwyer</del>	N	Eagle Crest -
<del>Cyril Dwyer</del>	N	Payson's Const. Co.
Pat Ziemer		WGAB
Ed Ziemer Jr	N	Gardman/Simon
Kenneth McWhorter	N	State Rep Candidate
Garry McWhorter	N	Shelf - Stable Foods
Garry Hirsch	N	Farmer
David Hirsch	N	
Harvey Hirsch	N	
Stelma Helber	N	
Garry Hirsch		Homeowner
Dolly Howell		Landowner
Jim Minner	I-69	Old. Capt. LOCAL (R)
Jonathan Wenzel	I-69	
Cheryl Underwood		Homeowner
Allen Sauls	I-69	Chamber of Commerce
Alma Euter Gach		Landowner
Julia Euter		"
<del>Alma Euter</del>		Pres
<del>Alma Euter</del>		Landowner
Mark Euter		Landowner
Albert Gerner		Landowner
Paul R. Gerner		Landowner
DAN STOCKS		ALLEN INVESTMENTS
KEN NEWCOMB JR		JACK ROGERS REALTOR
Frank Richardson		Hoyrich Co
Martha Dwyer		Property owner -

Hilton Church  
 Martine Mehringer  
 Roger C Madden  
 Larry & Carol  
 Lene & Mary Baye  
 Joseph L. Parker  
 Evelyn M. Eickhoff  
 Dorothy Kuntzarat  
 Richard Rhenhard  
 Joe Reson  
 David Miller  
 Jim McTigue  
 Dave Mangan  
 Robert F. Nowak  
 Billy Nalley  
 Roger H. Watson  
 John E. Dargatzis  
 [Redacted]  
 Dave Nelson  
 Steve J. Evay  
 John Stoltz  
 John Dersel  
 Don Finch  
 Angela Dwyer

KORTE Bros Inc  
 Concerned Resident  
 Concerned about Concern  
 Sense

Resident / Owner  
 Property owner  
 Property owner  
 Property owner  
 Property Owner  
 Real Estate Broker  
 Property Owner  
 Atty for Green Pointe Comm  
 Green Pointe Comm & Corp  
 ACURA ENGINEERING  
 Property Owner

Property Owner  
 Durell Holston Trust  
 Webb Development  
 Durell Holston Trust  
 Timothy Spurling  
 Carol Kim  
 Doug Green  
 John Bude  
 Tim Buchner

Lozetta Townsend  
Barbara Cunningham  
Bar Behme  
Blaine Oliver  
Keith Lockmiller / Bernice Lockmiller

Pat Tuley

Rich Barries

Don Hunter

Alon Kissinger / Co. Atty

John Hall / Co. Engineer

Bill Mayhew / Co. Hvy. Eng.

Mark Aree / Sup. Co. Bldg.

Cindy Ware / Chief Deputy Auditor

James G. MacArthur / Secretary



STOCKS  
YES/NO

Sign-In Sheet

Commission Meeting  
July 11, 1994

Name

Affiliation

John Dunn N  
Biggs N  
Pat Ziemer  
Pat Ziemer N  
Kenneth N  
Garry N  
Garry N  
David Hirsch N  
Harvey Hirsch N  
Stefan Hirsch N  
Dorothy Hirsch  
Tom Hirsch I-69  
Jonathan Wenzel I-69  
Cheryl Underwood  
Loren Hirsch I-69  
Alice Euter Gosh  
Julia Euter  
Hend Hirsch  
Garry Hirsch  
Mark Hirsch  
Albert Hirsch  
R. Hirsch  
DAN STOCKS  
KEN NEWCOMB JR  
Frank Richardson  
Martha Hirsch

Eagle Crest -  
Payson's Crest  
WGAB  
Gerdman/Simon  
State Rep Candidate  
Shelf - State Reps  
Farmer

Homeowner  
Landowner  
Okla. Cops. LOCAL 181

Homeowner  
Chamber of Commerce  
Landowner.

"  
Price

Landowner  
Landowner  
Landowner  
Landowner

ALLEN INVESTMENTS  
JACK PETERS REALTOR  
Hornick Co  
Property owner -

**MINUTES  
COUNTY COMMISSIONERS MEETING  
I-69 RESOLUTION AND  
EASTSIDE TRANSPORTATION HEARING  
JULY 11, 1994**

**I N D E X**

<b><u>Subject</u></b>	<b><u>Page No.</u></b>
<b>Meeting Opened @ 5:30 p.m. ....</b>	<b>1</b>
<b>Pledge of Allegiance ....</b>	<b>1</b>
<b>Resolution re I-69/Jonothon Weinzapfel ....</b>	<b>1</b>
<b>Eastside Transportation Hearing ....</b>	<b>3</b>

**COUNTY COMMISSIONERS  
EASTSIDE TRANSPORTATION HEARING**

**JULY 11, 1994**

**Members Present:**

Mark Abel, Superintendent of County Buildings/Office Manager  
County Commission Office  
Alan Kissinger, County Attorney  
Patrick Tuley, Commissioner  
Rick Borries, Commissioner  
Don Hunter, Commissioner  
Cindy Mayo, Chief Deputy, County Auditor's Office  
Joanne Matthews, Recording Secretary, Auditor's Office

**PLEDGE OF ALLEGIANCE**

**Mr. Tuley:** We would like to deviate from the printed agenda just for one item. We would like to have Item D heard first. Then we will go on, at that time, with the public hearing, approval of Commissioners' minutes, etc. Jonathan Weinzapfel, would you please come forward?

**Mr. Weinzapfel:** I appreciate this opportunity to speak before the County Commissioners. I believe, as you have in your packets, we have a resolution in support of the I-69 project, which would extend from Indianapolis to Evansville. Of course, that is part of the larger project of the Mid-Continent Highway, which would extend from Canada all the way to Mexico. I will quickly go through some of the highlights of resolution. Basically, we are making the contention that Southwestern Indiana has suffered from the lack of a direct interstate highway connection to the State Capital in Indianapolis. As a result, an interstate highway is essential to economic expansion and the attraction of new industry and new jobs to the area. Several studies have been done on this project, as most of you know. Some of these studies would suggest that the highway would generate a 2.9 billion dollar increase in gross State product. As a result, it would create almost 4,210 permanent jobs. It also has been calculated that the development of this highway would support more than 7,100 construction-related jobs. Also, as far as the safety issue, the interstate highway would reduce the total number of accidents in Southwestern Indiana by more than 2,380 per year. As a result, we would like to have it resolved that the Vanderburgh County Commissioners support efforts currently underway to extend I-69 South from Indianapolis to Evansville via Bloomington and strongly encourage the State of Indiana and the Federal government to accelerate investment in and development of this project. The most important thing is that, as far as our social and economic future of this area, this interstate highway is a vital ingredient. If we want to continue to prosper, we need to be part of the interstate highway network. As you know, the nation's industry is dependent on interstate highway network and, if you are not a part of that network, you will not be able to reap all the benefits of, hopefully, a growing national economy. With that, I would like to turn things over to Jim Manning, the operating engineer, who will speak in regard to the jobs impact of this project.

**Mr. Manning:** I am the President of the Operating Engineers Local 181. Thank you for allowing me to make some brief comments in support of the resolution extending I-69 from Indianapolis to Evansville as part of the Mid Continent Highway. Southwestern Indiana has suffered much too long for a direct link to the State Capital. But not only just for the convenience of an interstate to drive on, I look at the economic benefits. Adequate transportation is an essential tool for economic expansion. One of the interests that I have as a business agent for the operating engineers is the construction jobs this project would create. It has been stated

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that somewhere between 6,000 and 7,500 construction and construction-related jobs would be created. However, I look just beyond the construction jobs to the many thousands of permanent jobs that could be created, if we have the proper economic climate. All one has to do to realize the importance of I-69 is to travel the I-65 corridor from north to south, from Northern Indiana through Kentucky, and see the many distribution centers, the small and medium manufacturing facilities. It does not take a rocket scientist to understand the importance of this project. I hear it all the time, "We have got to get it on the road as soon as it's made." Today's companies have almost all their inventory in a trailer some place. It is part of the "just in time" delivery system that management utilizes in this day and time. In conclusion, even though I didn't personally support NAFTA, but since the North American Free Trade Agreement is now law, I would be one of the first to point out the significance of the Mid American Highway as a primary surface transportation link among the NAFTA trading partners. These are just some of the reasons that I urge you to adopt the resolution as presented this date. Thank you very much.

**Ms. Sauls:** My name is Susan Sauls. I am an officer with the Southwestern Indiana Regional Highway Coalition. I am also representing the Metropolitan Evansville Chamber of Commerce. The Interstate 69 is the most important economic development activity that will ever happen in Southwestern Indiana in our lives. You have been very supportive of this project in the past, both verbally, written, and with finances, to help the Highway Coalition promote the highway. We ask your support again, through this petition. We are doing this all over Southwestern Indiana, looking for signatures from individuals and support from elected officials. We ask you to give us your support again, and we ask for your continued support as we push forward on this project. Thank you.

**Mr. Hunter:** I would like to thank you all for being here. Some months ago, at the State of the County address, I think the single-most item in economic development is I-69. If and when that road gets here, good things will happen to this community. No doubt about it. I applaud you for coming before us this evening.

**Mr. Borries:** I would echo exactly those sentiments. I can't think of any more important project that we could endorse. We are not in the loop in relation to the way goods and services are transported in this country. This is critical project. It is one that I think we are going to have to lobby very hard to make sure that it is not delayed further and further back along the many other projects that the state the Federal government have to face. Hopefully, with the network that passes through Tennessee and Arkansas and maybe some national figures, also that might have some interest in this particular project, will see this thing done. So I certainly want to endorse your resolution.

**Mr. Tuley:** There is not a whole lot left you can say. I would offer my appreciation. With the two other Commissioners, in the form of a motion and approval, I will gladly sign my name to this resolution. Normally, we would read it into the record. However, I think, with the exception of the "WHEREAS, AND THEREFORE" John has already read it. By reading all the highlights, he hit the resolution. With a motion and approval, I would like to sign it and submit into the record and forward it on.

Motion made by Borries  
 Seconded by Hunter.  
 SO ORDERED.

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**DISCUSSION ON EASTSIDE GROWTH AREA**

**Mr. Tuley:** I understand there is a list going around. For those who wish to speak with regard to the public hearing on the portion of Vanderburgh County bordered by I-164, Lloyd Expressway, Burkhardt Road and Morgan Avenue, I will attempt to allow each of you to speak. We have a lot of people here. I don't know how many of you actually want to speak. I would like for Barbara Cunningham, from Area Plan Commission, to begin.

**Mrs. Cunningham:** We do have some maps that we printed today that will show you the area. They are passing some out now. We didn't expect this many people. But we are certainly glad to see this many people. Let me begin by thanking the Commissioners for suggesting a meeting to discuss with the public the plans for the Eastside Growth Area, generally bounded by Lloyd Expressway, Burkhardt Road, Morgan Avenue and I-164. Obtaining public input in the planning process is critical for the plans to accurately reflect the community's desires. Good planning can balance the needs of property owners with the desires of the community. This meeting also gives us an opportunity to show the community the current plans for the area. This meeting also gives us the opportunity to let everyone here review the current plans that have been to public meetings for the areas we are talking about tonight. My purpose is to briefly describe the planning for the area that has been done to date. These planning efforts are represented in the following documents. We have the Comprehensive Plan of 1991-2010, the North Green River Road Growth Management Report, and the I-164 Growth Management Report. We also have the Burkhardt Road Corridor Study that was done by the Evansville Urban Transportation Study. The Division Street Growth Management Report was done in 1987 and the I-164 Growth Management Report was done in 1990. These are part of the Comprehensive Plan and are intended to add detail to the Comprehensive Plan. They are intended to provide more specific land use information and recommendations concerning the Eastside Growth Area. These reports, along with the Comprehensive Plan, were discussed at public hearings prior to approval by the Area Plan Commission, the City Council and the County Commissioners. Recommendations were also made on these reports for the extension of certain streets. The EUTS Burkhardt Road Corridor Study was done in 1991 and this report provides an analysis of traffic along Burkhardt Road and proposes a future road grid network for the area. This major grid network is also shown on the Conceptual Plan road maps that are to the right here. On the wall behind the Commissioners, you will see two maps. The first one is a long-range sewer plan map that has been provided to us by the Water and Sewer Department. This map shows the existing sewer lines in the area and the existing Cross Pointe pump station with its service area. It is marked by the green circle. The map also shows possible location for future pump stations in the area marked in pink and orange. The pump station within the pink service area will be the first to be constructed. The scheduling of construction, of course, will depend on how fast this area develops. The Comprehensive Plan, done in 1991, and we are working on an update, for Evansville and Vanderburgh County, should serve as a guide for local officials in making land use decisions. The general land use recommended in the plan for the Eastside Growth Area is shown on the Conceptual Growth Plan. Basically, the same land use plan for the Eastside area, Burkhardt, Lloyd, Division, I-164 and Morgan Avenue, has been shown as such for the last two Comprehensive Plans. This has been since 1987. The Land Use Plan designates the area immediately north of Lloyd Expressway, from Burkhardt to I-164, and the Burkhardt Road Corridor for commercial use. The area along the south side of Morgan Avenue (outlined in pink) is designated for manufacturing uses, and the area in between and the area called "mixed uses" is designated as mixed commercial, manufacturing, and some residential uses. The 1991 Comprehensive Plan designated this mixed use area as residential. We feel this

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will be a mixed use area. What you see on the map are the plans that have already been presented to City Council, County Commissioners, and Area Plan Commission and have been adopted. This is the way we look for the land use to develop in this area. The Eastside Growth Area contains the area that we bounded, Morgan Avenue, Burkhardt Road, I-164 and Lloyd Expressway, contains approximately 600 acres. We expect that this area will develop rapidly, due to the completion of major transportation projects in the area, particularly Lloyd Expressway and I-164. However, most of this area is all agricultural zoning. The roads and infrastructure needed to serve the development in this area are not in place. According to Area Plan Commission information, the area to the west of Burkhardt Road still has approximately an area that has the lift station and some of the roads in place, it still has 165 acres of undeveloped land that is already commercially zoned. As always, before more rezoning in the growth area can occur, the roads and other infrastructure to serve this development must be constructed to provide good site access and avoid further traffic congestion. This is a Conceptual Plan for the area, based on the Comprehensive Plan, the Subarea Plan Reports. It has been to public meetings. It has been adopted by the elected officials. However, it is just a plan. It is a guide. We are now in the process of updating the Comprehensive Plan this year. I hope all of you come to the Comprehensive Plan hearing, because that is when we really need your input. We constantly evaluate and update the Plan so it reflects current conditions and meets future needs. The comments from this meeting will be particularly helpful in the current effort to update the Comprehensive Plan. As we have done in the past, modifications to the plans presented are likely to occur to meet the needs of individual developers. Tonight, the Department Heads of appropriate City and County offices are also here to answer any questions you may have.

Rose Zigenfus, EUTS  
 Herb Butler, City Engineer  
 John Stoll, County Engineer  
 Roger Lehman, Building Commissioner  
 Jim Williams, Water and Sewer Utility  
 Blaine Oliver, Assistant Area Plan Commission Director

We are all here to answer any questions you may have. We look forward to a very productive session. Thank you for coming.

**Mr. Shively:** My name is Les Shively. The area as you know that has been identified, where Builders' Square is, (the C-4 in purple) is essentially the area referred to as Cross Pointe. The property immediately to the east, which is marked agricultural, is approximately 64 acres. The concerns were raised early on by Evansville Urban Transportation Study, the Plan Commission and the County Commissioners concerning the use of an access road that was constructed at that time the State of Indiana put in the cloverleaf for I-164 onto Lloyd Expressway, making it limited access. They acquired access rights from apartments that put in an access road. The manner in which they put the access road in has caused some concerns to the various public agencies. I am not here to say whether those are right, wrong or indifferent. But they were certainly made in good faith. We have taken them into consideration. What we have done, we have developed a design from the relocation of the frontage road, pursuant to the standards that are consistent with the Evansville Urban Transportation Study and the County Engineer, Mr. John Stoll. This project will involve uses by Dersch Energies out of Mt. Carmel, Illinois. They have taken the first step. They have gone to Site Review showing this relocation. We have received preliminary approval for that. We are in harmony on design. We are in a little bit of disharmony in terms of how those costs are going to be borne. We are in the process of developing a system or a process to allocate those costs among the private parties that will not slow down progress and will

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allow parties to develop their property and still provide an equitable and meaningful way to do this, short of any type of litigation. Mr. Miller is working with the other property owners. We just came to this preliminary agreement late on Friday afternoon. Let me just finish off explaining how it works. The frontage road would be located further to the north, just above the boulevard that runs to the center of Cross Pointe Boulevard. It will head down further to the north, loop around to the Shell Oil Station, the Dersch property. It will come back to the original location of the frontage road to the point where we are now onto the Hartmann property. We will construct a closed system that will loop back around to the north of the Builders' Square property. Mr. Dersch has taken the first step at Site Review. Everybody is familiar with what we are doing. The design is something that both sides of Cross Pointe Boulevard agree on at this point in time.

**Mr. Miller:** My name is David Miller. I am the attorney for the Regency-Buente Partnership, the developer of Cross Pointe Commerce Center. So that I can show the Commissioners what we have agreed to, this looping street, which passes behind the Dersch property, according to our agreement, will be one way and will allow ingress into the Hartmann development only. There will be no egress and there will be covenants that will be signed that that street will always remain one of ingress only. The purpose of that is that there is a great amount of concern that traffic would get bottled up here at this intersection. It is much too close to the Expressway where there would be a lot of traffic. The agreement is that people will be able to access the Hartmann ground and the developments on that ground through this area. They will have to exit the grounds either behind Builders Square or on Virginia Street or on both, depending upon how the development goes. There are a number of things we have not agreed to regarding the terms under which this construction will be done, who will pay for what, who is going to compensate who for what, and those matters are going to be submitted through arbitration. We have exchanged writings agreeing to arbitrate. We have not agreed on an arbitrator. We have not agreed on the rules of evidence, things like that. We intend to move forward on that. You encouraged us to make this progress, and we came as far as we could with agreements. Beyond that point, we agreed on an impartial arbitrator.

**Mr. Hunter:** Will both parties or all parties abide by the decision of the arbitrators?

**Mr. Miller:** Under the Indiana Arbitration Act, the arbitration becomes enforceable after judgement. That is exactly what will happen.

**Mr. Shively:** That is why we did it that way, it may be some time before those are all resolved. But that doesn't slow up the process, knowing that there will be a decision that will eventually be binding on everyone.

**Mr. Miller:** We just wanted you to know that that is moving forward and there is no reason for you to delay any other decisions that you may want to make because of that. I think I can say that this traffic pattern in the 64 acres is not something that anybody has committed to. It is exempt. But the idea of ingress from here and egress in the back will remain in place. That idea is solid.

**Mr. Shively:** Mr. Miller pointed out a very important thing that I omitted. That is the one-way in only, which Mr. Dersch and his operations have consented to. That is the way they presented it to Site Review when they presented this particular plan.



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Mrs. Cunningham: When Site Review looked at it, you proposed two-way to the Dersch property. Is that correct? And then one from there. Has it changed since then?

Mr. Shively: Well, it depends on what direction you are going.

Mrs. Cunningham: It is two-way here.

Mr. Shively: I am sorry, you are right. That is correct. Two-way at that point becomes one-way. So you are forced to use the loop.

Mrs. Cunningham: Except for Mr. Dersch's property. He will have an exit.

Mr. Shively: Let me just say this. One other point unrelated. The specifics of this is a general observation that I wanted to insert into the record. This is an issue which I have raised in several cases, not just in conjunction with the problems in this particular area, not just in regard to the Hartmann property, is something that I think that this Commission needs to be sensitive to County-wide on projects of this nature on developments plans that it seeks to anticipate and accommodate rapid commercial development. That is the fact that we need to keep in mind that it is a partnership, it is a cooperation among the various property owners, but also among the local governmental folks. Local government eventually takes over these roadways. The various public utilities take over the sewers, water systems, and have to maintain them. The public benefits by an increase in that tax base. We also want to encourage an increase in that tax space because it is good for economy. The first item of business before we started talking about problems in this area concerned I-69 and how important it is going to be to this economy. It is only going to be important to this economy when government acts with and in conjunction in hand in glove with local business. The U.S. Supreme Court, less than three weeks ago, handed out a decision which will now be, which is now the law of the land in Dolan vs. Tigard. I am sure your attorney is already aware of it. Without reviewing the facts of the case, basically, when we have meetings like this, when other property owners come before you as they develop their property, as the Hartmann family has, when you ask developers to put in roads, when you ask developers to dedicate right-of-way, in this particular case, you would the developer to do some work site, off their land. Those requests have to bear a reasonable relationship on the burden created by that development. You can't simply shovel off the entire cost for a public improvement on all the property owners on particular property. The fact that we are having this public hearing, the fact that we have all the media here, the fact this room is packed, shows that we are not just here for Cross Pointe problems, or the Hartmann family problems, or Mr. Dunn's problem over at Eagle Crest. We are here because this entire area affects the entire public. So I simply would say to you this: As we have this discussion, as various proposals come forward over the months and years, remember that reasonable relationship test, remember the burdens you place on these developers to dedicate roads, to build roads, must bear a reasonable relationship to the burden they are creating. I ask you to keep that in mind as you hear the information presented this evening. Thank you very much.

Mr. Borries: We have a brief prepared by Mrs. Cunningham on that decision. Les, I agree with everything you said. But I have some concerns that you were quoted in Friday's Courier where it says you recognize potential traffic problems but said it is not fair to ask private developers to extend public roads. Basically what the County wants developers to do is spend their money to solve a public problem. That is what you said. I submit that it is the County's responsibility to do that. Is that a fair quote of what you said?



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**Mr. Shively:** I don't think it is a fair quote. Mr. Borries, I think that you commented the other day on a particular matter that I don't want to get into here, that you were misquoted as well. I think that, as one of my former teachers, you will certainly agree to the fact that it can happen. But I would add to that quote, tempered with the decision in Dolan. Certainly, private property owners have to bear the cost and expense based upon the burden they create, the reasonable relationship, not the entire burden, whether it is more than just a private developer's concerns being accommodated, than solving what is perceived to be and what is documented to be and what will be documented after this public hearing to be an overall public problem, the private property owners certainly have to, I think in certain cases, to dedicate right-of-ways within one's property, to build roads within one's property to accommodate the traffic flow created by one's development is legitimate. But, when you go beyond that, and require them to build roads off site and to take the entire cost of certain public improvements for what is clearly a public problem, not just a problem created by the developer, is wrong. I think you can see this evening, by the presentation Mr. Miller and I made a moment ago, that two private property owners here are putting their resources to bear to work on this particular problem. My comments are of a general nature. What we are doing on this loop will only move forward a rezoning process of this proportion. There is other land to be developed, the Hartmanns'. I am interested in benefiting the overall County. This overall County is not going to flourish if we take the position that there are problems out here on the Eastside; if there are drainage problems, sewer or traffic problems, all those problems have to be solved with private dollars. I don't think that is equitable. I think there needs to be a reasonable relationship of balancing. I am not the only person who thinks that way. Five members of the Supreme Court agree with me.

**Mr. Hunter:** Mr. Shively, I agree with what you are saying, but I also feel very strongly that this body will act on whatever way it needs to promote public safety. When you talk about traffic, you talk about public safety. We will continue to pursue that.

**Mr. Shively:** I don't think your comments are any conflicting to what I have said.

**Mr. Borries:** I know that it sometimes sounds as if we are moving two different directions. One, we want to privatize everything. Suddenly, all of a sudden, it is a duty of government to rescue and come in. In this case, there is a chicken and there is an egg. There wouldn't be a traffic problem or public safety problems if there wasn't going to be development. It is the role of limited government, in terms of a very exciting kind of town meeting where you get people face to face and hear what is going on, where views can come out and be exchanged. In this case, it is our view, as Mr. Hunter has pointed out, to look at the public safety. But, when you talk about magic building roads, there is no magic. We go through a very elaborate, open public process that is very slow, so slow that I have probably put on a dozen years on Lynch Road alone, just to get through in a very reasonable sort of way, exactly what the Supreme Court is saying. I just want to emphasize that it cannot all be "government's responsibility" to do this. Our responsibility is public safety and getting people to work together.

**Mr. Shively:** Mr. Borries, I couldn't agree with you more. I think I have indicated to you before, I agree with the Supreme Court that the reasonable relationship should be there, it should be partnership that private property owners have that responsibility. Mr. Hunter, Mr. Borries, Mr. Tuley, I don't mind being a point guard for private property rights. I also don't mind pointing out the fact that I also suffer with you the fact that projects take a

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long time and I certainly applaud your diligence through several administrations to see Lynch Road become a reality. Thank you.

**Mrs. Mehringer:** My name is Marlene Mehringer. My address is 8245 Woodbriar, in Evansville. I live on the far East side. I have been driving the Lloyd Expressway for quite a long time now. I know when Lloyd was put in it was meant to move traffic more quickly. I know that, with the planning process, by the time you finished it, there were already bottlenecks on Green River Road and beyond. Until Lloyd's problems have been taken care of, I don't know how you can even discuss putting limited access in that will cause additional traffic. I think Barbara said it best when she said that, before rezoning, roads must be constructed for good site access and to avoid congestion. What are we going to do about the congestion we have now? I know there is talk of stoplights. We just improved Burkhardt by adding a turn lane only. You have a right turn lane that backs up and people are sitting there for almost 15 minutes. We are going to have severe accidents in that area, just with the current situation. I also agree I-69 is a good idea. But what we are we going to do with those people once they hit Evansville and get stopped at the bottlenecks and stoplights? Unless we can somehow find the money to improve Lloyd with exits or whatever needs to be done, I don't think we should develop any more in that area.

**Mr. Stocks:** My name is Dan Stocks. I am the owner of Allen Investments that owns Metro Centre East development, most commonly known as the ground right behind Kenny Kent Toyota area. It has approximately 43 acres left to sell. We have recently completed Virginia Street, which opened all the way from Burkhardt to Green River Road. I am one of the developers that wanted to come forward and remind you that we were forced to do specific things in our area in order to develop that. Namely, on Lloyd Expressway, on the plans, it called for an accel/decel lane on Metro Drive. Later on, that was dropped from the State requirements. It was made a requirement before we could develop that particular area to spend our own money to put in an accel/decel lane, which we have done. Also, in that particular area, we were not going to develop anything or sell any portion off development-wise, unless we had sewer in place. The sewer system was used for the K-Mart store and others in that immediate area. That expense was borne by our group. So I wanted to make that clear that there are developers in the area that do spend their own money and they don't come in and ask the Commission to pay the bill to put it in. My biggest concern would be that we do use reasonable caution and care in rezoning specific commercial areas, when I myself have 40+ acres that has been zoned commercial and that we are sitting and waiting for something to happen. That particular area has gone a total of 36 to 38 months with only one lot sale. I would ask your consideration in that regard. Help us control the growth and help us to not jump over those of us that have put the hard dollars in to help the situation out. Thank you.

**Mr. Ream:** My name is Joe Ream. I represent Deckam Investments and East Park Development. We have the area on the west side of Burkhardt Road and the Vogel Road area and proposed Columbia. We have a couple of comments to make. We would ask you to keep in mind that we have a chance to have a wider Burkhardt Road now because it is all agricultural land and I am glad to see that the Area Plan Commission has that area lined out. I think that is good planning. I am also happy to see that they have some kind of an interchange at Lloyd. We are going to need one sooner or later. The other thing I would like to underline is what Mr. Stock said about the zoning. I am glad to see, on the South side of Lloyd, that it is marked residential. For a long time, we were told that that is what it was going to be residential. I hope it stays that way. I think there is plenty of commercial land. We all knew what the ground rules were. We all thought it was commercial on the

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north side and residential on the south. We acted accordingly. Thank you.

**Mr. Stephens:** My name is Herrmann Stephens. I live in the area, 7200 E. Walnut, and I can see the congestion coming up. There is supposed to be a stoplight there at Cross Pointe. On several of these meetings, the people have asked that that stoplight not go in. I don't know what is wrong with the planning of this thing, but proper traffic planning can be made for public safety so people don't come across that stoplight and get crashed. There is going to be a lot of wrecks with the stoplight. Detroit won't let anyone turn left at a stoplight. They stack up traffic and let it come back. Why can't some kind of planning be done like that in order to alleviate the problem that a stoplight will create there? I haven't heard anything but there is going to be a stop light there. I think it is indicative of you people to make sure we have the very best planning that we can possibly get. We ought to have ingress and egress roads on both sides of Cross Pointe, because that one is going into a major commercial section. If you want to get across the street, let them stack up and loop around and come back. It is a lot safer and you don't impede traffic. I plead with you to try and do something with this particular section. Otherwise, you are going to have a lot of people getting hurt.

**Mr. Borries:** I would like to have a little more explanation from you. If you don't have a stoplight at Cross Pointe, then what would be your alternative?

**Mr. Stephens:** You have a lane on the left side of the center section coming west, where the traffic can go up and make a loop and come right back and weave into traffic.

**Mr. Borries:** How would they make a loop?

**Mr. Stephens:** Let some of our traffic people go to Detroit and see how they do it. They have been doing it for years up there. It works. We don't have to have a stoplight there. It can work and it can work for public safety. I beg of you people to listen to all the cries of people in this County who want to use the Expressway to get across town and not have another stoplight there.

**Mr. Madden:** My name is Roger Madden, 316 S. Weinbach. A lot of comments have been made that the Expressway is named. From what we have seen in Evansville, it will go back in history, called "Stoplight City", plus the Swimming Pool. Now we have the Super K-Mart. You would think they would have the road open before they put it in there. Texas probably has one of the best systems. They have overpasses and diamond interchanges that tie into access roads. Along here, you can have your access roads that run all the way across with an interchange about every mile or so. It would be the same type of situation as you have at Green River Road. You would keep the Expressway going. The people who are getting off, they are the ones that are inconvenienced. It is not real hard to do. With some of the existing that they have got, even on Highway 41, they need to have longer breakdown lanes for right turns. I have seen that they have started taking out some of the restrictive curving that comes all the way out to the highway, instead of letting you make a right on red. Some of the other planning I saw that was a little behind, they repaired the railroad crossings last year. Now, this year, they take the tracks out. Boeke Road just got repaved. Now we have holes in it. As far as the developers, the profit gain is always going to be relative to the expenses incurred. As far as the gentleman who put in the sewer, etc., most of the time when you tie into a new development like that, everybody else that ties in after the fact has to incur part of the cost too. That is just kind of sharing. If you want to look at Highway 41, you are talking about traffic problems and public safety, with the accidents they have had, apparently they didn't

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take into account the exhaust and pollution and even asbestos from the trailers breaking. You will get the same thing like with the Expressway.

**Mr. McKinney:** My name is Jim McKinney. I am with Regency Buente, the developers of Cross Pointe Commerce Center. I wish to point out that, as also another developer here, we have to recognize the business that the developers are in. It is a very long term, time-consuming process that can be very expensive. A part also involves planning, looking ahead, having a vision and understanding what the planning requires. I wish to compliment the City and County, Rose Zigenfus, Barbara Cunningham, good people to work with. Long before Division ever turned into Lloyd Expressway, before Interstate 164 was ever pegged down for construction plans, we met with the city, state, county, and federal government to plan out what Cross Pointe was going to be. It required infrastructure. It took us hundreds of thousands of dollars. It takes a long time for this to unfold. We got hit with the recession of 1990 when real estate was in depression. However, it is planning, organization, marketing, and luck that has made this a very profitable area for all the people that are involved out there. We do encourage that you do stay to your plans of proper planning, zoning infrastructure. I know it is a difficult thing to do because it is very easy to say, how long does a person have to invest in a piece of property for them to be able to sell it or develop something on it? Yet, in the short term decision, for quick profit, it can hurt the City for a long period of time. It is a very difficult thing, the seat that you hold right now, but I encourage you to stay steady to your course, have balance, have a partnership with the developers of this community. I think that we will have a better quality community for all the citizens to live in here. Thank you.

**Mr. Tuley:** Is there anyone else who would like to speak? I see no one. Commissioners, do you have a closing comment, before we move on?

**Mr. Hunter:** I would like to thank all of you for being here this evening. As a teacher, I am somewhat dismayed at the lack of interest that the public seems to display from time to time. That is obviously not the case here this evening. I commend all of you for taking your time from busy schedules to be here. There have been a lot of comments made about the Lloyd, a lot of negative things. I am in total agreement with you, but keep in mind the Lloyd Expressway is a State highway, as is Highway 41. Most of you in this room have been in Evansville for a long time, you remember Indianapolis seems to get the gravy and we seem to get what is left over down in this corner of the State. I would charge all of you this evening to contact your State Legislature, contact the State Highway Department of Transportation and let's ask for funds that there be a proper interchange be placed at Burkhardt and the Lloyd Expressway. Let's don't do it half way; let's do it the right way. We have something that is not even half right now, as far as I am concerned. Probably a lot of you sitting in the audience have as much influence with State Legislatures and with the Department of Transportation as the three of us do. I think we are going to have to do this as a partnership and as working together on it, not just us and not just you. Yes, let's don't let this thing die. Let's continue to pursue it. We only get one shot at that whole project. If we don't get it done right this time, then we will end up with some of the problems that you have alluded to on Green River Road. Let's work together on this. Perhaps, we can make some improvements. I agree the Lloyd Expressway should be improved. That is a number one issue of safety. Thank you.

**Mr. Borries:** I would like to offer a few items for perspective. As Mr. Hunter so correctly pointed out, the Lloyd Expressway is known as State Road 66, at least it gets that way past U.S. 41. Let's not get into why one of them is Highway 66 and 62 and then

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they reverse. For whatever wisdom that is, that is the way it is in this City. Built as we are on a river with a horseshoe bend, I remember, as a child, fighting those railroad tracks and trains down Division Street. Then we got the Lloyd Expressway. If my memory serves me correct, the Lloyd Expressway carries some 55,000 cars in this community every day. When it was finished in 1988, it cost \$250,000,000. That included concrete, land, planning, whatever. We are looking at overpasses on Lynch Road and other places. We are talking upwards of 2.5 million dollars, by today's standards, to build an overpass. You also have to, as Mr. Shively so correctly pointed out, we can't go in and tell them to build something. This Dolan decision versus the City of Tigard says that we have the responsibility to try to balance the needs of property owners with the desires of the community. That is what we are trying to do here. It always seems to be very important for planning, as long as it is somebody's else's dollars and not ours. In this case, when you are talking 2.5 million public dollars, we are also talking about the purchase of land. You can't go out and build these things this way. It is a very difficult thing to do. There are factors, as Jim McKinney pointed out in the private sector. All of a sudden history is littered with road projects or projects that are built out in the middle of nowhere. Nothing happens. The Feds could raise interest rates. All of a sudden someone in the Middle East could cut off the oil and we are standing in gasoline lines again. There are many factors that happen that government has to react to. All of a sudden, with lower interest rates, with a tremendous amount of interest in this particular area we are talking about, things are starting to happen. If you accuse us sometimes of being a bit slow to react, I must also tell you that, because of the expense, I think the belief that government can't do all this unless we are doing it in a partnership way, and getting citizen input, that we have to be very careful. We can't afford to make any mistakes. When we are talking about Burkhardt Road and a State highway, keep in mind we are talking at least 2.5 million dollars. (TAPE CHANGE) ...can get it done for around 25 million dollars, of which the County is going to have to come in about five million dollars worth. It goes up with inflation. So there is not magic to this process. It does take a long time. I can't tell you up here honestly, I would lying to you if I did, to say that this is going to be as easy as turning on our televisions. There are people to talk to, developers to talk to, and there are public safety problems. No developer wants to open a building and nobody show up. You got to have people. People are going to bring cars. Cars are going to bring congestion. I would encourage you to work with us. Some people are a bit hesitant about speaking in public. Write your thoughts down and give them to us. We will forward them to the State of Indiana and be glad to act as your advocates. Again, it is going to take State legislative action. There has been no increase in the gasoline taxes in this state for about seven or eight years. I will tell you that that means we are having flat consumption. That is how we build roads. We don't do it on local property taxes. We are able to mix, in terms of local option income taxes, a small amount of money. But the money comes from gasoline. When you get Buicks that average 30 miles per gallon, you are having a flat consumption. That means we are not generating any more money to build roads. Unless somebody can come up with a better model where we get the magic to do this, we are not gaining any more money to be able to build and serve the growing needs sometimes. The money that we do have right now is focused on Lynch Road and finishing up the Green River Road project. Please write your thought down and give us your ideas on what is needed out there. I would urge you to act with patience.

(UNIDENTIFIED PERSON SPEAKING AWAY FROM AUDIENCE-INAUDIBLE)

**Mr. Borries:** If you could get the Indiana Legislature to raise the gasoline taxes ...

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(UNIDENTIFIED PERSON): Why the increase on gasoline tax?

**Mr. Borries:** Because that is how roads are financed in Indiana, according to public law. That is how it is done. There are some bonds that can be passed and considerably of issue a couple of State projects that the State did not see any need to do, which we are locally doing. But a local wheel tax and fund are already dedicated, in order to do the U.S.I. overpass to insure that students can get off of that portion of State Road 62 out there. There is some of that. But, again, you reach a point where you can't just blow the lid off of all bonding when you are talking about projects that are going to cost you 25 million dollars every time to do one. It is about two to three million dollars per mile, by today's standards. Any time you want to look at a mile of road, look at about two to three million dollars.

**Mr. Tuley:** Some closing comments. Commissioner Borries is right. There are certain things that happen that we have to react to, things that are beyond our control. However, as we continue to see rapid development, particularly on the Eastside, we have to take a proactive approach to proper planning. I think there has been some things done, in terms of this Commission and other boards, that are going on to try to speed that process along, and improve upon, and not make some of the mistakes we have made in the past. I think that the Hartmann project is an example of that. There have been several others where this Board has sent back the two people, the two opposing sides and said, "Sit down and work this out, bring to us a plan that works for your projects, works for this community and works for this Board." Rick, you put together the mention of the cutting of Boeke Road at Walnut Street. Rick has put together a group of people

**Mr. Borries:** They are like a transportation coordinating committee. We just meet and talk and kind of look at where the plans are.

**Mr. Tuley:** And try to coordinate those kinds of things that happen. Obviously, it is in the process and it will take some time. Hopefully, we will minimize that by coordinating working together. This public hearing, another idea of letting the people that are going to be affected, the developers, the residents, the people commuting to come in and voice your opinions and concerns. I think that we are making a move to improve upon and send our planning out a little bit further, not just look at one individual project and the impact that project has, but what the total development in that picture are doing. I said I would cut it short and I will. We thank you for your input and taking your time out to come down. Public meetings are something that we can't get people to come to all the time and tell us what is on their minds. But we thank you for being here.

There being no further discussion, the Eastside Transportation Hearing is adjourned.

SECRETARY: Joanne A. Matthews

  
 Patrick Tuley, President

  
 Richard J. Borries, Vice-President

  
 Don L. Hunter, Member

These minutes were transcribed by Karen Yokel-Area Plan Commission.



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

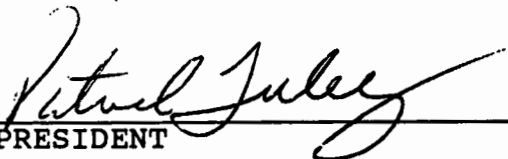
DON L. HUNTER

PATRICK TULEY

**A RESOLUTION IN SUPPORT OF EXTENDING I-69  
FROM INDIANAPOLIS TO EVANSVILLE AS PART OF THE  
MID-CONTINENT HIGHWAY STRETCHING FROM  
CANADA TO MEXICO**

- WHEREAS:** Southwest Indiana has suffered from the lack of a direct interstate highway connection to the State Capitol in Indianapolis, and,
- WHEREAS:** an interstate highway is essential to economic expansion and the attraction of new industry and new jobs to the area, and,
- WHEREAS:** it has been projected that this highway would generate a \$2.9 billion increase in Gross State Product and create as many as 4,210 permanent jobs, and,
- WHEREAS:** it has been calculated that the development of this highway would support more than 7,100 construction related jobs, and
- WHEREAS:** it has been estimated that an interstate highway would reduce the total number of accidents in southwest Indiana by more than 2,380 per year,
- THEREFORE, BE IT RESOLVED THAT:** \_\_\_\_\_  
supports efforts currently underway to extend I-69 south from Indianapolis to Evansville, via Bloomington and strongly encourages the State of Indiana and the federal government to accelerate investment in and development of this project.

**SUBMITTED AND ADOPTED ON THIS DAY OF** \_\_\_\_\_

  
\_\_\_\_\_  
**PRESIDENT**

\_\_\_\_\_  
**SECRETARY**



# Commission Meeting

Name

July 11, 1994

Affiliation

John M. Dunn	N	Eagle Crest -
Cyril Payson	N	Payson Construction Co.
Pat Ziemer		WGAB
Ed Ziemer Jr	N	Gerdman/Simon
Kenneth McWilliams	N	State Rep Candidate
Jonny McWilliams	N	Shelf - Stable Foods
Samy Hirsch	N	Farmer
David Hirsch	N	
Harvey Hirsch	N	
Stefan Hirsch	N	
Barbara Muecke-Laney		Homeowner
Dorothy Howell		Landowner
Jim Mansory I-69		Ches. Eng. Local 181
Jonathan Wenzel I-69		
Cheryl Underwood		Homeowner
Karen Paul I-69		Chamber of Commerce
Alma Ester Gage		Landowner
Julie Ester		"
Heidi		Press
Joseph		Landowner
Mark Lister		Landowner
Albert Manner		Landowner
Tom R. Lulach		Landowner
DAN STOLKS		ALLEN INVESTMENTS
KEN NEWCOMB JR		JACK ROGERS REALTOR
Frank Richardson		Hoyrich Co
Martha Deneen		Property owner -



Hilton Church  
 Martene Mehninger  
 Roger C Madden  
 Timmyon Merrill  
 Larry & Carol Watson  
 Lene & Mary Baye  
 Joseph S. Manker  
 Evelyn M Eukhoff  
 Dorothy R. Reinhardt  
 Richard Rheinhardt  
 Joe Ream  
 David Hiller  
 Jim McTinn  
 Dave Manning  
 Robert E. Rowson  
 Kelly Nalley  
 Roger H. Winton  
 John E. Dargatzis  
 Robert J. Sanchez  
 George J. Sanchez  
 Dave Nelson  
 Steve J. Evay  
 John Stoltz  
 Andersson  
 Don Finch  
 Angela Dwyer

KORTE Bros Inc  
 Concerned Resident  
 Concerned about Common  
 Sense

Resident / Business  
 Property owner  
 Property owner  
 Property owner  
 Property owner  
 Real Estate Broker  
 Property Owner  
 Atty for House Pointe Comm. Inc.  
 Cross Pointe Comm. Corp.  
 ACURA ENGINEERING  
 Property Owner.

" " " "  
 Property Owner  
 Dargatzis Trust  
 Wells Development  
 Dargatzis Trust  
 Timothy Spurling  
 David Kim  
 Dave Green  
 John Smith  
 John Smith  
 Tim Buchner

Louella Townsend  
Barbara Cunningham  
Law Behme  
Blaine Oliver  
Keith Lockmiller / Benjamin Lockmiller

Pat Tuley  
Rick Borries  
Don Hunter  
Alon Kissingal / Co. Atty  
John Hall / Co. Engineer  
Bill Mowhew / Co. Hvy. Supt.  
Mark Auer / Sup. Co. Bldgs.  
Cindy Ware / Chief Deputy Auditor  
James C. MacLennan / Supt.

DATE: \_\_\_\_\_

## ATTENDANCE

**NAME**

COMPANY/ORGANIZATION

Craig Bauer

~~Richard Maczock~~

~~Bent GARD~~

John Smith

Tom Buchner

Evadne Eickhoff

~~Don A. Herbert~~

## ALLEN INVESTMENTS

World Magazine Fiction

Lang & Co. Boston

Joseph F. Meyer

Frank Richardson

MINUTES  
COUNTY COMMISSIONERS MEETING  
(RECOVERED SESSION)  
JULY 12, 1994

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 9:30 a.m. ....	1
Community Corrections/Report by Waggoner, Irwin, Scheele & Associates .....	1
Vanderburgh Auditorium/Request for Repairs .....	22
Waterworks Road Project/Update .....	24
Introduction of Assistant County Engineer (Tim Spurling)..	27
Additional Funding/Waggoner, Irwin, Scheele Fees .....	28
Meeting Adjourned @ 11:35 a.m. ....	28

\* \* \* \* \*

Attachments:

- 1) Letter to INDOT re U. S. Highway 41 and  
Waterworks Road Projects
- 2) Excerpt from Minutes of County Council Meeting  
of July 6, 1994

COMMISSIONERS MEETING  
(RECONVENED SESSION)  
July 12, 1994

1

MINUTES  
COUNTY COMMISSIONERS MEETING  
(RECONVENED SESSION)  
JULY 12, 1994

The Vanderburgh County Board of Commissioners met in a Reconvened Session at 9:30 a.m. in the Commissioners Hearing Room with Vice President Rick Borries presiding. Commissioner Pat Tuley was absent.

Commissioner Borries said the Commissioners were not able to complete their published agenda for last night's meeting, so this is a continuation of that particular meeting. There are three (3) specific items the Board will want to consider at this time, as follows:

- 1) A report from Waggoner, Irwin, Scheele & Associates regarding the Vanderburgh County Community Corrections Program, sometimes referred to as the Safe House Program.
- 2) A review of Council action taken this past week regarding an emergency declared by this Commission regarding an item at the Vanderburgh Auditorium.
- 3) To review a letter to the Indiana Department of Highways that will be prepared by County Engineer John Stoll. If this Board agrees on that letter, we will sign it and forward it to the Indiana Department of Highways regarding the potential closing of the rest of Waterworks Road concerning the construction on U. S. Highway 41 near the Kentucky-Indiana border.

Commissioner Borries said that without further adieu, he would welcome persons in the audience and perhaps Mr. Kent Irwin would want to begin at this time with his summary of a report that he was commissioned to do regarding the Vanderburgh County Community Corrections Program.

Mr. Kent Irwin approached the podium and said, "Good morning, Commissioner Borries, and let me first begin by thanking you to allow us to accommodate our schedule, meeting here this morning -- as we had several meetings last night and were late in getting out of Muncie. This report is hot off the presses. We were putting on some of the finishing touches late yesterday afternoon.

What you have in your hands -- there are additional copies here for members of the public and the media -- is an Executive Summary and a full report of the review that our firm has conducted with respect to the Vanderburgh County Community Corrections Program. Dr. Steve Smith is here with me, who has put in considerable time on this project, along with some other members of our firm. We are here to go through his report in brief and then questions that you may have, that Harris Howerton may have, that others may have -- we are free today to spend additional time with you or others who may wish to discuss this report in some further detail.

The review of the Corrections Program here in the County focuses on the **Residential Program**. Other Community Corrections Programs are administered at the facility, such as the Drug & Alcohol Programs. They are mentioned in the review only with respect to specific comparisons to the **Residential Program**. This review is not a fiscal audit; nor is it an evaluation of program effectiveness or performance of the administrators or the

staff. We understand that the State Board of Accounts conducts regular audits and will be conducting one for the program yet this summer, which is due for completion some time in September. The Residential Program is only one part of a much larger and more comprehensive array of local public safety programs, including juvenile detention, probation, diversion programs, the County jail and parole. Each of these programs is operated by different agencies, departments and organizations.

The Standards for Adult Community Residential Services established by the American Correctional Association in cooperation with the Commission on Accreditation were used to review the Residential Program. There are some 191 specific standards, 15 of which are "mandatory," 152 are "essential," and 24 are designated as being "important". This report addresses each of these.

Our review was accomplished by interviewing administrators and staff members of the facility and at the County offices. Numerous public and private agencies were contacted to collect and verify pertinent information. I would like to say that Mr. Howerton and his staff were very open and forthright and forthcoming in the information that was provided during this review and much of what you see here is a product of those interviews and the documents that we were provided to look at.

We believe that the Residential Program is a valuable component of the Community Corrections Program in Vanderburgh County, but there are several administrative and procedural problems in the current operations of the program which should be addressed. Specific recommendations are contained in this report, but the following list summarizes the major recommendations.

1. We recommend that the Vanderburgh County Board of Commissioners should move swiftly to exercise their legal authority and responsibility for the operation of the Residential Program. One Commissioner should be designated immediately as the Liaison with the program and the local Community Corrections Advisory Board. The organizational chart must be reviewed and clear lines of reporting should be established under the County Commissioners.

Regular public meetings should be held by the Commissioners to review the goals and objectives of the program and assess the accomplishments of the Agency's operations.

A long-range plan should be developed to establish the scope of the programs, population, facilities, policies and procedures. And overall staffing requirements must be included in these reviews.

Approved recommendations of this report should include assignment responsibility and target deadlines for implementing the regulations. We would strongly suggest that as you review their report you bear in mind those persons or individuals or agencies that you, as Commissioners, believe if the recommendation is accepted that the implementation of that recommendation be directed to someone or some bodies to set out for implementing.

2. The County Commissioners should work closely with the Advisory Board's Sub-Committee on population to establish limits on the number of residents in the program. The facility is overcrowded. This condition affects virtually all aspects of the program and will not enable the program to become accredited. The facility has approximately twice as many participants as it should.

3. The County Commissioners, in conjunction with the Circuit Court Judge and Advisory Board should move to ensure the

**preparation of a comprehensive budget for the facility.** This budget should include all income and expenditures from all County revenue, grant funds program revenues, and monies passing through the not-for-profit corporation.

**4. A skilled professional training officer should be hired immediately.** This person should be charged with the responsibilities for staff training. The explosive growth of the facility has created a great need for training to ensure compliance with ACA standards. Without proper training, the Agency's ability to protect the staff, clients and the general public is severely hampered. Training should be a part of the Agency's mission.

**5. A comprehensive intake procedure must be established as soon as possible to guarantee the individuals sentenced to the facility meet the prescribed intake criteria for the residential program.** Agency staff must be able to assure that policies and procedures exist for excluding certain inappropriate offenders.

**6. Move the urine surveillance program off-premises, and apply for Indiana Department of Corrections grant.** This program is readily available to the County and offers a potential cost savings, an effective chain of security policy and procedure, in-service training for County staff, certified drug and alcohol screening, and expert witness testimony in court proceedings as may be needed. Last week we met with several administrators from the Department of Corrections to review this report and combined that with some of the other reports and work that is being done cooperatively and this was one of the suggestions borne out of that meeting. The program allows for random testing of residents at no charge to the County; it also includes testing on establishing a base line test for all people who are assigned there initially. No charge. They have the facilities and the monies have to be applied for. You have to apply to be a part of the grant. But in this report there are specific recommendations or sub-recommendations that go with Number 6.

**7. Random drug screenings and employee assistance programs should be applied to all staff members.** Agency staff are regularly in contact with individuals who suffer from addictions and substance abuse problems, and must be encouraged to remain free of substance abuse problems.

**8. Conduct physical plant assessment in conjunction with long-term Agency plans.** A site improvement plan should be prepared for the existing facility in advance of deciding to continue the current lease beyond the August, 1995 expiration. The County Commissioners must evaluate the possibility for replacement of the physical plant in conjunction with the long-range Agency plan."

Mr. Irwin stated the foregoing are the eight (8) major recommendations that are a part of this report, bearing in mind that many specific recommendations contained in the review should be considered to be part of these major recommendations.

In summary, the County Commissioners are currently overseeing a valuable and adequate Residential Program in community corrections. But this program has grown at a remarkable rate in the last few years; it is now a major correctional enterprise. The rapid growth has created several problems. The above recommendations promise to vastly enhance the quality of the program and greatly lessen any future risks to the staff, residents, or the public.

Finally, as part of the long-range planning for the program, the Commissioners should establish a goal -- and make specific assignments of responsibility, including timetables -- to achieve

accreditation for the program through the American Correctional Association.

Mr. Irwin said that in the heart of the report, which begins on the next page, there is a discussion with regard to the program and how on-site interviews were conducted. They did make one telephone interview with the Director of Food Services, who was unavailable during the time that they were here. They asked the staff to respond to the ACA Standards. Program records were reviewed to fully understand the operations of the program and its components. And officials from other City and County Departments were contacted to verify information.

"You see the dates we conducted meetings here in Vanderburgh County, as well as when we met with the Indiana Department of Correction.

This review focuses on the Residential Program. Other programs that are administered at the facility are referenced with respect to the Residential Program.

On Page 2 of the report there is a listing or summary of the history of the facility which I'm sure that this Commission and others attending this morning are most familiar with regard to the meager beginnings to the vast growth we are seeing today.

On Page 3, we note that this program is unique to the State of Indiana in both size and depth of the programs provided. The program has earned the support of the Indiana Department of Correction. Much of the old untold program success involves clients who do not seek or want media attention. Many have benefitted by being afforded the means for keeping their families intact, developing job skills, maintaining employment and providing monetary restitution to their victims.

Comparatively, the costs of prison incarceration are vast, both in terms of tax dollars expended and in terms of the direct, indirect and social costs incurred with prisons serving as a breeding ground for habitual criminals.

The purpose of this review is to provide policymakers with the objective information relative to identifying program strengths, weaknesses and recommendations to upgrade operations.

The format of this report follows with the ACA accreditation standard being printed in **BOLD** type, followed by a description of findings, with any recommendations underlined. And there are certain definitions as we move through the report -- ACA through DOC, with references to what they stand for.

On Page 4, the first section with regard to administration of both public and private agencies, the review is basically stating the legal entity being the County and the opinion of the County Attorney, Mr. Kissinger, identifying statutory authority for the operations of the program being with the County Commissioners. And it is reported there exists a local ordinance granting jurisdiction for Community Corrections to the Vanderburgh Circuit Judge.

The Agency is administered by a single Administrative Officer, Mr. Harris Howerton. He was appointed to this position some time ago and we have made a recommendation here that through the growth of this program and the evolvement of various policies and procedures at the State and Local level, that the Commissioners meet with Judge Young and the Advisory Board for the purpose of evaluating and reconfirming this appointment and overall staffing of the program. Operations reporting requirements must be developed to facilitate specific management expectations,



responsibilities and performance requirements.

The organizational chart should be reviewed and revised to more accurately portray the actual authority and chain-of-command and this should be done annually.

On Page 6, we set out At this juncture, the County Executive has the following administrative options for organizing the program in the future:

1. Continue with present arrangement (staff, Advisory Board) and Circuit Court Judge.
2. Assign the administrative responsibility to another government agency or officer.
3. Assign administrative responsibility to a private sector organization specializing in the provision of residential community correction services.
4. Assigning administrative responsibility to a public board, appointed by the Commissioners (to be established for the sole purpose of overseeing and directing the operations of the Community Corrections Program.)
5. Phase out the Community Corrections Program.

It is recommended that the Residential Program be continued, but the County Commissioners must assert their legal authority over the program and be more directly engaged in day-to-day oversight.

It is recommended that the Director continue attending County department head meetings convened by the County Commissioners, and regularly report on program activities during Commission meetings.

One of the options discussed with DOC last week and, I guess, occurs in some other communities is perhaps a full time person assigned to the Advisory Board -- or having the Advisory Board with an employee who coordinates the work of that Board. That is one set of duties that you may want to be considering.

Another option that is kind of on the periphery of this is the development of a position for a training officer and perhaps a part of that position would also include the long-range planning and the goal of gaining accreditation and designating such a person as an Accreditation Manager to follow through on various pieces of the process to secure accreditation.

As mentioned in the Executive Summary, we believe one of the Commissioners needs to serve as a supervisory link and be appointed as the Liaison to the Board and to the Staff.

On Page 7, we suggest that the various personnel policies and operational policies be updated. There are rules and regulations in place. They, perhaps, need to be more comprehensive. They should be reviewed annually by both the governing authority and the Advisory Board and a comprehensive manual needs to be developed following ACA Standards.

On Page 8, It is recommended that the operations manual be updated and expanded to describe the training section more extensively; and be jointly monitored by the County Commissioners, on an annual basis.

Under 2-2012, we believe The Sub-Committee should move immediately to establish overall scope of the programs, and population limits. It appears that the current facility is

overcrowded and that the population should be reduced to comply with national ACA Standards.

All involved parties should make a practice of developing and annually reviewing long-range goals for the Agency. It is recommended that the SCOPE and boundaries of the program be defined by the policymakers. Programs and offender populations should be determined, regularly monitored, and population limits should be strictly enforced.

Bottom of Page 8 -- It is recommended that the Advisory Board and the County Commissioners meet and discuss this report annually to facilitate cooperation, understanding, and long-range planning.

With regard to legal assistance, while this has historically been made available through the Circuit Court Judge, the Agency should clearly state its policy regarding the provision of legal assistance. Such legal assistance could be provided by an Assistant County Attorney assigned by the County Commissioners.

There is what is known as the Jobs Program, Inc., a 501 C (3) not-for-profit corporation that acts in concert with the Agency to provide requested documents to the Indiana Department of Correction, and such minutes of those meetings and by-laws are prescribed and should be made available.

The next section on Page 11 involves fiscal management. Again, it is noted that this is not a fiscal audit but a comparison to those ACA Standards with regard to the budget and the budgeting process. We believe under 2-2025 that -- well, we found that the Agency generally follows accepted accounting procedures for the receipt, safeguarding, disbursement and recording of grant funds according to those standard elements of review in auditing by the State Board of Accounts.

It was reported that some program funding is "off-budget" in the 501 (3) c not-for-profit corporation, roughly totaling \$469,000 in 1993.

It is recommended that miscellaneous revenue and expenses associated with the program should be accounted for in the same fashion as grant funds and a comprehensive budget submitted to the County Commissioners and County Council for approval.

Additionally, it is recommended that client payment policies be modified to allow for personal checks. This recommendation is aimed at improving fiscal documental; and providing a demonstration of client responsibility and fitness for program participation. Similar programs in other jurisdictions encourage payment by personal check.

Likewise, it was reported that the Agency collects substantial amounts of cash (\$6,000 to \$13,000 daily), and delivers it to the Civic Center. For safety and security purposes, it is recommended that the Agency investigate the use of a bonded courier service similar to the one used by the Treasurer's office, to transport cash deposits.

The rest of Page 12, I don't believe, contains any recommendations.

On Page 13 -- the standard is a written policy and procedure to provide for inventory control, purchasing and requisitioning supplies and equipment. It is reported that the written policies concerning inventory control, purchasing, requisitioning supplies and equipment are consistent with the County government policies and the purchases are run through the purchasing arm of the City

under the agreement you have with them. The one recommendation we have there is that a complete inventory of all physical assets of the Agency should be conducted as soon as possible. The County Commissioners should review this inventory and determine which, if any, assets are not utilized for direct programmatic purposes. Such assets should be disposed of according to County policy.

Standard 2-2030 -- There is a method in use for documenting and authorizing compensation to employees and consultants. (I think there is for employees; I wonder sometimes about consultants. That's just a joke.)

It was reported that the method in use for documenting and authorizing compensation to employees and consultants is covered by the County policy. Salaries, wages and number of employees, and pay policies are established by the Vanderburgh County Council.

However, without a comprehensive budget approved annually, compensation of employees with discretionary dollars remains unclear. It is recommended that a comprehensive budget must specify all compensation for all employees from all sources.

You do have insurance provided through your carrier. And it was reported by Mr. Dennis Feldhaus of Helfrich Insurance and Realty Company, that the main facility is insured to a maximum total of \$1,760,000 and contents of \$280,000; and the storage maintenance facility has a maximum coverage of \$77,15 and contents of \$50,000. Such insurance coverage is a condition of a lease agreement with the property owner and the Agency.

Additionally, Helfrich also maintains and administers a workers compensation policy for inmates on the Work Release Program. Likewise, it was reported that SIGNA company maintains and administers similar, but separate, coverage for the Jobs Program, Inc. Periodically, it is difficult to determine insurance claim liability under these two separate policies. Accident reports must be very specific to determine which carrier is responsible due to overlapping program activities.

Certain factors that underwriters consider in developing coverages and rates include: classification of individuals (terms and offenses) assigned to the program, level of security officers (qualifications and training), and loss control standards for facility and vehicles.

Our recommendation here is, for potential cost efficiencies and ease in determining liability. it is recommended that the County Commissioners investigate the possibility of consolidating all liability coverages under one policy administered by a single agent. Several other program recommendations contained in this report will impact insurance needs, coverages, and rates.

Under Personnel, Written policies are outlined there according to the Standards that need to be met. The Agency is governed by the County Government Personnel Policies, but it also has the option to develop its own set of policies regarding personnel under Statutes for the Advisory Board. It is recommended that the County Commissioners and the Advisory Board confer and resolve any significant discrepancies between these two sets of policies. The County policies should prevail, with additions approved by the Commissioners, recognizing the unique nature of community corrections programs.

As you will recall, earlier this year from the Personnel Committee comprised of various County officials, there is a draft Personnel Policies Handbook before this Commission at the present time being reviewed by your Attorney and we would suggest in the

near future that that be looked at in terms of the Community Corrections Program and any discrepancies identified and worked through.

Members of the Personnel Committee of the local Advisory Board should develop a recruitment and promotion policy, consistent with modern personnel practices and policies. Standards should clearly state minimum qualifications and training requirements.

With regard to job descriptions, they are posted; but according to some staff members there seems to be some inconsistency between the job descriptions and the current pay plan. We are encouraging you to review those descriptions and the necessary consistency with the Agency's pay plan. The County Council, as you know, has established a policy for reviewing job classifications and salaries which, I believe, that Harris Howerton and Judge Young have spent considerable time on before. The Agency should file appropriate forms and documentation for action by the Job Study Personnel Committee and County Council.

2-2036 -- The governing authority has adopted an affirmative action plan and programs, and, when applicable, it is approved by the appropriate governing agency.

The Agency has not developed an Affirmative Action Plan in addition to the activities of County Government and this is a county-wide issue. There is an Affirmative Action and Equal Employment statement in the Agency Rules and Regulations Manual, but this does not constitute an Affirmative Action Plan. No one at the Agency could produce a copy of any Affirmative Action Plan. It is recommended that the County Commissioners direct the preparation of a County-wide Affirmative Action Plan.

Page 17 -- The Agency does not discriminate against or exclude from employment qualified ex-offenders. A clear policy for hiring ex-offenders must be included in the personnel policies.

Item 2-2040 -- Compensation and benefit levels for all personnel are comparable to similar occupational groups in the community.

Based on staff interviews, it was reported that there is a pay disparity between line staff at the County Jail and the Agency. This should be investigated and resolved. Again, those disparities need to be brought before the Job Study Committee.

2-2041 -- Written policy and procedure provide for special pay increases for outstanding job performance or special achievement.

It was reported that there are no provisions for special pay increases for outstanding performance or special achievement for the Agency. Imbedded in item 2-2032 above is pending litigation over application of County personnel policies regarding the status of Agency "full time" and "part time" employee, work hours, and what constitutes a "full time" employee, who by definition is eligible to receive an array of benefits that "part time" employees do not. Linked to this issue is the application of overtime provisions established by the Fair Labor Standards Act (FLSA).

It is recommended that a comprehensive review be made of applicable FLSA provisions.

Additionally, the County Council has authorized "Technical Pay" and educational incentive pay for certain positions in the County Sheriff's Department. These provisions may have some practical application for Agency positions.

It is recommended that a written policy and procedure be developed regarding effectively responding to problems that develop in the employee-management relations area.

Some of these items on Page 18 refer back to the Personnel Handbook that is presently under your review.

Page 19 -- It discusses minimal educational requirements for appointments to positions. The County Job Classification System that is used (the Factor Evaluation System) substantiates that two (2) years training experience is equivalent to one (1) year of formal education. This standard is applied to all professional jobs.

All positions should have a clear statement of minimum requirements including education. All current staff should meet those requirements.

All full-time regular position new-hires should be approved by the County Commissioners as the hiring authority.

Page 20 -- Item 2054 is a major area, as is previously mentioned. In addition to administrative staff meetings, all full-time employees participate in training and educational activities at least 40 hours annually. Part-time staff and volunteers working less than 40 hours receive training proportionate to their assignments. This is an essential standard.

Training of staff is a significant weakness in the program. Each person interviewed stated the absence of the training officer for the Agency severely hampers the effectiveness of the staff. Staff believe that the lack of an effective training program has reduced Agency effectiveness and has increased the potential for injury to staff and inmates.

It is highly recommended that the Community Advisory Board immediately establish a well-supported program of staff training in accordance with ACA Standards. The County Commissioners should demand this training program in light of their legal responsibility to protect the public.

A commitment to staff training should be included in the mission statement of the Agency.

A full-time Training Officer should be hired as soon as possible!

Written policy and procedure encourage and provide for employees to continue their education and training.

Given that there is no training program, it follows that there is very little support for employees to continue their education and training. This issue should be addressed in the training program. At a minimum, scheduling accommodations should be made to encourage continued education and training.

The next section involves Research and Evaluation, much of which covers policies that need to be developed and implemented and documented.

It is recommended that the long-range planning process include annual evaluations of all County- operated correctional activities -- not just this program -- but all others that are included in the administration of the County.

2061 -- Written policy and procedure govern the security of research data. There are no policies and once you have them then

that would follow that there would be development of a policy to insure security over those documents, as well as those other three items that are on Page 23.

Page 24 -- Communication and Coordination. While there are no policies, certain ones here should be developed and implemented. The Agency utilizes interns from local colleges. It is very positive, but there is no written policy concerning the collaboration with universities and colleges and written policy should be developed and implemented concerning the use of college students as interns.

Page 25 is the section covering Records. You see there the listing of the forms that are required under ACA. Case records for the Alcohol Intensive Supervision Program (AISP) and the Drug Intensive Supervision Program (DISP) are complete and well maintained, but the Residential Program needs to develop a more thorough and comprehensive program of case records in the same fashion as the other two.

Page 26. Again, on records -- and several here are those that are in need of just simply being written down and documented.

Page 27 -- Likewise.

Page 28 -- We talk about the facility, itself. And here we're talking about the residential facility.

2079 -- The facility conforms to applicable building codes.

The agency staff maintain that the "Special Use Permit" means they are in compliance with applicable building codes.

It was reported by the Evansville-Vanderburgh County Plan Commission that Special Use Permits were issued on February 20, 1986 by the BZA that allows use of this facility as a "public building" in the (M3) or Manufacturing Zone. If this "public building" were abandoned, the special use permit would become null and void after one year's vacancy.

It was reported by the City of Evansville Building Commissioner, Roger Lehman, that certain inspections have been conducted on occasion with regard to the interior remodeling and repair. He reported that a majority of recommendations were accomplished, including fire alarms, smoke detectors, added exterior stairways. Improvement permits were issued by the Plan Commission for the kitchen back in May of 1986 to the Job Program for the wood finishing shop and storage area in August, 1990.

It is reported that the kitchen was originally constructed to accommodate 50-75 inmates and the current population levels place a strain on the use of the kitchen space. Also, the small freezer limits the opportunity to purchase certain food items in greater bulk at a better price.

It was reported by the Building Commissioner that in the past a draftsman was working with the Agency staff to develop an overall site improvement plan. This plan is yet to be completed.

It is highly recommended that the County Commissioners immediately retain a licensed engineer or architect to conduct a building code assessment, prepare a site improvement plan, and submit to the Building Commissioner and State Fire and Building Services Department for review and approval.

The facility is occupied under a 10-year lease/purchase agreement with renewal due in August, 1995. Under the terms of the

lease, if the purchase option is exercised, the facility will be owned by the not-for-profit corporation. It is recommended that the long-term goals for the Agency be specified far in advance of August, 1995 and that those goals should guide the County Commissioners in deciding on continuing the lease.

The rest of this page has to do with ventilation and sleeping quarters and the square footage. There is basically no privacy for residents aside from limited access to sleeping for visitors.

On Page 30, the minimum square foot floor space per resident is not met. This failure to meet the minimum standard is due to the overcrowding of the facility. Recommended population limits must meet the sixty (60) square feet per resident sleeping area requirement and should be your guide in determining population limits for the facility.

The rest of this has to do with facility and services that are provided to residents.

Page 31 -- Again, those items that are available to the residents, including operable washers and dryers -- and, again, a lot of these things go back to the facility and its being pushed to the limit with regard to the number of people who are living there.

Sanitation and health codes appear to be adequately addressed, but no documentation was presented to verify compliance. We did talk with the County Health Department and they do conduct routine inspections. The most recent Health Department inspection was on March 4, 1994; noting inspector summary statement "great job with overall sanitation."

In a full monitoring report, dated November 3, 1993; from the Federal Bureau of Prisons, they identified certain findings regarding safety, sanitation, and environmental health, including illumination and continuously lighted exit sign, etc. and their overall report was very complimentary to the Agency Director and staff, noting that corrective actions had been taken from a previous monitoring.

The report listed recommendations for "records and reports in very, very good order,...positive vocational and academic courses,...meaningful assistance to the City of Evansville and Vanderburgh County for providing temporary work,...personnel records in exemplary shape, and...a very respectable Urine Surveillance Program."

A procedure for maintaining inspection files at the facility should be developed and implemented.

Again, the rest of this page talks about the sanitation and safety policies that need to be implemented to insure documentation of those specifications.

Page 33 -- When a facility motor vehicle is provided, written policy and procedure govern its use and maintenance. This is standard.

There is a motor vehicle use by employees policy that follows the County policies. However, residents who drive their personal vehicles should be properly licensed and required to provide verification of drivers license and insurance coverage.

Page 34 -- Safety & Emergency Procedures -- Here the recommendations focus on developing more comprehensive emergency plans and implementing them, as well as training -- which is a mandatory standard.

Page 35 --The Fire Department has conducted inspections in the past.

Under 2107 it was reported that the facility meets Fire Code Requirements. The most recent Fire Department facility inspections were conducted in April, 1993, noting twelve (12) recommendations. And, again, on June 3, 1993, which noted compliance with all twelve (12) recommendations.

It is recommended that the Evansville Fire Department inspect the facility twice yearly on par with the number of inspections required for nursing homes, jails, schools, and hospitals.

2108 -- There is documentation that the facility has an automatic fire alarm and smoke detection system which is approved by the state fire marshal or recognized state authority, and it is tested on a regular basis.

The facility does have automatic alarms and sprinkler system throughout the building, but to our knowledge not approved by the state authorities.

It is recommended that the system be approved by the State Fire & Building Services Department, and that documentation for testing be maintained.

2109 -- Facilities have a written plan which provides for continuous facility operation in the event of a concerted employee work stoppage or other job action.

There is no contingency plan for the facility to remain in operation if a work stoppage or slowdown is conducted. Such a contingency plan should be developed and adopted in conjunction with federal, state, and local law enforcement and corrections agencies.

Page 36 has to do with Food Service. Under 2113, food service staff do develop menu plans. It was reported that all menus are reviewed by the dietician at Deaconess Hospital, but documentation was not provided. A written policy requiring such documentation should be developed and implemented.

As mentioned earlier, there are the Health Department reports regarding sanitation.

2119 -- Dining facilities at the facility are inadequate based on space and furnishings. Food service facilities need significant upgrading to handle the number of residents. Upgrading of food service facilities should await the population projections recommended in 2012.

Page 38 -- Medical Care and Health Services. A licensed physician is provided three days per week under contract. There is a full time nurse available during the day hours. At other times, residents are transported to a local hospital emergency room. It is our understanding that there is a written agreement with the hospital and that the County Attorney may wish to review that agreement and what all it entails.

Again, the rest of this page involves just some basic documentation policy and its implementation.

Page 39, 2117 -- Written policy and procedure provide that the facility implements an inventory system of first aid supplies and equipment, and continually replenishes the supply.

It was reported that policies cover the inventory of medical



supplies. It is recommended that regular "spot checks" be conducted of the supply and equipment inventory.

2128 -- During the intake, each newly admitted resident undergoes a medical examination within 14 days of admission unless there is documentation that the resident has had an examination within six months prior to admission to the facility.

There is no medical screening at admission into the facility, and there is no requirement for medical examination for residents. Each newly admitted resident should undergo a medical examination, consistent with ACA standards. Having none, there is no policy -- and such policy should be developed and implemented with proper documentation.

With regard to the Urine Surveillance Program, it was reported that there is a written policy to cover the collection of urine samples. As mentioned earlier, the Indiana Department of Correction administers a Urine Surveillance Program which involves regular random testing (20% of the resident population) at no cost to the County. A new program being implemented likewise provides for baseline urine testing for all new persons entering the community corrections program (at no cost).

On a rough estimate, for the Residential Program with 300 residents, we are estimating that that cost savings to the County would be something around \$14,400 per year. If you expand that program to include the probation persons -- if that number happens to be close to 600, you'd have a total population of 900, resulting in something around \$45,000 savings to the County for taking advantage of this service that is provided through DOC.

There are benefits to using that program besides cost. They do have an effective means of responding to issues associated with security and the grant provides for in-service training of County staff, rigid chain of custody policies and procedures, certified scientist drug and alcohol screening, and provision of court testimony as needed. And this is something we would strongly recommend you investigate and implement.

2132 -- There is a written policy regarding the possession and use of controlled substances. Such a policy, pertaining to staff, should be broadened to include random testing.

Page 42 -- Under 2139 -- The referring agency is notified when a referral is not accepted into the program, and specific reasons are stated.

At the present time there is no policy concerning eligibility of clients for the Agency. The Agency has never refused a placement, but several staff mentioned their discomfort with the acceptance of mentally ill persons, mentally impaired persons, violent offenders, rapists, and child molesters.

It is highly recommended that the Agency Administrator be authorized to determine appropriateness of all placements and empowered to reject any referral that does not meet placement criteria. In addition, the Agency Administrator or designee should be expected to reject, for cause, any referral that records indicate would not be suitable for placement.

These intake decisions should be based on written Pre-sentence Investigation Reports and other available information supplied by the County Probation Department and law enforcement agencies

2140 -- Upon written request of the rejected applicant, the Agency provides, in writing, the specific reasons for

non-acceptance.

The Agency does not refuse placements because it does not have a written policy for intake. AGAIN, it is strongly recommended that a new intake policy be developed and implemented. The Agency should adopt a written policy regarding the criteria for acceptance into the programs offered by the Agency. The following offenders should NOT be accepted into the programs: the mentally ill, the mentally impaired, child molesters, rapists, arsonists, and those offenders with a history of serious violence. Under existing law the Judges making assignments to the Agency enforce the legal criteria. The Agency must have a clear policy statement, consistent with the criteria.

Steve, would you like to elaborate on that at all?"

Dr. Smith replied: "No, I think you have a situation here where you've got a relatively open facility. You don't have high fences and guard (inaudible)-- and you're not keeping..the whole purpose of this is to get them back into the community and keep them participating. To that end, the Agency needs to be in a position to make appropriate decisions about who to take. When the program started, it started out as a small program -- as an alternative service under the Judge. It was a service designed for the Judge and provided a particular place to meet particular kinds of needs. That situation has grown and grown and grown and we're now into a situation where we've got a lot of people in the community. And the staff are uncomfortable with taking certain kinds of clients. Now, that is not to say that you have a facility full of this type of client -- you don't. But as these situations occur, the staff find themselves in a situation where we're going by the old rules with this program being part of the service delivery system for the Judge. And it is now a much larger facility, independent County agency. The staff have to be empowered through this written intake procedure to be able to say, 'No, we can't take that person' -- and cite reasons why. I think likewise there may be a person who was convicted of a particular crime that, because of the particular circumstances surrounding that crime this person may NOT be viewed as the same level of threat as someone else. In that kind of situation the written policy should be designed so that the Agency can say, 'Okay, given this particular situation, we choose to accept this person because we don't think they pose a particular threat -- but for some legal maneuvering they ended up convicted of a crime that sounds bad.' But, again, this allows the Agency to be in charge of its clientele and assume some responsibility for the success of those clients in the facility."

Commissioner Borries: Steve, would you identify yourself for the record."

Dr. Smith: "Yes, I'm Dr. Steve Smith, Associate Professor/Criminal Justice at Ball State."

Commissioner Borries "So the way things are now, if a Judge assigns someone there, we take them."

Dr. Smith: "As a practical matter, yes."

Commissioner Borries: "Okay."

The meeting proceeded with Mr. Irwin continuing.

"2142 -- Written policies and procedures provide that clients are informed and agree to abide by the rules and regulations governing the facility, as well as any limitations of available services.

It was reported that staff provides an overview of the program rules and regulations. It is recommended that a new contractual agreement be developed and implemented to document client agreement to abide by the rules and regulations.

Under the program on Page 44, the 2144. The facility staff designs a written personalized program plan with and for each resident. The plan is signed and dated by the staff resident.

It was reported that each program participant working with the staff designs a personalized program plan, but the Residential Program has not fully implemented this standard. The Residential Program should fully implement this standard as soon as possible.

Likewise, inmate progress should be reviewed to meet the standard at least monthly -- or as soon as possible -- on a regular basis.

On Page 45, 2149 -- The staffing pattern of the facility concentrates staff at the times when most residents are in the facility, but the Agency is significantly overcrowded and therefore understaffed during these critical times. A long-range plan and population limits will address that issue.

The rest of those on Page 45 are basically documentation issues.

2155 -- Regarding the removal of a resident. The policy on removing a resident should be reviewed and clarified. The Agency administration should have the authority to remove any dangerous or disruptive resident and confine them to the County Jail until a court hearing can be arranged in accordance with State law.

There are some others here that are important, but not as essential as some of the other findings -- housing and offering financial assistance through agencies that currently exist here in the County.

Page 47 -- We need a policy to include sign language for the deaf, and use of video presentations in communicating with those persons who have potential language or literacy problems.

The facility in its limit does not provide much in the way of recreational or leisure activity. Specialists from the DOC or the County Sheriff's Department, the County Park and Recreation Department should be contacted to assess the current equipment and programs and recommend any needed changes.

Likewise, the training and education component provides assistance to residents in finding employment. This program is small and needs additional resources, such as the local JTPA program to effectively address the needs of residents.

Page 48 -- Attending religious services. We are suggesting that perhaps a Chaplain program should be investigated and instituted.

Under authorization for home furlough -- it was reported that the written policy exists covering home furloughs of residents. This policy should be immediately reviewed to adequately address recent incidents.

Under supervision -- Again, some rather minor findings and recommendations.

(End of Side A, Tape #2 of Reconvened Commission Meeting of 7/12/94)

Under 2173 -- This is a mandatory policy with regard to restricting the use of physical force. There is no policy concerning the restriction of use of force by staff. It is highly recommended that the staff be directed to immediately institute a policy concerning minimum necessary force and immediately institute an ongoing training program for all staff.

Likewise, the need for use of force and its need to be reported and documented.

Page 50 --2177 -- In accordance with written policy and procedure, the staff monitors movement of residents into and out of the facility. Given the numbers, this is a monumental task. Staff do monitor movement of residents in and out of the facility and it was reported that one verification officer was responsible for monitoring 100 inmates. It is recommended that a staffing study be conducted to ensure that caseloads meet national standards. Likewise, modern monitoring techniques should be used, including electronic bracelets for some inmates at work sites. Employers must be fully informed of the rules, regulations, and restrictions pertaining to each work release participant.

Page 51 --Citizen and Volunteer Involvement. We believe that a volunteer recruitment program would be valuable and it should be developed. Such a program would include elaborate screening criteria for those people wishing to be volunteers.

It is recommended that a single staff member be assigned the duty to develop, promote, and supervise such a program.

Page 53 -- Out Client Services. Under 2189, when residents in an incarcerated status are transferred to an out-client program, there is legal authorization to permit such transfers. All clients are placed in the programs via court orders. It is recommended that Agency staff be provided the latitude to make specific program assignments.

That is the report in its entirety and I've given this brief overview. We would welcome your comments, reactions, in terms of the future. We stand ready to provide this information to others as you would direct us to do so. We also stand ready to help you in assessing or trying to implement any or some of the recommendations that are contained in the report."

Commissioner Hunter: "We've got a lot to digest, haven't we? Kent, would there be any possibility -- or is it totally out of the realm -- you've given us a lot of recommendations and suggestions. Would it be possible to prioritize these in some way? You know, what two, three or four things should really be zeroed in on first, etc. down the line?"

Mr. Irwin: I would think the Executive Report would be the place to begin.

Commissioner Hunter: "Is that prioritized?"

Mr. Irwin: "Yes. Many of the recommendations -- the lesser recommendations fall under these major eight recommendations."

Commissioner Borries: "Well, I guess I want to thank you for -- I don't guess, I do -- thank you and Dr. Smith for working with us on this report. From my perspective and experience, I can't think of a more far-reaching report that I have seen in this County for quite some time. This program, I think, you have given us really a model with these standards to shoot for. And I think that there is no doubt that this program meets a community need. But what you

have set out for us to do involves some tremendous responsibility and work -- I think study -- it transcends anything that we could even talk about here for the next day. It is massive. So, as Don has so aptly pointed out here, we have a lot to digest. I would hope that Judge Young -- perhaps -- we don't have the Board at this point together -- but at some time in the future we are going to have to spend some time with them. And perhaps if Harris has time you can enter into some dialogue with him regarding this particular report, since he is minute-by-minute directly involved with this whole program. But it is a bit overwhelming to me because, as I say, this thing is a major shift from where it started as a small kind of court diversion program. And I think we are not going to do this program a service if we continue to kind of call it a Safe House program. I mean, this is a community corrections program that literally involves more people than we have this minute in the jail -- and the standards that have been set out here and the things that we have to do are going to take a heck of a lot of work to get done. So I want to thank you for your work. Again, it is somewhat of a sobering feeling here this morning to have to go through this with you, because it just shows the enormous amount of work we have to do here."

Mr. Irwin: "It is a major program. And I would suggest that you take a few minutes and allow Steve to give some of his impressions and an overview, as someone who is knowledgeable in the field, in this public forum, in as much as he is here and available to us today."

Dr. Smith said, "I agree. I was sitting back there thinking the same thing you were, Commissioner Borries, about the level of work that is required. It does seem overwhelming. But I think it is very important to remember this is a pretty high quality corrections program you've got going out there. There are a lot of little things that need to be addressed. It needs to be professionalized. It needs to be institutionalized as a part of County government and a lot of parts and pieces need to be trimmed to fit the way a professional agency should fit them together. But it started out as a group of four, five or six people that were committed to this kind of enterprise and it grew based on their personal commitment to the enterprise. And it grew up. A lot of things most professionally run agencies would have said 'We've got to have the right documentation; we've got to have the right administrative structure and report writing.' These people said, 'We're busy looking after people. We're busy doing our job -- don't have time for that.' Social services types are notoriously bad at doing paperwork. They are people people. You know, 'Give me a group of people I can work with and I don't care about the paperwork. I mean, it will catch up or it won't -- and, frankly, if it doesn't I don't care.' That's the way we are built, okay? That is what makes social service folks do what they do. I have to say I was favorably impressed with the level of dedication of the people you have working out there. These are a bunch of people who really care about what they are doing. And they are holding that thing together with bubble gum and bailing wire and, you know, the training officer disappears and they just keep going. They know they need training -- but they just keep going. And they are down here in Evansville, which means it is a three-day trek to anywhere to get training -- because you're down here, stuck in the middle of nowhere. It's a real frustrating situation for these people because they are out of the loop. If they were in Indianapolis or St. Louis or Cincinnati -- you've got lots of things coming through. You know, you just don't have. And the local people you've got there have done an excellent job of holding together a very valuable community resource. And I think when you look at the amount of work that needs to be done -- first of all, you need to realize this can be done over time. This is not something that has to be done in the next thirty days. Your facility has been

operating; it continues to operate; it is operating today. They are doing the job. But you need to move forward on these issues. And, you know, in realistic time lines over the next six months, twelve months, eighteen months. Some of these may take two years to actually get on line. But you've got a valuable resource out there. The economic benefits to this community of running that enterprise are significant, both from the salaries that you pay and the dollars that turn over; the fact that the people that are out there are still working and maintaining their homes and paying for their families and paying taxes; and paying for the services they receive at the facility and making restitution to their victims. This kind of an idea of talking with the Indiana Department of Correction folks -- this kind of an idea at the local community level is where corrections has to go nationally -- because it keeps the money in the community; it allows these people the opportunity to make it right and then move back into the community and become productive members again. We start pulling people out and dropping them into prisons, that is the most expensive thing we can do for the taxpayers and for the community -- and it's the least effective thing we can do. They'll come back out of prison and go right back to doing what they were doing before. These guys don't do that. And I think that, you know, given that sense there is a lot of work to do here. But I think it is well worth doing and I'd urge you to just set your time schedule up and proceed. And I think you've got some people out there who will be very glad to see your involvement and your assistance."

Attorney Kissinger said, "Two problems that concern me from a liability standpoint are staffing and over population. I think those blend together. Obviously, if we increase our staff then our population problem is not as great -- although our physical plant may not accommodate the population. You seem to have addressed the types of offenders or population standards, if you will. People who perhaps should be excluded on the more serious end of this. Did you look at the less serious end? And what I am referring to here is offenders who prior to the institution of this program may have merely been placed on probation. Now at times, for whatever reason, punitive reasons because the prosecutor wants it or the court wants it -- those people are now put into the program for perhaps a brief period of time -- fifteen, thirty, or sixty days. And it seems to be kind of a punitive thing. You know, we have it; it is available; we can punish them. And, basically, I think that community corrections does very little in those circumstances other than perhaps monitoring community service or something like that. Did you look at that? And is that a possibility? Is that a recommendation or is that something you would recommend as far as very minor offenders who are placed in the program?"

Dr. Smith said, "I did not look at all the case referrals over the past period of time -- say the last year or whatever. My sense, however, in looking at what I did look at is that it is not a major problem. The short term people, the people who need to be placed on probation or should have been placed on probation basically over incarceration does not seem to be a major issue in the overcrowding. These are people who could have been sent to the Indiana Department of Correction. These are people, for the most part, who should -- or could -- have gone to prison; but, for whatever reason, situational reasons, potential reasons, or nature of offense reasons, it was decided they were to be placed here. Overall, the selection of offenders for the program, I don't think, is bad. It's just there's too much of it. If this community really needs three hundred and some beds, then it may be necessary to go to 150 with this one and put a 150 bed someplace. If that is what you need. That is going to cause the Judge a problem. That will cause your criminal justice, your judiciary a problem. But it just simply has to be done. You simply have too many people there. The first day I was touring the facility I walked up the stairs



into the sleeping area -- into the dormitory. You walk up the stairs and take two steps and you were standing in a man's face who was sleeping in his bed. The man has no chest of drawers to put things in; the man has no desk; there is no private place that he can go to think about what he needs to be doing; you know -- you don't need a room for everyone; but you need some privacy -- some area where this guy can go and get away from the noise level, the other inmates, the hassles, the stresses, and think about what he is doing and why he is here and what he needs to be doing with his life. That is just simply not available. So I think that's something I would see as a legal problem.

Attorney Kissinger said, "As far as the mentally ill and the child molester or rapist, arsonist, and offenders with a history of serious violence, were those inmates or residents actually inventoried? Do we know? Do we have people there now that anyone could make a specific recommendation ought to be out of the facility because of security reasons?"

Dr. Smith replied, "That is not an infrequent occurrence -- that those kinds of offenders show up there. I can't tell you whether there are particular people in there today that need that. But it is something that is a significant concern for the staff. And, again, a part of the problem that you come back to is the program started off as a service of the court. So when it was a service of the court the Judge was responsible for the program; the Judge made the decisions regarding the program; the Judge kept the records for the program. So the records were kept in the Court, which is fine -- as long as they were running the program. As this now has grown up as a County agency, you see in many cases the actual case histories and case files don't follow that offender over to the program. Because the tradition is the court keeps the files. When the Federal Bureau of Prisons came in and looked at the program they said the records are in outstanding shape. Well, they certainly are -- they went over to the court room and looked at them. But that line staffer over there doesn't realize that this guy that he's gotten in for five counts of burglary, four years ago was arrested six times for suspected child molestation. That's important information that line staffer needs to know. They've got to know 'What am I dealing with? How am I doing this?' And, again, by setting up an intake process at the agency and the agency then reviews all the materials; you send us the client -- you send us the case files. Just like they do for the Department of Corrections. You send somebody to the Department of Corrections, you send the file with them. They've got to have the paperwork. Same thing here. They get the paperwork, they look it over and decide, based on this person's overall history, is this someone we should accept or not."

Attorney Kissinger asked, "Do you feel that the agency should actually have the power of veto?"

Dr. Smith replied, "Yes."

Mr. Irwin stated, "I think that is a fundamental finding and a shift in the way of operations and, back to Commissioner Hunter's first question in terms of priority. The Commissioners, as the Executive, establishing the department under their authority; where that intricate criteria is prepared in advance of someone being assigned to the facility. Currently, the Administrator has no choice. Well, he could. He'd probably lose his job if he said, 'No, Judge, I'm not going to do this.' So there is no empowerment, no authority to run a program out of the Executive, as opposed to one that is now being run out of the Judicial. And being old social studies teachers, we know there are separations and functions that should occur under our system."

Dr. Smith continued, "When we were given the organizational chart when we first came in, we got a box of materials that Harris' staff sent. The organizational chart -- you're not mentioned on the organizational chart. The top of that organizational chart is the Judge, okay? And I'm sure that is exactly true of the way it has been traditionally down through the years. But as the world has changed, this is a different situation. And, certainly, you know, the Director of that Agency is in a difficult spot telling the Judge no. There is a certain Executive-Judicial tension that should exist in this program. Your Department of Correction and the Judiciary throughout the State of Indiana -- they have long discussions about who you're sending and who you ought to be sending and why don't you keep this and why don't you do this and do that? That tension should be there; that is going to give you a good corrections program.

Attorney Kissinger asked, "As far as staffing, did you look at full-time versus part-time employees? And did you come up with any recommendations there?"

Mr. Irwin responded, "No. No. Obviously, you know, the criteria is set out as to what is a full-time and what is a part-time employee as prescribed under your policy has to be examined in terms of the quality and the training that you're getting from some of the part-time people for very what we would consider very low rate of pay -- where there's really no incentive to be a good employee."

Attorney Kissinger said, "My understanding now, Kent, in so far as part-time employees are concerned basically, the training they are getting is on site; it is word of mouth and basically enough to allow them to do the job that they are expected to do. But there is no technical training for part-time people. Am I correct?"

Mr. Irwin replied, "That is true. And that is pervasive for full-time, as well. I mean, the need for a training person is a strong recommendation in this report; for liability issues if nothing else, so that you can document in the event of litigation that certain training has occurred; that these are our policies. Without that we're really behind the eight ball in any kind of suit that may be brought before us."

Dr. Smith stated, "It is important to remember that this is **corrections**. Okay? Bad things happen in corrections. Bad things happen to get these guys involved in this program. Something bad is going to happen. You prevent it as best you can. You set up your training programs; you set up the appropriate staff; and you do all the things that you need to do. But it is **corrections**. At some point, when you're running this many hundreds of people through this program on a monthly basis, you know, somebody is going to get out of line. Somebody is going to do some bone head something that is going to cause trouble. And what is going to happen then is that immediately everybody looks back and says, 'Okay, what did you do to prevent this?' That is why the ACA Standards are here; because the Courts have generally determined that an agency that follows these standards has done all it could to prevent the bad thing from happening. And they're still going to happen -- but you do everything you can to prevent it. What's the standard? The ACA Standards are the ones that address that."

Mr. Irwin said, "We've been following the O.H. Simpson case."

Commissioner Borries interjected, "I think I've heard of that somewhere."

Mr. Irwin continued, "But you will notice that Mr. Schapiro was questioning the detectives last week about the policies that they



follow and the detective on the stand said, 'Well, they need to be updated.' But he was going one by one over the policies and it's a matter then of, you know, using the lack of policy to make a case for your client -- whoever or however popular that client may be."

Commissioner Borries said, "Well, it's an excellent job. Again, I appreciate your professionalism here. Commissioner Hunter and I have previously met with Commissioner Chris Brune of the Indiana Department of Correction. He, as Dr. Smith pointed out, certainly has said that this program is really a model for the State. It was a first. And as we also talked with the Commissioner, we mentioned that we are going to have to draw heavily, too, upon some assistance from him on this as we move forward. And, we will. It's a big job, but we have something here on paper now where we can begin to start. So, thanks again for the wonderful report."

Commissioner Hunter said, "Well, I thank you, too -- as if we didn't have enough to do, you two have very kindly given us a whole-bunch more. And for that, remember that what goes around comes around."

Commissioner Borries said the Board has a couple of other routine items. There may be some media people here. If Harris has time, he may want to meet with Kent and Dr. Smith further. Or, they may have an opportunity to meet with Judge Young yet today -- if that is appropriate. Again, at some future point, as the Commissioners have the opportunity to digest this report a little more, they may want to activate the Board and share the report with them. Obviously, the County Council is going to have to get into this thing -- because there is some funding. When you talk about training; when you talk about population limits, facilities -- all the things they have emphasized here today, then we're talking bucks, too, in money. So the Commissioners may ask them to come back and lend their expertise with some of the folk on County Council. "They will need to hear this, because sometimes when we filter things through them they just don't get it. So we're going to try."

Mr. Irwin stated, "And they have a lot of confidence in me."

Commissioner Hunter commented, "We've notice that."

Chief Woodall said, "Mr. Borries, in two weeks we will be having an Advisory Board meeting and I will be distributing these reports."

Mr. Borries said, "Good. I appreciate your being here today -- ad Mr. Howerton -- and, again, I'm sure that you will find this very helpful, too, as we move forward because this, again, is something -- as Steve points out -- when we do have problems we've got something to point to, to say that there are some things here we can address and this is how we need to do it."

Commissioner Hunter said, "Well, I think Harris needs to sit down with this and begin to think how we can address a lot of these things. Because there are things that very directly involve you."

Mr. Howerton countered, "With regard to the ACA Standards, briefly some of the things we do we operate under the ACA Standards -- we just haven't formalized those. But this gives me incentive to do that."

Mr. Borries said, "Well, you've got a big job. It's a big program and it's something here that, again, as we have said, it is obviously serving a community need -- but we're to a point here where we've got to look at some alternatives."

Mr. Howerton stated, "Judge Young is in a murder trial today, which is why he wasn't here."

Mr. Borries said, "Right. I understood he was. We do have a couple of other items of routine business, but if there are some members of the media here who wish to talk with them, they might be available. That way, we can proceed with our public meeting."

\* \* \* \* \*

RE: VANDEBURGH AUDITORIUM/REQUEST FOR REPAIRS

In response to query from Commissioner Borries, Commissioner Hunter said he has read Council's minutes and he has some real concerns about this. He is sorry -- but.....

Commissioner Borries said, "Well, I do, too -- and I'm glad you're pointing these out, because we have a situation here where we declared an emergency. The problem I have with it is that all they want to do here is to go out for some other bidders."

Mr. Hunter said, "But it would appear there are not many out there. It's kind of like a neurosurgeon. There are not that many neurosurgeons available. I guess what I'm saying here is, as the County Council mentions, we're not experts on safety over there nor are the, but we have privatized the Auditorium and I think we have to depend on their background and their knowledge. And their recommendation is that this be done from a safety standpoint. And I guess, as a teacher, it kind of concerns me that we're going to put on South Pacific or something over there and there's a possibility of problems."

Mr. Borries said, "Well, that's exactly right."

Mr. Hunter continued, "And I can't see that we're going to be any further along a month from now out looking at other 'bidders' -- and, as they pointed out in the minutes, this type of thing doesn't require a bid."

Commissioner Borries said, "No. I think Mr. Davidson points out on Page 3 at the top that this is something that in 26 years nothing has been done except repair something if and when they are broke. Now, this rigging is going to cause us a lot of problems, as you have pointed out there, if this thing falls down on somebody."

Mr. Hunter said, "It's already fallen once. Fortunately, it apparently didn't hurt anyone because no one was there."

Mr. Borries said, "And it says Raben wants a second opinion. Well, again, we know the bidding laws. I, frankly, don't know who these people are -- this Tiffin Studios -- and really don't care. They are in the field; they made some mention to this. If there is somebody else out there who could give us another opinion, that's fine."

Mr. Hunter said, "Yes. But apparently these people cannot only repair it, but they can certify it -- and I think that's important; particularly when you've got thousands of people in and out of that Auditorium. I'm just really concerned about us continuing to rent and use that facility if there is something unsafe over there. And we apparently thought it was unsafe or we wouldn't have declared it an emergency."

Commissioner Borries said, "The School Corporation play begins, I think, this week. We will have to hold our breath there. But after this event, I think they probably have some period here where it is not going to be in continual use. Do you have any

suggestions? Do you think we need to go back to Council and talk to them about this? I mean, what...."

Commissioner Hunter said, "I don't understand it. I mean, you read the minutes and I get the feeling they don't understand the criticalness of the issue and the fact that there aren't that many companies doodling' around -- and we're going to have to bring someone in from the west coast or the east coast and, of course, they are going to charge us time and material. I can understand their questioning the \$65,000 - but I have enough faith in the management group across the street that if they say it needs to be done -- and when I see there is a pair of cables that carry quite a bit of electrification (280 volts) that luckily there was no one up there -- there was a problem there (and this is on Page 4) -- you know, when you start talking about electrical problems I get very edgy. Apparently Councilman Bassemier was also concerned about it and so was Phil Hoy."

Commissioner Borries said, "Well, you may also want to talk with Councilmen Raben and Wortman. Maybe you have a little more -- talk the same language with them. I will try to talk with Councilman Sutton. I know what his concern is, he says he wants a plan. We can come up with a plan and we're going to be able to do that in a lot of different areas. I guess because of the unusual nature of the way this Cumulative Development Fund has had to operate this year, it really is working all right -- because we are spending it on capital improvements."

Commissioner Hunter commented, "Well, this is certainly what it was intended for. I mean, this couldn't be a better example."

Commissioner Borries said, "So regardless of whether we have a plan or not, when the rigging is about ready to fall in the Auditorium, you'd better fix it."

Commissioner Hunter commented, "Well, I think it's one of those deals where you either pay me now or you pay me later -- and the later will be in lawsuits. (I see Legal Counsel shaking his head.)"

Attorney Kissinger interjected, "If we have an incident over this, instead of wasting a lot of money on defense we should start calling the people up in Indianapolis to float some big bonds for us."

Commissioner Borries said, "We are still in an official meeting -- a meeting we had recessed. We better do it this week, because the 15th will have passed (which is the normal procedure) -- I don't know whether they have changed that or not -- when we used to have to get on Council Call. So would you agree that we will go through this one more time and try to go back to the County Council and see if...."

Commissioner Hunter interrupted, "I don't' see that we have any choice."

Mr. Borries said, "If you will make that motion."

Mr. Hunter said, "So we want to go back through this today?"

Commissioner Borries responded affirmatively, saying "We need to reaffirm our position on this. We need to request to get on the August Council Call and we need to do it by the 15th. That used to be the old rules."

Mr. Hunter said today is the 12th, so the Board doesn't have much time.

Motion was made by Commissioner Hunter that the Board definitely reaffirm their position of concern with this curtain and whatever else needs to be fixed over there be considered an emergency (as they did the last time) and that it be repaired and that the Commissioners go on Council Call to get this whole problem resolved as quickly as possible. Seconded by Commissioner Borries. So ordered. It was noted by Commissioner Borries that the Council Meeting will held on August 3rd. Commissioner Hunter will be gone at that time, as will he.

Commissioner Hunter said that Commissioner Tuley will also be gone.

Mr. Borries said it may fall on Mr. Abell then to represent the Commissioners at that meeting.

Mr. Abell said, "I can do that."

Mr. Borries continued, "If we can, we will need to get a representative from either -- talk with Sandy Toten and see if we need to get the Tiffin firm, Mike Shoulders -- get some technical experts in here -- if they want a second opinion or whatever it is and let's get this thing out and get it approved."

Mr. Abell said he will make sure that gets filed by the deadline (July 15th) and if everybody else is out of town he will be more than happy to conduct that, using some of the Auditorium people and any others who might be interested.

Commissioner Hunter urged Mr. Abell to pull Mike Shoulders into that; he's an architect and has knowledge of that sort of thing.

Mr. Borries said he has worked with the Kentucky Arts Center and done things that certainly fall in this field. He has extensive knowledge of the Auditorium since he has prepared reports for over there for the private management firm, as well as the previous reports when we looked at some improvements at the Auditorium several years ago.

RE: WATERWORKS ROAD PROJECT

Commissioner Borries recognized County Engineer John Stoll, who was present for purposes of providing the Board with an update on the situation with the Waterworks Road project.

Mr. John Stoll said, "As you requested last night, there is the letter I drafted this morning to send to Fred P'Poole, Director at INDOT, to try to summarize the concern for emergency vehicle access as well as access for the businesses and stress the fact that we know they've got some concerns about safety and liability if they leave a median opening out there -- and also they would have concerns about the completion date of their project if they delay the start of their project until we are done. The letter contains some suggestions I made to them. If anything additional needs to be added, just let me know."

Attorney Kissinger said, "John, I heard it on the radio, so it is definitely public now that a lawsuit has been filed."

Mr. Stoll said it was in the newspaper this morning, as well.

Attorney Kissinger said, "I think it would be appropriate now to advise the Commissioners that we've been advised that someone from the County is going to be called to testify."

Mr. Stoll stated, "Right. They subpoenaed David Franklin to, I guess, testify to the fact of our estimated completion date of this

project which was thirty (30) work days beginning yesterday. So, based on that, the completion date would have been August 19th. Pat Grady of J. H. Rudolph says he feels the project would be completed by August 1st -- I think that may jump the gun a little bit. But I hope he is right."

Commissioner Borries said, "Maybe we also need to move this forward, since not everybody has copies of this -- Commissioner Hunter and I are going to have to sign this -- let me read this into the record."

\* \* \* \*

Mr. Fred P'Poole  
Indiana Department of Transportation  
100 North Senate Avenue N755  
Indianapolis, IN 46204-2217

Dear Mr. P'Poole:

As you know, the Indiana Department of Transportation and the Kentucky Transportation Cabinet are undertaking a reconstruction project on U. S. 41 between Interstate 164 and the Ohio River. In order to perform the work associated with this project, all traffic will initially be diverted into the southbound lanes of U. S. 41 and temporary median will be constructed so as to separate the northbound and southbound traffic. As a result of this temporary median, left turn access to and from a Vanderburgh County road, Waterworks Road, will be prohibited.

In addition to the reconstruction of U. S. 41, Vanderburgh County is currently in the process of reconstructing a portion of Waterworks Road that collapsed in late April, 1994. As a result of this road collapse, access to Waterworks Road from the Veterans Memorial Parkway has been eliminated until the pipe structure underneath the road can be replaced. This is currently scheduled to be completed by the middle of August, 1994. However, until then, the combination of the INDOT project and the County project will drastically restrict access to Waterworks Road.

As a result of the temporary median construction, we are concerned about access to the area surrounding Waterworks Road for two reasons. First, we have concerns that emergency vehicles will not be able to access this area within a reasonable response time. This could jeopardize public safety by lengthening the amount of time it would take for law enforcement vehicles, ambulances, or fire department vehicles to arrive at any emergency situation in the vicinity of these roads.

The second concern that we have pertains to the difficulty that County residents will have in attempting to access any businesses that are located in the vicinity of Waterworks Road. If excessive delays and long detour routes are encountered by potential customers of these businesses, the customers may take their business elsewhere. This will create an economic disaster for the owners and employees of these businesses.

Since we would like to assure that emergency vehicles will have quick access to this area and would also like these businesses to retain their customers and continue doing business in Vanderburgh County, we are requesting that INDOT evaluate the possibility of keeping left turn access to and from U. S. 41 to these roads open until the Vanderburgh County project on Waterworks Road is complete. We are suggesting that this could be accomplished in one of two ways. First, an opening in the temporary median could be constructed that would remain open until the County's Waterworks Road project is complete. We realize that there are likely safety

and liability concerns that would have to be addressed before INDOT could allow this opening in the median. However, we would like this to be evaluated in greater detail.

The second option for keeping access open to Waterworks Road would be for INDOT to delay the start of the U. S. 41 project until the Waterworks Road project is complete. We realize that since this is a joint project with Kentucky, any delay in the start of the project would also have to be approved through the Kentucky Transportation Cabinet. We also realize that the projected schedule for the U. S. 41 project will have to be taken into consideration since it has a substantially longer time frame than our Waterworks Road project. However, we would like INDOT to let us know if delaying the project is an option.

There are only two suggestions that we have that may help to alleviate congestion and access problems resulting from the combination of the two projects. There may be other options that may be available. As a result, we would appreciate any assistance that you could provide us on this matter. If you have any questions concerning this, please contact us.

Sincerely,

Patrick Tuley, President  
Richard J. Borries, Vice President  
Don L. Hunter, Member"

(Note: Changes incorporated into the initial draft of the memo included the word "could", as underlined, as noted by Commissioner Borries and changing the word "may" to "will", also underlined, as suggested by Commissioner Hunter. He said it definitely will -- not may. Also, it should read **economic disaster** -- not **hardship**. Hardship means they may lose a little business. Disaster means they may be out of business. If this continues for a long period of time, they could be out of business.)

Commissioner Hunter said Mr. Stoll writes very well. Has he considered becoming an English teacher?

Attorney Kissinger humorously stated that his secretary wrote this.

In continuing, Commissioner Borries asked if Commissioner Hunter would be willing to approve the letter, with the noted changes.

Motion was made by Commissioner Hunter that the letter be approved, the Secretary be instructed to sign the Commissioners' names and the letter forwarded to INDOT today. Seconded by Commissioner Borries. So ordered.

Commissioner Borries said he thinks it very important that copies be sent to the media, as well as to Mr. Riecken (he has grave concerns) and to Greg Curtis at INDOT. But we are on the right track. He knows Mr. P'Poole and would be happy to make a phone call in this particular situation.

Mr. Stoll said it is his understanding that they were going to start putting the median in today -- and the Court Hearing is at 9:30 a.m. tomorrow. They will actually start the median prior to the injunction hearing -- so he doesn't know what effect that will have on their access in the interim period here. But they will be shut down for a while -- or the left turn access will be shut down here for a while.

Commissioner Borries said another thought occurred to him, but he

will not ask Mr. Stoll to put this in, as the letter is long enough. But the materials we need to get this Waterworks Road project done -- are they down there?

Mr. Stoll responded, "The pipe delivery started yesterday and is continuing today. They are supposed to be laying pipe all day long."

Commissioner Borries said that is another thing.

Commissioner Hunter asked, "The dirt is not on site, is it?"

Mr. Stoll replied, "Riecken and Staub both have potential borrow pit sites for us right there. The only traffic we would have to fight would be for deliveries like the pipe and concrete and anything like that."

Mr. Hunter said, "They are going to have to be able to get in and out if they have to have a Sheriff's escort or something."

Mr. Stoll said he talked to Koester Contracting this morning and they said the southern crossover would be south of the bridges. So the traffic will be switched over.

Mr. Hunter asked, "South of the bridges?"

Mr. Stoll replied, "Yes. So it is a distance that the detour route ...."

Mr. Hunter commented, "As I said last night -- if it's an emergency vehicle, they might as well take them to the Henderson Methodist Hospital -- if they're going to have to go that far -- across the bridge".

Mr. Stoll said, "From what I was told this morning, the emergency ambulances and law enforcement (I'm not sure who all was involved in the meetings) but basically they decided depending on which direction the accidents were in or anything like that -- that would dictate who would be responsible for showing up at the scene of the accident -- Kentucky or Indiana."

Commissioner Borries reiterated that delivery of materials could be another concern for us -- but this letter is okay, as amended, and the Board looks forward to hearing from Commissioner P'Poole.

RE: INTRODUCTION OF ASSISTANT COUNTY ENGINEER

The meeting continued with Commissioner Borries stating he believes Mr. Stoll has someone to be introduced today.

Mr. Stoll recognized Mr. Tim Spurling, the new Assistant County Engineer, who was also present. He said Mr. Spurling left last night's meeting before he could be introduced.

Commissioner Borries stated that Tim Spurling is a Harrison High School graduate and was Number 1 in his class at Rose Hulman University in Terre Haute, IN. He has a Master's Degree in Engineering from Purdue University. He thinks he's known Tim since he was about fifteen years old and thinks he is highly qualified. This is going to be an interesting experience for Mr. Spurling. He can do the job and he will learn that he not only has one boss, he has 165,000 bosses out there -- every taxpayer in this County at one time or another will give him their opinion about his engineering skills.

Commissioner Hunter noted that some who are not residents of this County will also give him their opinion.

COMMISSIONERS MEETING  
(RECONVENED SESSION)  
July 12, 1994

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Commissioner Borries welcomed Mr. Spurling and advised he has a good leader in Mr. John Stoll.

Mr. Spurling expressed his thanks.

RE: ADDITIONAL FUNDING - WAGGONER, IRWIN, SCHEELE FEES

Commissioner Borries said that with regard to additional funding, once again the Commissioners seem to be playing games with County Council concerning Mr. Irwin's fees. Again, all he does is produce outstanding reports like this and other professional documents we need in order to conduct current County Personnel Policies and everything else. He asked, "Kent, in relation to finishing up this Personnel Policy re ADA requirements and others, if you could provide us with an estimate of what you are going to need, we would appreciate that so we can, again, go to our friends on the County Council and ask for their consideration on this. We will get the funding for you. We will get it in place. We know what our needs are here and we know we've got to get these matters settled. We know that Mrs. Deig has worked with you well. She is certainly an advocate for you. She is directly responsible for many of our personnel decisions regarding the job descriptions and what County Council does and, frankly, it's beyond me. Frankly, I think political games is why we keep going through this rigmarole. At any rate, if you can provide us with that information we will get the money. Like most things in government, it works a little slow. Mr. Hunter, Mr. Abell and I have probably aged a bit here. It seems I've been in this seat a long time -- since about 4:30 p.m. yesterday -- and we're still going. So this may have been one of the longer meetings we've had on record here."

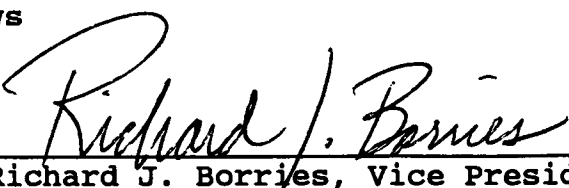
Commissioner Borries entertained further matters of business to come before the Board. There being none, he declared the meeting adjourned at 11:35 a.m.

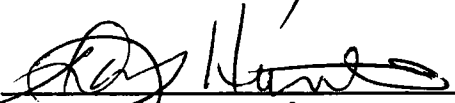
PRESENT:

Richard J. Borries, Vice President  
Don Hunter, Member  
Alan M. Kissinger/County Attorney  
Sam Humphrey/County Auditor  
John Stoll/County Engineer  
Tim Spurling/Asst. County Engineer  
Kent Irwin/Waggoner, Irwin, Scheele Associates  
Dr. Steve Smith/Professor/Criminal Justice/Ball State University  
Harris Howerton/Community Corrections  
Steve Woodall/Sheriff's Department  
Mark Abell/Commission Office  
Eric Williams/Sheriff's Department

ABSENT: Patrick Tuley, President

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, Vice President

  
Don Hunter, Member







**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

9

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

July 12, 1994

Mr. Fred P'Pool  
Indiana Department of Transportation  
100 North Senate Avenue N755  
Indianapolis, IN 46204-2217

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Since we would like assure that emergency vehicles will have quick access to this area and would also like these businesses to retain their customers and continue doing business in Vanderburgh County, we are requesting that INDOT evaluate the possibility of keeping left turn access to and from U.S. 41 to these roads open until the Vanderburgh County project on Waterworks Road is complete. We are suggesting that this could be accomplished in one of two ways. First, an opening in the temporary median could be constructed that would remain open until the County's Waterworks Road project is complete. We realize that there are likely safety and liability concerns that would have to be addressed before INDOT could allow this opening in the median. However, we would like this to be evaluated in greater detail.

The second option for keeping access open to Waterworks Road would be for INDOT to delay the start of the U.S. 41 project until the Waterworks Road project is complete. We realize that since this is a joint project with Kentucky, any delay in the start of the project would also have to be approved through the Kentucky Transportation Cabinet. We also realize that the projected schedule for the U.S. 41 project will have to be taken into consideration since it has a substantially longer time frame than our Waterworks Road project. However, we would like INDOT to let us know if delaying the project is an option.

These are only two suggestions that we have that may help to alleviate congestion and access problems resulting from the combination of the two projects. There may be other options that may be available. As a result, we would appreciate any assistance that you could provide us on this matter. If you have any questions concerning this, please contact us.

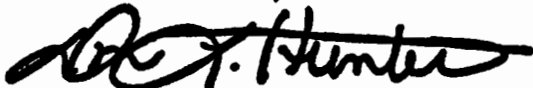
Sincerely,



Patrick Tuley, President



Richard Borries, Vice President



Don L. Hunter, Member

cc: Ron Reicken  
Greg Curtis

County Council Excerpt 7-6-94

(Councilwoman Jerrel and Councilman Jones were absent from this meeting.)

Appropriation from CCD fund for the Auditorium.

Andy Davidson: "I was not here last week, but Sandy Toton, General Manager at the auditorium was here and answered any questions that you had in regards to these two items. I will be happy to answer anything that has come up since then."

President Hoy: "These are to come from CCD funds, both of them."

Andy Davidson: "Correct."

President Hoy: "Does Council wish to vote on both at the same time?"

(inaudible)

President Hoy: "You would like them separated? Ok, is that a consensus that we separate? Ok. Then I would like to hear a motion on 2031-1440-4100, Light & Sound for 2,845.00 dollars."

Motion made by Councilman Bassemier and seconded by Councilman Raben to approve the motion of 2,845.00 dollars. Unanimous approval.

Councilman Wortman: "On those extension cords, you was not aware of the shape that they were in prior to declaring an emergency?"

Andy Davidson: "No the cable broke and that was the first that we knew that there was a problem up there. This was in the top of the fly-rigging, which is probably 60 feet up in the air. We were unaware of that and this goes directly into item 2, where we are asking for the money for Tipton Rigging to come in and complete the safety inspection. We were unaware that a safety inspection had not been completed basically since they were installed back in 1966 and 1967. So this was a new item for us and was sort of waking us up to let us know that there maybe more problems hanging up in the air than that."

President Hoy: "Next item, Other Operating, 2031-1440-3510. Do I hear a motion concerning this? The money would come out of the CCD fund."

Motion made by Councilman Bassemier and seconded by Councilman Wortman to approve the Auditorium's request for 65,000.00 dollars in Other Operating (2031-1440-3510).

Councilman Raben: "The only problem that I have with this is you are dealing with 65,000.00 dollars (inaudible)."

Andy Davidson: "This is an item that there are very few people in the country that do this. Tipton Rigging was the original contractor that installed it. They have come in and given a proposal at the 65,000.00 dollars. We have checked through the International Association of Auditorium Managers and Associations. There are very few companies that will come in and do it. Tipton is number one on the list throughout the country. Most companies that install it, another company will not come back and certify and do the approval unless they come in and do the entire installation. So we have checked with Tipton and also I know that last week Councilman Jerrel wanted to see if they would get us an itemized breakdown on that and they said that they will give us an itemized breakdown, as much as they can showing us what new material was and the charge and on a time and material basis."

Councilman Raben: "When you mention certification, is that a state regulation or a federal regulation or is this a..."

Andy Davidson: "I am not sure that it is a state or a federal regulation. Tipton will certify and I think that it is just sort of like in auditorium management, that they will certify that the riggings are up to stuff and meeting all the current specifications. As far as I am aware, there

has not been any state, local or federal inspectors in the last 26 years. They haven't come through and told us that we were not up to standards, or even check. So it is something that with the one fire curtain that fell this other (inaudible) cable that disconnected and shorted out all the records that we can come up with there has been that nothing was done in the last 26 years except on staff maintenance and replacing some frayed cables. So it is something that we need to fix because without it a fire curtain or some of this rigging falls down during an event there could be major problems."

Councilman Sutton: "Is this company just trying to get a general perspective of how much is going to be done? Or are they just not going to find out what needs to be done but they are actually going to preform the work as well?"

Andy Davidson: "They came in and gave us, I though Sandy gave you a copy of their whole proposal. It goes through basically line item by line item what needs to be replaced. What they will replace and then a total cost. But there is not a line item break down of each individual category of price of what the stage rigging is going to cost, what the replacement of some of the ropes will be. So this is basically from my understanding when we talked to them about again, a itemized list, that it is sort of like not to exceed 65,000.00 dollars, yet from their initial inspection and seeing what had to be replaced and knowing the time and the material that it will cost. Sixty-five thousand should bring everything back up to good working condition."

Councilman Raben: "I am just uncomfortable with giving someone free reins and giving out 65,000.00 dollars for one bidder. Who is to say that the repairs that needed to be made couldn't be done for 5,000.00 dollars? If we had a second opinion. Did this go through Purchasing? I know that the Commissioners approved it but did it go through Purchasing? I know that there are county purchasing policies, I mean this is a large sum of money. I not comfortable with giving it to the first bidder."

Councilman Sutton: "I guess when we look at the company who studies the problem and the same company is going to fix the problem, that doesn't really sit very well to a certain extent."

Councilman Raben: "It is kind of like your family doctor being your surgeon."

Councilman Sutton: "Yeah."

President Hoy: "The Commissioners have approved this and legal counsel reminded me that in the case of professional services bids are not required. It is a lot of money and I am not an expert but I have had some experience with theaters and we are dealing with public safety here."

Councilman Sutton: "We are the fiscal body. They can't appropriate any funds."

President Hoy: "That's right."

Councilman Sutton: "That's our responsibility here. They can make the decisions that they make but if there is no funding in place, no decision will take place."

President Hoy: "Do you know of any other company that you could get a bid from on this work?"

Andy Davidson: "Sandy and I both checked into this and this was the only company that we could find that would even come in initially and do the safety inspection to find out what the problems were. So that is one reason that we got only one bid from them. We couldn't find another company that was in this area unless we wanted to bring somebody in from Los Angeles or New York that would not come in and do an inspection without charging time and material to even come to Evansville, Indiana and do that. Sixty-five thousand dollars is quite a bit of money, you all have been paying Givens & Spindler Management Co for professional management. We will stand there and watch them to make sure that we are getting 65,000.00 dollars worth of work. We are not going to give them free rein of the building. Sixty-five thousand dollars is a very minimal amount if part of this rigging falls down and injures someone or kills someone which is one reason when the fire curtain fell down that we saw the need to

check into this. Granted 65,000.00 dollars is a lot of money but the CCD fund was set up for major repairs and renovations. This is something that in the 26 years nothing has been done except repair some things if and when they broke. So yes, it is a lot of money, but on the other hand if we don't repair it we could be opening ourselves up for quite a bit more money and liability if something does happen and this rigging falls down on someone."

Councilman Raben: "I understand that, but you mentioned that none of us were professionals in this type of work and that is why a second opinion is even more important. Because none of us here or the Commissioners I'm sure, are knowledgeable in this field. And when I know little about something I want a second opinion. (inaudible)..."

Councilman Bassemier: "Andy, how long would it take to call somewhere else, if you could find somebody to do this? What time frame are we talking about?"

Andy Davidson: "You are probably talking 60 days to be able to get somebody on site yet during that 60 days we will have to pay someone from Los Angeles or New York to come in and do an inspection and then write the proposal and during that 60 days the clock is ticking-if the riggings, if something happens-the Public Education Foundation is there right now basically for 24 hours for the next two weeks. I mean, we did not just find one person and say, 'Please come in and do the inspection,' and feel confident with this bid. This is basically only people in our region that can do this and are qualified for it. I don't want to say, 'trust me' because 65,000.00 dollars is a lot of money but, we researched it to the best of our ability and could not find anyone else that we could get to come in without having to pay them to come in and do this. These people also got involved in the renovation with KGB&S and looked at the whole facility so they are familiar with the auditorium and-sure you would like a second opinion but it is difficult to find someone else of their caliber in this region that can do this."

Councilman Bassemier: "Well being a public safety officer I am very concerned. I remember before I was voted into council that you had a problem over there with the sidewalks. The council didn't do anything about it and somebody else got hurt on the same spot, so I stick with my motion on this."

Councilman Raben: "How long a project is this?"

Andy Davidson: "From start to finish you are looking at basically 60 days from the day that they get on site to when they are gone. They said it could take thirty. A lot depends on the extent of what has to be replaced. The best time to get this scheduled is during July and early August when the auditorium is very slow. After Public Foundation we have got about a 45 day window where they can come in and get it done quickly."

President Hoy: "We have a motion and a second. I don't want to rush this because I think that it is a crucial issue. Any other questions pertinent to the motion?"

Sam Humphrey: "Did the Commissioners declare this an emergency?"

Andy Davidson: "Yes."

President Hoy called for the vote. Votes cast in favor for approval; President Hoy and Councilman Bassemier. Those votes opposed; Councilman Raben, Councilman Wortman and Councilman Sutton.

Motion is denied.

President Hoy: "I suppose you might try again. You might see about bids from other places, perhaps if you had a letter or two from a firm in New York or someplace like that as to what they would charge us to come in to do this. That would be helpful. Please do come back. I agree with Mr. Bassemier as you can tell. I don't want a lawsuit."

Councilman Sutton: "As we consider our budget request for 1995 as well. If we aren't able to get it in 1994."

Andy Davidson: "This is something that we have already had two major accidents and failure of the rigging. One is a twenty pair cable that carries quite a bit of electrification-280 volts that luckily there was no one up there. The fire curtain has already fallen. Sure, we can wait until next year, but just like Councilman Bassemier said on the sidewalks, we have come like a good management company to let you know that there is a major problem. The Commissioners saw the emergency to it. You all have failed to appropriate it. I don't think that we can wait until January of 1995 to get the job done. We get into the busy season we can either shut the auditorium down and not rent it during this fixing or we can fix it in the summer during a slow period. So I just hope nothing happens by the time that we are getting competitive bids or if we can even get someone that will come in and give us another bid."

Councilman Raben: "We meet again the latter part of this month and we could establish a special meeting (inaudible) to approve another bid or this bid. All I was asking for is before we grant somebody 65,000.00 dollars-it may need some repairs it may not. None of us know. I would feel better because I have to answer to the taxpayers. If we did 65,000.00 dollars worth of work (inaudible)..."

President Hoy: "I have to express my concern, frankly because I am on your board and I have toured that entire building and if you go into the orchestra section of that building you will see plaster missing from that ceiling-I think that it is shameful that we have neglected our auditorium."

**MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 18, 1994**

**I N D E X**

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Data Processing/Richard Cappelletti .....	2
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        Rd./Floyd Staub (P. Tuley to write letter and  
        B. Cunningham, M. Abell, or someone from the  
        County Engineer's office to represent the  
        Commissioners at scheduled meeting on Wednesday).  
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MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 18, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, July 18, 1994 in the Commissioners Hearing Room with President Patrick Tuley presiding. Commissioner Don Hunter was absent, being out of town on vacation.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Attorney Kissinger, Commissioner Rick Borries, himself, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, the Official Recording Secretary for the Board, and noted Mark Abell/Commission Office Manager is out of town tonight) and asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

It was noted the Commissioners have the minutes from the Reconvened Session of the Commission Meeting last week (July 12, 1994). Since Commissioner Tuley was absent, approval of same will be deferred until such time as Commissioner Hunter is present. Minutes are also forthcoming on the Public Hearing and the Regular Business Session on July 11th.

President Tuley asked if there are any groups/individuals in the audience who wish to address the Commission but do not find their name or particular item of interest on tonight's published agenda. If so, now is the time to come forward.

RE: PURCHASING DEPARTMENT - LYNN ELLIS

Bid Award/Fitness Center Equipment for Sheriff's Department:

Ms. Ellis said they are recommending that the award be split so that the bids are awarded to the low responsive and responsible bidders for each line item. The award amounts would be as follows:

Gilles-Schwinn Cyclery	\$15,951.00
Body Masters	28,461.00
Universal Gym	<u>2,121.00</u>
Total	\$46,533.00

President Tuley asked Chief Woodall if he concurs with the recommendation and the response was affirmative.

Motion to approve awarding the bid as recommended by the City-County Purchasing Department was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Bid Award/Pothole Patching & Crack Sealing Machine: Ms. Ellis said their recommendation is to award the bid to Carlisle Equipment Company, Inc., in the amount of \$34,955.00, the lowest responsive and responsible bidder. Ms. Ellis said the County Highway Department was consulted and they concur with that recommendation.

Motion to award the bid as recommended was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: DATA PROCESSING - RICHARD CAPPELLETTI

It was noted by Commissioner Tuley that this item was deferred from last week. He then recognized Mr. Cappelletti.

Approval to Release Bid for Computer Hardware to Replace Existing Equipment: Mr. Cappelletti says he actually has two (2) items tonight. The first was deferred from last week. The second, originally scheduled for tonight. With regard to the subject item, approval was granted by Data Board on 6/18/94 to carry to Board of Public Works and Commissioners. The Board of Public Works approved this during their July 7, 1994 meeting. He now comes before the Commissioners to seek approval for release of the RFB.

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

Modification of Atek Contract: Mr. Cappelletti said we currently have contracts in place with Atek Information Services for maintenance of hardware and the manufacturer-provided software that had been in place for several years. The original contract required a per annum escalator of 6% regardless of what the price increase actually was. Over the years that has resulted in a difference between current list prices and that price we are paying to Atek. This modification will lower our current maintenance pricing to the current and standard list pricing and, at the same time, raise Atek-provided software support slightly. The net effect of that to City and County is a decrease in monthly expenditures of approximately \$1,800 per month. He has four originals of the contract for signatures. This is a negotiated item with Atek. They are completely aware and agreeable. They've signed the contracts. This was approved by Data Processing Review Board at their last scheduled meeting and has been approved by the Board of Public Works -- this being the final stop in the process.

Motion to approve Mr. Cappelletti's request with regard to the contract modification was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered. (Mr. Cappelletti said he will leave the contracts with Joanne, so she can obtain the signatures.)

RE: PROSECUTOR'S OFFICE/REQUEST FOR CREDIT CARD FOR OFFICE  
USE - LAUREN KINCAID

Ms. Kincaid was recognized and said she is asking for a credit card for use by the Prosecutor's office, principally for the purpose of guarantee hotel accommodations for staff on seminars, conferences, etc., in connection with employment. She has already spoken to the Auditor's office and understand they have no objections. Neither does the State Board of Accounts. She is now seeking final approval from the Commissioners. All costs would be met by the Prosecutor's Incentive Fund.

Commissioner Borries noted that Prosecutor Levco points out that if there are any late fees -- it would not occur -- but, if it did, they would be met by the Incentive Fund.

Ms. Kincaid confirmed that is correct.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: TRANSPORTATION CONTRACT BID/BASSEMIER'S TRANSPORTATION -  
KEITH WALLACE, ATTORNEY

Attorney Keith Wallace was recognized.

Attorney Wallace said, "Good afternoon, Commissioners. I am Keith Wallace, representing Bassemier's Transportation. Ed Bassemier is in the audience. After last week's meeting, Ed contacted me because he wasn't clear on why his Bassemier's Transportation, Inc. bid had been turned down on a bid he submitted for elderly and handicapped transporation. I contacted Mr. Kissinger and we had some discussions. I took the time to contact the Indiana Attorney General's Office and was able to get a very prompt and quick response and opinion letter. I want to turn in to you right now -- and I would request that you make a part of your official minutes -- a group of materials I am providing, which include a letter from the Indiana Attorney General's office dated today. It was faxed to me. I do not have the original. It is addressed to Mr. Bassemier, but faxed to my office; a letter that Mr. Bassemier submitted to the Indiana Attorney General's office (again through my office); a letter I submitted to the Attorney General's office; and then what I believe to be the relevant statutes. At this time I am going to hand you this group of documents and ask that you make them part of your official minutes.

Mr. Bassemier submitted a bid, along with the proper Disclosure form and, I guess, at last week's meeting -- everybody likes to be safe, rather than sorry -- there was a question as to whether there is a conflict of interest. As I understand, although I was not at the meeting, I did discuss with Mr. Kissinger -- there was some concern that I.C. 35-44-1-3, which includes six exceptions, particularly (c)(1) was not met. I took his information and other information and, along with Mr. Bassemier, requested a letter from the Indiana Attorney General's office asking basically two things.

- 1) Does Bassemier's Transportation meet (c)(1),
- 2) But also, and more importantly, if they do not meet c(1) it really doesn't matter, if Bassemier's Transportation meets one of the six exceptions listed under I.C. 35-44-1-3, sub paragraph (c)

The response and, again, I don't want to speak to the Attorney General's office. I do want to thank them for their very, very prompt response -- but I want to say that, in essence, I think they agreed with Mr. Kissinger that Bassemier's Transportation may not fall under (c)(1) -- may not meet the exception requirements for (c)(1). But, the letter also states that Mr. Bassemier or Bassemier's Transportation only needs to meet one of the six exceptions specified under sub-paragraph (c). And I am here today to represent to you that (c) (3) which reads, 'The public servant (2) is an elected public servant or a member of the Board of Trustees of a state-supported college or university and makes a disclosure under sub-section (d) (1) thru (d) (6). That's the end of the exception. If Mr. Bassemier or Bassemier's Transportation falls within that exception, he falls with the exception of sub-paragraph (c). Because after paragraph (5) is the word 'or', which is disjunctive -- which is pointed out in the letter from the Indiana Attorney General's office. I don't believe there was ever a question that Mr. Bassemier or Bassemier's Transportation, Inc.'s bid had the proper public disclosure, so I don't think that's a question. If you look at I.C. 35-41-1-24 (public servant defined) Section 24 reads, 'Public servant means a person who -- and go down to sub-paragraph (2) is elected or appointed to office to discharge a public duty for a governmental entity', so if he meets that, he is a public servant -- which goes back to the (c) 3. Governmental Entity is defined in I.C. 35-41-1-12. Governmental entity means -- sub-paragraph (1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district or public school corporation -- and goes on with some other definitions, inclusive of governmental entity. I've taken this time because I want it to be in your minutes exactly my reasoning, what I believe to be the Indiana Code's reasoning, for clearly saying that Mr. Bassemier and his company, Bassemier's Transportation, in which he is a shareholder and officer, fits within the exception; he is entitled to be awarded the contract. It will save the county more than \$20,000. Most government employees, especially officeholders in the county, are part-time officials -- as you all well know, being part time yourselves. This is not New York, which may have some different rules or laws -- I don't know -- Chicago does. But this is like much of Middle America and a lot of people who take the time to serve an elected office also have to run their own business and earn a living. That is the reason these kind of exceptions are included in the statutes. The public disclosure is an opportunity for Mr. Bassemier to disclose what relationship he has. At that point, if he has met

the requirement, the bid can be awarded to him. If people in this community think it is inappropriate, they have recourse through the election polls which can prevent him from being re-elected. So I am here today to submit this information, ask that it be made part of your minutes and part of public record, to try to give Mr. Bassemier's understanding and position and why he would request that he be awarded the bid. I would note that the letter from the Attorney General's office states, like any letter should, that most matters or matters or prosecution to ultimately follow up on if anything was ever to be brought for a conflict of interest violation it would be their office. So maybe it is proper to ask their opinion as to whether they think there is a conflict. I think it is as crystal clear as can be when it has two elements he has to meet to fall within the exception; being an elected public servant (which I've read the definition and he is an elected public servant) and make a disclosure under sub-section (d)(1) through (d)(60), which has never been a question. If he meets those two items, he is entitled to fall within an exception and be awarded a contract. And that is what I am here today to request of this Board and I would be happy to answer any questions."

Commissioner Borries said, "From my standpoint, I appreciate his prompt work and would like to take this under advisement. I would concur with some points, but others you have to keep in mind you're also talking to an individual who took himself off of the Mayor's Riverboat Committee for a perceived conflict of interest since I had been an employee of Ellis Park at some point in time and last year earned a grand total of \$163.00. And I would have known as much about Ellis Park's bid at the time that I was informed that Ellis Park even had a bid before I would have even been selected to serve on the Mayor's committee as much as a Zenith worker when they moved their factory to Mexico. I had no idea that was in there. But because of a perception and because I believed that the Mayor was on the right track on this, and to avoid even the perception of a conflict of interest, I asked to be excused from that committee."

Attorney Wallace countered, "I appreciate that and I respect your decision. This is a matter that is statutory as opposed to anything else and, obviously, Mr. Bassemier can choose not to make a bid to prevent this type of occurrence from having the possible perception that you refer to. But he is a business owner as well as a Councilman, chose to make the bid and make the required disclosure. Now, he's a low bidder by more than \$20,000, which is, I think, significant -- and saves the taxpayers a lot of money -- which I think everyone is interested in, as I know you all are, and if his being awarded this contract offends the perception of the members of our community, their recourse according to statute, is not to re-elect him. But I respect your withdrawing from the Mayor's Riverboat Selection Committee. I was aware of that. I just would like to -- you know, I'm trying to represent my client the best I can -- and say this is a matter of statute."

Mr. Borries said, "I understand that. And we have to, as you are so ably representing your client, we also have to be represented by counsel. Because I think the issue is one that is a difficult one and two-sided and is not aimed at your client, me, or anyone else -- but, in fact, public officials and how we do business in the State of Indiana, I would prefer, Mr. President, that we take this under advisement and maybe have Counsel, when he has time, to reply to that."

Commissioner Tuley said, "The thing of it is, I'm in the same situation as you spoke to. I'm in a business on the side that does work in thirty-seven counties. But the condition of my employment to my boss and present company, we don't knock on the doors of Vanderburgh County. However, your point is well taken. It is a statutory thing. The Attorney General refers us to the Prosecuting Attorney and you seem not to have a problem with doing that. So that is the thing we ought to do. Do you want to put that in the form of a motion -- that Alan get with the Prosecuting Attorney before next week's meeting?"

Attorney Kissinger said, "I certainly think your instructions are clear enough. I intend to contact the Prosecutor and try to get either an opinion or some statement from him as to how he would come down as far as enforcement of this thing is concerned -- in this particular case."

Attorney Wallace stated, "I would respectfully request that perhaps Alan and I contact him

together. Or, that if Alan contacts him and they take a position, that I be given an opportunity go speak with and address him together with Alan, so that both of us get our point across to the Prosecutor's office and let them come to their conclusion."

Attorney Kissinger said, "He's liable to revert to when he was a Judge though, Keith, and ...."

Attorney Wallace said, "I'm a practicing attorney though..."

Attorney Kissinger said, "No, I don't have any objection to your being there. That is fine. If I am able to make an appointment with him I will contact you and see if we can make it convenient for all concerned."

Attorney Wallace said, "It would just be better for both of us to give him our story -- our explanation -- our reasons -- at the same time and let him do his work."

Attorney Kissinger said, "That is fine with me."

Attorney Wallace said, "I'll be available at any time. Thank you."

RE: POLLING PLACE/WARD 4, PRECINCT 2 - CAROLYN MCCLINTOCK

President Tuley said Les Shively is not present, so he guesses Ms. McClintock has the floor.

Ms. McClintock approached the podium, identified herself, and stated she resides at 506 S. E. Riverside Drive in Evansville. She stated, "I appreciate the opportunity to be here. Following the Primary Election this year, I had several calls from my neighbors, who were very upset and concerned about the move from Buckner Towers, where we had voted for several years. I've lived there five years and I had always voted there. I don't know how long it had been at Buckner, but for at least five years. And we were moved from Buckner Towers to Lincoln Garden's Senior Citizen Center, which is outside of 4-2. I don't know who suggested this. Several people said they had called up and tried to find out -- I don't know. But I'm here tonight to request that the Commission move the polling place for Ward 4, Precinct 2 from Lincoln Garden's Senior Citizen's Center (which is located outside the precinct) back to a public building (Buckner Towers at 7717 Cherry Street), which is located inside the precinct. Mr. Shively gave me one citation --I.C. 3-11-8-3 -- A voting poll should be secured by County Executive -- and then the statute clearly provides that the County Commissioners can only locate a polling place outside the precinct if there is 'no suitable room available' within the precinct. That's why I'm here. So I don't know why it was moved."

President Tuley asked, "When was the change made?"

Ms. McClintock replied, "It was just made this year before the Primary -- and it may have appeared to you gentlemen on a whole list of precincts without anyone saying 'We're moving this one, guys' -- I think that's probably kind of what happened. I don't think you intentionally did this."

Commissioner Borries said, "This is when, if you remember, there was a massive kind of downsizing of precincts, and then they re-drew several. We went from 185 precincts to what - I'm asking Jon Hill."

Mr. Hill responded, "To 167 precincts."

Mr. Borries continued, "To 167 precincts."

Ms. McClintock said, "I don't think it was done intentionally or maliciously. I think it was just an oversight. And Buckner Towers -- one other point besides it being in the precinct -- is located on Cherry Street, which is a two-way street -- it has very accessible parking, and it is accessible to the handicapped. Lincoln Garden's Senior Citizen's Center is located on two one-

way streets. So you have to know where you are going to get there. And then once you arrive, there is parking around the corner (there is a parking area, but it is around the corner) -- and the you have to walk around and walk up five (5) steps to get into it. Well, just my neighbors (all three of them) need assistance walking. So it is more difficult to get in and out. I think it was just an oversight and we just wanted to request that it be moved back for the Fall Election."

Commissioner Borries said, "Well, I appreciate your comments. I would want to tell you that they were done in a much more acceptable fashion. One individual called me (I cannot remember his name) and, frankly, made some comments that I felt were somewhat racially motivated and I felt were unfortunate, because what this person said to me (and he didn't feel I was very cooperative) and I did not have the information you provided me. But he said he didn't want to vote with "these" people and he was saying he voted at Lincoln Gardens. Frankly, I said, 'I really don't know what you are talking about. I don't know for sure where you live or anything else.' He did not want to give me his address. But we did not have a very good conversation and, frankly, I didn't think those were very appropriate comments."

Ms. McClintock said, "No, it's not appropriate."

Mr. Borries continued, "We don't pick who we vote with. We have to serve everybody, as you well know. So I appreciate your comments. I think they're given in a little better spirit here than the individual who called me."

Commissioner Tuley said, "I don't remember any discussion on it, do you? Jon, if you would, please come to the microphone, state your name for the record."

Mr. Jon Hill approached the podium and said, "I'm Jon Hill, Voter's Registration. We moved that when we merged several of the precincts in that area. They used to vote at Buckner Towers and Kennedy Towers -- and the people in the sum of both of those areas were moved into Ward 4, Precinct 2 to make this precinct up. The reason we moved it there was because we felt that the largest number of concentration of voters was in that area that were immobile. The people who live in that area normally do not drive, where the people who live on the other end of the precinct were a little more mobile and moved there. It's not in the precinct, but it is across the street from the precinct. And, of course, the law allows us to go within a mile of the precinct for the best possible location. We thought at the time it was the best possible location."

Ms. McClintock said, "I looked very carefully at the precinct list before I came over here. If you look that precinct list of 4-2, you have a very large concentration of individuals who live in Buckner Towers who vote. And I would say a lot of those people are immobile."

Mr. Hill said, "That is correct, they are immobile. However, we did check that before we moved this and 75% of those at both Buckner Towers and Kennedy Towers voted absentee through the years when the precinct was downstairs. So even though the precinct was in the building they still voted absentee."

Mr. Borries asked, "You said it was across the street? Where is ..."

Ms. McClintock said, "That is not correct; here is the map. I thought it was, too, but it isn't."

Mr. Hill produced the Ward Map for review.

Mr. Borries asked, "Jon, when do we have to make a decision on this?"

Mr. Hill responded, "Thirty days prior to the election."

Mr. Tuley said there were some legal citings and what have you. If everyone is agreeable, he would request the Board ask the Attorney to look at the citings Ms. McClintock gave to make sure we are in compliance.



Mr. Borries said, "Yes. And we might be able to do some studies, also, to kind of see where people are voting -- you know, the most in so far as when the vote took place. Carolyn, I appreciate all of your remarks here today."

Ms. McClintock asked if the Commissioners will let her know the finding.

Mr. Tuley said, "Sure. It will be up to Alan to let us know what his findings are. So, basically, we have the agenda set by Friday. So if you will leave word with Mark or somebody to call you -- or if you want to take it upon yourself to call on Fridays to see. I would assume we are not going to delay this very long. This isn't something we need to leave hanging around. This isn't something that is going to be hard to decide."

Ms. McClintock said she will call.

RE: DRAINAGE ORDINANCE/JEFF HATFIELD, HOMEBUILDER'S ASSOCIATION

The meeting continued with Commissioner Tuley recognizing Mr. Jeff Hatfield of the Homebuilder's Association.

Mr. Hatfield approached the podium, identified himself, and stated he resides at 10211 Belmont Court here in Evansville and he represents the Evansville Homebuilder's Association. "I think ninety or sixty days ago you gave us an extension on the time that you review this Drainage Ordinance to come up with our suggestions for this ordinance. We've done that in the white pages that I've handed you there. The burgundy book was prepared by Bill Jeffers of the Surveyor's office and finished today. In that burgundy pamphlet is supposed to be (but we have not looked at it yet) our changes that we recommended -- but we don't know since we haven't looked through the burgundy book. I just received a copy outside the room an hour ago. The changes that we recommended are on the front cover of the white pamphlet that I've given you. I think there's something like fourteen (14) changes, which isn't too drastic considering the amount of information in this ordinance. The only area that we've looked at and really could not come to any firm recommendation dealt with the penalties for non-compliance, which I believe is on Page 13 or 14 of the white pages. On that page it basically has stop work orders as the penalty. Future permits to be stopped for areas in non-compliance and we had discussed maybe fines levied against the offending party, rather than stopping work on projects that may or may not have anything to do with the problem of drainage. So that was really the only area that we could not come to something that we could propose to you -- basically because we had no legal advice at the time. That may be something that Mr. Kissinger might want to look into at some point before you adopt the Ordinance."

Commissioner Borries said, "Yes. I had talked with Mr. Veach about this, Jeff, earlier today. I would think that -- I know there are certain fines in other ordinances that we approve -- and I certainly know that we don't collect these. I guess they end up in the Treasurer's office and could be paid through the Auditor's office. I know we have had an assessment at one point for linear feet in regards to maintenance of certain drainage tile in subdivisions and that type of thing -- where there has been a price per lineal foot established. So I guess Alan would have to research something to indicate whether or not we can assess fines. As I say, we have assessed other monetary amounts at some point, but I'm not sure. We don't collect them, but I think through an ordinance we could."

Attorney Kissinger interjected, "There are circumstances under which we can."

Mr. Hatfield said, "The stop work orders are fine -- if every subdivision only had one owner or builder."

Mr. Borries asked, "You're talking about in terms of home builders, where lots have been sold to various contractors?"

Mr. Hatfield responded, "Right. The norm of development is that a subdivider will open up lots



for sale and be sold to dozens of people. And the exception is when a developer also builds the homes and owns every lot and then builds. If that were the norm, the way Page 13 is written would probably be the way to deal with it. But when you've got a developer who will sell a dozen lots before maybe the Drainage Board has had time to react to a problem, then you stop work on lots owned by people who had nothing to do with it. I'm not a lawyer; but I would hope that somebody could give us an opinion."

Mr. Borries said, "I think that's reasonable. We approve drainage plans on a subdivision -- we don't do it lot by lot by lot."

Mr. Hatfield said, "And I don't think fair-minded people would object to fines -- if you're fining the person responsible."

Mr. Borries said, "If the fines were assessed to a subcontractor who (he or she) had not complied in some way then."

Mr. Hatfield said, "Maybe it could be written in such a manner that the party responsible for the problem -- whether that be the lot owner, a home builder, or a land developer -- whoever that is. But if you could confer punishment on the person actually committing the offense, that would be the fairest way to do it."

Mr. Tuley said, "It is a reasonable request. I don't think this is something -- we can't make a decision, because this is a Drainage Board issue -- but I think it will be taken into consideration if what you're suggesting makes sense."

Mr. Hatfield continued, "The other items that I'm not completely familiar with -- but there is a representative of the plastics people here -- and from what I gather (and I'll let him speak for himself -- but their industry was being represented in the burgundy copy) -- but I think he wants some time, as well as myself -- maybe a week -- to make sure that our recommendations were incorporated into the burgundy copy for next Monday's Drainage Board meeting."

Mr. Tuley said, "I haven't seen any Drainage Board meeting information for next Monday, have you?"

Mr. Borries said, "There is one scheduled, but I have not seen an agenda."

Mr. Tuley asked Ms. Matthews if she's seen an agenda for next week's Drainage Board meeting.

Ms. Matthews said she has not seen an agenda. She did receive a couple of calls this morning asking if the Drainage Ordinance was on tonight's agenda. She told the calling parties no Drainage Board meeting was scheduled for tonight -- but there is one scheduled next week. She did see Mr. Hatfield's name on the meeting agenda -- but since no topic was listed, so she didn't realize he would be discussing the Drainage Ordinance at the Commission meeting.

Mr. Hatfield said he thinks the reason he is here today at all is because this was the deadline date that -- well, actually, July 1st was -- and he had called the Commission office to notify them the Homebuilders were done with their suggested changes. And he thinks today was the date given to him when he called about appearing here to give the Commissioners their changes -- which is why he is here.

President Tuley said, "Well, I'm one vote. And if we've asked for your input, I can't imagine that you're not going to get a chance to review this before we vote on it. I'm just one comment and one spokesman."

Mr. Hatfield said, "Well, Mr. Jeffers has been very cooperative and we have no reason to believe that our recommendations aren't in here. But, again, it was just handed to us an hour ago and..."

Mr. Tuley said, "Again, I understand your concern -- and I wouldn't want it any other way either if I were in your shoes."

Mr. Hatfield continued, "And I will say that you guys have been great about giving us enough time to think about this and give you some logical recommendations."

Commissioner Borries said, "Well, we have clearly stated that we do not wish to penalize you in any way. However, realizing that changes may be needed in the future with the growth that there is in the community and because every time you do something there could be impact -- we knew we had to make changes. It's part of life everywhere we go -- and we complain continually about unfunded state, federal mandates, etc. But we're glad to have the opportunity to work with you and if next week is too tight a time frame for everybody involved, you just need to communicate that. We're under no deadline. However, by August --"

Mr. Hatfield said, "We feel really that this is close to the end -- unless the plastics people (and I'm not speaking for them) -- but the only big issue we saw that had not been addressed was the penalty issue. That's all I have."

Mr. Jeff Echols was recognized and stated he resides at 6401 Kratzville Rd. and he is representing PVC Plastics and the rest of the plastic manufacturers and wholesalers that worked on this. He didn't come prepared. He didn't find out that this was even being presented to the Commissioners until about 4:30 today. Therefore, he is not prepared to address anything. Rather, he just wanted to perhaps alleviate some fears, because they showed up in force at the last Drainage Board meeting when this was coming about. But since he received this at 4:30 p.m., he's glanced through it. They've been working pretty closely with Bill Jeffers during the past month or so and he's been very cooperative in addressing some of their concerns and they also feel this is very close to what they will be happy with. And he thinks next week they'll be ready to come and address it and he thinks Bill (Jeffers) plans on being here, as well. Again, he's been very cooperative. What we have right here everybody can live with. He does, however, need to proof the final copy Mr. Jeffers gave him today.

Mr. Tuley said, "I would imagine that, as Mr. Borries pointed out, if we get this and discuss it next week -- it probably won't come to a final vote until August."

Mr. Echols said, "Okay. That's fine. I know Bill Jeffers put a lot of work in this and, as I said, he's been very cooperative. We kind of got started off on the wrong foot -- but we since have amended our ways. Thank you."

Commissioner Tuley expressed appreciation to Mr. Echols for his comments.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Contract with Entertainment, Inc./Halloween Project at Burdette Park: Attorney Kissinger said, "I had talked to the Commissioners earlier and indicated to you that I was going to present to you tonight for your signature the contract with Entertainment, Inc. in reference to the Burdette Park Halloween project. I had read through the contract just briefly before presenting it to you and found something in this that we negotiated out of the other contract that should be changed before you sign it. I am going to bring this back to you next week -- so I will defer that until next week."

Release of Right-of-Entry: Attorney Kissinger said he has what has been referred to as Release of Right-of-Entry. As the Commissioners will recall, last year at approximately this time (actually it was July 26th) the Commissioners executed a Right-of-Entry for American Star Properties which was the developer of the Super K-Mart Project, to give them the right-of-entry on various county properties along Virginia Street where the K-Mart was being constructed. American Star has contacted him and indicated they would like to have that right-of-entry released in consideration of the fact that the project has been completed. Our project VC-93-08-01 has also been completed. This releases the right-of-entry as merely for clarifying any

property interests and to keep the chain of title clear to those properties out there. It is his recommendation that the Commissioners approve the release of the right-of-entry and that it be signed tonight by the President of the Commissioners so that it can be placed of record with the Vanderburgh County Recorder's office.

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

Temporary Injunction/Marion Biggerstaff Property/Union Township: Attorney Kissinger said he believes the Commissioners are aware there has been a petition for a Temporary Injunction filed by Mr. Biggerstaff on his property down in Union Township, which is in the process of being cleaned up pursuant to a contract entered into by the Commissioners. He has talked with Keith Rounder, who is the Attorney who is handling this project. He has indicated that there is supposed to be a hearing for a permanent injunction tomorrow afternoon in Circuit Court at 2:00 p.m. He instructed Mr. Rounder to proceed to represent the County's interest in that matter.

Attorney Kissinger said this is all he has to report at the present time.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Progress Report: Mr. Morphey submitted copies of the Weekly Progress Report for period of July 8, 1994 thru July 14, 1994.....report received and filed.

Old Henderson Rd.: Mr. Tuley said he doesn't have to ask Mr. Morphey where his paving crews are. He came upon them yesterday working down on Old Henderson Rd. Mr. Morphey said they have completed Dixie Flyer and are working on Old Henderson Rd.

Mr. Borries said he thought it went real well. He asked if they are they just hitting different sections of Old Henderson Rd.?

Mr. Morphey said they by-passed the intersection at Tekoppel and Old Henderson, because it is new pavement there. There were a couple of sections on Dixie Flyer and he believes two sections on Old Henderson Rd. where they didn't put base material down, because there was no spider webbing, the pavement appeared to be in very, very good condition. But they did put surface on the entire road. Most of it has 2-1/2 inches of base along with the inch of surface. The rest of it does have the one inch surface.

South Weinbach Area/Improvements: Mr. Borries said he also appreciates Mr. Morphey's work on South Weinbach -- that area, he thinks, due to the confusion with Ellis Park running and Highway 41 under construction, the Waterworks Rd. situation -- is one that if we can continue to monitor it he would appreciate it, because there is going to be quite a bit of traffic on that road. He understands that there was a Court decision today allowing the work on U. S. Highway 41 to continue. However, he must say he cannot recall any State official calling the Commissioners. Had they talked to John Stoll, he would find it hard to believe that Mr. Stoll would have told them in no uncertain terms that we were going to be getting the Waterworks Road project finished -- why, at that point, we didn't even have design plans nor had a choice of concrete or the corrugated steel pipe been chosen. So he thinks there was some real unfortunate communication here. We're working as quickly as we can on that -- but, you know, the clock started ticking on July 11th and there are thirty (30) working days in there. As this pipe gets installed -- hopefully we can get the project finished in mid-August.

Commissioner Tuley said that, for the record, he would like for Mr. Curtis to say who it was he talked to. Because he has been quoted as saying "County officials" -- and he didn't talk to him.

Commissioner Borries said he didn't talk with him. And there was no guarantee at that point when.

Charlee Drive: In response to query from Commissioner Tuley, Mr. Morpew said they had started to go back out there -- but they pulled off that project. There is quite a bit of rip-rap around that lake. He is going to get that relocated and they are going to dig those holes instead of driving the posts in.

Mr. Tuley said they saw them out there doing something -- so they know he is trying to take care of it -- because the word got back to him that those guys were out there.

Mowing Crews: Mr. Borries asked if we're having some help now through Community Corrections?

Mr. Morpew said we have two (2) people come from the Safe House -- well, it's actually people doing community service -- and they are doing a very good job.

Mill Rd.-Kratzville Rd./Weed Removal: Mr. Borries said he is now receiving calls. He thinks what stimulated same was the accident on Mill Rd. This person called and wanted to know if we could do some mowing along the intersection of Mill Rd. and Kratzville Rd. But when he thinks of it -- is that the city?

Mr. Morpew said it is.

Mr. Borries said that maybe we need to send out some kind of communication to the city to see if they can do that. This person said that, apparently as you're coming up Mill Rd. it is a little bit of a hazard because the weeds are so tall there in some spot -- he figured it was in the city.

Mr. Morpew said it would be on the northeast corner there.

Mr. Borries asked if someone from Mr. Morpew's department would communicate with the City of Evansville on this.

Mr. Morpew said they have done that. Actually, they did that last week. He guesses the City is busy -- but he knows they put it on the list to do that.

RE: INTRODUCTION OF SUMMER INTERN

Before proceeding, President Tuley said he forgot to introduce Beth Ann Willcutt, who is doing some secretarial-clerical work through the County Commissioners. She is a student at USI. The Commission Office has two young ladies; one in the morning and one in the afternoon.

Commissioner Borries said we are glad to have her with us. In fact, she is the only person here from their office tonight, along with the Commissioners.

RE: COUNTY ENGINEER

Mr. Tuley said County Engineer John Stoll is on vacation. However, Mr. Tim Spurling, the Assistant County Engineer, is present.

Mr. Spurling said he believes the Commissioners have a copy of his agenda.

Awarding of Contract/Mann & Bixler Road Bridges: Mr. Spurling said these are two relatively small timber bridges. He'd like to recommend that this contract be awarded to W. E. Ltd. in the amount of \$143,608.99.

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

Notice to Bidders/Culvert Replacement on Schroeder Rd.: Mr. Spurling said he is requesting permission to advertise for bids on this project.

Motion to approve and sign the advertisement, as recommended, was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Commissioner Borries said he wants to welcome Tim to the County Staff. He is a graduate of Harrison High School and was first in his class in engineering at Rose Hulman in Terre Haute, IN. He was awarded a Fellowship and has a Master's Degree in Engineering from Purdue University. We're glad he is working with us.

President Tuley stated he's also glad to have him on board.

RE: SUB-COMMITTEE HEARING/WASHINGTON, D.C. (REQUEST FOR FUNDS FOR WATERWORKS ROAD PROJECT)

Mr. Borries said he had a call from Congressman McCloskey's office today. He thinks he had contacted the County Engineer's office (Mr. Goodman) as well as trying to make contact with Mr. Spurling. Mr. Spurling may have a copy of a fax they were sending. But he thinks Congressman McCloskey plans to testify before a Sub-Committee tomorrow concerning the Waterworks Road project. We have asked for assistance, saying this was a Federal project started in 1939, when those pipes originally installed and, again, due to the finger pointing and constant confusion as to who was to do what -- whether or not it was going to be a Levee Authority or the County that had a 40 ft. right-of-way or whatever, this has amounted, as we know, close to \$1/2 million of what we, at that time, had not budgeted for this Fiscal Year. So the Congressman and, he believes, also Congressman Lee Hamilton, has had similar requests along some parts of levees in his district where this is part of the levee system and the Congressman does intend, first of all, to ask for some assistance -- either financially or, at this point, declaring that this could be part of, he guesses, a Federal Levee System and, therefore, there is some responsibility. Although there are no guarantees, he is asking for funds -- which we'd be glad to get.

Mr. Tuley commented, "You're not kidding."

Mr. Borries continued, "So that will be happening tomorrow in Washington, D.C. Otherwise, I would want to carefully examine the bills that the Levee Authority will get for us in the ditch contracts coming up this year. One way or another, we will be communicating with other agencies who have interest in this particular project."

RE: CONSENT AGENDA

Motion to approve the Consent Agenda, as published, was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: OLD COURT HOUSE/AIR CONDITIONING

President Tuley said there is a nice letter from Faye Gibson with regard to air conditioning the third floor of the Old Court House, commending the Commissioners and the Council for appropriating the funds to go ahead with the air conditioning and, hopefully, keep those window units out of that beautiful building.

Mr. Borries said the National Association of Counties will be presenting awards this year for various programs. One of the programs is photographs of historic buildings. He encouraged Faye Gibson to submit something. Maybe we'll get an award for that. If we can't get all central air, at least maybe we can get some awards for her.

RE: SCHEDULED MEETINGS

It was noted by Commissioner Tuley that there is a list of scheduled meetings attached to the meeting agenda.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board. There was none.

RE: NEW BUSINESS

Acceptance of Check: Mr. Tuley said he does have a check from South Western Mental Health Foundation re the Hillcrest-Washington Youth Home for the 2nd Quarter in the amount of \$159,563.73 to be accepted, endorsed and given to the Secretary for deposit into the proper account.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Variance Request for Private Landfill/Waterworks Rd./Floyd Staub: Mr. Tuley said he has a letter from Barbara Cunningham of Area Plan Commission concerning this matter. She points out some very good points as to why we don't want to be in favor of this, even though it is on this side of the river - it is Kentucky and there is a hearing on Wednesday, July 20th. He knows Rick can't be there, nor can he. Don is unavailable. He would like to go ahead and write a letter, asking them to deny the request. The thing of it is -- and the point she makes is well taken -- she is sending us a reminder basically because even though it is Kentucky land, they are going to be using our Indiana roads -- mainly Waterworks Rd. to get there. The other thing she points out is that debris from the area could be washed into the river during period of high water and heavy rains. She notes that according to Sam Elder with the Vanderburgh County Health Department, the county was concerned about a similar proposal a few years ago that debris in the river would cause problems and heavily impact the intake structure at the Evansville Waterworks. If Mr. Borries has no problem with it, he would like to write them a letter and recommend that, based on these comments, that we probably don't want that thing to be approved.

Commissioner Borries said he would certainly agree with that. It is amazing how much Waterworks Road was in the news. He recalls a conversation with Mr. Riecken a few years ago when he was throwing out an idea about closing Waterworks Rd. Mr. Borries said, "I don't think I want to consider that." There was some consideration of closing it. We had the Veteran's Memorial Parkway and everything else. He thinks Mr. Riecken probably has a little different opinion of Waterworks Road today, as do a whole bunch of other people -- particularly with all that U. S. Highway 41 traffic being diverted. He is glad that Waterworks Road is a part of our road system. He doesn't care -- even if Kentucky uses it, he thinks he would not want to see a solid fill down there. He thinks that would pose too much of a negative impact to the river, as well as whatever portion of Indiana is down there. So he is against it.

Mr. Tuley said he is leaving in the morning to go to Indianapolis, but he will go ahead and draft a letter and give it to Beth Ann in the morning. She can type it and stamp their signatures. Is Barbara planning on going to the meeting?

Mr. Borries said the Commissioners could authorize her or Mr. Abell to enter an appearance in behalf of the Commissioners -- or the County Engineer's office might be able to attend that meeting.

President Tuley entertained further matters of business to come before the Board. There were none. He said at 7:00 p.m., the Commissioners have one rezoning, VC-7-94 (First Reading).

Mr. Herb Marynell said they don't even have that. It's going back for a Special Use.

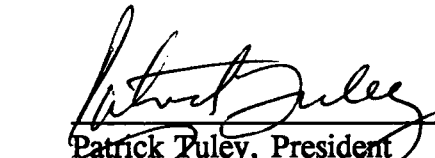
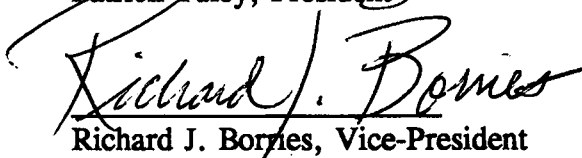
President Tuley declared the meeting adjourned at 7:01.

PRESENT:

Patrick Tuley, President  
Richard J. Borries, Vice-President  
Alan M. Kissinger/County Attorney  
Cindy Mayo, Chief Deputy Auditor  
Eric Williams, Deputy Sheriff  
Keith Montgomery/Carlisle Equipment Co.  
Richard Cappelletti/Data Processing  
Lynn Ellis/Purchasing Department  
Stephen Woodall/Chief/Sheriff's Department  
Darrell Veach/Veach, Nicholson, Griggs Assoc.  
Jeff Hatfield,/MEHBA  
Jeff Eckels/PVC Plastics Co., Inc.  
Tim Spurling/Asst. County Engineer  
Roger Lehman/Building Commissioner  
Carolyn McClintock/Ward 4, Precinct 2  
Gerald Flowers/Fourth Ward Leader  
Jon Hill/Voter's Registration  
Keith Wallace/Attorney  
Ed Bassemier/President/Bassemier's Transportation  
Beth Ann Willcutt/Intern/Commission Office  
Others (Unidentified)  
Jennifer Jorden/WFIE-TV  
Kyle Foster/Evansville Press  
Steve Burger/WIKY  
Herb Marynell/Evansville Courier

ABSENT: Don Hunter

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President  
  
Richard J. Borries, Vice-President



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**July 18, 1994**

**5:30 P.M.**

**FINAL**

**1. CALL TO ORDER**

**2. INTRODUCTIONS**

**3. PLEDGE OF ALLEGIANCE**

**4. ACTION ITEMS**

A. Approval of Commissioner Minutes

B. Any group/individual wishing to address the commission

C. Lynn Ellis/Purchasing

re: Award bids

1) VC9410--Fitness center equipment for Sheriff's Department

2) VC9482--Pothole patching and crack sealing machine

D. Richard Cappelletti/Data Processing

\* see attached

E. Lauren Kincaid/Prosecutor's Office

re: Request a credit card for office use

F. Keith Wallace/Bassemiers Transportation

re: Transportation contract bid

G. Les Shively/ward 4 precinct 2

re: Polling place

H. Jeff Hatfield Brothers/Homebuilders Association

**5. DEPARTMENT HEADS**

Alan Kissinger ----- County Attorney

Mark Abell ----- Superintendent of County Buildings

Bill Morphew ----- County Garage

John Stoll ----- County Engineer



**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- Request approval to release a bid for computer hardware to replace existing equipment. Approval was granted by the Databoard on 6/28/94.
- Further request approval to award the bid at the County Commissioner's meeting following the bid opening. The exact dates are yet to be determined but are anticipated to be late August 1994.

**DATE TO BE PLACED ON AGENDA:**

Board of Public Works

Wednesday, July 7, 1994

County Commissioners

Monday, July 11, 1994

**ACTION** \_\_\_\_

**CONSENT** \_\_\_\_

**OTHER** \_\_\_\_

⊕

**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- Request approval for contract modification to ATEK Information Services, Inc. This modification was approved by Databoard on June 28, 1994 and provides a cost savings to the City and County.

(4 originals provided, one each for BPW, Commissioners, ATEK and Data Processing)

**DATE TO BE PLACED ON AGENDA:**

County Commissioners

Monday, July <sup>18</sup>~~11~~, 1994

Board of Public Works

Wednesday, July 13, 1994

**ACTION** \_\_\_\_

**CONSENT** \_\_\_\_

**OTHER** \_\_\_\_

**6. CONSENT ITEMS**

- A. Travel/Education  
Health (3) County Treasurer (3)\*  
\*2/state called meeting 1/AIC
- B. Employment Changes  
see attached lists
- C. Reappointment  
Douglas French, Legal Aid Society Board
- D. Sandra Toton/Auditorium
  - 1) Computer agreement between Auditorium and Don Chambliss
  - 2) Management fee (July) 4241.00
  - 3) 10% management commission 5866.51
- E. Faye M. Gibson/Old Courthouse Preservation Society  
Central air conditioning for third floor offices

**7. Scheduled Meetings - List attached**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. MEETING ADJOURNED**

**Resonings at 7:00 p.m.**

# COUNTY ENGINEER'S

## CONSENT AGENDA

JULY 18, 1994

1. CLAIMS:

CONTRACTUAL SERVICES 203-3930/WATERWORKS ROAD United Consulting Engineers (Inv. #02)	\$10,569.04
---	-------------

CONTRACTUAL SERVICES 216-3930/BURKHARDT ROAD Latshaw Traffic Services (Inv. #93001065)	\$ 2,900.31
---	-------------

GREEN RIVER ROAD 216-4910 United Consulting Engineers (Inv. #21/FINAL)	\$33,000.00
---	-------------

# July 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 Dominion Day (Canada) Pay Day	2 183 / 182
3 184 / 181	4 Independence Day 185 / 180	5 4:00pm Exec. Session 5:30pm Commissioners 186 / 179	6 3:30pm County Council 187 / 178	7 3:00pm Job Study 188 / 177	8 189 / 176	9 190 / 175
10 191 / 174	11 3:30pm Dept. Head 4:30pm Solid Waste 5:30pm Commissioners 192 / 173	12 193 / 172	13 194 / 171	14 195 / 170	15 Pay Day 196 / 169	16 197 / 168
17 198 / 167	18 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoonings 199 / 166	19 9:00am Insurance Comm. 200 / 165	20 201 / 164	21 9:00am Steering Comm. 5:00pm Pigeon Creek 202 / 163	22 203 / 162	23 204 / 161
24 205 / 160	25 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Brd. 206 / 159	26 207 / 158	27 3:30pm Personnel & Finance 208 / 157	28 209 / 156	29 Pay Day 210 / 155	30 211 / 154
31 212 / 153						

June

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

August

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department                      TREASURER sh

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
103-112	ZELMA L TULEY	1813 E VIRGINIA ST	CHIEF DEPUTY	26,799	00	8-8-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Jayne Burg-Bland DATE 7-12-94

**AREA PLAN COMMISSION  
EVANSVILLE-VANDEBURGH COUNTY**  
Room 312 Civic Center Complex  
1 N.W. Martin Luther King, Jr. Blvd.  
Evansville, IN 47708  
Phone (812) 426-5226

July 7, 1994

County Commissioners  
Room 305  
Civic Center Complex  
Evansville, IN 47708

Commissioners:

This is certify that the following County Rezoning were considered by the Area Plan Commission of Evansville and Vanderburgh County at a public hearing held on July 6, 1994. There were 10 voting members present for the County rezonings.

**COUNTY REZONINGS**

**Docket No:** 94-26-PC VC-6-94 **Petitioner:** James Baker  
**Premises Affected:** 4311 Kleitz Road  
**Request:** Change from agricultural to C-1  
This petition was withdrawn at the request of the petitioner.

**Docket No:** 94-29-PC VC-7-94 **Petitioner:** Jennifer Chittenden  
**Premises Affected:** 10901 N. Green River Road  
**Request:** Change from agricultural to C-1  
This petition received no action, having 4 affirmative votes and 6 negative votes.

Sincerely,

*Barbara L. Cunningham*  
Barbara L. Cunningham  
Executive Secretary/Director

BLC/kly

cc: Alan Kissinger  
Sam Humphrey



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BO

DON L. HUNTE

PATRICK R. TU

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:**

Buyer

Purchasing

**DEPARTMENT:**

**REQUEST(S) BEING MADE:**

Approve the award of bid number VC9410 for the purchase of

Fitness Center Equipment for the Sheriff's Department to:

<u>Gilles Schwinn Cyclery &amp; Fitness Center, Inc.</u>	<u>\$15,951.00</u>
--	--------------------

<u>Body Masters Sports Industry Inc.</u>	<u>\$28,461.00</u>
--	--------------------

<u>Universal Gym Equipment, Inc.</u>	<u>\$ 2,121.00</u>
--------------------------------------	--------------------

<u>Total Bid Award</u>	<u>\$46,533.00</u>
------------------------	--------------------

The bidders indicated for award on the attached tabulation repre-  
sent the low responsive and responsible bidders for each line item.  
Hammer Strength did not comply with specifications as indicated in  
its bid. The Sheriff's Department recommends that the purchase be  
split in this fashion so that equipment is compatible in design and  
color.

**DATE TO BE PLACED ON AGENDA:** July 18, 1994

**ACTION** xx

**CONSENT**           

**OTHER**



<b>FITNESS CENTER EQUIPMENT SHERIFF'S DEPARTMENT BID NO. VC9410</b>				
<b>VENDOR NAME</b>	<b>HAMMER STRENGTH</b>	<b>GILLES SCHWINN CYCLERY &amp; FITNESS CENTER, INC.</b>	<b>BODY MASTERS SPORTS INDUSTRY INC.</b>	<b>UNIVERSAL GYM EQUIPMENT, INC.</b>
<b>FORM 95</b>	<b>Yes-not filled out correctly</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>PROPOSAL FORM</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes-not notarized</b>
<b>PRICES FOB EVANSVILLE</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>DELIVERY CHARGES</b>	<b>\$1,600.00</b>	<b>None</b>	<b>\$3,170.00</b>	<b>Included</b>
<b>DISCOUNTS</b>	<b>N/A</b>	<b>Included</b>	<b>Included</b>	<b>Included</b>
<b>SUBJECT TO ESCALATION</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>PORTION OR TOTAL BID AWARD</b>	<b>Portion</b>	<b>Portion</b>	<b>Portion</b>	<b>Portion</b>
<b>GUARANTEED DELIVERY</b>	<b>45 days</b>	<b>42 days</b>	<b>45 days ARO</b>	<b>30 days ARO</b>
<b>METHOD OF DELIVERY</b>	<b>Truck</b>	<b>Truck</b>	<b>Truck</b>	<b>Truck</b>
<b>MANUFACTURER</b>	<b>Hammer Strength</b>	<b>Not indicated</b>	<b>Body Masters</b>	<b>Universal</b>
<b>MODEL</b>	<b>Various</b>	<b>Various</b>	<b>Various</b>	<b>Various</b>
<b>BIDDER CONFORMS TO SPECIFICA- TIONS</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>NEAREST PARTS &amp; SERVICE FACILITY</b>	<b>Falmouth KY</b>	<b>Evansville IN</b>	<b>Rayne LA</b>	<b>Cedar Rapids IO</b>
<b>SUPER LEG CURL, Q=1</b>	<b>\$1,150.00</b>	<b>No Bid</b>	<b>\$1,865.00</b>	<b>\$1,812.00</b>

SUPER LEG EXTENSION, Q=1	\$1,490.00	No Bid	\$1,976.00	\$1,812.00
45 DEGREE SELECTORIZED CALF, Q=1	\$910.00	No Bid	\$1,865.00	\$1,812.00
ROWING, Q=1	\$1,350.00	No Bid	\$1,779.00	\$1,812.00
LAT PULLDOWN, Q=1	\$1,390.00	No Bid	\$1,601.00	\$1,900.00
45 DEGREE BACK EXTENSION, Q=1	No Bid	No Bid	\$420.00	\$420.00
CHEST PRESS- INCLINE, Q=1	\$1,350.00	No Bid	\$2,047.00	\$1,900.00
SHOULDER PRESS, Q=1	\$1,350.00	No Bid	\$1,950.00	\$1,900.00
ARM CURL, Q=1	\$1,370.00	No Bid	\$1,601.00	\$1,812.00
TRICEP PRESS/SEATED DIP, Q=1	\$1,120.00	No Bid	\$1,865.00	\$1,812.00
ABDOMINAL ISOLATOR BOARD, Q=2	\$455.00each/ \$900.00 total	No Bid	\$530.00each \$1,060.00 total	\$605.00each \$1,210.00 total
DUMBBELL RACK, 10 PAIR, Q=2	\$305.00each/ \$610.00 total	No Bid	\$459.00each \$918.00 total	\$771.00each \$1,542.00 total
OFFICIAL OLYMPIC BENCH PRESS, 43", Q=1	\$345.00	No Bid	\$351.00	No Bid
OLYMPIC INCLINE BENCH PRESS SPT. PLAT, 55", Q=1	\$455.00	No Bid	\$401.00	No Bid
OLYMPIC DECLINE BENCH PRESS, 40", Q=1	No Bid	No Bid	\$401.00	No Bid

DECLINE BENCH ADJUSTABLE, Q=1	No Bid	No Bid	\$218.00	No Bid
INCLINE BENCH ADJUSTABLE, Q=1	No Bid	No Bid	\$289.00	No Bid
SEATED PREACHER CURL, ADJUSTABLE, Q=1	No Bid	No Bid	\$335.00	No Bid
CHIN/DIP UNIT, FREE- STANDING, Q=1	\$895.00	No Bid	\$488.00	No Bid
PLATE RACKS, Q=2	\$88.00each/ \$176.00total	No Bid	\$212.00each \$424.00 total	No Bid
POWER BAR, Q=4	\$180.00each/ \$720.00total	No Bid	\$165.00each \$660.00 total	\$233.00each \$932.00 total
OLYMPIC SPRING COLLARS, Q=6	\$10.00each/ \$60.00total	No Bid	\$8.00each \$48.00 total	No Bid
720# OLYMPIC PLATES, Q=1	\$504.00	No Bid	\$432.00	\$816.00
ACCESSORY RACK, Q=1	No Bid	No Bid	\$351.00	No Bid
E-Z CURL BARS, Q=1	\$60.00	No Bid	\$498.00	\$593.00
DUMBBELLS- ROUND FIXED, Q=1	\$0.72/lb \$979.20total	No Bid	\$1,348.00	\$1,700.00
SQUAT RACK, MULTI-LEVEL, Q=1	No Bid	No Bid	\$530.00	No Bid
TROTTER TREADMILL, Q=2	No Bid	\$5,295.00ea \$10,590.00 total	\$4,695.00ea \$9,390.00 total	\$3,390.00ea \$6,780.00 total
SCHWINN AIRDYNE, Q=3	No Bid	\$550.00each \$1,650.00 total	No Bid	\$680.00each \$2,040.00 total

UNIVERSAL LEG PRESS COMPETITIVE, Q=1	\$1,875.00	\$2,347.00	No Bid	\$2,520.00
UNIVERSAL BENCH PRESS COMPETITIVE, Q=1	\$1,350.00	\$2,815.00	No Bid	\$2,121.00
HEALTH O- METER SCALE, Q=1	No Bid	\$230.00	No Bid	No Bid
FOLDING MATS, 4'X8', Q=6	No Bid	\$189.00each \$1,134.00 total	No Bid	No Bid
SHIPPING	\$1,600.00	\$0	\$3,170.00	Included
INSTALLATION	included in shipping	\$0	No charge	Included
TRAINING	No charge	\$0	No charge	Included
SUB-TOTAL	\$22,009.20	\$18,766.00	\$38,281.00	\$37,246.00 Bidder indicated \$38,446.00 in error
COST OF PERFORMANCE BOND	Not Indicated	\$18,766.00	\$383.00	\$1,862.30 Bidder indicated \$1,922.30 in error
5% BID BOND	\$1,100.46 Certified Check	\$1,877.60 Certified Check	\$1,914.05 Certified Check	5% Bid Bond
GRAND TOTAL	\$22,009.20	\$37,532.00 Bidder indicated \$37,552.00 in error	\$38,664.00	\$39,108.30 Bidder indicated \$38,446.00 in error
RECOMMENDED AWARD		\$15,951.00	\$28,461.00	\$2,121.00



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. B

DON L. HUNT

PATRICK R. T

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Approve the award of bid number VC9412 for the purchase of one (1)  
Pothole Patching and Crack Sealing Machine to Carlisle Equipment  
Company, Inc. in the amount of \$34,955.00. Carlisle is the low  
responsive and responsible bidder.

I would recommend not requiring the performance bond. The County  
Highway Department agrees that it would not be necessary in this  
application.

**DATE TO BE PLACED ON AGENDA:** July 18, 1994

**ACTION** XX

**CONSENT**       

**OTHER**

**ONE (1) POTHOLE PATCHING AND CRACK SEALING MACHINE  
VANDERBURGH COUNTY HIGHWAY DEPARTMENT  
BID NO. VC9412**

<b>VENDOR NAME</b>	<b>CARLISLE EQUIPMENT COMPANY, INC.</b>	<b>KORTE BROS., INC.</b>	<b>SOUTHEASTERN EQUIPMENT CO., INC.</b>
<b>POTHOLE PATCHING AND CRACK SEALING MACHINE</b>	<b>\$34,955.00</b>	<b>\$39,500.00</b>	<b>\$43,790.00</b>
<b>COST OF PERFORMANCE BOND (IF REQUIRED)</b>	<b>\$122.34</b>	<b>Not indicated</b>	<b>No charge</b>
<b>TOTAL BID COST</b>	<b>\$35,077.34</b>	<b>\$39,500.00</b>	<b>\$43,790.00</b>
<b>BID DEPOSIT</b>	<b>5% Bid Bond</b>	<b>5% Bid Bond</b>	<b>\$2,189.50 Bid Bond</b>
<b>FORM 95</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>FOB EVANSVILLE</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>DELIVERY SCHEDULE</b>	<b>15-30 days</b>	<b>Not indicated</b>	<b>7-10 days</b>
<b>METHOD OF DELIVERY</b>	<b>Truck</b>	<b>Not indicated</b>	<b>Truck</b>
<b>EEO STATEMENT</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>WARRANTY INFORMATION</b>	<b>Limited One (1) year</b>	<b>2 years on engine; 1 year on other parts; optional 5 year engine warranty \$525.00</b>	<b>Limited two (2) year</b>
<b>MANUFACTURER SPECS</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>BIDDER CONFORMS TO SPECS</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>OFFER/PROPOSAL FORM</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>RECOMMENDED AWARD</b>	<b>\$34,955.00</b>		
<b>"No Bids" were received from H.D. Industries &amp; Spaulding Mfg., Inc.</b>			

## CONTRACT AMENDMENT

THIS AGREEMENT made this 18<sup>th</sup> day of July, 1994 by and between the City of Evansville/Vanderburgh County, Indiana (hereinafter referred to as the "Customer") and ATEK Information Services, Inc. (hereinafter referred to as "ATEK").

### WITNESSETH, THAT:

WHEREAS, the Customer has heretofore entered into an agreement with ATEK under which ATEK provides Customer with certain computer equipment and software maintenance services as more fully described and contained within the System Services Agreement No. IN 89-0015S and specifically within its Deliverable Schedules No. IN 89-0015S.01 thru IN 89-0015S.06 (hereinafter collectively referred to as the "Services Agreement"); and

WHEREAS, said Services Agreement was originally structured by the parties thereto in such a way as to provide the Customer with a fixed payment schedule over the life of the agreement; and

WHEREAS, the Customer and ATEK have mutually determined that such a structure, while meeting the criteria of a fixed payment schedule, has, over time, created a disparity between the fees currently charged in the industry for comparable services and those presently charged under the agreement; and

WHEREAS, the Customer and ATEK mutually desire to amend said agreement to both eliminate said disparity and to extend the term of the agreement for an additional period of time;

NOW, THEREFORE, in consideration of the aforesaid premises, and the mutual covenants and agreements of the parties set forth hereinafter, the parties hereto do hereby agree as follows:

1. Effective with ATEK's next quarterly billing to the Customer following consummation of this Agreement, the pricing of all maintenance services contained within the Services Agreement, with the exception of maintenance services for the application software, i.e. the Licensed Programs, shall be adjusted to equal the then current published list price of the subcontractor with whom ATEK has contracted to provide said services.
  - A. The pricing of maintenance services for the application software, i.e. the Licensed Programs, shall be increased to ATEK's current list price effective as above and thereafter shall continue to be governed by Paragraph 6.2 of the Services Agreement.
2. During the term of the Services Agreement, ATEK will use its best efforts to insure that its above-referenced subcontractor is Digital Equipment Corporation. In the event that Digital Equipment Corporation is not retained as said subcontractor, ATEK and Customer shall mutually agree upon another subcontractor, such agreement not to be unreasonably withheld by either party. In the event the parties cannot agree upon an alternative subcontractor, Customer shall have the option to terminate the maintenance services provided, with the exception of maintenance services for the application software, i.e., the Licensed Programs.

3. Any subsequent changes in the current published list price of the subcontractor shall now be passed-on to the Customer upon ATEK's next quarterly billing to the Customer following the effective date of said price change.
4. Customer and ATEK hereby agree to extend the term of the Services Agreement for an additional two (2) year period, from January 1, 1997 thru December 31, 1998.
5. The undersigned represents and warrants that s/he has the authority to execute this Agreement and that any and all necessary actions relating thereto have occurred.

**CUSTOMER:**

**EVANSVILLE/VANDERBURGH, INDIANA**

By: *Pat Tulay*  
Pat Tulay, President  
Vanderburgh County Board of Commissioners

By: *Rick Borries*  
Rick Borries, Vice President  
Vanderburgh County Board of Commissioners

By: \_\_\_\_\_  
Don Hunter  
Vanderburgh County Commissioner

Attested by: *Sam Humphrey cm*  
Sam Humphrey, Auditor

By: *Jack McNeely*  
Jack McNeely, President  
Evansville Board of Public Works

By: \_\_\_\_\_  
Jack J. Corn, Jr., Vice President  
Evansville Board of Public Works

By: *Valerie McKinney*  
Valerie McKinney, Member  
Evansville Board of Public Works

Attested By: \_\_\_\_\_  
Sharon A. Evans, Secretary  
Evansville Board of Public Works

Date: *July 18, 1994*

**ATEK INFORMATION SERVICES, INC.**

By: *James W. Sanderbeck*  
James W. Sanderbeck,  
Senior Vice President

Effective Date: *July 18, 1994*



**DATA PROCESSING REVIEW BOARD**  
City of Evansville/Vanderburgh County  
Civic Center Complex, Room 205  
1 NW Martin Luther King Jr. Blvd.  
Evansville, Indiana 47708

**A G E N D A   R E Q U E S T**

**NAME OF REQUESTOR:** Richard Cappelletti

**REQUESTOR TITLE:** Director

**DEPARTMENT:** Data Processing

**REQUEST(S) BEING MADE:**

- Request approval to release a bid for computer hardware to replace existing equipment. Approval was granted by the Databoard on 6/28/94.
- Further request approval to award the bid at the County Commissioner's meeting following the bid opening. The exact dates are yet to be determined but are anticipated to be late August 1994.

**DATE TO BE PLACED ON AGENDA:**

Board of Public Works

Wednesday, July 7, 1994

County Commissioners

Monday, July 11, 1994

**ACTION** \_\_\_\_

**CONSENT** \_\_\_\_

**OTHER** \_\_\_\_

**CITY OF EVANSVILLE  
COUNTY OF VANDERBURGH**

**REQUEST FOR BID**

**FOR**

**COMPUTER EQUIPMENT REQUIREMENTS**

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## **SECTION 1.0: GENERAL INFORMATION**

### **1.1 PURPOSE OF THIS REQUEST FOR BID (RFB)**

The purpose of this RFB is to invite interested vendors to propose the delivery of computer hardware and installation services for the replacement of certain peripheral equipment. Section 2.0 contains a detailed description of the OWNER's requirements.

### **1.2 FUNDING AVAILABILITY**

This Request For BID is subject to the availability of funds from several sources. If these sources repeal funding in regards to this project, the OWNER reserves the right to reject all bids received and/or awarded or any part of all bids received and/or awarded.

### **1.3 UNIFORM BID FORMATS**

To facilitate comparative analyses and evaluation of responses, the OWNER has established a uniform format for replying to this RFB. The format (Section 3.2) are designed as "turn around documents". A Vendor's degree of compliance with the format requirements of this RFB will be a factor in the subsequent evaluation of responses received. RFB responses with major deviations or omissions may, at the OWNER's discretion, be rejected. Vendor responses will be typed/printed on 8 1/2" by 11" paper.

### **1.4 SUBMISSION OF BIDS**

All bids must be submitted in opaque sealed envelopes and/or boxes, showing the vendor's name, business address, bid title, date and time of bid opening on the front of each envelope and/or box, and delivered either by mail or personal courier on or before 5:30 P.M. August 15, 1994.

Each bid must contain the bid document and a notarized state form 95 as described in Section 1.4 of this RFB.

The bids are to be sealed and titled "**BID for Equipment Requirements**". BIDs shall be returned to:

Department of Public Purchasing  
1 NW Martin Luther King, Jr. Blvd, Room 323  
Evansville, Indiana 47708

No late bids will be accepted for any reasons whatsoever. Any late bids will be returned unopened to the vendor. In the event that a bid is delivered to a different office in the County and opened in error, the bid will be disqualified.

Bids will not be accepted, nor will they be considered valid, if such are notarized by a notary public who is an employee of the OWNER.

If the BID is sent through the mail or other delivery system, the sealed envelope shall be enclosed in a separate envelope with the notation "BID Enclosed" on the face thereof.

If bids are mailed, the US Postal Service becomes the agent of the BIDDER and not that of the OWNER. BIDs received after the bids opening time and date will be returned unopened.

#### **1.5 BIDS TO REMAIN OPEN**

All bids shall remain open for 60 days after the day of the Opening, but the OWNER may, in its sole discretion release any bid prior to that date.

#### **1.6 ADDENDA TO THIS REQUEST FOR BID**

If it becomes necessary to revise any part of this RFB or if additional data is necessary for an exact interpretation of the provisions of this RFB, a written supplement will be issued by the OWNER to all vendors receiving the original Request For BID. Verbal information obtained otherwise will not be considered in awarding this bid.

Addenda will not be issued later than five (5) calendar days prior to the date for receipt of bids, except in the case of an addenda postponing the response date or withdrawing this RFB. It is the responsibility of the vendor to ensure that all addenda is received.

## **1.7 CHANGES, MODIFICATIONS OR WITHDRAWAL OF BIDS**

BIDs may be withdrawn PRIOR to bid opening. BIDs may be picked up and resubmitted prior to the specified deadline.

The bids may also be withdrawn in person by a vendor's authorized representative providing his or her identity is made known and he or she signs a receipt for the bid, but in any case only if the withdrawal is made prior to the exact hour and date set for receipt of the bid.

## **1.8 BID COSTS**

The OWNER is not responsible for costs incurred by vendors and/or others working in their behalf, in the preparation and delivery of a response to this RFB including any costs that may be incurred as a part of negotiating a contract.

## **1.9 COST ITEMIZATION**

Each bid submitted shall itemize the cost, in the manner specified in Section 3.7, of each item of equipment and software as the OWNER reserves the right to award bid(s) on a line item basis. However, where practical, the OWNER prefers single vendor solutions.

## **1.10 FREIGHT AND FREIGHT COSTS**

All deliveries shall be made F.O.B. to Civic Center Complex, 1 NW Martin Luther King, Jr. Boulevard, Evansville, Indiana.

## **1.11 FEDERAL AND STATE TAXES**

The OWNER is a tax exempt organization and as such Indiana State Sales and Use Tax or Federal Excise Tax shall not be included in the cost of the bid. A Tax Exemption Certificate will be furnished to the selected vendor(s). The OWNER will not be responsible for any taxes levied on the vendor as a result of the signed contract.

## **1.12 LEGAL REQUIREMENTS**

All Federal, State, County and City Laws, ordinances and regulations, insofar as they apply to purchasing and competitive bidding are made a part hereof.

### 1.13 CONTRACTS

A BIDDER, if awarded an order or contract, agrees to protect, defend and save harmless the OWNER against any demand for payment for use of the patented material, process, or device that may enter into the manufacture or form a part of the work covered by either order or contract. BIDDER further agrees to indemnify and save harmless the OWNER from suits or actions of any nature and description brought against it, for, or on account of any injuries or damages received or sustained by any party or parties, by or from, any of the acts of the BIDDER.

The OWNER reserves the right to negotiate a contract, with the selected vendors(s).

This RFB, the vendor's response and the applicable vendor agreements will be incorporated by reference into any contract.

### 1.14 SUMMARY OF MILESTONES

A schedule of key activities related to this Request For BID follows:

EVENT	DATE
- 1st Newspaper Advertisement	July 22, 1994
- 2nd Newspaper Advertisement	July 29, 1994
- BIDs Opened	August 15, 1994

Vendor selection and award will be determined at the bid opening, if possible.

### 1.15 INQUIRES ABOUT THIS REQUEST FOR BID

Inquiries and requests for information on this Request For BID must be submitted in writing to Mr. Richard Cappelletti, 1 NW Martin Luther King Jr Blvd, Room 205, Evansville, Indiana 47708 (FAX 812-435-5646). The OWNER reserves the right to judge whether any questions should be answered. All questions deemed appropriate will be answered in writing, and copies will be distributed to all prospective vendors who received the original Request For BID.

## **1.16 BID PREPARATION**

It is intended that this RFB be a "turnaround" document, i.e., each vendor furnishing all information requested on the forms provided herewith. Unless otherwise specifically requested, promotional literature and other documents are not desired and will not be considered as meeting any of the requirements of this RFB.

## **1.17 EVALUATION CRITERIA**

This bid will be evaluated on PRICE. Only those businesses which are authorized distributors and re-sellers of DEC hardware (new) should respond. Responding vendors MUST provide their DEC DBA number for reference.

The OWNER will be the sole judge of the quality, equality, and compatibility of the equipment proposed by the vendor. BIDs will be awarded to the lowest responsive and responsible vendor under the criteria outlined in the specifications and described above.

The OWNER further reserves the right to waive formalities and technicalities in so far as it is authorized to do so, where it deems it advisable in the protection of the best interests of the OWNER.

The OWNER reserves the right to reject any and all bids or any part of any bid, and to award on a line item basis. However, where practical, the OWNER prefers single vendor solutions.

## **1.18 AWARD OF BID**

The OWNER reserves the right to reject any and all bids, to waive any and all informalities and to negotiate contract terms with the Successful Vendor(s), and the right to disregard all nonconforming, non-responsive or conditional bids.

## **1.19 PRICE BASIS**

Vendors are advised, that in generating their response for Digital Hardware or Software, DEC STANDARD price is to be utilized as the basis for their pricing.

## **1.20 NEW EQUIPMENT**

Vendors must bid new equipment and must provide their DEC DBA number for a reference when bidding Digital Equipment Corporation products.



## **SECTION 2.0: LISTED ITEMS**

### **2.1 DIGITAL EQUIPMENT CORPORATION EQUIPMENT**

#### **2.1.1 DIGITAL HSJ40 SYSTEM AND ASSOCIATED EQUIPMENT**

One (1) SW5-12BC StorageWorks system including the following components:

- 12GB RZ28B/HSJ40/Tape Pkg 60Hz
- 12GB RZ28B/HSJ40/SW500 pkgs
- (6) RZ28B 2GB disk drives
- (1) HSJ40-AD
- (3) BA350 device shelves
- (1) BA350 controller shelf
- (1) Power supply per device and controller shelf
- (1) SW500-AC cabinet 60Hz
- (6) BN21H-01 shelf cables

- (1) HSJ40-XE read cache upgrade from 16mb to 32mb.  
(Installed read cache will be returned.)

- (4) BA35X-HA power supply, AC 131 watt, universal AC input

- (1) SW5XP-AC redundant single phase power option, 120v

#### **2.1.2 TAPE DRIVE UPGRADE**

The existing TA867 (42gb) tape drive will be upgraded, de-installed from the SA-600 cabinet and re-installed in the HSJ40. The upgrade will cause the unit to become a TZ-877.

- (1) TX877-UN - TA867 to TZ877 upgrade package. Includes 20GB SCSI tape drive, cables, loader, front panel, OCP, and manual.

#### **2.1.3 TRADE-IN EQUIPMENT**

The following equipment will be replaced by this acquisition and will be offered as a trade-in to offset the purchase price. The de-installation of this equipment must be performed by Digital Equipment Corporation qualified field service technicians in concert with the new equipment installation. Shipping of this equipment and all associated costs are the responsibility of the responding

vendor. The amount offered for trade-in, in calculating a net cost to the OWNER will have a direct impact on the successful vendor selection. All items are currently under maintenance with Digital Equipment Corporation.

**Trade in equipment**

- (3) RA92 1.5 GB disk drives
- (3) RA90 1.2 GB disk drives
- (2) RA72 1.05 GB disk drives
- (1) SA600 storage cabinet
- (1) HSC40 controller
- (3) Disk/Tape Requester Cards

**2.1.4 DE-INSTALLATION - INSTALLATION**

The vendor may propose an installation (DEC hardware) schedule that appears to be the most advantageous to the OWNER and must not cause any downtime. The bid must include cost for de-installing and installing the new equipment.

**2.2 HEWLETT PACKARD PRINTERS**

**2.2.1 LASERJET™ 4-Plus LASER PRINTERS**

Twenty (20) HP4 Plus printers will replace existing DEC LN03 printers for use in the County Courts complex and as spares within the entire complex.

## **SECTION 3.0: RESPONSE PREPARATION INSTRUCTIONS**

### **3.1 PURPOSE**

In order to facilitate the timely and consistent evaluation of bids, a standard format for bid submission has been developed and is documented in this section. All vendors are required to utilize the turn around forms provided in Sections 3.2 through ? of this RFB.

Each vendor will furnish all information requested in this section. The information furnished herein will form the basis of the OWNER's evaluation of each bid.

### **3.2 TRANSMITTAL LETTER (REQUIRED)**

The transmittal letter, on the vendors stationary, will be the cover letter to the bid and should not exceed 1 page. The following topics will be addressed in the letter:

- A brief summary of the vendor's ability to supply the products and services proposed.
- A statement of the vendor's willingness to sign a contract to provide the requested items.
- A statement that the quoted prices are valid for a period of not less than 60 days from the due date of this RFB.
- An acknowledgement of receipt of all Addenda (if applicable).
- If quoting prices for new Digital Equipment Corporation Hardware and/or Software a statement that the vendor is an Authorized Digital Reseller is required. This statement shall include the Authorized Sellers Digital Business Agreement Number which will be utilized for verification purposes.
- The letter must be signed by a person authorized to commit the organization to it's representations.

### **3.3 STATE FORM 95 (REQUIRED)**

Replace this page with State Form 95 (BID, Offer or BID for Sale or Lease of Materials) that is properly signed, dated and notarized. A blank State Form 95 is included with this RFB.

State Form 95 must be completed in ink or by typewriter. Erasures, alterations or other changes in the Form may not be allowed and could be cause for disqualification.

State Form 95 completed by corporations must be executed in the corporate name by the president, or a vice-president (or other corporate officer accompanied by evidence of authority to sign) and the corporate seal must be affixed and attested by the secretary or assistant secretary. The corporate address and state of incorporation shall be shown below the signature.

State Form 95 completed by partnerships must be executed in the partnership name and signed by a partner whose title must appear under the signature and the official address of the partnership must be shown below the signature.

All names must be typed or printed below the signature.

### 3.4 EQUAL EMPLOYMENT OPPORTUNITY (REQUIRED)

During the performance of the contract, the Vendor agrees as follows:

1. The Vendor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age or physical handicap. The Vendor will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age or physical handicap. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation and selection for training including apprenticeship. The Vendor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of the nondiscrimination clause.
2. The Vendor agrees that all services, facilities, activities and programs provided as a part of this contract will meet the requirements of the American's with Disabilities Act and the rules and regulations promulgated thereunder.
3. The Vendor will, in all solicitations or advertisements for employees placed by or on behalf of the Vendor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age or physical handicap.
4. The Vendor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advertising, the labor union or workers' representative of the Vendor's commitments under the Equal Employment Opportunity Section (3.4) of this contract, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
5. In the event of the Vendor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, the contract may be canceled, terminated, or suspended in whole or in part and the Vendor may be declared ineligible for further City/County contracts.

\_\_\_\_\_  
Vendor Representative

\_\_\_\_\_  
Representative's Signature

\_\_\_\_\_  
Vendor Name

\_\_\_\_\_  
Vendor Telephone Number

\_\_\_\_\_  
Vendor Address

\_\_\_\_\_  
Date

### 3.5 USER REFERENCES (REQUIRED)

List at least three (3) references, two (2) of which must be governmental references, on the following pages provide the detail requested for each reference. Ensure that one of the references has experienced difficulties with the services provided by your organization.

### 3.6 WARRANTY (REQUIRED)

In this Section describe the warranties applying to the Hardware, Software and/or Services proposed. Each item proposed must have a warranty description, use as many pages as necessary to provide the requested information.

### 3.7 PRICING (REQUIRED)

In this Section the vendor is required to provide a detailed cost breakdown as specified in Sections 1.8 and 1.11. This section should include two prices, the first for the DEC equipment and the second for the HP printers. Also must be included is a total bid price, including all costs.

DEC Equipment (sect. 2.1)	\$	_____
Installation	\$	_____
Shipping & Handling	\$	_____
Sub-Total DEC Equipment	\$	_____
Hewlett Packard Printers (sect. 2.2)		_____
Shipping & Handling	\$	_____
Sub-Total HP Equipment	\$	_____
Grand Total of Bid	\$	_____

## INVITATION TO BID

Bid# CE9421

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON THE BEHALF OF THE COUNTY COMMISSIONERS AND BOARD OF PUBLIC WORKS WILL UNTIL **MONDAY AUGUST 15, 1994 AT 5:30 P.M. LOCAL TIME**, RECEIVE, IN ROOM 323 CITY/COUNTY ADMINISTRATION BUILDING, SEALED PROPOSALS FOR REPLACEMENT COMPUTER EQUIPMENT. AT THAT TIME THE BIDS WILL BE PUBLICLY OPENED AND READ ALOUD DURING A REGULAR MEETING OF THE VANDERBURGH COUNTY COMMISSIONERS IN ROOM 307 IN THE CITY/COUNTY ADMINISTRATION BUILDING EVANSVILLE, INDIANA.

1. The specifications may be obtained from the Computer Services Department, 1 NW Martin Luther King, Jr Blvd, Room 205, Evansville, IN 47708.
2. The bid must be in compliance with the specifications, executed by the bidder on forms provided and accompanied by a completed Standard Bid Form #95 in accordance with the Indiana State Board of Accounts.
3. Consideration of applicable taxes shall be observed as covered in the specifications and Bid Forms. In no instance, however, will Federal Taxes and Indiana Sales Taxes be applicable.
4. The Vanderburgh County Commissioners and Board of Public Works of the City of Evansville reserves the right to reject any and all bids or any part of any bid if considered in the best interest of Vanderburgh County and the City of Evansville.

Dated: July 18, 1994

July 7, 1994

COUNTY COMMISSIONERS,  
VANDERBURGH COUNTY

THE BOARD OF PUBLIC WORKS,  
CITY OF EVANSVILLE

Patrick Tuley, President  
Rick Borries, Vice-President  
Don Hunter, Member

Jack McNeely, President  
Jack J. Corn, Jr., Vice-President  
Valerie McKinney, Member

ATTESTED BY:

Sam Humphrey, Auditor

Sharon A. Evans, Secretary

PUBLISHED IN THE EVANSVILLE COURIER AND PRESS:

July 22, 1994  
July 29, 1994

VANDERBURGH COUNTY AND CITY OF EVANSVILLE  
COMPUTER SERVICES DEPARTMENT

<u>EVENT</u>	<u>DATE</u>
Data Board Review of Proposed RFP 8:00 A.M. Meeting	June 28, 1994
Board of Public Works Approval of RFP 9:00 A.M. Meeting	July 7, 1994
County Commissioner Approval of RFP 5:30 P.M. Meeting	July 18, 1994
First Newspaper Advertisement	July 22, 1994
Second Newspaper Advertisement	July 29, 1994
County Commissioners Open Bids 5:30 P.M. Meeting	August 15, 1994
Award	TBD





OFFICE OF THE PROSECUTING ATTORNEY

STANLEY M. LEVCO

PROSECUTING ATTORNEY 1ST JUDICIAL DISTRICT

CIVIC CENTER COMPLEX

ADMINISTRATION BLDG.-ROOM 108

EVANSVILLE, INDIANA 47708

(812) 426-5150

FAX (812) 426-5810

MEMORANDUM

TO: VANDERBURGH COUNTY COMMISSIONERS

FROM: STANLEY M. LEVCO  
VANDERBURGH COUNTY PROSECUTING ATTORNEY

DATE: 13 JULY, 1994

Permission is sought by the Prosecuting Attorney for his office to acquire a credit card for use by that office. The principal need for this is to guarantee hotel accommodation for staff attending conferences and seminars as part of their employment. The Prosecutor's Office would be responsible for making any and all payments incurred on this card and would only seek reimbursement of the actual payments made and claimed for in the usual way, i.e. travel, accommodation from the Prosecutor's Incentive Fund account. It is not anticipated that late fees would be accrued but should this occur these would also be met by the Incentive Fund.



STATE OF INDIANA  
OFFICE OF THE ATTORNEY GENERAL

INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR  
402 WEST WASHINGTON STREET • INDIANAPOLIS, IN 46204-2770

PAMELA CARTER  
ATTORNEY GENERAL

TELEPHONE (317) 232-6201

July 18, 1994

WRITER'S: \_\_\_\_\_

NOT AN OFFICIAL OPINION

Ed Bassemier  
Bassemier's Transportation and Taxi Service  
4250 B, East Michigan Avenue  
Evansville, Indiana 47715

RE: Conflict of interest, Advisory Request No. 94-197.

Dear Mr. Bassemier:

This is in response to your letter and that of your counsel, both dated July 13, 1994. You currently serve as an elected county councilman in Vanderburgh County, Indiana, and have requested a review of the following question:

Whether Indiana Code 35-44-1-3 prohibits a county councilman, in his capacity as principal of a potential contractor with the county, from the award of the contract by the county commissioners?

A number of exceptions to the conflict of interest prohibitions of I.C. 35-44-1-3 are set out at subsection (c) of that section and a public servant must satisfy one of the six exceptions to avoid the prohibited conflict of interest. From the information provided to this office, however, you may be prohibited under I.C. 35-44-1-3(c)(1) from the award of a contract by the county commissioners when, as a county councilman, you have appropriated the funds for the performance of that contract.

In your letter, you indicated that the Vanderburgh County Commissioners are responsible for entering into the contract for the subject transportation services. A company in which you serve as a principal has bid on that contract and you have executed a disclosure form. Legal counsel for the county commissioners has allegedly rendered an opinion to the county commissioners that

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TO

JUL-18-1994 12:04 FROM

Mr. Bassemier  
July 18, 1994  
Page Two

county council members are county officers, and thus, members of the same governing body. If so, then I.C. §35-44-1-3(c)(1)(A) would be violated, as a councilman would be a member of the body empowered to contract or purchase on behalf of the entity.

When interpreting a statute, the statutory language must be examined including the grammatical structure of a clause or sentence in issue. Sears Roebuck and Co. v. Murphy (1987) 511 N.E.2d 515, 516. The words "and" and "or" as used in statutes are not interchangeable, but are strictly of a conjunctive and disjunctive nature, respectively, and their ordinary meaning should be followed. Barr v. Sun Exploration Co., Inc. (1982) 436 N.E.2d 821, 824-825.

Indiana Code 35-44-1-3(c)(1) through (6) sets out the exceptions to prohibitions on conflicts of interest for public servants. The inclusion of an "or" after I.C. 35-44-1-3(c)(5) indicates that a public servant may meet any one of the six exceptions listed in order to avoid the prohibition of a conflict of interest. At I.C. 35-44-1-3(c)(1), the "and" indicates that there are three conjunctive elements, all of which must be satisfied before this exception is applicable.

According to the facts you have presented, I.C. 35-44-1-3(c)(1)(A) is satisfied because the county council is a governing body which is separate from the county commissioners. County commissioners are the county executive under I.C. 36-2-2-2 and the county council is the county fiscal body under I.C. 36-2-3-2. The county commissioners are the governing body which is responsible for purchasing the services in question and the commissioners have the power to award contracts under I.C. 36-1-9-2, not the county council.

Another element of I.C. 35-44-1-3(c)(1) is the requirement that a disclosure form be submitted. I.C. 35-44-1-3(c)(1)(C). According to your letter, this has been done. However, a third element, I.C. 35-44-1-3(c)(1)(B), must also be satisfied.

Indiana Code 35-44-1-3(c)(1)(B) states that the:

functions and duties performed by the public  
servant for the governmental entity are unrelated  
to the contract or purchase.

The governmental entity, for the purposes of I.C. 35-44-1-3 is the county. I.C. 35-41-1-12. The county council is the fiscal body for the governmental entity and is responsible for appropriating money for county business. I.C. §36-2-3-2. In your letter, you have indicated that the monies appropriated by the Vanderburgh County Council for the contract in question were submitted in a catch-all contractual services item for the budget.

Mr. Bassemier  
July 18, 1994  
Page Three

The key word in I.C. 35-44-1-3(c)(1)(B) is that the contract must be "unrelated" to the duties of the public servant. When a statute is unambiguous, the words are to be taken in their plain and ordinary sense. Richey v. Review Board of Indiana Employment Security Divison (1985) 480 N.E.2d 968, 973. The functions of the fiscal body which appropriates the money for a contract are related to the issuance of a contract. Therefore, I.C. 35-44-1-3(c)(1)(B), under the facts presented, has not been satisfied and a county council member is prohibited from being awarded a contract under this exception.

Ultimately, the enforcement of I.C. 35-44-1-3 is the responsibility of your county prosecuting attorney. You may consider contacting the prosecuting attorney for his or her interpretation of these provisions.

In conclusion, in order to avoid a conflict of interest under I.C. 35-44-1-3(c), a public servant may meet any one of the six exceptions listed. In order to qualify under I.C. 35-44-1-3(c)(1), however, a public servant must satisfy all three of the conditions listed at that part. Under the facts presented, the I.C. 35-44-1-3(c)(1) exception is not applicable.

If you have any questions, please feel free to contact me directly at (317) 232-6356.

Sincerely,

*Anne P. Mullin*

Anne P. Mullin  
Deputy Attorney General

9635D

# *Bassemiers'*

TRANSPORTATION AND TAXI SERVICE  
477-8000

July 13, 1994

**FAX SENT**

VIA FACSIMILE

Ms. Pamela Carter  
Office of Indiana Attorney General  
219 State House  
200 W. Washington Street  
Indianapolis, IN 46204

RE: Conflict of interest question

Dear Ms. Carter:

I am a duly elected Vanderburgh County Councilman and I am writing with an urgent request for a prompt opinion. The facts are as follows:

1. I am the principal of Bassemiers' Transportation, Inc., a properly incorporated transportation business serving Vanderburgh County and the surrounding area.
2. The Vanderburgh County Commissioners requested bids for transportation services for elderly and handicapped persons.
3. Bassemiers' Transportation, Inc., submitted a proper bid with proper disclosure form. There has never been any statement other than the bid and the disclosure submitted were proper and complete.
4. The Vanderburgh County Commissioners refused to award the bid to Bassemiers' Transportation, Inc., based upon advice of counsel that it would be a violation of I.C. 35-44-1-3.
5. It is my understanding that the Commissioners' counsel is refusing to allow the Commissioners to award the contract to Bassemiers' Transportation because of the words "governing body" in I.C. 35-44-1-3 (c)(1)(A), stating both commissioners and councilmen are county offices and therefore members of the same "governing body". The Commissioners' counsel states this even though the Vanderburgh County Commissioners are solely responsible for entering into the contract for the transportation service.

*Your Transportation is Our Only Business*  
TAXI • WALK-ON • WHEELCHAIR • AMBULANCE  
4250 B, East Morgan Ave. • Evansville, IN 47715

Ms. Pamela Carter  
July 13, 1994  
Page 2.

6. It is my understanding that the monies appropriated by the Vanderburgh County Council for this contract were not submitted as a separate line item but in a catch all contractual services item in the budget.

Your prompt attention is greatly appreciated because the Commissioners will be meeting on Monday, July 18, and their counsel has indicated to me that the Commissioners will at that time confirm that they will not award the contract to Bassemiers' Transportation, Inc., and enter into another contract or continue under the existing contract. Either result will prevent Bassemiers' Transportation, Inc., from receiving the contract as well as cost Vanderburgh County thousands of dollars since Bassemiers' Transportation, Inc.'s bid was \$20,000+ under the next closest bid. If at all possible, I would appreciate receiving a response before the Monday, July 18, meeting.

Thank you in advance for your cooperation. If you have any questions please contact me at my office or my attorney, Keith M. Wallace, at (812) 424-3300. If you are able to provide a response before the Commissioners' Monday afternoon meeting on July 18, 1994, please fax it to Mr. Wallace at (812) 421-5588.

Very truly yours,

BASSEMIERS' TRANSPORTATION, INC.

By:

*Ed Bassemier*

Ed Bassemier

**WRIGHT, EVANS & DALY**

ATTORNEYS AT LAW

425 MAIN STREET  
EVANSVILLE, INDIANA 47708  
TELEPHONE (812) 424-3300  
FAX (812) 421-5588

CLAUDE B. LYNN  
RETIRED

DONALD R. WRIGHT  
GERALD H. EVANS  
R. LAWRENCE DALY  
CHRISTOPHER L. LUCAS  
KEITH M. WALLACE\*  
ROBIN R. CRAIG

\*ALSO MEMBER KENTUCKY BAR

July 13, 1994

**VIA FACSIMILE**

Ms. Pamela Carter  
Office of Indiana Attorney General  
219 State House  
200 W. Washington Street  
Indianapolis, IN 46204

**FAX SENT**

RE: Conflict of interest question

Dear Ms. Carter:

I am writing a follow-up letter to Mr. Bassemier's letter of today's date to you wherein he requested an opinion from your office. I represent Mr. Bassemier and I have reviewed his letter to you and wanted to provide some follow up information that may assist you in rendering your opinion. I write this letter with Mr. Bassemier's permission.

Not only does Mr. Bassemier and his company Bassemiers' Transportation, Inc., fit within the exception of I.C. 35-44-1-3 (c)(1), but he clearly fits within the exception of I.C. 35-44-1-3 (c)(3). As I read paragraph (c), Bassemiers' Transportation, Inc., only needs to meet one of the requirements contained in subparagraphs numbered one through six. After subparagraph I.C. 35-44-1-3 (c)(5), there is an "or". As Mr. Bassemier indicated in his letter to you, he is an elected public servant and he did submit the required disclosure. Therefore, Bassemiers' Transportation, Inc., fits within an exception of paragraph (c) and the Vanderburgh County Commissioners may award a contract to Bassemiers' Transportation, Inc.

I hope this additional information is helpful in rendering a prompt opinion as requested by Councilman Bassemier. If you have any questions, please feel free to contact me.

Very truly yours,

WRIGHT, EVANS & DALY

By:

  
Keith M. Wallace

cc: Mr. Ed Bassemier

tlr c:\wp51\bassemier\atnygen2.ltr (July 13, 1994)

bidden by Law. Public servant failed to enforce an ordinance under this and not constituted by forbidden by 2d 717 (Ind.

rd, of permitting a gal visit is highly, but is not illegal, misconduct is not dence and must be a, 515 N.E.2d 880

risoner to be taken hed, the coroner of s own relation, sue d from office. State 8 N.E. 899 (1903).

ecuting attorney to secution was void. 7, 8 N.E. 16 (1886); 335, 14 N.E. 232

g to penalties for cting as an officer affect the legality ed by a prosecuting lified to act. Bruce 8 N.E. 480 (1927).

r employed by a o also an ap- pu was a "public on d of official ce, 481 N.E.2d 138

puty, who at time ployee of a private g money to forego a person who had g for merchandise onduct. Bell v. 4 (Ind. App. 1985).

on. wer to provide for er on account of Krug, 81 Ind. 327,

means to keep the have set the fact up ate, 5 Blackf. 73 Blackf. 346 (1842); f. 69 (1846). maintained for not

keeping roads in repair before the expiration of the time limited for expending moneys thereon in each year. State v. Hogg, 5 Ind. 515 (1854).

#### —Civil Actions.

Statutes providing a civil liability for failure to keep roads in repair did not prohibit a criminal prosecution for such failure. State v. Virt, 3 Ind. 447 (1852).

Persons were not deprived of the right to maintain civil actions for the obstruction of highways. Martin v. Marks, 154 Ind. 549, 57 N.E. 249 (1900).

#### —Mandamus.

The statutes requiring the road supervisor to keep the roads in good repair did not prevent a road supervisor from being compelled by mandate to repair highways. State ex rel. Cutter v. Kamman, 151 Ind. 407, 51 N.E. 483 (1898).

The duty of a supervisor to keep highways in good repair was a public duty, imperative and not discretionary, and he could be compelled by mandate to perform such duty. Lamphier v. Karch, 59 Ind. App. 661, 109 N.E. 938 (1915).

**35-44-1-3. Conflicts of interest — Public servants.** — (a) A public servant who knowingly or intentionally:

- (1) Has a pecuniary interest in; or
- (2) Derives a profit from;

a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D felony.

(b) This section does not prohibit a public servant from receiving compensation for:

- (1) Services provided as a public servant; or
- (2) Expenses incurred by the public servant as provided by law.

(c) This section does not prohibit a public servant from having a pecuniary interest in or deriving a profit from a contract or purchase connected with the governmental entity served if:

- (1) The:
  - (A) Public servant is not a member or on the staff of the governing body empowered to contract or purchase on behalf of the governmental entity;
  - (B) Functions and duties performed by the public servant for the governmental entity are unrelated to the contract or purchase; and
  - (C) Public servant makes a disclosure under subsection (d)(1) through (d)(6);

(2) The contract or purchase involves utility services from a utility whose rate structure is regulated by the state or federal government;

(3) The public servant:

- (A) Is an elected public servant or a member of the board of trustees of a state supported college or university; and
- (B) Makes a disclosure under subsection (d)(1) through (d)(6);

(4) The public servant:

- (A) Was appointed by an elected public servant or the board of trustees of a state supported college or university; and
- (B) Makes a disclosure under subsection (d)(1) through (d)(7);

(5) The public servant:

- (A) Acts in only an advisory capacity for a state supported college or university; and
- (B) Does not have authority to act on behalf of the college or university in a matter involving a contract or purchase; or



- (6) The public servant:
- (A) Is employed by the governing body of a school corporation and the contract or purchase involves the employment of a dependent or the payment of fees to a dependent; and
  - (B) Makes a disclosure under subsection (d)(1) through (d)(6).
- (d) A disclosure required by this section must:
- (1) Be in writing;
  - (2) Describe the contract or purchase to be made by the governmental entity;
  - (3) Describe the pecuniary interest that the public servant has in the contract or purchase;
  - (4) Be affirmed under penalty of perjury;
  - (5) Be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase;
  - (6) Be filed within fifteen (15) days after final action on the contract or purchase with:
    - (A) The state board of accounts; and
    - (B) If the governmental entity is a governmental entity other than the state or a state supported college or university, with the clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase; and
  - (7) Contain the written approval of the elected public servant (if any) or the board of trustees of a state supported college or university (if any) which appointed the public servant.
- (e) The state board of accounts shall forward a copy of all disclosures filed with the board under IC 16-22-2 through IC 16-22-5, IC 16-23-1, or this section.
- (f) The state ethics commission shall maintain an index of all disclosures received by the commission. The index must contain a listing of each public servant, setting forth the disclosures received by the commission made by that public servant.
- (g) A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of:
- (1) The public servant; or
  - (2) A dependent of the public servant who:
    - (A) Is under the direct or indirect administrative control of the public servant; or
    - (B) Receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.
- (h) It is a defense in a prosecution under this section that the public servant's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the twelve (12) months before the date of the contract or purchase was two hundred fifty dollars (\$250) or less.
- (i) Notwithstanding subsection (d), a member of the board of trustees of a state supported college or university, or a person appointed by such a board

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of trustees, complies with the disclosure requirements of this chapter with respect to the member's or person's pecuniary interest in a particular type of contract or purchase which is made on a regular basis from a particular vendor if the member or person files with the state board of accounts and the board of trustees a statement of pecuniary interest in that particular type of contract or purchase made with that particular vendor. The statement required by this subsection must be made on an annual basis.

(j) This section does not apply to members of the governing board of a hospital organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1.

(k) As used in this section, "dependent" means any of the following:

(1) The spouse of a public servant.

(2) A child, stepchild, or adoptee (as defined in IC 31-3-4-1) of a public servant who is:

(A) Unemancipated; and

(B) Less than eighteen (18) years of age.

(3) Any individual more than one-half ( $\frac{1}{2}$ ) of whose support is provided during a year by the public servant. [IC 35-44-1-3, as added by Acts 1978, P.L. 144, § 7; 1981, P.L. 304, § 1; P.L.329-1983, § 1; P.L.13-1987, § 16; P.L.66-1987, § 28; P.L.109-1988, § 3; P.L.183-1988, § 1; P.L.197-1989, § 3; P.L.2-1993, § 185.]

**Cross References.** Public contracts, collusive bidding prohibited, IC 24-1-2-3, IC 24-1-2-4.

**Res Gestae.** Warning: Multiple Representation Where Public Interest Is Involved May Be Hazardous to Your Professional Standing (Wesley M. Ratliff, Jr.), 26 Res Gestae 434.

**Opinions of Attorney General.** A county attorney was prohibited from entering into a contract with the board of county commissioners for the furnishing of insurance on county property. 1935, p. 304.

Both the common law and statute law prohibit a firm or corporation, of which a member of the park board of a city is a member, a stockholder, or officer, from selling supplies or materials or otherwise entering into a contract with the park board or the city acting through the agency of the park board, but do not prohibit such firm or corporation from bona fide selling supplies or materials or otherwise entering into contracts with some other independent department of the city. 1943, p. 340.

Former section might be construed to prohibit board of trustees of Northern Indiana Children's Hospital from appointing one of themselves as member of the active staff. 1949, No. 98, p. 373.

A member of the parole board was not permitted legally to enter into contracts for purchases made with the correctional institution on which he was serving. 1958, No. 9, p. 38.

A member of a county board of public welfare, being the holder of a lucrative office, could not be in a position where he could receive profit or money through a contract entered into by the board of county commissioners, with a firm of which he was a member. 1958, No. 21, p. 92.

In an absence of fraud, a member of the board of public works who was employed by a company which supplied materials to contractors who had contracts with said board of public works did not have a direct or indirect interest in such contract so as to render it void or illegal either in violation of the statutes of this state or as contrary to public policy. 1959, No. 18, p. 85.

In order for a justice of the peace to rent a part of his premises for courtroom facilities it would have been necessary for him, a township officer, to enter into a contract with the township in which he exercised official jurisdiction and received "profit or money" for such contract. It was not permissible for the township trustee to pay rent for a part of the premises owned by a justice of the peace for use by said justice in conducting his court. 1959, No. 40, p. 190.

A member of a city or town board of zoning appeals or plan commission was an officer so that any contract between said official and the unit of government in which he exercises his official jurisdiction was absolutely void. 1961, No. 45, p. 287.

A contract between a member of a city or

## Historical and Statutory Notes

## 1987 Legislation

P.L.134-1987, Sec. 20, adding this section, was made effective July 1, 1987.

## 1991 Legislation

P.L.2-1991, Sec.105, made a Title 9 citation change.

## 35-41-1-19 "Offense" defined

## Cross References

Driving while privileges suspended or revoked, see § 9-24-18-5.

## 35-41-1-21 "Penal facility" defined

Sec. 21. "Penal facility" means state prison, reformatory, county jail, penitentiary, house of correction, state farm, or any other facility for confinement of persons under sentence, or awaiting trial or sentence, for offenses. The term includes a correctional facility constructed under IC 4-13.5. *As amended by P.L.240-1991(ss2), SEC.97.*

## Historical and Statutory Notes

## 1991 Legislation

P.L.240-1991(ss2), Sec. 97, emerg. eff. upon passage June 14, 1991.

P.L.240-1991(ss2), Sec. 97, inserted the second sentence.

## 35-41-1-22 "Person" defined

Sec. 22. "Person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity. *As amended by P.L.8-1993, SEC.509.*

## Historical and Statutory Notes

## 1993 Legislation

P.L.8-1993, Sec. 509, inserted "limited liability company."

## 35-41-1-23 "Property" defined

## Notes of Decisions

## 1. In general

Spouse can burglarize marital residence, even though his right of possession is co-equal with that of other spouse, as long as his entry is unautho-

rized; if entry is unauthorized, then spouse can be said to have entered dwelling "of another person" within meaning of burglary statute. *Ellyson v. State*, App. 4 Dist.1992, 603 N.E.2d 1369.

## 35-41-1-24 "Public servant" defined

Sec. 24. "Public servant" means a person who:

- (1) is authorized to perform an official function on behalf of, and is paid by, a governmental entity;
- (2) is elected or appointed to office to discharge a public duty for a governmental entity; or
- (3) with or without compensation, is appointed in writing by a public official to act in an advisory capacity to a governmental entity concerning a contract or purchase to be made by the entity.

The term does not include a person appointed by the governor to an honorary advisory or honorary military position. *As amended by P.L.13-1987, SEC.15.*

## 1987 Legislation

P.L.13-1987, Sec. 15, eff. (3) of the first sentence an

## 1. In general

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## 35-41-1-24.3 "School

Sec. 24.3. "School b accommodation of more Indiana school children.

## 35-41-1-24.7 "School

Sec. 24.7. "School pr

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(2) The grounds adja structure described in

*As added by P.L.296-19. P.L.2-1992, SEC.330; P*

## 1991 Legislation

P.L.34-1991, Sec 2 Subsec. (1)(B); and "subdivision" in Sub

P.L.9-1991, Sec 35 28-16 in Subsec. 1(B)

## 1992 Legislation

P.L.2-1992, Sec 380, Feb. 14, 1992.

P.L.2-1992, Sec 380, made conforming changes Subdivision (2) had read

## 35-41-1-24.8 "Scientif

Sec. 24.8. "Scientific added by P.L.151-1989.

## 35-41-1-25 "Serious b

## 1. In general

Victim's testimony that been so painfully injured that she suffered "extreme bodily injury for purposes

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ate, 541 N.E.2d 894 (Ind.  
498 U.S. 882, 111 S. Ct.  
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Code nullified *Carrier v.*  
26, 89 N.E.2d 74 (1949);  
234 Ind. 489, 129 N.E.2d  
v. State, 244 Ind. 69, 190  
; and *Middleton v. State*,  
391 N.E.2d 657 (1979).

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NOTES TO DECISIONS

**Child Molestation Offenses.** the act because the victim is incapable of  
In child molestation offenses, a defendant's giving consent. *Yoder v. State*, 574 N.E.2d  
use of force is implied in the commission of 929 (Ind. App. 1991).

**35-41-1-12. Governmental entity.** — "Governmental entity" means:  
(1) The United States or any state, county, township, city, town,  
separate municipal corporation, special taxing district, or public school  
corporation;  
(2) Any authority, board, bureau, commission, committee, department,  
division, hospital, military body, or other instrumentality of any of  
those entities; or  
(3) A state-assisted college or state-assisted university.  
[IC 35-41-1-12, as added by P.L.311-1983, § 13.]

Cited: *State v. Ziliak*, 464 N.E.2d 929 (Ind.  
App. 1984).

**35-41-1-13. Harm.** — "Harm" means loss, disadvantage, or injury or  
anything so regarded by the person affected, including loss, disadvantage,  
or injury to any other person in whose welfare he is interested. [IC  
35-41-1-13, as added by P.L.311-1983, § 14.]

**35-41-1-14. Human being.** — "Human being" means an individual  
who has been born and is alive. [IC 35-41-1-14, as added by P.L.311-1983,  
§ 15.]

Cited: *Baird v. State*, 604 N.E.2d 1170  
(Ind. 1992).

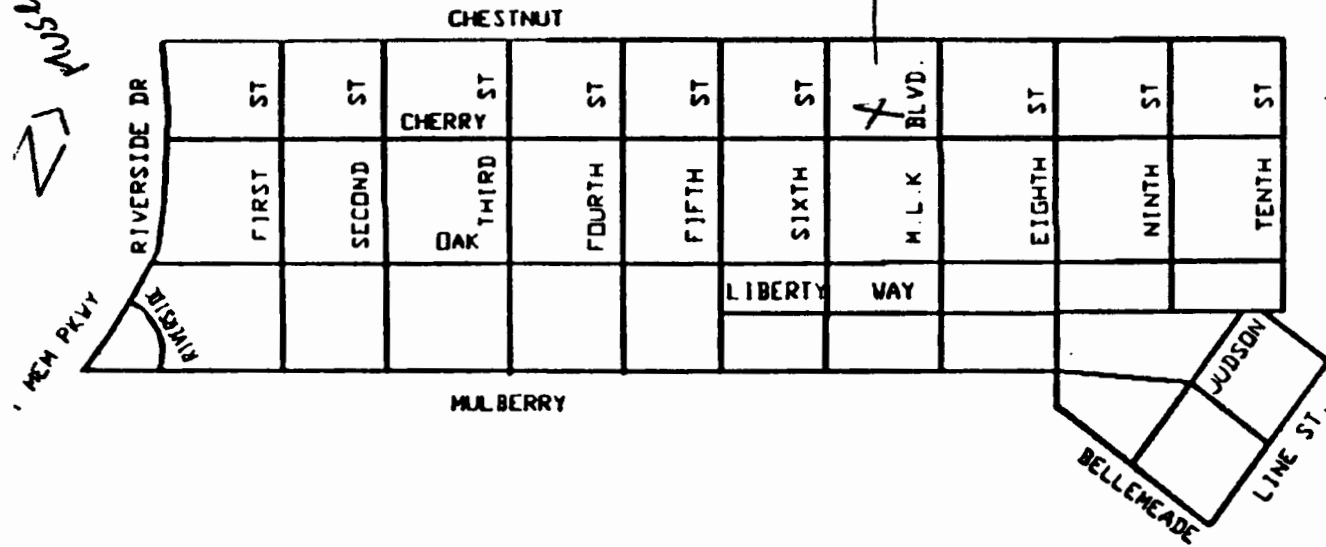
**35-41-1-15. Imprison.** — "Imprison" means to confine in a penal  
facility or to commit to the department of correction. [IC 35-41-1-15, as  
added by P.L.311-1983, § 16.]

**35-41-1-16. Included offense.** — "Included offense" means an offense  
that:

- (1) Is established by proof of the same material elements or less than  
all the material elements required to establish the commission of the  
offense charged;
- (2) Consists of an attempt to commit the offense charged or an offense  
otherwise included therein; or
- (3) Differs from the offense charged only in the respect that a less  
serious harm or risk of harm to the same person, property, or public  
interest, or a lesser kind of culpability, is required to establish its  
commission. [IC 35-41-1-16, as added by P.L.311-1983, § 17.]

Cited: *Harwei, Inc. v. State*, 459 N.E.2d 52 523 N.E.2d 764 (Ind. App. 1988); *Owens v.*  
(Ind. App. 1984); *State v. Keith*, 482 N.E.2d State, 543 N.E.2d 673 (Ind. App. 1989);  
751 (Ind. App. 1985); *Sering v. State*, 488 Griffin v. State, 583 N.E.2d 191 (Ind. App.  
N.E.2d 369 (Ind. App. 1986); *Salary v. State*, 1991).

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## MEMBERS

O-ODD	E-EVEN	O&E-ODD & EVEN
E. CHERRY ST.	E	2 to 718
CHERRY ST	O&E	2 to 613
CHESTNUT ST.	O	105 to 801
S.E. EIGHTH ST.	O&E	300 to 504
S.E. FIFTH ST.	O&E	none
S.E. FIRST ST.	O&E	300 to 521
S.E. FOURTH ST.	O&E	301 to 500
JUDSON ST.	NONE	
LIBERTY WAY	O&E	625 to 725
LINE ST.	O	657 to 659
S.E. M.L.K. BLVD.	O&E	300 to 606
MULBERRY ST.	E	10 to 414
E. MULBERRY ST.	O&E	252 to 270
NINTH ST.	O&E	325 to 401
OAK ST.	O&E	1 to 701
S.E. RIVERIDE	E	300 to 520
S.E. SECOND ST.	O&E	307 to 521
S.E. SIXTH ST.	O&E	301 to 600
S.E. TENTH ST.	O	311 to 317
S.E. THIRD ST.	O&E	310 to 423

## ELECTION DISTRICTS

TOWNSHIPS.  
COMMISSION/SCHOOL  
COUNTY COUNCIL  
INITIALS DATE  
INITIALS DATE

**VANDERBURGH COUNTY HIGHWAY DEPARTMENT**  
**PROGRESS REPORT**  
**FRIDAY JULY 8, 1994 THRU THURSDAY, JULY 14, 1994**

**FRIDAY JULY 8, 1994**

1 Crew cleaned the paver and the roller.  
Pulled the shoulders on Roth Road.  
Trash Crew worked on Old Petersburg Rd, S. Weinbach Ave., St. Joe Ave., and Lenn Rd.  
Mower crews cut weeds on Millersburg Rd., Heddon Rd., Kansas Rd., Mill Rd., and Allen Rd.  
1 mower crew cut weeds around the garage.

**MONDAY JULY 11, 1994**

Gradall and crew ditched S. Weinbach Ave.  
Pulled shoulders on Roth Road.  
Trash crew worked on routes.  
Mower crews worked on St. Joe Ave., Green River Rd., Kansas Rd., Folz Rd., and Kleitz Rd.  
Grader worked on Maasberg Rd., Sensmeier Rd., and Outer Darmstadt Rd.  
1 crew worked on property at 5301 St. Joe Ave.

**TUESDAY JULY 12, 1994**

Gradall and crew ditched on S. Weinbach Ave.  
Pulled shoulders on Strueh-Hendrichs Rd.  
1 crew worked on property at 5301 N. St. Joe Ave.  
Trash Crew worked on routes.  
Mower crews worked on St. Joe Ave., Green River Rd., and Kansas Rd.

**WEDNESDAY JULY 13, 1994**

Pulled shoulders on Strueh-Hendricks Rd. and Old Henderson Rd.  
Patch Crew worked on work orders.  
Mower Crews cut grass on Folz Rd., Kasson Rd., Mill Rd., and at Indian Woods Lake.

**THURSDAY JULY 14, 1994**

Paving crew worked on Old Henderson Rd.  
Gradall crew worked on S. Weinbach Ave.  
Mower crews worked on Indian Lake Woods and Boonville-New Harmony Rd.  
1 crew worked on setting fence posts at 5301 N. St. Joe Ave.

**VANDERBURGH COUNTY BRIDGE CREW**  
**PROGRESS REPORT**  
**FRIDAY JULY 8, 1994 THRU THURSDAY, JULY 14, 1994**

**FRIDAY JULY 8, 1994**

CREW #1 - Removed concrete posts on Big Schaeffer Rd.  
CREW #2 - Trim and Paint guardrail on Old Petersburg Rd., County Line East, and Volkman Rd.

**MONDAY JULY 11, 1994**

CREW #1 - Trim and paint guardrail on Bergdolt Rd., Oak Hill Rd., Heddon Rd., and Kansas Rd.  
CREW #2 - Trim and paint guardrail on St George Rd., Kentucky Ave., and Mohr Rd.

**TUESDAY JULY 12, 1994**

CREW #1 - Trim and Paint guardrail on S. Weinbach Ave., River Rd., S. Green River Rd., and Lynn Rd.  
CREW #2 - Trim and Paint guardrail on Old Petersburg Rd., Baumgart Rd., and Mt. Pleasant Rd.

**WEDNESDAY JULY 13, 1994**

CREW #1 - Install guardrail on Char-Lee  
CREW #2 - Trim Weeds on Broadway Ave., Felstead Rd., and Hogue Rd.

**THURSDAY JULY 14, 1994**

CREW #1 - Haul Scrap from Yard.  
CREW #2 - Trim and Paint guardrail on Red Bank Rd., Nurrenbern Rd., Schutte Rd., and W. Franklin Rd.  
CREW #3 - Trim and Paint guardrail on Korressel Rd., St. Joe Rd., Slate Rd., and Hillview Rd.



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

### Agenda for July 18, 1994

1. Recommendation to award the construction of the Mann and Bixler Road bridges to W.E. Ltd. in the amount of \$143,609.19
2. Notice to bidders for culvert replacement--Schroeder road



ATTN; PAULA NANCE

## FAX LEGAL AD TRANSMISSION

**FROM:** Joanne A. Matthews, c/o County Auditor, Room 208, Civic Center,  
Evansville, IN 47708

**NO. OF PAGES INCLUDING COVER:** 2

**LEGAL AD** THE COURIER & THE PRESS ON  
**RUN SCHEDULE:** WEDNESDAY - JULY 27, 1994 and  
WEDNESDAY - AUGUST 3, 1994

**EXTRA PROOFS OF**  
**PUBLICATION NEEDED** -  
**AND TO WHOM:** \_\_\_\_\_

**SPECIAL REQUESTS FOR SETTING STYLE:** PER ATTACHED

**COPY OF LAST TIME LEGAL AD ATTACHED:** \_\_\_\_\_

**VANDERBURGH COUNTY AUDITOR.....FAX NO. 426-5344**

## Notice to Bidders

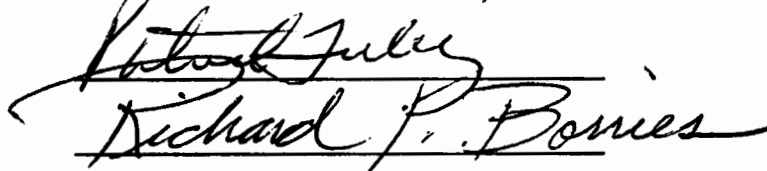
Sealed Proposals, or Bids, for **CULVERT REPLACEMENT-SCHROEDER ROAD VC 94-07-02** in Vanderburgh County, Indiana will be received at the office of the County Commissioners, Room 305, until 5:30 p.m. on the **15th day of August** local time, as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, at which time all bids will be publicly opened and read aloud in the County Commissioners Hearing Room 307.

- Any bids received after the designated time, for any reason, will be returned unopened.
- Contract documents are on file in the Office of the Vanderburgh County Engineer.
- Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which is being bid.
- Bids shall be submitted on the Itemized Proposal Form included in the contract documents and on Indiana Form 96, revised in 1987, provided separately, with a non-collusion affidavit, also provided in the contract documents; all properly executed, signed and sealed. The non-collusion affidavit must also be properly notarized.
- Each bid shall be accompanied by a bid bond, certified check, cashier's check, bank treasurer's check or bank money order in the amount of five percent (5%) of the total bid submitted.
- No bid shall be withdrawn after the opening of the bids without the expressed consent of the Vanderburgh County Commission for a period of thirty (30) days after the scheduled time of the bid opening.
- The Contractor receiving the award will be required to furnish a performance bond, Indiana Form 86A revised in 1947, in the amount of one-hundred percent (100%) of the award amount, which is to remain in effect for twelve (12) months from the date of acceptance of the completed work.
- Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents. The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.
- Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1993 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1993 Standard Specifications.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and waive any informality in the bidding.

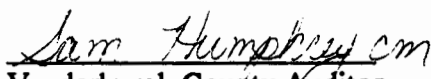
DATED THIS 18TH DAY OF JULY 1994

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS  
COUNTY OF VANDERBURGH, INDIANA

  
Richard P. Bonies

ATTEST:

RECOMMENDED:

  
Vanderburgh County Auditor  
940401/ntb

\_\_\_\_\_  
Vanderburgh County Engineer

July 19, 1994

EVANSVILLE, INDIANA

FUND COUNTY REVENUE

I HEREBY CERTIFY THAT: SOUTH WEST INDIANA MENTAL HEALTH

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF \$159,563.73 DOLLARS

ON ACCOUNT OF HILLCREST-WASHINGTON YOUTH HOME

SM HUMPHREY  
AUDITOR VANDERBURGH COUNTY, INDIANA

A SERVICE OF  
S.W. IN. MENTAL HEALTH FOUNDATION, INC.  
THE NATIONAL CITY BANK OF EVANSVILLE  
EVANSVILLE, IN 47705

HILLCREST-WASHINGTON  
YOUTH HOME

2700 W. INDIANA STREET  
EVANSVILLE, INDIANA 47712

71-2/863

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CHECK

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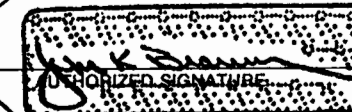
PAY ONE HUNDRED FIFTY-NINE THOUSAND FIVE HUNDRED SIXTY-THREE DOLLARS & 73 CEN

TO THE  
ORDER OF

DATE  
07-11-94

AMOUNT  
\$\$\$159,563.73

VANDERBURGH CO COMMISSIONERS  
CIVIC CENTER COMPLEX  
EVANSVILLE IN 47708



⑈016120⑈ ⑆086300025⑆ 017598671⑈



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

July 19, 1994

Mr. Terry Maish  
County Codes Administrator  
Henderson County Board of Zoning Adjustment  
Henderson, KY 42420

RE: Appeal # 242 and # 243

Dear Mr. Maish,

The Vanderburgh County Commissioners are urging you to deny the request by Floyd I. Staub, Inc. for a variance and conditional use permit from the Henderson County Flood Damage Prevention Ordinance. Their request is to operate a one acre private landfill for depositing construction and demolition debris and is referred by the appeal numbers noted above.

We are of the opinion that debris from this area could be washed into the river during periods of high water or heavy rainfall. According to Sam Elder, Director of Vanderburgh County Health Department, the debris in the river would cause problems and adversely impact the intake structure at the Evansville Waterworks. It should also be noted that although the location of the requested landfill is legally in Kentucky, drivers will be using Indiana roads, specifically, Waterworks Road to get to and from the landfill. As you may know, Vanderburgh County is presently repairing a major sink hole on Waterworks Road.

All three of Vanderburgh County Commissioners are out of town and are unable to attend the meeting on Wednesday evening. Therefore, we are sending this letter with Tim Spurling, Assistant County Engineer, and are urging you to deny the request of Floyd I. Staub.

Thank you for your time and consideration in the above matter.

Sincerely,

  
Patrick Tuley, President

  
Richard J. Borries, Vice-President

**AREA PLAN COMMISSION**  
**EVANSVILLE-VANDEBURGH COUNTY**  
*Room 312 Civic Center Complex*  
*1 N.W. Martin Luther King, Jr. Blvd.*  
*Evansville, IN 47708*  
*Phone (812) 435-5226*

**TO:** Commissioner Tuley

**FROM:** Barbara L. Cunningham

**DATE:** July 11, 1994

**SUBJECT:** Floyd Staub Variance Request on Waterworks Road  
for a Private Landfill

I received the attached letter today and thought it might be of interest to you. This is adjacent to the Inland Marina property.

**HENDERSON COUNTY BOARD  
OF ZONING ADJUSTMENT**

**P.O. BOX 716  
HENDERSON, KENTUCKY 42420**

Administrative Official, Peggy Wood

Codes Administrator, Terry Maish

Telephone (502)826-8843

July 7, 1994

**RECEIVED**

**JUL 07 1994**

**RE: Appeal #242 & #243**

**AREA PLAN COMMISSION**

*Dear Adjoining Property Owner:*

*Please be advised that on Wednesday, July 20, 1994 the Henderson County Board of Zoning Adjustment will hold a public hearing and regular meeting at 7:30 p.m. in the County Courtroom, County Courthouse. At this time the Board will hear a request submitted by Floyd I. Staub, Inc. for the property located off of Waterworks Road. Applicant is requesting a variance and a conditional use permit from the Henderson County Flood Damage Prevention Ordinance in order to operate a one acre private landfill for depositing construction and demolition debris. Property is located in an Agricultural zone.*

*If you have any questions or opinions to express you are urged to attend this meeting. If you are unable to attend feel free to contact Terry Maish, County Zoning Administrator, at 826-8843.*

*Sincerely,*



**Terry Maish  
County Codes Administrator**

**HENDERSON COUNTY BOARD  
OF ZONING ADJUSTMENT**

**TM/ap**

**LEGAL AID SOCIETY OF EVANSVILLE, INC.  
105 ADMINISTRATION BUILDING  
1 N.W. MARTIN LUTHER KING, JR. BLVD.  
EVANSVILLE, INDIANA 47708-1828**

*City of Evansville  
Vanderburgh County  
United Way*

*Sue Ann Hartig, Executive Director 812-435-5173  
Kevin Gibson, Staff Attorney 812-435-5344 fax  
David Kent, Staff Attorney 812-426-1091 fax*



July 13, 1994

County Commissioners  
3rd Floor, Civic Center Complex  
1 N.W. Martin Luther King, Jr. Blvd.  
Evansville, Indiana 47708

Dear Commissioners:

Douglas French, one of our board members, has a term of office due to expire August, 1994. Would you please put his reappointment on your agenda? If reappointed, his term would run through August of 1997. Thank you.

Legal Aid Society

July 13, 1994

AGREEMENT

This will serve as an agreement between Vanderburgh County Commissioners/  
Vanderburgh Auditorium Convention Center and management of same and Don  
Chambliss, Maintenance for the Auditorium concerning the usage of the  
COMPAQ LTE LITE 25E, Series 2810D, FCCID: CNT75MAFAD notebook computer  
relating to HVAC and dimmer rack system troubleshooting problems.

- \* The COMPAQ LTE LITE 25E notebook computer and all related  
attachments and manuals are the property of Vanderburgh  
County Auditorium Convention Center. Inventory # 33-00115.
- \* Don Chambliss has approval of the Vanderburgh County Auditorium  
to use the said property at his residence or elsewhere in  
order to correct any HVAC problem via phone modem to the  
Johnson Control system located at the Vanderburgh Auditorium.
- \* Don Chambliss understands that he is responsible for returning  
said property in same physical condition as received except  
for normal wear and tear.
- \* Routine maintenance will be covered under product warranty  
from the vendor of purchase through the Computer Services  
Department located in Room 205 of the Civic Center.

*Sandra Toton*  
General Manager

*Don Chambliss*  
Don Chambliss

*July 18-94*  
DATE

VANDERBURGH COUNTY COMMISSIONERS

*Richard J. Bowers*  
*Richard J. Bowers*

*July 18-94*  
DATE

715 LOCUST STREET EVANSVILLE, INDIANA 477

(812) 426-2270 FAX: (812) 422-0556

Professionally Managed By: GIVEN & SPUR

AGEMENT COMPANY, INC.



July 13, 1994

AGREEMENT

This will serve as an agreement between Vanderburgh County Commissioners/ Vanderburgh Auditorium Convention Center and management of same and Don Chambliss, Maintenance for the Auditorium concerning the usage of the COMPAQ LTE LITE 25E, Series 2810D, FCCID: CNT75MAFAD notebook computer relating to HVAC and dimmer rack system troubleshooting problems.

- \* The COMPAQ LTE LITE 25E notebook computer and all related attachments and manuals are the property of Vanderburgh County Auditorium Convention Center. Inventory # 33-00115.
- \* Don Chambliss has approval of the Vanderburgh County Auditorium to use the said property at his residence or elsewhere in order to correct any HVAC problem via phone modem to the Johnson Control system located at the Vanderburgh Auditorium.
- \* Don Chambliss understands that he is responsible for returning said property in same physical condition as received except for normal wear and tear.
- \* Routine maintenance will be covered under product warranty from the vendor of purchase through the Computer Services Department located in Room 205 of the Civic Center.

*Sandra Linton*  
General Manager

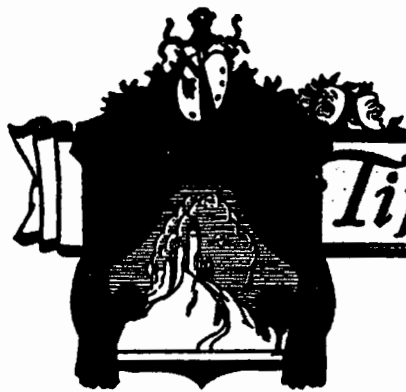
*Don Chambliss*  
Don Chambliss

*July 18-94*  
DATE

VANDERBURGH COUNTY COMMISSIONERS

*Richard J. Boines*  
*Richard J. Boines*

\_\_\_\_\_  
DATE



# *Tiffin Scenic Studios, Inc.*

## STAGE RIGGING & STAGE DRAPERY

146 RIVERSIDE DRIVE  
P.O. BOX 39  
TIFFIN, OHIO 44883

TELEPHONE (419) 447-1546  
FAX (419) 447-5969

March 18, 1994

Ms. Sandy Toton  
Vandenberg County Auditorium  
715 Locust Street  
Evansville, Indiana 47708

Re: Stage Equipment Repairs

Dear Sandy:

Following is our proposal for the stage rigging repairs as outlined in our Safety Inspection of February 10, 1994. As stated in our inspection report, the main rigging components are in very good condition. These components consist of the head blocks, loft blocks, tee-bar battery, locking rail, rope locks, and tension blocks, which gives a good base to build on.

The first area of concern is the positioning of the counterweight arbors in relationship to the loading bridge height. At present, the arbors travel to just under the head beam height. This makes the working height at a dangerous position for the person who loads or unloads the counterweights at the loading bridge. This can be corrected by adding a lowered upper arbor stop. This stop should be made to connect to the underside of the head blocks to limit the upward travel of the arbor at the proper working height. The upper arbor stop should be substantial enough to transfer any impact load directly into the head beams.

The addition of the upper arbor stop will require alteration of the existing elevated lower arbor stop to give proper arbor travel distance. As stated in the inspection report, the existing elevated lower arbor stop has been damaged due to a crashed set. The damaged area shall be replaced and the entire assembly will be lowered, and re-fastened to the locking rail standards and the side wall.

The wire cable shall be replaced due to normal wear damage caused by use and age. New 1/4" galvanized 7x19 aircraft cable shall be installed, using the existing trim chains. All cables will be trimmed to the same length to insure a uniform batten trim on all sets.

The arbor stops, arbor travel, and length of the wire cable shall be calculated to obtain a low batten trim height of 4'6" from the stage floor and assure the battens stop 1'0" short of contacting the underside of the grid iron at high trim.

New cable connections to consist of nicopress ovals, heavy pattern cable thimbles, and shackles for both ends.

New 1" premium grade 4-strand manila operating lines will replace the existing hand lines that are showing signs of dry rot and wear. The most evident sign is the excessive amount of rope splinters at the locking rail area.

The existing arbor and tension block guide shoes are warped and/or broken and need replacing. Each pair of shoes to be complete with steel backing plates to give the fibre shoes extended life.

The fire curtain cables will be re-trimmed to a mid-positioning of the turnbuckles to ensure easy adjustment should a future need arise.

The existing rope locks will be properly adjusted and any broken corbin lock assemblies replaced.

The arbor on set number 5 has been badly bent and needs replaced. The double arbors shall be replaced with conventional style double purchase arbors. All other arbors need tightened and counterweights properly installed utilizing the spreader plates. All sets will be brought to a balanced state.

The need for a total renovation of your rigging system is not warranted, but an up-date repair is recommended to bring your existing system back up to standards. This process is labor intensive.

Our budget price for the up-date repairs is \$65,000.00. This price includes delivery and installation.

The replacement of the feed cables on the electric sets is not included, but should be done in conjunction with the rigging repairs. This work, while done by others, should be coordinated through this office.

Ms. Sandy Toton

March 18, 1994

Page 3

Although I have not figured the replacement of any of your existing drapery, we feel a budget price would probably be equal to the budget price of the rigging up-date, if you want to take this into consideration at this time.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

TIFFIN SCENIC STUDIOS, INC.

A handwritten signature in cursive script that reads "Steve Everhart".

Steve Everhart

SE:ka

cc:file

# OLD COURTHOUSE PRESERVATION SOCIETY

Old Vanderburgh County Courthouse  
Suite 114 · 201 Northwest Fourth Street  
Evansville, Indiana 47708-1356  
Telephone (812) 423-3361

July 7, 1994

*Consent  
agenda item*

Patrick Tuley, President  
Rick Borries, Vice-President  
Don Hunter, Commissioner  
Board of Commissioners  
of the County of Vanderburgh  
305 Civic Center Complex  
1 N.W. ML King, Jr. Blvd.  
Evansville, Indiana 47708

Dear Pat, Rick, and Don:

I have been remiss in not writing sooner to thank each of you for requesting a \$30,000 appropriation from CCD funds on behalf of central air conditioning for the offices located on the third floor of the Old Vanderburgh County Courthouse. At yesterday's County Council meeting, said request officially was approved. Now, thanks to your ardent efforts, we have funding available to begin a very significant renovation project at the Old Courthouse.

Ever since the three of you first began encouraging County offices to consider relocating to the Old Courthouse, each of you has remained steadfast in your support of the Old Courthouse. Your recent request for CCD funds on our behalf is yet another example of your continued commitment, and it makes a statement to the citizens of our community that indeed each of you is an advocate of preserving our County's greatest historic landmark.

Rick, as an aside, I did submit a professional black & white photograph of the Old Courthouse to NACS for consideration in its county courthouse photography contest. The photo is excellent, and I feel it has a good chance of winning in the black & white category. I will keep you apprised.

Again, my thanks to all three of you. After work begins on the third floor and the project is progressing, please feel free to stop by the Old Courthouse to see firsthand CCD funds being put to excellent use. In your roles as stewards to the citizens of Vanderburgh County, I am sure you would appreciate being able to assure all concerned that things are going very well at the Old Courthouse.

Sincerely,

*Jaye M. Gibson*  
Jaye M. Gibson  
Executive Director

/fmg

COPY

Pat

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: JULY 7, 1994 DEPARTMENT: TREASURER

EMPLOYEE(S): JAYNE BERRY-BLAND  
CHIEF DEPUTY - YET TO BE NAMED

DATE(S) OF TRAVEL: AUGUST 16, 17, 18, & 19

DESTINATION: INDIANAPOLIS

PURPOSE: TREASURER'S CONFERENCE

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: YES - 3 NIGHTS

MEANS OF TRAVEL: COUNTY VEHICLE NUMBER: OTHER: PERSONAL AUTO

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/> Mileage	<input checked="" type="checkbox"/> Parking
<input checked="" type="checkbox"/> Per diem	<input checked="" type="checkbox"/> Registration
<input type="checkbox"/> Air fare	<input type="checkbox"/> Other

APPROVED: Department Head

APPROVED: Jayne Berry-Bland  
Office Holder

APPROVED BY: VANDERBURGH COUNTY COMMISSIONERS this 18th day of July 1994

RICHARD J. BORRIES, PRESIDENT

PATRICK TULEY, VICE-PRESIDENT

DON L. HUNTER, MEMBER

COPY

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 7-8-94 DEPARTMENT: TREASURER

EMPLOYEE(S): JAYNE BERRY-BLAND

DATE(S) OF TRAVEL: 9/25/94 - 9/27/94

DESTINATION: INDIANAPOLIS

PURPOSE: AIC CONFERENCE

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: YES - 9/25/94 & 9/26/94

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: PERSONAL AUTO

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/> Mileage	<input checked="" type="checkbox"/> Parking
<input checked="" type="checkbox"/> Per diem	<input checked="" type="checkbox"/> Registration
<input type="checkbox"/> Air fare	<input type="checkbox"/> Other

APPROVED: \_\_\_\_\_  
Department Head

APPROVED: Jayne Berry-Bland  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 18<sup>th</sup> day of July, 1994

Richard J. Borries  
RICHARD J. BORRIES, PRESIDENT

Patrick Tuley  
PATRICK TULEY, VICE PRESIDENT

DON L. HUNTER, MEMBER

COPY

TRAVEL REQUEST FORM  
FOR

COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6/30/94 DEPARTMENT: Nursing/Health

EMPLOYEE(S): Gina Basard  
Juanita Singer

DATE(S) OF TRAVEL: Mon. July 18, 1994

DESTINATION: Pike Co Farm Bureau Office

PURPOSE: Regional Lead Training Meeting

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: \_\_\_\_\_

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: \_\_\_\_\_

OTHER: private car

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/> Mileage	<input type="checkbox"/> Parking
<input type="checkbox"/> Per diem	<input type="checkbox"/> Registration
<input type="checkbox"/> Air fare	<input type="checkbox"/> Other

APPROVED: Sam Elder  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 18<sup>th</sup> day of July 1994

Patrick Tuley  
PATRICK TULEY, PRESIDENT  
Richard J. Bowes  
RICHARD J. BOWES, VICE PRESIDENT

\_\_\_\_\_  
DON L. HUNTER, MEMBER



COPY

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 7-8-94 DEPARTMENT: Health Dept

EMPLOYEE(S): Dwayne Caldwell  
Chris Borowiecki

DATE(S) OF TRAVEL: July 21, 1994

DESTINATION: MILAN, IN. Ripley County

PURPOSE: EDUCATION CONF. I.E.H.A.

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: No

MEANS  
OF  
TRAVEL

COUNTY VEHICLE NUMBER: 873

OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

\_\_\_\_\_ Mileage

\_\_\_\_\_ Parking

\_\_\_\_\_ Per diem

\_\_\_\_\_ Registration

\_\_\_\_\_ Air fare

\_\_\_\_\_ Other

APPROVED: \_\_\_\_\_

Department Head

APPROVED: \_\_\_\_\_

Office Holder

APPROVED BY:

VANDERBURGH COUNTY COMMISSIONERS this

18<sup>th</sup>

day of

July

1994

Patrick Tuley  
PATRICK TULEY, PRESIDENT

Richard J. Bobries  
RICHARD J. BOBRIES, VICE PRESIDENT

DON L. HUNTER, MEMBER

COPY

TRAVEL REQUEST FORM FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: July 13, 1994 DEPARTMENT: HEALTH  
EMPLOYEE(S): DENISE CORY, WENDY MURPHY

DATE(S) OF TRAVEL: SEPTEMBER 24 - 27, 1994  
DESTINATION: HYATT REGENCY OAK BROOK OAK BROOK, IL  
PURPOSE: Attend immunization regional outreach meeting

Proof (copy of brochure or letter) must be attached.

LODGING REQUIRED: September 24 - 27, 1994

MEANS OF TRAVEL  
COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: Airplane

REIMBURSEMENT CLAIMED  
\_\_\_\_\_ Mileage \_\_\_\_\_ Parking  
☒ Per Diem \_\_\_\_\_ Registration  
☒ Air Fare ☒ Other Transportation  
to and from airport

ALL TRAVEL EXPENSES ARE COVERED UNDER THE IMMUNIAZTION GRANT

APPROVED: [Signature]  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 19th day of July, 1994

[Signature]  
Richard J. Borries, President

[Signature]  
Patrick Tuley, Vice President

\_\_\_\_\_  
Don Hunter, Member



A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

**VANDERBURGH COUNTY, INDIANA**

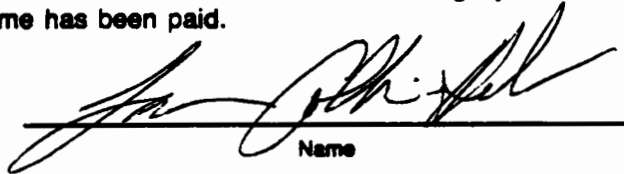
**VENDOR NAME** Given & Spindler Management Co. Inc. # 1867

**On Account of Appropriation for** \_\_\_\_\_

Invoice No.	Itemized Claim	Amount	
	Management fee for July 1994.		
	Contract dated April 6, 1992 between		
	Given & Spindler Management Co. and the		
	County Commissioners.	\$4241	00
	total	\$4241	00

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

  
Name  
Assistant Manager  
Title

Date July 8, 19 94

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

UNITED CONSULTING

Vendor No. 1262

\$ 33,000.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Gr. River Rd.

Account No. 216-4910

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Bowes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

John Shell  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>#21/KINZ</u>	<u>-</u>	<u>6/20/94</u>	<u>216-4910</u>	<u>33,000.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 33,000.00

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

LATSHAW TRUCK SVCS

Vendor No. 179

\$ 2900.31

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name CONTRACTUAL

Account No. 216-3930

Allowed \_\_\_\_\_ 19 \_\_\_\_\_

In the sum of \$

Richard J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

John Stoll  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>93001065</u>	<u>—</u>	<u>5/31/94</u>	<u>216-3930</u>	<u>2900.31</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 2900.31

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

UNITED CONSULTING

Vendor No. 1262

\$ 10,569.04

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name WATERWORKS

Account No. 203-3930

Allowed \_\_\_\_\_ 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Barnes

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

John Still  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u># 2</u>	<u>—</u>	<u>6/30/94</u>	<u>203-3930</u>	<u>10,569.04</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 10,569.04

Commission Meeting  
July 18, 1994

Name	Affiliation
Jimmie Jordan	WFLE-TV 14
Kyle Foster	Evansville Press
ERIE WILLIAMS	SHERIFF'S DEPT.
Jeff Montgomery	Carlisle
Jon White	Voter Registration
Lauren J. Kincaid	SATA Processing
R. Appelleth	Purchasing
John Elvas	SHERIFF'S DEPT.
Stephen G. Woodall	VEACH, NICHOLSON Assoc.
L. A. Veach	MEHBA
JEFF HATFIELD	PVC Plastics Co Inc.
Jeff Eckels	Asst County Eng
Tim Spurling	Resident #2
Carolyn McClenbick	4th Ward leader
Donald H. Flowers	attorney - Bossemert's Transp.
Keith M. Wallace	President Bossemert Transporters
Ed Bossemert	WIKY
Steve Burger	





7-18-94

# Veach, Nicholson, Griggs Assoc.

*Consulting Engineers & Land Surveyors*

1830-A W. FRANKLIN ST. EVANSVILLE, IN 47712 (812) 424-2936

DARRELL A. VEACH, P.E., L.S.

BILLY T. NICHOLSON, L.S.

BROCTON O. GRIGGS, P.E., L.S.

COPY

June 22, 1994

Home Builders Assn. of Metropolitan Evansville  
2175 N. Cullen Avenue  
Evansville, Indiana 47715

Gentlemen:

RE: Storm Water Drainage Ordinance

Pursuant to your request at the meeting of Wednesday, June 8, 1994 at 4:00 P.M., we have made the necessary revisions to the Ordinance as revised by Bill Jeffers of the Vanderburgh County Surveyor's Office. It was re-edited for Darrell Veach on May 6, 1994.

This Ordinance has been copied by the Home Builders Assn. Headquarters for review.

You will note revisions inserted in June, 1994 as described on the pages that are enumerated on the front page of the proposed Ordinance. In order for you to reflect on the changes that were made without researching background information, the following is explained:

Page 4, Section D, Paragraph 2 - a change has been made of the entire paragraph and is now incorporated as shown.

Page 13, Paragraph 7 - this paragraph has been changed and the revision reads as shown.

Page 16, Paragraph 4, Section D - has been changed and will read as shown.

Page 32 - a revision has been made to Table 5 and will read as shown.

Page 33, Paragraph 5, Section C - has been changed to read 2 feet per second in lieu of 2.5 feet per second and will read as shown.

Page 34, Paragraph 2 - has been changed to reflect that the minimum radius of curvature shall be no less than 50 feet and shall read as shown.

Under Paragraph 5 of Section D an addition has been made reflecting that designs for other special prefabricated junctions may be submitted for approval and shall read as shown.

Page 35 - the table as contained in the maximum distance between storm sewer manholes has been changed and will read as shown.

Page 39 - paragraph 2 and 3 under Section B have been changed and will read as shown.

Page 41, Paragraph, Section D - has been changed from concrete to rip-rap and will read as shown.

Page 42, Paragraph 8, Section E - has been added and will read as shown.

Page 45, Paragraph, Section B - has been modified and will read as shown.

Very truly yours,

VEACH, NICHOLSON, GRIGGS ASSOC.

  
Darrell A. Veach,  
President

DAV:bar

Rough Revisions  
for meeting with May 1994  
HBA

Revisions inserted June 1994  
Pages 4, 13, 16, 32, 33, 34, 35  
39, 41, 42, 45

AN ORDINANCE ESTABLISHING STORM WATER DRAINAGE CONTROL  
IN VANDERBURGH COUNTY, INDIANA  
FOR  
RESIDENTIAL AND COMMERCIAL DEVELOPMENT

AN ORDINANCE ESTABLISHING STORM WATER DRAINAGE CONTROL  
IN VANDERBURGH COUNTY, INDIANA

This is the version that the Surveyor's Office would like  
Mr. Veach to review on behalf of the Homebuilders' Association

SECTION 1: PURPOSE

A. The Purpose of this Ordinance is:

1. To reduce the hazard to public health and safety caused by excessive storm water runoff which may result when land use changes from agricultural and other non urban land uses to more urbanized land uses.
2. To reduce or prevent damage to public and private property, including existing streams, drainage channels, and storm water drainage facilities which may be caused by excessive storm water runoff resulting during and after land development.
3. To protect and conserve water and land resources.
4. To promote orderly economic development and resource use.

## SECTION 2: POLICY

### A. DRAINAGE PLAN REQUIRED:

It shall be the policy of the Board of County Commissioners of Vanderburgh County, Indiana, hereinafter referred to as the Commissioners, that an engineered drainage plan be submitted to the Vanderburgh County Drainage Board, hereinafter referred to as the Drainage Board, for any new development, redevelopment, new construction, addition to existing construction, or other land disturbing activity located within the Board's jurisdiction(s) which shall result in the addition of impervious surfaces exceeding a total of ten thousand (10,000) square feet.

Any such new development, redevelopment, new construction, additional construction, or other land disturbing activity which shall result in the addition of impervious surfaces totaling over ten thousand (10,000) square feet, hereinafter shall be called a Project.

The engineered drainage plan for a Project shall be submitted to the Vanderburgh County Surveyor, Room 325 Civic Center. Required information, the number of copies, and the schedule for submittal are specified below in this Ordinance.

*EXPANDED*  
The Vanderburgh County Surveyor, hereinafter referred to as the Surveyor, will determine the route of review for the engineered drainage plan(s), hereinafter referred to as the Drainage Plan(s) submitted for a Project.

## Section 2: Policy

### B. STORAGE AND CONTROLLED RELEASE OF STORM WATER RUNOFF:

It shall be the policy of the Drainage Board that the Drainage Plan for certain Projects shall include provisions for the storage and controlled release of storm water runoff unless such controlled release specifically is waived due to the direct discharge of storm water into a major waterway such as Pigeon Creek, or the Ohio River; (or into a secondary waterway at a point of study where direct discharge has been determined to be of benefit to the tributary watersheds.) *add*

Projects which shall be subject to the requirements for the storage and controlled release of storm water runoff include:

1. MAJOR SUBDIVISIONS as defined by the Vanderburgh County Subdivision Control Ordinance.
2. MINOR SUBDIVISIONS as defined by the Vanderburgh County Subdivision Control Ordinance, which Minor Subdivisions are zoned for commercial use, or for industrial use.
3. PARCELIZATIONS as defined by the Vanderburgh County Subdivision Control Ordinance, on which parcels residential development will disturb five (5) acres or more of land surface, and/or add a total of one (1) acre or more of impervious surfaces.
4. PARCELIZATIONS as defined by the Vanderburgh County Subdivision Control Ordinance, which parcels are zoned for commercial use, or are zoned for industrial use.
5. OTHER PROJECTS for which the Drainage Board, the County Commissioners, or the Vanderburgh County Surveyor shall require or recommend storage and controlled release of storm water runoff due to the Project's location within:
  - a. The East Side Urban Drainage Watershed.
  - b. The watershed of a Regulated Drain.
  - c. An Impacted Drainage Area, for which a definition is given in Section 20 of this Ordinance. *added*

Coincidental with the adoption of this Ordinance, the Drainage Board and the County Commissioners shall declare the following area to be an Impacted Drainage Area:

All that area of land within Vanderburgh County, Indiana which lies outside the Corporate Boundaries of the City of Evansville, and which area of land is bounded on the West by Green River Road, on the East by the Warrick County Line, on the South by Lloyd Expressway, and on the North by Pigeon Creek.

**C. CONTROLLED RELEASE RATE:**

The post development controlled peak release rate of storm water runoff during a twenty-five (25) year return period storm from a Project required to detain excess storm water runoff shall not exceed the peak release rate during a ten (10) year return period storm from the same land area prior to its development.

The pre development release rates and post development controlled release rates of storm water runoff shall be calculated using the methods, factors, and charted data specified by, or supplied as a part of this Ordinance.

Other methods, factors, and data if submitted shall be reviewed, approved, or disapproved on a case by case basis by the Drainage Board and their technical advisors.

**D. DISCRETIONARY DECISIONS:**

Because topography, soil types, field conditions, and the availability and adequacy of outlets for storm water runoff vary with almost every site, the requirements for storm water drainage tend to be an individual matter for each Project; and the Drainage Board and the County Commissioners retain the right to make discretionary decisions on an individual basis.

Discretionary decisions may include, but shall not be limited to, exempt certain projects from the requirements to detain storm water runoff, in whole or totally, and other decisions within the parameters of the Purpose and the Policy of said Ordinance as stated herein.

not be limited to the requirement to detain storm water runoff for certain projects. The Policy of this Ordinance shall not be limited to the requirement to detain storm water runoff for certain projects.

of this Ordinance as stated herein

**E. TECHNICAL ADVISORS TO THE DRAINAGE BOARD AND THEIR POWERS:**

The Drainage Board shall authorize and empower certain technical advisors including the Vanderburgh County Surveyor, the Vanderburgh County Highway Engineer, and the Vanderburgh County Soil and Water Conservation District to make reviews of all submitted plans and supporting data; to make recommendations to the Drainage Board with regard to such reviews; to make periodic inspections before, during, and after completion of a Project; to report findings to the Drainage Board; and to act on behalf of the Drainage Board when authorized to do so by this Ordinance, by the Drainage Board, or by the Commissioners.



**Section 2: Policy**  
**Subsection E: Technical Advisors**

The Drainage Board encourages and advises anyone with an interest in a Project to contact the technical advisors named above at the earliest practical time during the planning stage of the Project.

**F. RECORD OF BOARD DECISIONS:**

Decisions by the Drainage Board and the County Commissioners with regard to this Ordinance shall be made only during regular or special meetings of the Drainage Board, or during regular or special meetings of the County Commissioners.

In special or emergency circumstances where procedures must be taken quickly in order to enforce the Purposes, the Policies, or other requirements of this Ordinance the Drainage Board, the County Commissioners, or their duly authorized representatives may make decisions, or take actions outside of board meetings.

All decisions and actions of the Drainage Board and the County Commissioners shall be recorded in the appropriate edition of the minutes of the meetings.

**SECTION 3: CONFLICTING ORDINANCES**

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other ordinances of Vanderburgh County, Indiana; and in the case of conflicting requirements, the most restrictive requirements shall apply.

**SECTION 4: COMPLIANCE WITH OTHER ORDINANCES**

In addition to the requirements of this Ordinance, compliance with the requirements set forth in other applicable ordinances with respect to submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, inspections, appeals, and similar matters; and compliance with applicable state and federal laws and regulations shall be required.

The requirements of the Floodplain Management Ordinance of Vanderburgh County, Indiana contains certain requirements applicable to Projects subject to this Ordinance.

**SECTION 5: DEFINITIONS:**

- A. The Applicant shall mean the person, persons, partnership corporation, or other private entity, their heirs or assigns who shall apply to the Board for Drainage Plan approval.**
- B. Board, or Drainage Board shall mean the Vanderburgh County Drainage Board; except where "boards" refers to both boards.**
- C. County Commissioners, or Commissioners shall mean the Board of County Commissioners of Vanderburgh County, Indiana.**
- D. Detention Basin shall mean a facility constructed to restrict the flow of storm water to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the controlling outlet.**
- E. Drainage Area or Watershed Area shall mean the land area from which storm water is collected from, conveyed through, and/or carried off from by a drainage system.**
- F. Dry Bottom Detention Basin or Dry Basin shall mean a basin designed to drain completely dry after providing its planned storm water storage function.**
- G. Duration or Storm Duration shall mean the time period, given in hours or minutes, of a rainfall event.**
- H. County Engineer, or Engineer shall mean the Vanderburgh County Highway Engineer, or duly appointed representative(s).**
- I. Flood Elevation shall mean the vertical limits of elevation at all locations delineating the maximum level of high waters for a flood of a given return period.**
- J. Flood Plain shall mean the area adjoining the river or stream which has been or may be covered by flood waters; and comprising the regulatory floodway and floodway fringe.**
- K. Floodway or Regulatory Floodway shall mean the channel of a river or stream plus those portions of the flood plain adjoining the channel which are required to efficiently carry and discharge the peak flow of the 100 year flood.**
- L. Outfall or Outlet shall mean the point or structure at which the storm water discharges from the system or a part thereof.**
- M. Peak Flow shall mean the maximum rate of flow of water at a given point in the system from a predetermined storm.**
- N. Project shall mean any new development, redevelopment, new construction, reconstruction, or land disturbing activity which creates and additional 10,000 square feet of impervious surface, or disturbs five (5) acres or more of land surface, and is regulated by this drainage ordinance.**

**Section 5: Definitions**

- O. Rainfall Intensity shall be the cumulative depth of rainfall occurring over a given duration expressed in inches per hour.**
- P. Regulated Drain or Legal Drain shall mean a drain maintained by the County Surveyor and the Drainage Board under Indiana Drainage Code, IC 36-9-27.**
- Q. Release Rate shall mean the amount of storm water let go from a given land area or release point in cubic feet per second.**
- R. Retention Basin or Wet Bottom Retention Basin shall mean a basin designed to hold a permanent pool of water after providing its planned detention of storm water runoff.**
- S. Return Period shall mean the average interval of time within which a given rainfall event will be equaled or exceeded once; expressed in years. Expressed as a percentage of chance, a 100 year return period storm has a one percent chance of occurring in any one year period.**
- T. Runoff Coefficient or C-Factor shall mean a decimal fraction relating the amount of rain which runs off a parcel of land to the total amount of rain falling. So expressed as a percentage, a C-factor of .25 means that twenty-five (25) percent of the rain falling on a parcel of land can be expected to discharge from that parcel of land.**
- U. Storm Water Drainage Facility shall mean any single part or any combination of parts of a system designed and/or constructed to gather, convey, store, and discharge rainfall.**
- V. Storm Water Drainage System shall mean a complete combination of facilities designed and constructed to gather, convey, store, and discharge rainfall in an orderly fashion.**
- W. The Surveyor or County Surveyor shall mean the Vanderburgh County Surveyor.**
- X. SWCD shall mean the Vanderburgh County Soil and Water Conservation District.**
- Y. Tributary as an adjective shall mean contributing storm water from upstream land areas into the storm drainage system.**
- Z. Tributary as a noun shall mean a stream, waterway, channel, or other conduit of storm water contributing upstream drainage into the drainage system of a project.**

**SECTION 6: FINAL DRAINAGE PLAN APPROVAL REQUIRED:**

- A. No person, partnership, corporation, or other private entity shall undertake or accomplish a Project without prior Drainage Board approval of a Final Drainage Plan as defined and required by this Ordinance.
- B. The approval of a Final Drainage Plan shall not be required by the provisions of this Ordinance for the following:
1. Excavation of cemetery graves.
  2. Ordinary cultivation or use of agricultural land including tilling, terracing, construction of drains, and construction of tool storage or harvest storage facilities, all so long as such activities do not adversely affect drainage facilities, and so long as such activity shall not change land contours greater than two (2) feet in elevation.
  3. The planting or tilling of gardens, shrubs, trees, or other common agricultural or landscaping activities so long as such activities do not reduce the conveying, or holding capacity of waterways, ponds, and basins; nor interfere with the proper operation and maintenance of regulated, public, or private drainage facilities.
  4. Filling and grading a basement site after demolition of a structure, to conform to the adjacent terrain.
  5. A fill less than one (1) foot in depth placed on natural terrain with a slope flatter than four (4) percent, not intended to support a structure, and which does not exceed one thousand (1,000) cubic yards per acre, and does not obstruct the existing drainage pattern.
  6. Construction of permitted structures within the limits of a Project with an approved Drainage Plan, so long as the construction fully complies with, and does not alter the approved Drainage Plan for that Project.

Be aware that all the above exemptions are subject to statutory provisions with regard to regulated drains, as well as being subject to other applicable local, state, or federal laws, ordinances, and regulations.

## **Section 6: Drainage Plan Approval**

- D. Final Drainage Plan approval shall be obtained before physical activity is undertaken to construct the Project with the exception of such testing as typically is required to determine procedures or materials to be used.**
- E. Final Drainage Plan approval shall be obtained prior to the recording of a plat of a Major Subdivision, as defined and required by the Subdivision Control Ordinance.**
- F. All requests for Drainage Plan approval shall be made to the Drainage Board through the County Surveyor's office by the presentation to the Surveyor of the Drainage Plan and the supporting data, all in triplicate, by the close of the business day two (2) full weeks prior to the meeting at which approval of the Plan shall be sought.**
- G. The three (3) copies of Drainage Plans and supporting data, including the erosion and sedimentation control plan if required, shall be distributed by the Surveyor as follows:**
  - 1. To the Surveyor's Drainage Plan Records.**
  - 2. To the County Engineer.**
  - 3. To the Soil and Water Conservation District.**
- H. Drainage Plan approval, or disapproval of a Drainage Plan shall be expressed in a regular meeting or special meeting of the Drainage Board, and such approval or disapproval shall be recorded in the minutes of the Board's meeting.**
- I. In order for an Applicant to obtain approval of a Final Drainage Plan, the following requirements must be met:**
  - 1. The Applicant shall be eligible to apply for and obtain the Drainage Plan approval.**
  - 2. The Drainage Plan and supporting submittals required by this Ordinance shall have been prepared and submitted timely and properly to the Drainage Board.**
  - 3. The Drainage Plan and supporting submittals shall reflect compliance with the requirements of this Ordinance, and compliance with any conditions of approval required by the Drainage Board.**

Section 6: Drainage Plan Approval  
Subsection I: Conditions of Approval

4. The submitted data shall be gathered, analyzed, assembled into the Drainage Plan and supporting submittals; and shall be certified, and presented to the Drainage Board all by a civil engineer or land surveyor regularly engaged in storm water drainage design, and registered to practice in the State of Indiana.
  5. An easement has been dedicated to house any off-site drainage facilities if such facilities are required to serve the Project's storm water drainage system.
  6. The person, persons, partnership, corporation, or other entity to whom approval of the Drainage Plan is granted must be the person, persons, partnership, corporation, or entity who will be responsible for accomplishing the Project for which the Drainage Plan is developed.
- J. In order for the approval of the Final Drainage Plan to remain in force, the following conditions shall be met:
1. The Applicant or the design engineer shall notify the Surveyor and the APC Site Review Committee prior to making any modification of the approved Drainage Plan.
  2. The Applicant shall obtain reapproval of the Drainage Plan when making a major modification of the Plan.  
  
Changing the materials designated in the approved Drainage Plan shall constitute a major modification.
  3. The Applicant shall agree to submit, and shall submit within thirty (30) days of completion of the drainage facilities of a Project, a complete set of "as-built" plans which shall show every detail of the finished installation of all storm water drainage facilities for the completed Project.
  4. The Applicant shall install and maintain the street system and the storm drainage system until the Project has been completed, or until maintenance of such systems is assumed by others.
  5. The Applicant shall agree to remove, and shall remove sediment from, or repair erosion damages to all property where such damage has been caused by the Project.

**Section 6: Drainage Plan Approval**  
**Subsection J: Conditions of Approval**

6. The Applicant shall allow the Drainage Board, or agents of the Drainage Board, to enter the Project to verify compliance with this Ordinance, or to bring the Project into compliance with this Ordinance.
7. The Applicant shall develop methods of maintenance for all drainage facilities, and shall have printed clearly on the plat, and/or other documents of record for the Project, the developed methods of maintenance.

**K. ENFORCEMENT OF FINAL DRAINAGE PLAN APPROVAL:**

The Board, the Commissioners, or their authorized representatives shall make inspections, or shall order inspections to be made of the Project site to ensure compliance with various requirements of this Ordinance, and/or other conditions attached by the Board to the approval of the Drainage Plan.

1. The Board may deny, withdraw or suspend approval of a Drainage Plan if the Board determines that:
  - a. The requirements of this Ordinance are not met in full.
  - b. Other conditions of the approval of the Final Drainage Plan are violated.
  - c. Any Drainage Plan or attached submittal contains a false statement or misrepresentation.
  - d. Some part of the Drainage Plan or construction plans are not executed in good faith, or are not executed in accordance with plans approved by the Drainage Board and the Commissioners.
  - e. A Project is undertaken without an approved Final Drainage Plan.
  - f. Unauthorized alterations; or modifications which are not properly documented to the Surveyor, the Site Review Committee, or the Drainage Board, are made to the drainage facilities prior to completion of the Project.

**Section 6: Drainage Plan Approval:**  
**Subsection K: Enforcement of Approval:**

2. The Board or the Commissioners shall take actions necessary to remedy violations of the conditions of Plan approval, including but not limited to:
    - a. Requiring the Building Commissioner to suspend the building permit(s) for that part of the Project found to be in violation until the requirements and conditions are satisfied.
    - b. Ordering the Building Commissioners to deny future building permits for the Project until the requirements and conditions are satisfied.
    - c. Contracting for work to be accomplished to bring a Project into compliance with this Ordinance, and billing the cost of said work to the property owner.
    - d. Deny additional Plan approval to the same developer until the requirements and conditions are satisfied.
    - e. Enforcing compliance with this Ordinance by injunction.
  3. The Board or the Commissioners shall reinstate any suspended permits, or shall take other steps to allow continuous development of the Project immediately upon the determination that any violations are corrected, or are being corrected in a timely fashion, and all requirements and conditions are being satisfied.
- L. The Area Plan Commission shall not issue an Improvement Permit on a Project requiring Final Drainage Plan approval until such approval has been expressed by the Board.
- M. The Vanderburgh County Building Commissioner shall not allow construction of buildings, or other impervious structures or facilities to commence at the site of a Project requiring Final Drainage Plan approval until:
1. Such approval has been expressed by the Drainage Board;
  2. And all storm drainage facilities are constructed.
- Large Projects may be divided into phases for the purpose of constructing drainage facilities and obtaining permits.



## **SECTION 7: DRAINAGE PLAN INFORMATION REQUIREMENTS:**

### **A. GENERAL REQUIREMENTS BY POLICY:**

1. Unless a Project has been exempted from the requirement to submit a Drainage Plan, the Applicant shall provide a detailed Drainage Plan and supporting submittals in accordance with the provisions of this Ordinance.
2. Unless a Project subject to the requirement to detain excess storm water runoff has been exempted from that requirement, the Drainage Plan and supporting submittals shall demonstrate clearly that the post development peak rate of storm water runoff during a twenty-five (25) year return period storm is controlled sufficiently so that it shall not to exceed the peak runoff rate from the same Project site in its pre development condition during a ten (10) year return period storm.
3. The required computations shall be made using only the methods, factors, charts, and data specified by or supplied within this Ordinance, or approved for use by the Drainage Board.
4. The critical storm durations used in the submitted computations to design detention storage shall be those durations which require the greatest detention storage.
5. Computations for land areas of two hundred (200) acres or less shall be made either by the Rational Method using the runoff coefficients and rainfall data given in this Ordinance; or by hydrographic techniques, or computer storm drainage modeling methods approved by the Drainage Board.
6. For land areas larger than two hundred (200) acres, approved hydrographic techniques and approved computer storm drainage modeling methods shall be used.
7. Hydrographic techniques and computer modeling methods used to determine storm water runoff shall be by methods granted prior approval by the Drainage Board upon recommendation of the County Surveyor and/or the County Engineer.

## **Section 7: Information Requirements**

### **B. INFORMATION SUBMITTAL SCHEDULE:**

The required Drainage Plan and supporting data shall be submitted by a schedule as follows:

1. The Vanderburgh County Drainage Board generally meets on the Fourth Monday of each month, unless an official holiday coincides with the Fourth Monday, in which case the Board generally meets on the Tuesday immediately following the official holiday.
2. Special meetings of the Board outside the regular and advertised annual schedule of board meetings may be requested of the Board, or may be called by the Board.  
  
Special meetings shall be granted, called, announced, advertised, and held at the discretion of the Board and the Commissioners.
3. The Vanderburgh County Auditor shall provide a schedule of all Drainage Board meeting dates and times.
4. For a Drainage Plan to be reviewed by technical advisors to the Board prior to the regular monthly meeting, and to receive recommendations to the Board at that meeting, the Drainage Plan and supporting information and data must be submitted in triplicate to the Surveyor by the close of business day two (2) full weeks prior to the meeting at which plan approval shall be sought.
5. Drainage Plans and data not submitted to the Surveyor by the abovesaid close of business day are liable to come to the same month's Board meeting without a recommendation.
6. Drainage Plans will be reviewed by the Surveyor in the same chronological order in which the plans are received.
7. The Drainage Board requires a printed agenda from the Surveyor submitted no later than Noon of the Thursday immediately preceding the Drainage Board meeting.

Any plans, or requests submitted to the Surveyor later than Noon on the Thursday immediately preceding the Board meeting will not appear on the agenda, and may be heard by the Drainage Board only at its discretion.

**Section 7: Information Requirements:**  
**Subsection B: Submittal Schedule:**

8. Notification of an insufficiency of a Drainage Plan or other insufficiency of submittal may be issued by the Surveyor, or by other technical advisors to the Board with explanation of the insufficiency provided to the Applicant;

Otherwise, any Plan timely submitted shall be viewed by the Board at its regular monthly meeting, or at a special meeting called for that purpose.

9. If additional review time is required beyond that time described above, the Applicant will be notified by the authorized representative of the Board requiring the additional time with an explanation for the postponement of the presentation of the Drainage Plan to the Board.
10. The Applicant may protest postponement of presentation of the Drainage Plan by requesting to be put on the agenda at or before noon of the abovesaid Thursday; and then appearing before the Drainage Board to appeal.

Section 7: Information Requirements

C. DETAILED DRAINAGE PLAN REQUIRED:

A comprehensive Final Drainage Plan shall be submitted for each Project subject to this Ordinance. The Drainage Plan shall be designed handle storm water runoff in a safe and orderly fashion, and to detain the increased storm water runoff where detention is required.

D. PRELIMINARY DRAINAGE PLAN:

Presentation of a preliminary form of the Final Drainage Plan will be allowed when the Applicant is in need of approval of a Preliminary Drainage Plan to satisfy certain requirements of the Area Plan Commission, and it can be shown that the complexity of the Project prohibits the submittal of the Final Drainage Plan within the required time limits of plan submittal.

Approval of a preliminary form of the Final Drainage Plan shall not constitute, nor be interpreted as, final approval of the Final Drainage Plan for a Project as required herein.

The Area Plan Commission shall not issue a site improvement permit, nor shall the Building Commissioner issue a building permit, nor shall the owner or developer of the Project start construction for a Project subject to this Ordinance until the Board approves the Final Drainage Plan for the Project.

The contents of the Preliminary Drainage Plan shall include a map based on the most current County Planimetric maps or a topographic map prepared from new aerial photo reconnaissance that will provide more accurate data, complete with contour lines and showing the following:

design of the drainage facilities for the Project.

2. The soil types based on the most current information available from the SWCD.
3. Zone "A" floodplain based on the current FIRM panels.
4. The existing manmade and natural waterways, ponds, basins, and other drainage facilities or features.
5. The preliminary layout and design of the streets, and all storm water drainage facilities, including depressed pavements used to convey or temporarily store overflow from the heavier storms, and all outlets for the storm water drainage facilities.

**Section 7: Information Requirements:**  
**Subsection D: Preliminary Drainage Plan:**

6. The existing streams, floodways, and floodplains to be maintained, and new channels to be constructed, their locations, cross sections, profiles, and materials used.
7. The proposed culverts and bridges to be built, with the specific materials to be used, elevations, waterway openings, and the basis of their design.
8. Existing detention basin or ponds within the Project, or outside the Project but affecting it, to be maintained, enlarged, or otherwise altered, together with any new basins or ponds to be built; and their basis of design.
8. The estimated depth and amount of storage required of the basins and ponds, and available freeboard(s).
9. The estimated location and percentage of impervious surface existing and expected to be constructed at completion of the Project.
10. Any interim plan which is to be incorporated into the Project pending its completion according to the Final Drainage Plan.

The map shall include all notations necessary to indicate the existing conditions, and the proposed functions of the various features shown thereon; and shall include or be accompanied by:

11. A north arrow, scale, location insert, and other information necessary for geographic clarification shall be included.
12. Descriptive data sufficient to support the feasibility of the Preliminary Drainage Plan with regard to the requirements of this Ordinance, including calculations of the pre-development and post development runoff rates using rainfall data supplied herein.

No Preliminary Drainage Plan shall be recommended to the Drainage Board by the Surveyor unless the Preliminary Drainage Plan shall be workable plan according to the same criteria as, and capable of being incorporated into, the Final Drainage Plan.

The Drainage Board shall decide the sufficiency of the Preliminary Drainage Plan, and any conditions or additional requirements to be applied to the Preliminary Drainage Plan.

**F. THE FINAL DRAINAGE PLAN:**

The contents of the Final Drainage Plan shall include:

**1. Location, Topographic, and Soils Map(s):**

A soils map indicating soils names and their hydrologic classification must be provided for a proposed Project.

In addition, a location and topographic map must be provided showing the land to be developed, and such adjoining land whose location and topography may affect or be affected by the layout or drainage of the Project.

The contour intervals shown on the topographic map shall be two and one-half (2.5) feet for slopes less than four (4) percent; and five (5) feet for slopes are four (4) percent or greater.

On the Location, Topographic and Soils Map(s) shall be shown:

- a. The location of streams and other storm water conveyance channels, both natural and manmade; and the vertical and horizontal limits of the one hundred (100) year floodplain, where applicable; all properly identified.
- b. The normal shoreline of lakes, ponds, swamps, and basins, their floodplains, and lines of inflow and outflow, if any.
- c. The location of exiting regulated drains, farm drains, inlets and outfalls, if any.
- d. Storm, sanitary, and combined sewers, and outfalls.
- e. Wells, septic tank systems, and outfalls, if any.
- f. Seeps, springs, sinkholes, caves, shafts, faults, or other such geological features visible, or of record.
- g. The limits of the entire proposed Project and the limits of the expected extent of land disturbance required to accomplish the Project.
- h. The location of the streets, lot lines, and easements.
- i. A scale, preferably one (1) inch equals fifty (50) feet.
- j. An arrow indicating North.
- k. A bench mark determined by USGS Datum.

**Section 7: Information Requirements**  
**Subsection F: Final Drainage Plan**

**2. Final Drainage Plan Layout:**

As a more comprehensive and detailed depiction than a Preliminary Drainage Plan, the Final Drainage Plan shall show final details of the following:

- a. The extent and area of each watershed tributary to the drainage facilities within the Project.
- b. The final layout and design of proposed storm sewers, their inlet and outfall locations and elevations, the receiving streams or channels; all with the basis of their design and with their calculated one hundred (100) year return period storm elevations.
- c. The location and design of the proposed street system, including depressed pavements used to convey or detain overflow from storm sewers and over-the-curb runoff resulting from heavier rainstorms, and the outlets for such overflows; all with their designed elevations.
- d. The locations, cross sections, and profiles of existing streams, floodways, and floodplains to be maintained, and the same for all new channels to be constructed.
- e. The materials, elevations, waterway openings, size, and basis for design of the proposed culverts and bridges.
- f. Existing ponds and basins to be altered, enlarged, filled, or maintained; and new ponds, basins, swales, to be built, and the basis of their design.
- g. The location and percentage of impervious surfaces existing and expected to be constructed.
- h. The material types, sizes, slopes and other details of all the storm water drainage facilities.
- i. The estimated depth and amount of storage required in the new ponds or basins, the extent of the 100 year flood elevation in any impoundment of storm water, and details of the emergency overflow(s) from the pond(s).
- j. For all controlled release basins, a plot or tabulation of the storage volumes with corresponding water surface elevations, and a plot or tabulation of the basin outflow rates for those water surface elevations.
- k. The location of any applicable "impacted drainage areas" or other areas designated to remain totally undisturbed, natural, or for common recreational use.

## **Section 7: Information Requirements**

### **3. Submittal of Written Report:**

The Final Drainage Plan shall be accompanied by a written report containing the following:

- a. Any significant storm water drainage problems existing or anticipated to be associated with the Project.
- b. The analysis procedure used to identify and evaluate the drainage problems associated with the Project.
- c. Any assumptions or special conditions associated with the use of the procedures, especially hydrologic or hydraulic methods, used to identify and evaluate drainage problems associated with the Project.
- d. The proposed design of the drainage control system.
- e. The results of the analysis of the proposed drainage control system showing that it does solve the Project's identified and anticipated drainage problems.
- f. A detailed description, depiction, and log of all hydrologic and hydraulic calculations or modelings, and the results obtained thereby; together with the input and output files for all necessary runs.
- g. Maps showing individual drainage areas within the Project subdivided for use in the analysis thereof.

### **3. Typical Cross Sections of Drainage Facilities:**

One or more typical cross sections must be provided for each existing and proposed channel, basin, pond, or other open drainage facility, which cross sections:

- a. Must be carried to a point above the 100 year high water elevation for the facility.
- b. Must show the elevation of the existing land immediately adjacent to all drainage facilities.
- c. Must show the high water elevations, adjacent to all impoundments, as expected from the 100 year storm and their relationship to permanent structures.

4. A Site Plan, drawn to scale, showing the overall site dimensions, with existing and proposed drainage facilities, streets, parking lots, buildings and other existing or proposed improvements must be provided.



**Section 7: Information Requirements**

**G. CONSIDERATION OF FINAL DRAINAGE PLANS:**

The Drainage Board's consideration of the Final Drainage Plan will not be continued greater than two consecutive regular meetings, including the first hearing of the Final Drainage Plan, without due cause such as insufficiency of plan, conflict between plans, or other discrepancy, omission, or defect of the plan(s), or unless the Applicant consents to a continuance.

**H. DRAINAGE PLAN APPROVAL:**

Any Drainage Plan in compliance with the requirements of this Ordinance and with conditions and requirements applied by the Drainage Board shall be approved by the Drainage Board.

Drainage Plan approval shall be recorded in the minutes of the meeting at which the approval occurs.

The Drainage Board's minutes are kept by the Vanderburgh County Auditor, and may be viewed at the Auditor's office.

## **SECTION 8: DETERMINATION OF RUNOFF QUANTITIES:**

### **A. Computing Rates of Storm Water Runoff**

The storm water runoff quantities shall be computed for the area of the Project, plus the area of the watershed flowing into the Project.

The quantity of runoff which is generated as the result of a given rainfall intensity may be calculated as follows:

### **B. The Rational Method**

For areas up to and including two hundred (200) acres, the Rational Method may be used, providing the runoff coefficients given in this Ordinance are employed.

In the Rational Method, the peak rate of runoff, "Q", in cubic feet per second (cfs) is computed as:

$$Q = C I A$$

Where: "C", or the runoff coefficient, is the ratio of peak runoff rate to average rainfall rate over the entire watershed during the time of concentration.

Where: "I" = the rainfall intensity in inches per hour.

Where: "A" = the tributary drainage area in acres.

Guidance to selection of the runoff coefficient "C" is provided by Table 1 and Table 2, which show values for different types of surface characteristics.

The composite "C" value used for a drainage area with various surface types shall be the weighted average value for the total area calculated from a breakdown of individual areas having different surface types.

TABLE 1

## UNDEVELOPED RUNOFF COEFFICIENTS

## SURFACE TYPE:

WOODLAND, TURFED MEADOWS  
ROUGH PASTURE, FALLOW BRUSH:

	STORM FREQUENCY			
	10 yr	25 yr	50 yr	100 yr
SLOPE:				
Less than 2%	0.10	0.11	0.12	0.13
2% to 5%	0.20	0.22	0.24	0.25
5% to 10%	0.30	0.33	0.36	0.38
Over 10%	0.40	0.44	0.48	0.50
CULTIVATED FIELDS:	10 yr	25 yr	50 yr	100 yr
Less than 2%	0.20	0.22	0.24	0.25
2% to 5%	0.30	0.33	0.36	0.38
5% to 10%	0.40	0.44	0.48	0.50
Over 10%	0.50	0.45	0.60	0.63

TABLE 2

## DEVELOPED RUNOFF COEFFICIENTS

## SURFACE TYPE:

	STORM FREQUENCY			
	10 yr	25 yr	50 yr	100 yr
PAVEMENT, ROOFTOP OTHER IMPERVIOUS:	0.80	0.88	0.96	1.00
LAWNS WITH TURF:	10 yr	25 yr	50 yr	100 yr
Less than 2%	0.20	0.22	0.24	0.25
2% - 5%	0.25	0.28	0.30	0.31
5% - 10%	0.30	0.33	0.36	0.38
Over 10%	0.35	0.39	0.42	0.44
ALL WATER SURFACES BASINS, PONDS & LAKES:	1.00	1.00	1.00	1.00

## **Section 8: Determination of Storm Water Runoff**

### **C. Determination of Rainfall Intensity:**

"I" or Rainfall Intensity shall be determined from data interpolated from the weather bureau rainfall frequency curves, which data is shown in Table 3.

When using the Rational Method, the Storm Duration is equal to the "time of concentration" (tc), which is the travel time from the most hydraulically distant point to contribute to the point under consideration.

The travel time to a given location shall be the sum of the overland flow time, the gutter flow time, and the sewer flow time.

The time of concentration at the point under consideration is the longest travel time when all paths are considered.

In terms of sewer design practice, the inlet time for each sub-basin must be compared to the travel time from all upstream sub-basins, and the longer time selected as the local time of concentration.

The flow time in the storm sewers may be estimated by the distance in feet divided by the velocity of flow in feet per second.

The velocity shall be determined by the Manning Formula.

Inlet time is the combined time required for the runoff to reach the inlet of the storm sewer.

Inlet time includes overland flow time, and flow time through established surface drainage channels, and sheet flow across such areas as lawns, fields, and parking lots.

Commonly used formulas employed in the determination of the overland flow time are Ragan (1972), Kerby (1959), Federal Aviation Agency, and Izzard (1946.)

### **D. RATES FOR ACREAGE IN EXCESS OF 200 ACRES:**

The runoff rate for areas in excess of two hundred (200) acres shall be determined by hydrologic methods and computer modeling which have received prior approval of the Drainage Board.

Hydrologic methods and computer modeling methods which receive board approval will be attached to this Ordinance as addenda.

**TABLE 3**  
**RAINFALL INTENSITY-DURATION-FREQUENCY TABLE FOR EVANSVILLE**

		INTENSITY IN INCHES PER HOUR				
STORM DURATION		STORM RETURN PERIOD IN YEARS				
		5	10	20	50	100
5	MIN	6.063	6.625	7.208	7.936	8.469
10	MIN	4.863	5.380	5.925	6.616	7.126
15	MIN	4.029	4.515	5.033	5.697	6.194
30	MIN	2.837	3.226	3.646	4.194	4.608
60	MIN	1.549	1.819	2.078	2.412	2.663
2.0	HRS	1.053	1.230	1.400	1.620	1.785
3.0	HRS	0.774	0.899	1.019	1.175	1.291
4.0	HRS	0.632	0.736	0.836	0.965	1.062
5.0	HRS	0.524	0.606	0.684	0.785	0.861
6.0	HRS	0.453	0.522	0.589	0.676	0.741
7.0	HRS	0.399	0.459	0.516	0.591	0.647
8.0	HRS	0.358	0.412	0.463	0.530	0.581
9.0	HRS	0.323	0.370	0.415	0.472	0.516
10	HRS	0.297	0.339	0.379	0.431	0.470
11	HRS	0.276	0.314	0.351	0.399	0.435
12	HRS	0.259	0.296	0.331	0.376	0.410
13	HRS	0.245	0.280	0.314	0.357	0.390
14	HRS	0.233	0.267	0.299	0.341	0.372
15	HRS	0.220	0.252	0.281	0.320	0.349
16	HRS	0.209	0.238	0.266	0.302	0.329
17	HRS	0.198	0.225	0.251	0.284	0.310

TABLE 3 CONTINUED

## RAINFALL INTENSITY - DURATION - FREQUENCY TABLE

STORM DURATION		INTENSITY IN INCHES PER HOUR				
		STORM RETURN PERIOD IN YEARS				
		5	10	20	50	100
18	HRS	0.189	0.215	0.240	0.272	0.296
19	HRS	0.181	0.206	0.229	0.260	0.282
20	HRS	0.175	0.199	0.222	0.251	0.273
21	HRS	0.169	0.193	0.215	0.244	0.266
22	HRS	0.164	0.187	0.208	0.236	0.257
23	HRS	0.160	0.181	0.202	0.229	0.250
24	HRS	0.154	0.174	0.194	0.219	0.239
25	HRS	0.149	0.168	0.187	0.212	0.230
26	HRS	0.143	0.162	0.180	0.204	0.221
27	HRS	0.139	0.156	0.174	0.196	0.212
28	HRS	0.135	0.152	0.169	0.190	0.206
29	HRS	0.132	0.149	0.165	0.186	0.201
30	HRS	0.129	0.145	0.161	0.182	0.197
31	HRS	0.126	0.142	0.158	0.178	0.193
32	HRS	0.122	0.138	0.153	0.173	0.188
33	HRS	0.119	0.135	0.149	0.168	0.183
34	HRS	0.116	0.131	0.146	0.164	0.178
35	HRS	0.113	0.128	0.142	0.160	0.174
36	HRS	0.111	0.125	0.139	0.157	0.171

TABLE 4  
HUFF CURVE COORDINATES  
PERCENT PRECIPITATION VALUES  
EVANSVILLE STATION  
FOUR QUARTILES

10% Probability				
Storm Time	Qt. 1	Qt. 2	Qt. 3	Qt. 4
0%	00.00	00.00	00.00	00.00
10%	45.44	15.56	13.64	17.14
20%	69.63	32.50	23.62	28.75
30%	79.14	60.00	30.83	37.50
40%	86.09	77.27	40.00	43.40
50%	89.09	88.72	53.85	50.00
60%	92.85	93.94	77.62	55.17
70%	95.00	95.77	90.33	62.55
80%	96.97	97.50	96.30	83.33
90%	98.78	98.98	98.78	96.92
100%	100.00	100.00	100.00	100.00

20% Probability				
10%	36.67	12.28	10.00	13.23
20%	60.00	27.27	18.67	23.38
30%	71.15	49.40	26.86	30.41
40%	78.57	69.38	35.19	37.61
50%	85.19	82.31	48.08	44.12
60%	88.57	89.38	70.38	51.43
70%	92.35	93.29	87.82	60.00
80%	95.23	96.12	94.49	79.05
90%	97.96	98.40	98.09	95.00

30% Probability				
10%	30.00	9.86	8.00	10.00
20%	52.80	22.98	16.36	20.00
30%	66.67	42.77	24.00	26.79
40%	74.19	62.50	32.00	33.67
50%	80.00	77.14	44.44	40.44
60%	85.45	85.00	67.34	47.65
70%	85.45	85.00	67.34	47.65
80%	89.39	90.73	84.21	57.14
90%	93.55	94.73	92.50	75.83

TABLE 4 CONTINUED  
HUFF CURVE COORDINATES

40% Probability				
Storm Time	Qt. 1	Qt. 2	Qt. 3	Qt. 4
10%	27.00	8.00	6.45	8.00
20%	48.48	20.00	13.08	16.64
30%	60.74	37.20	20.29	23.75
40%	69.83	56.93	28.81	30.00
50%	75.71	73.68	40.91	37.66
60%	81.22	81.82	61.12	43.61
70%	87.12	88.13	80.17	54.12
80%	92.17	93.18	90.63	72.73
90%	96.58	97.14	96.58	91.43

50% Probability				
10%	22.82	6.28	5.13	6.92
20%	44.69	17.33	11.11	14.04
30%	57.11	33.33	16.67	20.51
40%	65.33	53.09	25.44	27.06
50%	71.43	69.57	37.93	34.21
60%	78.15	78.57	57.39	40.91
70%	84.66	85.60	77.44	50.79
80%	90.00	91.72	88.54	69.70
90%	95.36	96.50	95.88	89.36

60% Probability				
10%	19.15	5.07	4.00	5.22
20%	40.51	15.12	9.00	11.11
30%	53.13	30.00	13.69	16.94
40%	60.86	48.81	22.22	23.00
50%	66.95	65.79	33.96	30.77
60%	74.36	75.56	53.33	37.23
70%	80.91	82.46	74.43	47.27
80%	87.50	89.53	86.67	66.00
90%	94.00	95.50	94.67	86.00



**TABLE 4 CONTINUED**  
**HUFF CURVE COORDINATES**

70% Probability				
Storm Time	Qt. 1	Qt. 2	Qt. 3	Qt. 4
10%	15.88	4.08	3.13	3.75
20%	36.67	12.33	7.10	8.72
30%	49.88	25.88	11.33	14.00
40%	56.79	44.40	17.55	18.18
50%	63.37	61.11	29.30	25.00
60%	70.00	71.58	49.41	32.86
70%	76.54	79.76	70.34	43.33
80%	85.00	87.32	84.08	61.33
90%	92.50	94.11	93.62	82.04

80% Probability				
10%	12.40	2.92	2.22	2.78
20%	33.33	9.80	5.17	6.36
30%	45.83	22.02	8.70	10.22
40%	51.06	40.00	13.60	13.50
50%	59.14	56.73	24.00	17.89
60%	65.37	66.67	43.48	27.29
70%	72.00	75.56	66.33	38.33
80%	80.00	84.72	80.70	55.56
90%	89.71	92.50	91.67	77.73

90% Probability				
10%	7.69	1.80	1.27	1.61
20%	28.89	6.48	3.39	3.87
30%	38.79	16.67	5.65	6.25
40%	46.15	34.29	9.52	8.92
50%	51.22	51.90	13.71	11.65
60%	60.00	62.00	34.00	20.00
70%	66.67	71.11	61.75	30.60
80%	74.29	80.00	76.67	46.32
90%	84.00	90.00	88.64	69.27

**NOTE: PER HERPICC INSTRUCTIONS:**  
**"FOR DETENTION STORAGE THE 3rd QUANTILE (50%) RAINFALL**  
**DISTRIBUTION SHOULD BE USED, ALONG WITH STORM DURATIONS**  
**UP TO AND INCLUDING THE 24 HOUR DURATION."**

**SECTION 9: AMOUNT OF RUNOFF TO BE ACCOMMODATED  
BY VARIOUS PARTS OF THE DRAINAGE FACILITY:**

Various parts of a drainage facility must accommodate storm water runoff as follows:

- A. The interior subdivision street drainage system, including inlets, catch basins, street gutters, and curbs shall be designed so that storm water during a 10-year return period storm shall not exceed twenty-five hundredths (0.25) foot, (3 inches deep), as measured at the gutter line ten (10) feet either side of a maximum inlet rim sump of one tenth foot. (0.10')
- B. For the street drainage calculations, rainfall duration shall be equal to the time of concentration of one hour, if the time of concentration is less than one hour.
- C. NOTE: PER HERPICC: "THE FIRST QUARTILE STORM DISTRIBUTION (shown in Table 4) should only be used for minor drainage systems such as inlets, catch basins, street gutters, swales, sewers, and small channels."
- D. These minimum requirements must be satisfied:
  - 1. An open channel carrying a peak flow greater than thirty (30) cubic feet per second, shall be capable of accommodating peak runoff for a 50-year return period storm within the drainage easement designated for that channel.
  - 2. Culverts shall be capable of accommodating peak runoff from a 50-year return period storm when crossing under a road which is part of the INDOT rural functional classification system, and are classified as principal or minor arterial, major or minor collector roads.
- E. Major drainage systems draining a tributary area greater than one (1) square mile shall be designed to carry the volume of storm water runoff calculated to occur during a fifty (50) year return period storm entirely within the easement for that drainage system.

## SECTION 10: STORM SEWER DESIGN STANDARDS:

All storm sewers for a Project subject to the requirements of this Ordinance, whether such storm sewers are to remain private or public, and whether constructed on private or public property, shall conform to the design standards and requirements contained in this Ordinance and to the manuals, drawings, specifications, and standards attached hereto.

### A. MANNING EQUATION:

The hydraulic capacity of storm sewers shall be determined using Manning Equations:

$$V = \frac{1.486}{n} R^{\frac{2}{3}} S^{\frac{1}{2}}$$

V = mean velocity of flow in feet per second

R = the hydraulic radius in feet

S = the slope of the energy grade line in feet per foot

n = the roughness coefficient of the conduit surface(s)

The hydraulic radius, R, is defined as the cross sectional area of flow divided by the wetted flow surface or wetted perimeter. Typical "n" values and maximum permissible velocities for storm sewer materials are listed in Table 5, found on the following page.

Roughness coefficient (n) values for other sewer materials can be found in standard hydraulics texts and references.

The use of texts and references must be documented in all submittals of hydraulic calculations.

TABLE 5

## TYPICAL VALUES OF MANNING'S "n"

TYPE OF MATERIAL	MANNING'S "n"	MAX. VELOCITY
CLOSED CONDUITS:		
<u>TYPE OF MATERIAL</u>	<u>MANNINGS "n"</u>	<u>MAX. VEL.</u>
Closed conduits/culverts		
Concrete (circular or ellip.)	0.011	15 FPS
Smooth flow corrugated plastic	0.011	15
Precast concrete boxes	0.013	15
C.1 or D.1 S.J. Type/cement lined	0.013	15
<u>CORRUGATED METAL PIPE</u>	<u>CIRCULAR WELDED</u>	<u>SPIRAL WELDED</u>
Unpaved	0.024	0.021
25% paved	0.021	0.018
50% paved	0.018	0.015
100% paved	0.013	0.013
CONCRETE CULVERTS	0.013	
OPEN CHANNELS:		
CONCRETE, Trowel Finish	0.013	
CONCRETE, Broom or Float Finish	0.015	
GUNITED	0.018	
RIPRAP, Placed	0.030	
RIPRAP, Dumped	0.035	
GABIONS	0.028	
NEW EARTH	0.025	
MATURE EARTH, Some Weeds	0.030	
MATURE, Dense Weeds	0.040	
MATURE, Weeds & Brush	0.040	
SWALE, Grass Cover	0.035	
OTHER "n" VALUES SHALL BE TAKEN FROM MANUFACTURERS' DATA.		

Section 10: Storm Sewer Design Standards:

B. MINIMUM SIZING:

The minimum pipe size for all storm sewers shall be twelve (12) inches inside diameter.

Where a 12 inch pipe will not limit the rate of release to that rate needed to meet detention storage requirements, an orifice plate, or other device, subject to the approval of the Drainage Board, shall control the rate of release.

When an orifice plate or other device is used inside of the pipe or enclosed system, the opening in the plate or device shall not be less than eight (8) inches in diameter, or eight (8) inches on a side if the opening is rectangular or square.

If a controlling device less than eight (8) inches on a side or in diameter is required to restrict the release rate, the device shall be installed above ground, and in a place easily accessible for maintenance, and protected from tampering.

C. GRADE:

Storm sewer grades shall be such that a minimum of one and one half (1.5) foot of cover, not including pavement, is maintained over the top outside surface of all pipe.

Pipe cover less than the above described minimum one and one half (1.5) foot may be used only upon approval of the Board; and only so long as the request is accompanied by submittals including pipe manufacturers' recommendations, and design information showing clearly that the specific pipe to be used can be installed safe from live load damage with a cover less than said one and one half (1.5) foot.

Uniform slopes shall be maintained between inlets to the subsurface storm sewer system, and between manholes connecting the pipes and inlets of the storm sewer system.

Final grade(s) shall be set with full consideration of the capacity required, sedimentation problems expected, and other storm sewer design parameters.

of producing velocities of two (2) and  
all be those capable  
half (2.5) and  
ely,

**D. ALIGNMENT:**

Storm sewer pipe shall be aligned horizontally straight between manholes, inlets, etc., in-so-far as is possible.

the minimum radius of curvature shall be no less than fifty (50) feet in diameter and larger.

Deflection of pipe sections shall not exceed the maximum deflection recommended by the manufacturer of the specific pipe to be installed, and that manufacturers' recommendation shall accompany the submittals; and only the type and size of pipe specified in such a submittal shall be installed.

The deflection shall be uniform, if used; and the finished installation shall follow a smooth curve.

Prefabricated forty-five (45) degree structures may be allowed with only one manhole access or inlet to one of the laterals thereof, if it can be shown that by using such a structure, one or more ninety (90) degree turn is eliminated.

Designs for other special prefabricated junctions may be submitted for approval.

**E. MANHOLES:**

Manholes shall be installed to provide access to continuous underground storm sewers for the purpose of inspection and maintenance. Manholes shall be provided at the following locations:

1. Where two or more storm sewers converge.
2. At the point of beginning of, or at the end of a curve; and at the point of reverse curvature (PC. PT. & PRC.)
3. Where pipe size changes.
4. Where an abrupt change in horizontal alignment occurs.
5. Where a change in storm sewer profile grade occurs.
6. At suitable intervals in otherwise straight sections of storm sewer runs, as specified below:

Section 10: Storm Sewer Design Standards  
Subsection E: Manholes

The maximum distance between storm sewer manholes shall be as follows:

<u>SIZE OF PIPE IN INCHES</u>	<u>MAXIMUM DISTANCE IN FEET</u>
12 in. thru 24 in.	400 feet
27 in. thru 42 in.	500 feet
48 in. and larger	600 feet

**F. PIPE EASEMENTS:**

All storm sewer pipes shall be housed in easements dedicated for the purpose of accessing the storm sewer facilities to perform maintenance thereon.

The easements lines generally shall be equidistant from the centerline of the pipe run.

The easement shall be a minimum ten (10) feet in width for pipes up to twenty-four (24) inches in diameter, and a total of twelve (12) feet plus the diameter of the pipe, with the total rounded off to the next larger even number of feet, for pipes larger than twenty-four (24) inches in diameter.

The adequacy of designs for combination easements housing storm sewers with other utilities shall be adjudged by the Board on a case by case basis; and suggested designs for combination easements shall be attached to this Ordinance as addenda.

**G. INLETS:**

Inlets, or other collecting drainage structures, shall be designed and utilized to collect surface water through grated openings; and convey it into storm sewers, channels, or culverts.

Inlet design and spacing shall be in accordance with Section 7-400 of the Indiana Department of Transportation Road Design Manual - Volume 1, or other approved design manuals and procedures; and the source of design shall be documented in the submittal, and approved by the Board.

**Section 10: Storm Sewer Design Standards:**  
**Subsection G: Inlets**

The inlet grate openings provided for street drains must be adequate to pass the design 10-year flow.

Sag inlets shall pass the design flow with a maximum gutter depth of 0.25 feet as measured ten feet distance either side of the inlet during a ten year return period storm.

An overload channel from sag inlets to the overflow channel or basin shall be provided at sag inlets so that the maximum depth of water that might be ponded in the street sag shall not exceed one half (0.5) foot during 25 year return period storm event with the inlet plugged.

The maximum distance between inlets for street drainage shall be six hundred (600) feet.

Area inlets shall be designed and installed in such a manner as adequately will conduct the runoff from a twenty-five (25) year return period storm into the underground storm sewer system; and be designed to preclude safety hazards.

**SECTION 11: WORKMANSHIP AND MATERIALS:**

**A. WORKMANSHIP:**

The specifications and design details provided in the plan details, construction plans, and shop drawings for all storm sewers installed in Projects subject to this Ordinance shall be developed according to and reflect the following:

1. The current standard specifications and drawings provided by the Vanderburgh County Engineer.
2. The standard specifications and detailed drawing and instructions contained within or attached to this Ordinance.
3. The specifications for the construction of storm sewers set forth in the latest edition of the Indiana Department of Transportation "Standard Specifications."
4. The specifications for installation of materials available from the manufacturer(s) of the material(s) to be used.
5. Other specifications, standards, and detailed drawings available from accepted authorities on the engineering testing, construction, and installation of the type(s) of material(s) to be used.

The order in which the sources of information is given above shall be the order of priority applied during the review and approval process.



**Section 11: Workmanship and Materials**  
**Subsection A: Workmanship**

6. All workmanship in the development and implementation of the Drainage Plan shall be of high quality, and shall reflect compliance with applicable local, state, and accepted industry standards.

**B. MATERIALS:**

1. All materials used in the storm sewer systems for all Projects subject to this Ordinance shall be first quality material, clearly identified with markings and codes designating the type, quality, thickness, size, strength, and other commonly identified physical characteristics of the material(s) used.
2. All materials used in the storm sewer systems for all Projects subject to this Ordinance shall be specifically approved for installation by the Drainage Board and the Commissioners on a case-by-case basis, after thorough consideration of information submitted to document the methods of installing the materials; including, but not necessarily limited to exact details of the following:
  - a. Type, composition, and general and specific classification(s) of the material(s).
  - b. Method, configuration, depth, and treatment of the walls and bottoms of the excavations and trenchings.
  - c. Type, size, depth, dimension, and compaction density of the bedding, cradling, saddling, backfill, cover, and top surface treatment of all material to be used.
  - d. Type, size, composition, and details of all parts used to connect, join, seal, close, or otherwise become integral with the other parts of the system.
3. No storm sewer system for a Project subject to this Ordinance shall be built of components not specifically designed, engineered, manufactured, specified, and supplied to be fitted together to form a first quality storm sewer system.
4. Guidelines for the development of required detailed drawings and specification shall include:
  - a. The current standard specifications and drawings provided by the Vanderburgh County Engineer.
  - b. The standard specifications, detailed drawings, and instructions contained within, or attached to this Ordinance.

**Section 11: Materials and Workmanship**  
**Subsection B-4: Materials Design Standards**

- c. The specifications for the pertinent class of work set forth in the current edition of INDOT Standard Specifications.
- d. Specifications, instructions, and recommendations available from the manufacturer(s) of the material(s) to be used.
- e. Other specifications, standards, and detailed drawings available from accepted authorities on the engineering, testing, construction, and installation of the types of materials to be used.

The order in which the sources of information is given above shall be the order of priority applied during the review and approval process of the Drainage Plans and drawings.

- 5. The type of materials and the method of installation of all open-ended culverts, temporary crossings, low water crossings, and bridges which shall be constructed in Projects subject to this Ordinance, and which are constructed in dedicated or accepted rights-of-way shall be constructed in accordance with the standards and specifications provided by the County Engineer;

Except that: if any crossing structure is installed within or across a Regulated Drain of Vanderburgh County, that crossing shall have the prior approval of the Vanderburgh County Surveyor.

- 6. The Drainage Board and the Commissioners shall approve culvert and bridge installations on a case by case basis when the submittal is accompanied by detailed drawings and instructions for the installation of the proposed crossing, and when the submittals are recommended by the County Engineer.
- 7. Any installation of Materials which is found to be not in accordance with the approved construction drawings instructions, details, and specifications, shall be considered a misrepresentation, and a violation of the conditions of plan approval; and shall be removed and replaced with an installation in conformance with the approved Drainage Plan and construction plans.
- 8. All pipe joints shall be flexible and watertight, and shall conform to the requirements of Section 715.02 Materials, of INDOT "Standard Specifications," latest edition.

## SECTION 12: OPEN CHANNEL DESIGN STANDARDS:

All open channels within Projects subject to this Ordinance, whether private or public, and whether constructed on private or public land, shall conform to the design standards and other design requirements contained herein.

### A. MANNING'S EQUATION:

The waterway for channels with uniform flow shall be determined using Manning's Equation:

$$Q = AV = A \frac{1.486}{n} R^{2/3} S^{1/2}$$

A = Waterway area of channel in square feet.

Q = Discharge in cubic feet per seconds (cfs).

V. R. S. & n are explained in SECTION 10: Paragraph A.

### B. CHANNEL CROSS SECTION AND GRADE:

1. The required channel cross section and grade are determined by the design capacity, the material in which the channel is to be constructed, and the requirements for maintenance.

..... of one (1) foot is required. However, additional depth may be required to provide adequate outlets for subsurface drains, tributary ditches, or streams.

A minimum flat bottom width of one (1) foot is required for all open drainage channels.

4. The channel grade shall be such that the velocity in the channel is high enough to prevent siltation, but low enough to prevent erosion.
5. Velocities less than one and one-half (1.5) feet per second should be avoided because siltation will take place, and ultimately reduce the channel cross section.
6. In cases where minimum required grade and/or velocity requirements cannot be met, the Board shall require concrete channel liners, and/or other methods of maintaining channel grade and cross section integrity.
7. All channels with grades less than one-half (0.50) percent grade shall have the bottom grade line established with concrete ribbon liners with a minimum depth of eight (8) inches, and a minimum width of sixteen (16) inches.

**C. MAINTENANCE OF DESIGNED DITCH GRADE AND CONDITION:**

1. Permanent monuments marking grade and elevation of the flowline of the open channels of the drainage system may be required.

The purpose of the monuments will be to mark the "as built" grade and elevation of channels which are likely to become altered or obstructed after construction; and to prevent unapproved alterations.

2. The design for grade and elevation monuments will be provided by the Surveyor, the Engineer, or addenda to this Ordinance.

3. The monuments, if required, shall be installed immediately upon completion of channel excavation, grading, and stabilization; and:

The final inspection of the drainage facilities shall not be made until required monuments are in place.

4. Periodic inspections will be made of all channels to determine their existing condition, and to assure that their "as built" condition is maintained.

If the inspection determines that the grade, elevation, alignment, or general integrity of a channel has been altered, raised, lowered, filled, piped, obstructed, or adversely effected by actions of persons not authorized by the Board to take such actions, then the Board shall order the obstruction or alteration removed, and the channel restored to its designed or "as built" condition according to the approved Plan at the expense of the property owner of record..

5. The order to remove an obstruction or alteration and restore the channel condition shall be mailed to the property owner of record at the address to which tax county property tax statements are mailed.
6. If work to restore the channel to its original condition is not started within ten (10) days and is not completed within thirty (30) days of the mailing of the notice, the Board shall contract for the work to be completed, and shall bill the cost to the property owner of record.

Section 12: Channel Design Standards

D. WATERWAY STABILIZATION AND COVER:

1. The Vanderburgh County Soil and Water Conservation District should be consulted for recommendations on open channel construction and vegetative cover.
2. The choice of grass mixture for stabilizing open channels shall be based upon specific site conditions such as shade and sun tolerance, velocity tolerance, and waterway maintenance requirements.
3. Grass-lined channels should be permanent seeded within two (2) days of finish grading. Seeding shall be completed within seven (7) days of finished grading.
4. The bottoms of seeded grass-lined channels with grades greater than one (1) percent shall have erosion control blankets properly installed.
5. Channels with grades from two (2) percent to six (6) percent shall have bottoms lined in staked sod.  

Channels with grades of greater than six (6) percent shall have bottoms lined with concrete.
7. Side banks of grass lined channels with a grade of two (2) percent or greater shall be protected by erosion control blankets installed coincidental with seeding, and in accordance with manufacturer's recommendations.
8. The bottom width of trapezoidal grass lined channels shall not exceed fifteen (15) feet unless a paved low flow liner is provided to prevent flowline meandering.
9. Vee-shaped channel bottoms shall not be allowed.
10. Grass-lined channels intended to convey a continual trickle flow shall be provided with a paved low flow liner to prevent chronic wetness.
11. Other than ribbon-lined channels as in Section 12-B-7, concrete channel liners shall be built as reinforced concrete flumes with cut-off walls at the beginning and end of the liner, poured monolithically with the liner to a depth of eighteen (18) inches below grade; and lugs poured monolithically to a depth of eighteen (18) inches, and spaced at the following intervals:
  - a. Up to 6% grade use 100 ft. spacing between lugs.
  - b. Greater than 6% use 50 ft. spacing between lugs.

## **Section 12: Channel Design Standards**

### **E. OPEN CHANNEL SIDE SLOPES:**

1. Earthen side slopes shall be no steeper than three to one (3 : 1); and flatter side slopes may be required to prevent erosion, and facilitate maintenance.
2. Stone-lined side slopes shall be no steeper than two to one (2 : 1); and flatter side slopes may be required to prevent rock movement, facilitate maintenance, and promote safety.
3. Reinforced concrete side slopes shall be no steeper than one and one-half to one (1.5 : 1); and flatter side slopes may be required to facilitate maintenance, and promote safety.
4. The Board will consider other methods of channel lining and other side slope ratios on a case by case basis; and render decisions based on submitted designs, applicable standards, manufacturer's recommendations, and other pertinent data.
5. All concrete lined or grouted riprap lined channels must have provisions made for weep holes.
6. Side Slopes steeper than one and one-half to one (1.5 : 1) shall be lined with side linings and structural retaining walls designed and constructed with provisions for live and dead load surcharge.
7. Recreational or backyard vinyl slicky slide material shall not be used as open channel liners.
8. Retaining walls can be reinforced concrete, concrete or metal Bin Walls, Gabions, Reinforced Earth, or other approved designs.

## Section 12: Channel Design Standards

### F. CHANNEL STABILITY:

All channels constructed under the regulations of this Ordinance shall be designed and constructed to remain stable during and after the initial construction period.

1. Characteristics of a stable channel are:
  - a. It neither aggrades nor degrades beyond tolerable limits.
  - b. The channel banks do not erode to the extent that the channel cross section is changed appreciably.
  - c. Excessive erosion does not occur around culverts, bridges, or other structures and outlets.
  - d. Excessive sediment bars do not develop.
  - e. Gullies do not form or enlarge due to the entry of uncontrolled surface flow into the channel.
2. Channel stability shall be determined for an aged condition, and the velocity shall be based on the design flow, or the bank full flow, whichever is greater.

In no case is it necessary to check channel stability for discharges greater than that from a 100-year return period storm.

3. Channel stability must be checked for conditions immediately after construction. For this analysis, the velocity shall be calculated for the expected flow from a ten-year return period storm in the watershed, or the bank full flow, whichever is smaller.

The "n" value for newly constructed open channels shall not exceed 0.025.

The allowable velocity in newly constructed channels may be increased by a maximum of 20% reflecting the effects of vegetation to be established, if the following apply:

- a. The soil and site are suitable for rapid establishment and support of erosion controlling vegetation.
- b. Species of erosion controlling vegetation adapted to the area, and proven methods of establishment are incorporated into the plan.

## **Section 12: Channel Design Standards**

### **G: CHANNEL EASEMENTS:**

1. All channels shall be centered in easements dedicated for the purpose of accessing the drainage facilities to perform required maintenance.
2. Easements for open channels shall be a minimum width equal to that of the channel plus:
  - a. Six (6) feet out from the tops of each bank for channels less than two (2) feet deep.
  - b. Ten (10) feet out from the top of each bank for channels up to two (2) to four (4) feet deep.
  - c. Twelve (12) feet out from the top of each bank for channels greater than four (4) feet deep.
3. The entire area of the channel easement shall be maintained perpetually in an established grass cover.
4. Fencing, landscaping appurtenances, other fixtures whether publicly or privately owned, as well as designs for combination easements housing public utilities or private appurtenances together with drainage facilities, shall be allowed by the Board on a case by case basis when the Plan includes adequate provisions for the perpetual maintenance of unobstructed storm drainage.

### **H. APPURTENANT STRUCTURES:**

1. The design of channels will provide all structures required for the proper functioning of the channel, and the laterals thereto.
2. Recessed inlets and structures needed for entry of surface and subsurface flow into channels without erosion or degradation shall be included in the design.
3. Culverts and bridges which are modified or added as part of channel improvement projects shall meet reasonable standards for the type of structure, and shall have a capacity equal to the design discharge, or governing agency's design requirement, whichever is greater.



### **SECTION 13: STORM WATER DETENTION:**

The following shall govern the design of any improvement within a Project with respect to the detention of storm water runoff:

#### **A. ACCEPTABLE DETENTION METHODS:**

The increased storm water runoff resulting from a Project shall be detained on site by providing wet pond, dry bottom, or storage swale reservoirs; or by storage on flat roofs, parking lots, streets, or lawns.

Measures to retard the rate of overland flow and velocity in channels, also may be used to control the runoff rate.

#### **B. DESIGN STORM:**

Design of storm water detention facilities shall be based on a return period of once in twenty-five (25) years.

Rainfall depth, duration, frequency relationship, and intensity shall be those developed from data given in Table 3.

#### **C. ALLOWABLE RELEASE RATE:**

The allowable post development peak release rate of storm water from a Project during a twenty-five (25) year return period storm shall not exceed the pre development peak release rate from the same area during a ten (10) year return period storm.

If downstream channel or storm sewer system is not adequate to accommodate the release rate provided above, then the release rate shall be reduced to that rate permitted by the capacity of the receiving channel or storm sewer system; and additional detention shall be required to store that rate of runoff exceeding the capacity of the receiving storm water drainage facilities (limiting restriction.)

If more than one basin is involved in the development of the area upstream of the limiting restriction, the allowable release rate from any one basin shall be in direct proportion to the ratio of its drainage area to the drainage area of the entire watershed upstream of the restriction.

**D. UPSTREAM FLOW THROUGH DRAINAGE SYSTEM:**

**1. Watersheds One Square Mile or Less:**

Drainage systems serving a Project shall have adequate capacity to convey the storm water runoff from all upstream tributary areas of one (1) square mile or less through the Project under consideration, and within drainage easements, for a twenty-five (25) year return period storm calculated on the basis of upstream land in its existing condition.

**2. Watersheds Larger Than One Square Mile:**

Drainage systems shall have adequate capacity to convey the storm water runoff from all upstream tributary areas greater one (1) square mile through the Project under consideration, and within drainage easements, for a fifty (50) year return period storm calculated on the basis of upstream land in its present state of development.

**3. Allowance for Existing Upstream Detention:**

An allowance, equivalent to the reduction in flow rate provided, shall be made for upstream detention when such upstream detention and release rate previously have been approved by the Board; and evidence of the detention facility's as-built construction, or existing condition, can be shown certified to the Drainage Board.

## E. DETERMINATION OF STORAGE VOLUME - RATIONAL METHOD:

For areas of two hundred (200) acres or less, the Rational Method may be used to determine the required volume of storm water storage. While other approved methods may be used, the following eleven step procedure may be used to determine the required volume of storage:

### Steps:

### Procedure:

- (1) Determine total drainage area in acres -- "A"
- (2) Determine composite runoff coefficient based on existing land use (undeveloped) -- " $C_u$ "
- (3) Determine time of concentration in minutes based on existing conditions -- " $t_c$ "
- (4) Determine rainfall intensity in inches per hour based on time of concentration and using Figure 1, or from data given in Table 3, for the ten (10) year return period -- " $I_u$ "
- (5) Compute runoff based on existing land use, and the ten (10) year return period: " $Q_u = C_u I_u A$ "
- (6) Determine composite runoff coefficient based on the developed conditions and a twenty-five (25) year return period -- " $C_d$ "
- (7) Determine the twenty-five (25) year return period rainfall intensity " $I_d$ " for various storm durations " $t_d$ " up through the time of concentration for the developed area using Table 3
- (8) Determine the developed inflow rates " $Q_d$ " for various storm durations " $t_d$ ", measured in hours:  
$$Q_d = C_d I_d A$$
- (9) Compute a storage rate, " $S_{td}$ " for various storm durations, " $t_d$ " up through the time of concentration of the developed area:  
$$S_{td} = Q_d - Q_u$$
- (10) Compute required storage volume " $S_R$ " in cubic feet for each storm duration, " $t_d$ "  
  
This assumes a triangular hydrograph of duration (  $2 * t_d$  ) hours with the peak flow of  $S_{td}$  at  $t_d$  hours:  
$$S_R = S_{td} (t_d / 12)$$
- (11) Select the largest storage volume computed in step 10 for detention basin design.

**F. DETERMINATION OF STORAGE VOLUME: OTHER METHODS:**

Methods other than the Rational Method for determining runoff and routing of storm water may be used to determine the storage volume required to control storm water runoff when such models and methods are approved by the Board.

The use of the models and procedures subject to approval, can be defined in a seven step procedure to determine the required storage volume of the detention basin.

<u>Step</u>	<u>Procedure</u>
(1)	Calibrate the hydrologic/hydraulic model that is to be used for prediction of runoff and routing of storm water.
(2)	For each storm duration listed in Table 3, perform steps three (3) through (6).
(3)	Determine the ten (10) year undeveloped peak flow. Denote this flow by $Q^{10}_u$ .
(4)	Determine the twenty-five (25) year runoff hydrographic ( $H^{25}_d$ ) for developed conditions.
(5)	Determine the hydrographic that must be stored ( $H^{25}_s$ ) by subtracting a flow up to $Q^{10}_u$ from the hydrographic ( $H^{25}_d$ ) found in step 4.
(6)	Determine the volume of water ( $V_s$ ) to be stored by calculating the area under the hydrographic $H^{25}_s$ .
(7)	The detention basin must be designed to store the largest volume ( $V_s$ ) found for any storm duration analyzed in step 6.

**Section 13: Detention Design Standards**

**G. GENERAL DETENTION/RETENTION BASIN DESIGN REQUIREMENTS:**

The following design principles shall be observed for detention and retention basins:

1. The maximum volume of water stored and subsequently released at the design release rate shall not result in a storage duration in excess of forty-eight (48) hours, unless additional storms occur within the period.
2. The maximum depth of storm water to be stored, without a permanent pool, shall not exceed four (4) feet; and the maximum depth of storm water to be stored above a permanent pool shall not exceed four (4) feet.
3. All storm water detention facilities shall be separated by not less than fifty (50) feet from any building or structure to be occupied.
4. All detention and retention basins with grassed, earthen side slopes shall have side slopes no steeper than four horizontal units of measurement to one vertical unit of measurement (4:1).
5. Wet retention basins with riprap armored side slopes shall have slopes no steeper than two (2) horizontal units of measurements to one (1) vertical unit of measurement (2:1). The armored portion of the side slope must extend to, but not exceed, a depth below the permanent pool elevation of two (2) feet vertically.
6. From the base of the side slopes of wet retention basins, a safety/maintenance shelf of a minimum width of six (6) feet, measured horizontally, shall be built at a minimum depth of two (2) feet, and a maximum depth of thirty (30) inches.
7. Riprap side slope armor shall be a minimum twelve (12) inches in depth at all points of application.
8. Wet retention basins shall be constructed so that the basin may be drained completely to facilitate periodic maintenance.

**Section 13: Detention Design Standards**  
**Subsection G: Basin Design Requirements**

9. Safety fencing surrounding the basin shall be provided if deemed necessary by the design engineer or the Board.
10. Outlet control structures shall be designed to operate as simply as possible, and shall require little or no maintenance for proper operation.
11. A controlled positive outlet shall be required to maintain the designed water level in wet bottom basins, and provide the required detention storage above the designed low water level.
12. Emergency overflow facilities shall be provided for the release of exceptional storm runoffs, or in emergency conditions, should the normal discharge devices become totally or partially inoperative.
13. The emergency overflow facility shall be of such design that its operation is open, automatic, does not require manual attention, and is designed to pass the 100 year return period storm flow.
14. Basins with permanent pools smaller than one half (1/2) acre shall have provisions, such as adequate aeration, to maintain water quality.
15. Dry basins shall be provided with grass or other suitable vegetative cover throughout the entire basin area; and shall be mowed at intervals sufficient to achieve a turfed cover equal to that of a residential lawn, and in no case shall the vegetative cover of a dry basin exceed twelve (12) inches in height.
16. All side slopes of a basin shall be constructed stable and shall be maintained in a stable condition.
17. The earthen side slopes of wet basins shall be provided with grass or other suitable vegetative cover above the low water elevation, which cover shall be maintained in a condition equal to the turfed cover of a residential lawn, and in no case shall the vegetative cover exceed twelve (12) inches in height.

Section 13: Detention Design Standards  
Subsection G: Basin Design Standards

18. A flat pathway with a minimum width of ten (10) feet shall be constructed completely around the top of the embankment of all detention/retention basins.
19. An easement dedicated for the purpose of accessing and maintaining the basin and its appurtenances shall be provided, and which easement shall be configured so as to include the entire basin, the entire earthwork encompassing the basin, the maintenance pathways into and around the basin, and all inletting and outletting appurtenances of the basin.
21. A brief and concise report shall be prepared by the design engineer, consisting of a description of the location, intended function of all parts appurtenant to the basin, together with a description of the ways in which the basin and its appurtenances should be maintained, all worded in language easily understood by residential or commercial property owners; and:

The report shall be attached to the restrictions for the property on which the basin and its parts are located. If no restrictions exist, the report shall be delivered to the property owner(s) by the design engineer; and the property owner of record shall be responsible for the maintenance of the basin and its appurtenances according to the contents of the report.

22. Permanent elevation monuments or markers designating certain planned elevations shall be installed upon completion of all basins; and these permanent monuments shall be of an approved design, and shall mark the following grades or elevations:
  - a. The elevation at which the flowline of an open channel enters the base perimeter of a dry basin; or the elevation at which the flowline of an open channel coincides with the normal pool of a basin.
  - b. The elevation of the bottom of a dry basin; or the elevation of the normal pool of a wet basin at the closest practical point near the emergency overflow.

The Plan shall show the location, elevation, and construction design of the required monuments.

**H. ROOF TOP STORM WATER STORAGE:**

Detention storage requirements may be met in total or in part by detention on flat roofs.

Details of such designs are to be included in the building permit application, and shall include the depth and volume of storage, details of outlet devices and down drains, and elevations of emergency overflow provisions.

**I. PARKING LOT STORM WATER STORAGE:**

Parking lots may be designed to provide temporary detention of storm waters on all or a portion of their surfaces.

Depths of storage should be limited to a maximum depth of six (6) inches to prevent damage to parked vehicles.

A pattern for painting the parking area designated for storm water detention shall be employed to alert parkers to the possibility of stored water in the event of storms.

A separate pattern for painting the lot shall be developed for all areas where the detained volume of water will exceed six (6) inches in depth; and such a pattern shall be highly visible, and easily recognizable as a warning.

In general, ponding should be confined to those portions of the parking lot farthest from the area served, or parts of the lot likely to be used the least.



#### **SECTION 14: FACILITY FINANCIAL RESPONSIBILITY:**

The construction cost of storm water drainage systems and facilities as required by this Ordinance shall be accepted by the land owner and/or land developer as part of the cost of land development.

#### **SECTION 15: FACILITY MAINTENANCE RESPONSIBILITY:**

##### **FOR ALL PROJECTS:**

The installation, maintenance, repair, and replacement of all storm water drainage systems and facilities, and the erosion and siltation control measures, during the period of construction of the Project shall be the responsibility of the land developer(s), and/or the property owner(s) of record.

The assignment of responsibility for the maintenance and repair of all storm water drainage systems and facilities outside of county accepted road rights-of-way after the completion of the Project shall be determined before the Final Drainage Plan is approved; and shall be documented by appropriate covenants to the property deeds, and shall be printed clearly upon any recorded plats of the Project.

##### **FOR PROJECTS OTHER THAN SINGLE FAMILY RESIDENTIAL SUBS:**

The maintenance and repair after completion of the Project of all storm water drainage systems and facilities outside of county accepted road rights-of-way, and serving Projects other than Single Family Residential Subdivisions as defined in the Vanderburgh County Subdivision Control Ordinance, shall be the responsibility of the property owner(s) of record of each parcel or lot.

##### **FOR ALL SINGLE FAMILY RESIDENTIAL SUBDIVISIONS:**

For all Single Family Residential Subdivisions as defined by the Vanderburgh County Subdivision Control Ordinance, the maintenance and repair responsibility, after completion of the Project, for all storm drainage systems and facilities outside of the county accepted road rights-of-way shall be determined by one of the following methods:

1. PLAN "A": LOT OWNERS' ASSOCIATION
2. PLAN "B": REPAIR FUND HELD BY COUNTY

## **Section 15: Facility Maintenance Responsibility**

### **A. PLAN A: LOT OWNERS' ASSOCIATION:**

The land owner(s)/land developer(s) shall form a Lot Owners' Association which shall be responsible for the maintenance and repair of the storm water drainage system and facilities outside of county accepted road rights-of-way, and within a subdivision's boundaries or Project's limits; together with any off-site facilities housed within easements acquired in order to service the Project.

The maintenance and repair required of the Lot Owners' Association shall include all measures needed to keep all parts of the storm water drainage system and facilities outside the county accepted road rights-of-way in working order according to the original provisions of the Plan, the provisions of this Ordinance including the engineer's report required herein above, and the requirements of any pertinent codes and ordinances.

Printed clearly upon the plat for a subdivision with a Lot Owners' Association shall appear a notification that:

"The Lot Owners' Association shall be responsible, including financially, for the maintenance and repair of the storm water drainage system and facilities outside the county accepted road rights-of-way including:

- (1) "Mowing grass, controlling weeds, and maintaining the designed cover in the waterways and storage basins.
- (2) "Keeping all parts of the storm water drainage system and facilities operating as designed; and free of all trash, debris, and obstructions.
- (3) "Keeping the channels, embankments, and shorelines of the waterways and basins free of erosion and sedimentation.
- (4) "Maintaining and repairing the storm water drainage system in accordance with its needs, with the County Drainage Ordinance.
- (5) "Preventing others from altering, obstructing, or otherwise harming or changing the designed condition of the drainage facilities for the subdivision."

**Section 15: Facility Maintenance Responsibility**

**B. PLAN B: REPAIR FUND: PAYMENT PER LINEAL FOOT:**

As an alternative to Plan A, the land owner(s)/developer(s) shall present to the Drainage Board, at a regular meeting, a Cashiers Check or a Certified Check in an amount equal to two dollars (\$2.00) per lineal foot of storm sewer pipe which is located outside of dedicated road rights-of-way as demonstrated upon the Project's as-build plan.

The check shall be attached to a prescribed submittal form available from the County Auditor, which form shall provide specific data with regard to the Project for which the check is presented.

Presentation of the check shall coincide with the request to the County Engineer for final inspection of the storm water control system and facilities.

Printed clearly on the plat for a subdivision using Plan "B" method of maintenance shall be a notification stating that:

"The individual lot owner(s) shall be responsible, including financially, for maintaining that part of the storm water - drainage system which exists on his or her property in proper working order including:

- (1) "Mowing grass, controlling weeds, and maintaining the designed cover the waterways and storage basins.
- (2) "Keeping all parts of the storm drainage system and facilities operating as designed; and free of all trash, debris, and obstructions.
- (3) "Keeping the channels, embankments, and shorelines of the waterways and basins free of erosion and sedimentation.
- (4) "Maintaining the storm water drainage system in accordance with its needs, and with the County Drainage Ordinance.
- (5) "Preventing all alterations, obstructions, or other detrimental actions from occurring to the storm water drainage facilities.
- (6) "The Repair Fund established for this Project will pay the costs of repairing failures in the storm sewer pipes, inlets, manholes, junction boxes, and the outlet structures of the storm water control basins which are a part of the approved storm water drainage system for this Project; and which are in the drainage easements, and outside of the county accepted road rights-of-way as shown on this plat."

**C. OWNERSHIP OF REAL ESTATE AND IMPROVEMENTS WITHIN EASEMENTS:**

Regardless of whether the Owner/Developer chooses Plan "A" or Plan "B", the real property and improvements thereon, outside the county accepted road rights-of-way and within the drainage easements shall be deeded to and remain the property of the underlying lots, parcels, and/or holdings.

**D. COUNTY HELD REPAIR FUNDS:**

**1. DEPOSITS OF REPAIR FUNDS:**

The County Auditor shall create an account into which the County Treasurer shall deposit all monies received from the owner(s) and developer(s) of Subdivisions which use Plan "B" method of maintenance as described herein above.

**2. WITHDRAWALS OF REPAIR FUNDS:**

The County Auditor shall sign a warrant for payment of a claim for materials and labor used to repair damages as described above only if the following criteria are met:

- a. The repair is to drainage pipes, manholes, inlets, and controlled release outlet structures all of which must be outside of county accepted rights-of-way and within the drainage easements of a Subdivision using Plan "B" method of maintenance as described herein.
- b. The County Engineer has determined that repair is needed to return the facility to its proper operating condition and the Engineer's determination has been reported to the County Commissioners and to the Drainage Board.
- c. Bids have been sought, received, and a contract has been let and completed to accomplish the repairs detailed in the Engineer's report; and all the above described is in compliance with statutory bidding requirements.

## **Section 15: Facility Maintenance Requirements**

### **E. INSPECTIONS:**

#### **1. APPROVAL INSPECTION:**

The installation of the storm water drainage system and facilities for all Projects shall be subject to the written approval of the County Engineer. The Engineer's approval inspection shall be by the following schedule:

- a. The owner(s)/developer(s) shall give written notice to the County Engineer, addressed to the office of the Engineer, that the storm water drainage system for the Project is completed.
- b. The Engineer shall inspect, or shall cause to be inspected, the storm water drainage facilities for the Project; and shall issue, within twenty-one (21) days of the receipt of the owner(s)/developer(s') written notice, either a written approval of the facilities, or a notice listing the inadequacies of the facilities.
- c. Upon correction of inadequacies, if listed, the owner(s) or developer(s) again give written notice of Project completion.

#### **2. PERIODIC INSPECTIONS:**

All privately and publicly owned storm water drainage systems and facilities constructed under the provisions of this Ordinance will be inspected by the Board or their authorized representatives on a periodic basis, during and after construction of said facilities.

The purpose of Periodic Inspections shall be to determine compliance or non compliance with the requirements of this Ordinance, and the conditions of Plan Approval.

A certified inspection report covering physical conditions, operational conditions, compliance with requirements, and other pertinent data will be filed with the Drainage Board, and made available for viewing.

#### **3. CORRECTION OF DEFICIENCIES:**

If Inspector(s) discover deficiencies within a part of a storm water drainage system constructed under the provisions of this Ordinance, the Inspector(s) shall file a report of such deficiencies with the Drainage Board; and the Board shall take actions in accordance with provisions of this Ordinance as described herein above.

## **SECTION 16: JOINT DEVELOPMENT OF CONTROL SYSTEMS:**

Storm water drainage systems may be planned and constructed jointly by two or more developers as long as compliance with this Ordinance is maintained.

## **SECTION 17: INSTALLATION OF CONTROL SYSTEMS:**

Storm water drainage systems, and erosion control and sedimentation control systems shall be installed in accordance with a schedule of construction activities submitted to the Drainage Board at the same time as, and attached to the final Drainage Plan.

Unless otherwise approved, the sequence of construction activities shall conform with the following:

1. Notifying the Indiana Underground Plant Protection Systems, Inc., at 1-800-382-5544 for location and identification of utilities potentially effected by the proposed project.
2. Identify, evaluate, and clearly mark trees and associated root zones to be protected during construction; septic absorption fields where applicable; unique areas to be preserved such as wetlands; and existing vegetation suitable for use as filter strips, particularly in perimeter areas of the site.
3. Install perimeter erosion and sediment control measures such as flow diversions, sediment basins and traps, fabric fencing and straw bale dams, and construction access drives and parking areas, as shown on the erosion and sediment control plan.
4. Complete improvements to downstream storm water outfalls, and install detention and/or retention facilities as shown on the approved Drainage Plan.
5. Detention and/or retention facilities designed to become a permanent part of the storm water drainage system shall be installed with an additional ten (10) percent capacity to allow for sediment accumulation resulting from development, and to permit the pond to function for reasonable periods between cleanings.
6. Install stream bank stabilization measures including temporary or permanent stream crossings, and other measures required by the erosion control plan.

## **Section 17: Installation of Control Systems**

7. Initiate on-site land development activities including site clearing, grubbing, filling, and grading activities, and installation of the main runoff conveyance systems.
8. Installation of the required erosion control measures such as temporary seeding, and permanent seeding per Building Commissioner's requirements, and in accordance with Rule 5, after finish grading.

All areas to be left barren for more than thirty (30) days shall be temporarily seeded according to Soil and Water Conservation District recommendations.

9. Install storm drain inlet protection measures such as straw bale dams, silt fences, filter fabric wraps, and/or slotted barrel risers.
10. Initiate permanent road and building construction.
11. Complete final grading and permanent seeding.

## **SECTION 18: CERTIFICATION REQUIRED:**

After completion of the Project, and before final approval and/or acceptance can be made, a professionally prepared and certified "As Built" set of plans shall be submitted to the Drainage Board and the Commissioners for review.

These "as built" plans shall include all pertinent data relevant to the completed storm water drainage system and shall include:

1. Pipe size, length, and material.
2. All rim and invert elevations.
3. Correctly located limits and alignment of all streets, walks, drainage facilities, erosion and sedimentation control facilities intended to remain in place, and all other pertinent improvements in correlation to platted easements and rights-of-way.
4. Data and calculations showing all basin storage volumes and storage elevations "as built."
5. An engineer certified statement on the "as built" plans that the completed storm water drainage system complies with the Final Drainage Plan approved by the Board; or clearly depicting, describing, and explaining deviations from the approved Final Drainage Plan.

## **SECTION 19: CHANGES IN PLAN:**

Any major modification of the Final Plan approved by the Drainage Board shall be filed with the Drainage Board prior to implementation of such major modification.

If the modification is approved by the Board, it shall be attached to the Final Drainage Plan.

The provisions of this section shall apply only to work in progress during the construction stages of the Project.

Changes to any part of the entire storm water drainage system after completion of the Project shall require new approval of a Drainage Plan by the Board.

Changes approved and implemented after submission of the required "as built" plans shall be attached to the "as built" plans.

## **SECTION 20: DETERMINATION OF IMPACTED DRAINAGE AREAS:**

The Board is authorized, but not required, to classify certain geographical areas as Impacted Drainage Areas, and to enact and promulgate regulations which generally are applied at the discretion of the Board.

In determining Impacted Drainage Areas, the Board shall consider such factors as topography, soil type, proximity to a regulated drain, capacity and condition of existing regulated drains, and distance from or capacities of available adequate drainage facilities.

An Impacted Drainage Area may be so designated by resolution of the Board, and special requirements for development within any Impacted Drainage Area shall be included in such a resolution of the Board.

A resolution of the Board designating an Impacted Drainage Area shall be attached to this Ordinance, and become a part thereof.



## **SECTION 21: OTHER REQUIREMENTS:**

### **A. SUMP PUMPS:**

A sump pump shall be used only for one function; either the discharge of storm water, or the discharge of sanitary sewerage.

Sump pumps installed to receive and discharge ground water, or other storm water, shall be connected to the storm water drainage system where possible, and by a method and with fittings specifically manufactured for the applied use.

Sump pumps installed to receive and discharge floor drain flow or other sanitary sewage shall be connected to the sanitary sewer system.

### **B. DOWN SPOUTS:**

All down spouts or roof drain water shall be discharged by means that will not undermine street slabs, or otherwise damaging street systems, storm water drainage systems, neighboring property, adjacent structures, or downstream public or private property.

All connections into the storm sewer system, or through the street curbing shall be made using fittings specifically manufactured for the applied use.

### **C. FOOTING DRAINS:**

Footing drains shall be connected to the storm water drainage system sewers where possible.

Footing drains shall be installed to discharge without damaging street systems, storm water drainage systems, neighboring or downstream property, or adjacent structures.

No footing drains or drainage tile shall be connected to the sanitary sewers.

### **D. BASEMENT FLOOR DRAINS:**

Basement floor drains shall be connected to sanitary sewers.

**SECTION 22: DISCLAIMER OF LIABILITY:**

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes, and is based on historical records, and engineering and scientific methods of study.

Larger storms may occur, or storm water runoff depths may be increased by man-made or natural causes.

This Ordinance does not imply that the land uses permitted will be free from storm water damage.

This Ordinance shall not create liability on the part of Vanderburgh County, Indiana, or any officer or employee thereof for any damage which may result from reliance on this Ordinance, or on any administrative decision lawfully made thereunder.

**SECTION 23: CORRECTIVE ACTION:**

Nothing herein contained shall prevent Vanderburgh County, Indiana, from taking such other lawful action as may be necessary to prevent or remedy any violation.

All costs connected therewith shall accrue to the person or persons responsible.

**SECTION 24: REPEALER:**

This Ordinance repeals and replaces a certain amended subdivision drainage ordinance adopted by the Commissioners on November 24, 1986, and again on December 1, 1986.

**SECTION 25: WHEN EFFECTIVE:**

This Ordinance shall become effective upon its final passage, approval, and publication as required by law.

**MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 25, 1994**

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 25, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, July 25, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Attorney Kissinger, Mark Abell, Supt./County Bldgs., Commissioner Rick Borris, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, the Official Recording Secretary) and asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

Commissioner Tuley said the Board has several sets of minutes for approval. He will go through and spell them out one at a time, due to the absences of some of the Commissioners. The first set is the Regular Meeting for July 11, 1994; all three Commissioners were present. The second set is the Public Transportation Hearing on July 11, 1994; all three Commissioners were present for that session. He also has the minutes of the Reconvened Session on July 12, 1994 (or a continuation of the Regular Meeting on July 11th); Commissioners Borries and Hunter were present for that meeting. He also has the minutes of July 18, 1994; Commissioners Tuley and Borries were present.

Motion to approve the minutes of the Regular Meeting and the Public Transportation Hearing on July 11, 1994 was made by Commissioner Hunter, with a second from Commissioner Hunter. So ordered.

Motion to approve the minutes of the Reconvened Session on July 12, 1994 was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Motion to approve the minutes of July 18, 1994 was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

President Tuley then asked if there are any groups or individuals who wish to address the Commission but do not find their name or particular item of interest on tonight's agenda. There was no response from the audience.

RE: BID OPENINGS - VC-94-06-01/CONCRETE PAVING FOR  
VANDERBURGH COUNTY ROADS

Commissioner Tuley entertained a motion to authorize Attorney Kissinger to open the subject bids.

Motion to this effect made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: BID OPENING/CENTRAL AIR CONDITIONING AT THE OLD COURT HOUSE

Ms. Lynn Ellis of the Purchasing Department requested that the Board authorize the County Attorney to open the subject bids, which was declared an emergency. Said bids will be taken under advisement until later in the meeting this evening, at which time a recommendation will be made to the Board concerning an award.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: NOTICE TO PROCEED/FLOYD I. STAUB, INC./DEMOLITION AT  
OLD UNION TOWNSHIP SCHOOL

Ms. Ellis said work should commence August 1st, provided the property owner fails to comply with the Court Order. The Commissioners have a copy of the Court Order. She also has related contract documents which need to be executed.

Commissioner Borries asked, "And this Court Order, Ms. Ellis, that you are referring to, would that say that this property owner if he shall fail to move combustible items from the building and seal the building in accordance with the standards of the Building Commissioner, then an emergency situation can be considered to exist and this demolition of the building can proceed?"

Ms. Ellis replied, "Correct. That is correct. And he has until tomorrow evening to accomplish that order -- through July 26th."

Commissioner Borries moved that the Notice to Proceed be executed and published should this particular individual not do as he was asked to do in Court, with a second from Commissioner Hunter. So ordered.

Mr. Borries said, "Having inspected the property today, he has a lot of work to do. He had a lot of work to do ten years ago. He is going to have a lot of work to do in one day."

Ms. Ellis said, "Right. I'd have to rely on the Attorney, but could I also have a motion to execute the contract? Would that be in line? Would we need a second motion to execute the contract? The motion was made and approved to execute the Notice to Proceed. Do we need another motion to execute the contract?"

Commissioner Borries noted the funding is in place.

Attorney Kissinger said, "The funding is in place. As a matter of fact, we have awarded it, have we not?"

Ms. Ellis responded, "Yes, it has been awarded."

Attorney Kissinger said, "I am assuming we have a contract that has been signed by the Commissioners."

Ms. Ellis said, "It is before them tonight to sign."

Attorney Kissinger said, "Then a motion now to go ahead and sign the contract would be appropriate."

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: ORDINANCE TO AMEND CHAPTER 72, SCHEDULE II, CODE OF  
ORDINANCES OF VANDERBURGH COUNTY - SECOND READING

Commissioner Tuley said this Ordinance is in reference to amending the Stop Sign Ordinance and this is only the Second Reading. Final and Third Reading is scheduled on August 15th.

Motion to approve the Ordinance on Second Reading was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: TRANSPORTATION CONTRACT FOR ELDERLY & HANDICAPPED  
BASSEMIER'S TRANSPORTATION - KEITH WALLACE

Attorney Keith Wallace was recognized and stated, "Commissioners, I am here to kind of report and determine what action is going to be take by the Commissioners. Mr. Kissinger and I spoke with the Prosecutor, Stanley Levco, on Friday following last week's meeting

-- and it was my conclusion that although Mr. Levco certainly understood some concerns of Mr. Kissinger wanting to give you all good advice, I believe he came down with an agreement and a recommendation that this would fit within an exception of (C)(3) and there would not be a conflict. That is my report to you, but I don't want to speak for Mr. Kissinger. And, obviously, if he is in agreement, we are looking forward to awarding the contract to Bassemier's Transportation and start providing service."

Attorney Kissinger said, "Basically, it was the position of the Prosecuting Attorney that in consideration of the fact that, assuming the Disclosure of Financial Interest has been filed with the appropriate parties -- and has it been filed with the Clerk -- or do you know?"

Attorney Wallace replied, "It has been turned in, but when I checked the procedures, it was my understanding that the statute calls for it to be filed within fifteen (15) days of the final contract action, which would be the awarding of the contract."

Attorney Kissinger said, "Okay. Then assuming that -- the Disclosure has been prepared and I believe it has been submitted. Was it submitted with the bid?"

Attorney Wallace said, "After."

Attorney Kissinger continued, "I believe it was submitted after the bid, so Mr. Bassemier appears to be in compliance. It is the position of the Prosecuting Attorney that this is -- basically what Mr. Bassemier was required to do as an elected official in order to comply with the statute and not be in violation of the statute. Therefore, there does not appear to be any legal restriction to award this contract based on the bid that has previously been received."

Motion was made by Commissioner Hunter that Bassemier Transportation be awarded the transportation contract as called for in the specifications in the bid a couple of weeks ago. Seconded by Commissioner Borries.

President Tuley asked if there is any discussion.

Commissioner Borries said, "I would be happy to make some remarks. I have known Ed Bassemier for quite some time and have a good deal of respect for him. And I think sometimes there were some rumblings of politics that were involved in this. But, certainly, I would want to say to him that if it were Democrat I probably would have wanted to ask the same kinds of questions. And, frankly, I don't know if it's because maybe we, as a County Executive Board, have to vote on the contracts -- but we can't do anything unless you, as a County Council person, fund them. And so that kind of situation I again want to assure that there is absolutely nothing personal about all of this -- as we had to get guidance from our Attorney and your Attorney to see how this all was going to be able to mesh together. Frankly, as much negativism as there is in this country today about government officials, I always have to come back to what Grover Cleveland, as an old history teacher, once said -- a public office is a public trust. And that here's Bill Clinton and all of the Republicans wanting to charge and get rid of conflict of interest -- something that happened when he was Governor -- Whitewater, conflict of interest and whatever this murky business is there -- then we have Senator Lugar all of a sudden who is going to not vote on a Supreme Court Justice because there is a conflict of interest on what this guy did or ruled or this, that and the other. I don't know what a conflict of interest is any more. I know you and I know that you are an upstanding person and I know you are going to do this. Again, I only know that it was brought to my attention -- conflict of interest that at one time (I still am) a Board Member of the Mental

Health Association. I don't get a dime from that --never have -- I believe in what they do and I will continue as long as they would want me to and I am eligible to serve on the Mental Health Association. But at one time they didn't want me to vote because the Mental Health Association might bid on the Hillcrest Children's Home. I believed in them and I voted on it -- and I didn't get a dime at that point and never would. You know, I got off the Mayor's Committee because I worked two days at Ellis Park; I've worked there since I was a kid. Didn't want any kind of propriety. This man (pointing to Commissioner Tuley) is President here, doesn't do work in Vanderburgh County with his business. So I'm going to vote yes on your contract. And I know you will do a good job. I just don't know anymore where we're headed in terms of conflict, but I have some very real opinions that it's got a lot to do with some politics at different levels because, again, if you ask Bill Clinton today or this Supreme Court Justice who Lugar is going to vote no against -- something is a conflict of interest and I don't know what it is anymore -- based on what I am seeing here. But, again that is not against you, personally, as a County Council person or a good member of your party. Simply, I would have asked the same question if it was a Democrat."

Mr. Bassemier said, "I'd like to thank you for awarding me this contract. And I never thought at any time that there was any politics here. And I'm glad we checked it out like we did. I appreciate Mr. Kissinger and all the time he spent on this. We had to do it right and now we'll know in the future I can rest assured we did the right thing here and I appreciate it very much."

Mr. Borries said, "I want you to know that I would vote yes on that."

Commissioner Tuley commented, "The only thing, Ed, you asked me last week in the hallway what was the hang-up. Like Rick just said, we wanted to check it out, cross the t's and dot the i's and make sure everything was kosher. So there has not been any political motivation one way or the other regarding this contract and I hope you fully understand that and appreciate we're trying to do what is right and legal. Apparently, we got the answer."

Attorney Wallace interjected, "I can say on behalf of Mr. Bassemier that when he came to me he never represented that nor was he complaining about that. He just wanted to get to the bottom of it as to what was and what was not a conflict, which is the reason I contacted Mr. Kissinger and I contacted the Indiana Attorney General and then Mr. Kissinger worked with me in getting with Mr. Levco. So I think he is very satisfied and, as he said, it is in everyone's best interest to know what you're doing and I think you do."

Commissioner Borries said "I'm not sure I do -- it's a murky deal. But, you know, there is a reasonable doubt. You are certainly an upstanding person and a person that is a member of the community -- so I don't have any problem with that. But you know, we've got people on the Gaming Commission and everybody keeps talking about a conflict of interest. I'm beginning to think if you poll them what is a conflict of interest, I don't think anybody knows. I'm not kidding you."

President Tuley commented, "Probably the only one happier about this ruling is my boss -- because that was a condition of my employment -- 'You don't go sniffing around Vanderburgh County as long as I am a Commissioner'. Now, apparently, he can do that." We have a motion and a second. So ordered.

Commissioner Hunter said, "By the way, as your former teacher, Ed, I will grade you on this -- so please do a good job."

Attorney Wallace said, "One point of clarification for my purposes,



Alan. We have filed an original Disclosure. Is it Mr. Bassemier's responsibility to file it with the State and County Clerk, or does the awarding agency do that?"

Attorney Kissinger replied, "The contractor -- the individual who is filing the Disclosure."

Attorney Wallace said, "We'll have it done then. Thank you."

RE:

President Tuley recognized Mrs. Shirley James, stating she wears so many hats the Board is not sure why she is here. They have her listed on the Agenda as Pigeon Creek, but he sees a letter from the Westside Improvement Association.

Mrs. James said, "Well, this is a different role, to be plain. Our Board of Directors felt that it was time we thanked the Commission for something, so I would like to read a letter that they felt was necessary to state publicly:

"Westside Improvement Association would like to express their gratitude and appreciation to the Vanderburgh County Commissioners, the Vanderburgh County Council and the Vanderburgh County Health Department for enforcing the illegal dumping ordinance in regard to the Hybrid Inn and the Biggerstaff property in Union Township. These properties have been an eye sore and a health hazard to the area. Residents' quality of life has been severely impacted upon while the above property owners blatantly ignored the law. While we understand individual's property rights must be protected, it is necessary to take decisive action when that individual adversely affects other individuals' rights -- especially in matters of health. These properties were located in an area that is environmentally sensitive in regard to water pollution. Also, two of the west side's major recreational assets are the river and Burdette Park -- and eyesores and health hazards such as those mentioned above have a very negative effect on these facilities. Our organization understands this has been expensive for the County to enforce, but we hope it serves as an example and acts as a prevention mechanism which will be less expensive in the long term. Westside Improvement Association thanks you for enforcing the law and making life a little better for lots of Union Township residents."

Commissioner Borries said, "I appreciate that, because I know how vigilant you all are and I would want to say that sometimes I worry about us losing a concept in this country called 'for the common good' -- and the residents for the common good in Union Township have been negatively impacted by what I see as the most extreme disregard of personal property rights that I've ever seen in this County -- so extreme that it took some extreme action to get this done. So I commend you for what it says. It has been an aggressive approach; but, frankly, after working ten years with one individual you mentioned here, we've run out of things to do here. And I think for the common good, for public safety, for public health -- as you have pointed out, we've had to do this. For the life of me, I still don't know why -- we inspected these areas today -- I don't know why the garage is still at the Hybrid Inn -- but I guess there is some use to that."

Mrs. James said, "We checked and they said it would take a bit of time to get rid of everything."

Mr. Borries asked, "Are they going to raze that, as well? It didn't look to me like it was too stable."

Mrs. James said, "Well, we will keep watching that. But a lot of the debris is gone. But, of course, we've had so many complaints on those two facilities."

Mr. Borries said, "It's pathetic -- just pathetic. We appreciate your support."

Mrs. James said "We appreciate yours, too. Thank you."

RE: COUNTY CORONER - DENNIS BUICKEL

President Tuley recognized Mr. Dennis Buickel, the County Coroner.

Mr. Buickel said, "I'm really here today to solicit your support as the Executive Body for Vanderburgh County for two things next year. The first thing is an additional full-time Deputy Coroner. I've already taken this request before the Job Study Committee and they approved the request for 1995 at a starting salary of \$24,000. I know that your recommendation and support the same as the Job Study Committee isn't binding on County Council at all. But, at the same time, I'd rather bring the request before as many applicable boards as possible so that when I do go before Council, quite honestly, I can say this has been presented to the Commissioners and the Job Study Committee and it does have their endorsement. The second request is for a new vehicle for 1995. The new vehicle would be a replacement vehicle. We have a 1986 Chevrolet station wagon and a 1993 Chevy Suburban. The 1995 vehicle would be to replace the Chevy station wagon. The new vehicle and the new employee actually go hand in hand. What the Coroner's office has seen since the construction and implementation of our County Morgue has been a situation wherein the Coroner's office would be involved in death investigation. They used to operate in a cubby hole downstairs in the Civic Center. The post mortem exams and other exams were actually conducted in the hospital in the Pathology Department or Morgue. After that procedure was done the Coroner's office personnel could leave. We've gone from a situation wherein we had no building to maintain and operate and make sure the upkeep was kept up on it to one where we do everything from the laundry to the mopping of the floors to the vacuuming, the dusting and waxing of furniture -- everything that is done, our personnel do it. Well, that is not entirely true. Spraying for bugs is under contract and we have the grass cut under contract. But anything inside, we do -- so we've gone from a setting wherein there was very little day-to-day operation and upkeep to a setting where we now do it all. Couple that with the fact that in the last 19 months we've had a record increase in the number of cases in which we have become involved. I don't want to bore anybody with figures, but just to give you an idea of what we're talking about, in 1991, there were 459 overall death investigations handled by the Coroner's office to varying degrees. On some there was very little involvement, some required a full blown Coroner's investigation. In 1992, there were 459 overall cases. Last year (1993) there were 578. This year we're running just about neck and neck on the total number of investigations, but our full blown Coroner's investigations have risen. As of June 30th we've realized about a 24% increase over last year in the actual full blown Coroner's investigations. Our courtesy calls are down but the real Coroner caseload is up. The Job Study Committee, as did County Council last year, asked to what do I attribute this? Mr. Wortman asked if I see any end to the escalating number of cases we get involved with. I can't answer that. What I can say is that we have the three largest medical centers or facilities in this part of the country. Life Flight is constantly life flighting injured people into our hospitals and they die here. When they die here, our office has to get involved with it. I mean, I just can't pick and choose. So I don't know what the answer is -- I can't say we're doing to have a decline, we're going to have an increase -- I don't tell the people when to die. The point that I'm making is that we've gone from the situation or scenario wherein there was really limited amount of active day-to-day involvement with the running of the facility and now we're in the situation where we have to keep it open. With a

additional full-time employee, what I am looking at doing is if Council ultimately approves it, is have this other full time Deputy put on a modified second shift so that not only for the people in our County but for those people injured outside Vanderburgh County who come into the County and end up dying we have someone who not only is on call, but is actually there and working -- so when we have one of the other nineteen counties that want to use or facility, bring a body in for examination, we have someone there. We have to have them there anyway, because it is County property. I can't just take someone, throw the key at them and say, 'Here, have at it.' So I want to take this additional full-time employee and put them on a modified second shift (perhaps 2 p.m. to 10 p.m.) so there is some overlapping, but it would effectively enable us to have our office open fourteen hours out of the twenty-four hour period. That leaves me having the part-time Deputies that we now have on staff to handle on an on-call basis from 10 p.m to 8:00 a.m. the following morning. That additional full-time employee would be making the initial runs that occur on second shift and we would then be in the situation where we can be transporting 90% to 95% of all the bodies we have to deal with, instead of relying on an outside agency to make that transport for us."

Commissioner Tuley said, "Excuse my ignorance, but are you called in on every death -- or what determines your involvement?"

Mr. Buickel replied, "Well, by State statute our office gets involved in five (5) different categories of death: The sudden, unexpected or unusual death if the death is due to violence, injury or trauma, the unexplained death. The catch-all in the State statute says the 'unattended' death -- when someone has been found dead -- and that is left open to interpretation. Some people have interpreted that to mean if that death is not under the care of an attending physician. Other people interpret it to mean any time someone is found dead. So it is gray area. We don't get called in, by any stretch of the imagination, on all deaths. What we're finding is that as we get older in Vanderburgh County there are more people who die who are not under the care of a physician -- and what we have is John Doe, who hasn't seen a physician for ten years. It's getting to the point now where if a person hasn't seen a physician within the last year -- it's really, really difficult to even get his family physician to sign the certificate and, rightfully so, because this physician says, 'Wait a minute -- I don't know why he died; the last time he was in here was on such and such a date. He had a physical examination and he seemed to be fine.' When people are presented to the emergency room, you can't get an emergency room physician to sign the certificate -- the necessary legal documents -- because he doesn't know the patient. He doesn't know that person that has died. What we do in a situation like that is to document everything we can. We get a copy of the hospital records -- sometimes by subpoena -- and it may be two or three days before we can make contact with that individual's family physician. Then if the physician gives us the word that this isn't unexpected, the man has been going downhill over a period of time, then that is no longer a Coroner case, it becomes what is called a courtesy call. So the physician ultimately ends up getting the certificate and signs the necessary documentation. We get involved in a lot of cases -- not each and every death -- but a lot of them."

Commissioner Hunter said, "I sat in on the Job Study Program and made some comments, because I wanted the County Council people to hear the comments since I wouldn't be here to have the opportunity to appear before them. Dennis's office is a little unique to me in that since last September until probably the first week of June I've had students interning in that office and have had a great opportunity to see how the office functions. My first comment was that I think his office is very well run. It's an office that there is a tremendous amount of stress -- emotional stress -- not that every job doesn't have stress; but this one has an ingredient

that most of our jobs fortunately don't have. I've also noticed that the type of information that Dennis has to give is becoming more and more technical. A specific one was an autopsy his office performed where a person had drowned in a local lake. The question was whether the person had drowned from swimming or had died of a heart attack -- and when you're talking about insurance and liability that is kind of a critical issue. I guess they were able to submit evidence that the person had indeed had a heart attack as opposed to actually drowning. And I will say what I said there -- if we don't give Dennis this additional employee, I think it could turn out you can either pay me now or pay me later -- because if you stress his staff out too much with the additional workload they may make mistakes -- and with our society changing almost on a daily basis and the technology changing, the decisions they make there must be correct. I was there when one lady was exhumed and brought in after being buried for several months and, indeed, there was some question about the Coroner's report and what the additional information indicated was that the initial autopsy report was correct. But, again, it is a very technical thing. And we have created a bit of a monster in that we've built an excellent facility -- it's one of the best in this part of the country and they are now being looked at more and more for technical expertise. I don't think Dennis' office is very going to be a gold mine financially to the County. I think at one point we may have been told that -- but it is not going to happen. But we do have the expertise and I think we want to look very hard. I will endorse what Dennis needs here, because I think the Job Study Committee felt very strongly he should have an additional employee."

Mr. Buickel said, "I thank you for the comments, I really do. The Coroner's office will never, ever in a million years, be a money-making proposition. The Coroner's office was built because it was a have to situation -- because the hospitals simply would not allow the type of examinations we have to conduct to be conducted in their facilities -- sometimes because of odor; sometimes because of the things attached to the investigation. You know, we had to build one. But it will never be a money maker. What it is actually doing though is that four years ago the standard going rate to use a pathology area in a hospital was about \$230. That doesn't count the toxicology study; that doesn't count the tissue blocks and slides that were being made. That was simply to use the facility. So on the one hand we're saving money; but on the other hand we are having to spend it because we -- and when I say "we", I mean everybody at our office -- are the ones who have to maintain the thing in the first place. So it's a trade-off; it will never be a money maker."

Commissioner Borries said, "And it doesn't have to be. You know, I keep coming back to this thing 'for the common good' - that is what government is -- we have to care for the dead as well as we have to provide other services for the common good. We can't be supposedly - again, in these little glib phrases of privatization, making money on every government service. It is just not going to happen that. Some things are not built to do that for the common good and the Coroner's office is one of those. And I think we're not only getting older, we're also getting meaner as a society. I mean, you're seeing unfortunately more violent deaths and deaths that have to come under investigation -- and despite the fact we can look at crime statistics and saying maybe in some cases they're going down -- they're not going down unfortunately in terms of violent deaths and suspicious deaths. Those, again, are some factors that are beyond your control. So you have a big job to do over there. And as the other two Commissioners have correctly pointed out, it's one we can't ignore. I think you try your best to get by as best you can on the budget you have. Do you get some reimbursement if it happens to be an investigation from another county -- a rural county -- where they may send something in? Do they reimburse you to an extent?"

Mr. Buickel replied, "We have to make a distinction here. If a resident of another county dies in Vanderburgh County, then it is our financial responsibility under State statute. If a person -- whether it be from Vanderburgh County or another county dies in another county but that County Coroner says they want to use our facility, then we get a \$50 fee to allow them to actually perform the procedure in our facility. Well, to date we've had -- back in 1991, for a six month period there were eight (8) different usages of our facility by another county. In 1992, there were 44 for the whole year. In 1993, at this time (as of July 25th) there had been 40 uses of the facility -- but they ended up last year with 66 different uses. So far this year, we've have 44 to date. So we're now estimating 70 to 75 uses wherein another county would come in to use our facility at \$50 per use."

Commissioner Hunter commented, "And when that happens, you have to have an employee on the property."

Mr. Buickel said, "I think we do, the reason being it is owned by Vanderburgh County -- it belongs to us -- and, you know, if the other counties had joint responsibility for our facility, then maybe I wouldn't be such a stickler in saying we have to have someone from our office there. But, you know, when push comes to shove, this facility belongs to Vanderburgh County. I'm not picking on any other county -- but it doesn't belong to Posey, Warrick or Gibson -- it's ours -- and I think I'm responsible if a representative from another county is there. I'm responsible to make sure that someone on our staff is in that building -- if for no other reason, then for liability purposes."

President Tuley entertained a motion.

Motion to support Mr. Buickel's request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Bid Recap/Central Air for Old Court House: Attorney Kissinger read the following bids into the record:

1)	J. E. Shekell, Inc.	Basic Bid	\$54,715.00
2)	U. S. Industries, Inc.	Basic Bid	\$34,448.00

Attorney Kissinger said he believes the second bid is the one Ms. Ellis requested be taken under advisement until the end of this meeting.

Bid Recap/ Concrete Paving/Project VC-94-06-01: Attorney Kissinger read the followig bids into the record:

1)	J. H. Rudolph & Co., Inc.	\$ 86,275.00
2)	Deig Bros. Lumber & Constr.	\$112,765.00
3)	Law Construction, Inc.	\$ 98,382.50
4)	Concrete Pavers, Inc.	\$ 95,200.00

Attorney Kissinger said he assumes they will want to take these bids under advisement, as well.

Lease for Burdette Park: Attorney Kissinger said he is not certain he discussed this with the Commissioners in an open meeting. However, for the past several years we have been renting 2.95 acres (approximately 3 acres) from a David Austill, which is immediately above Burdette Park property. The lease amount this year is \$400. He has looked at this, talked with Mark Tuley about it -- and he has said that although it is not critical to the operation of Burdette Park, it is a tremendous convenience to him and the price is certainly right. Attorney Kissinger said he would recommend the



Commissioners look favorably on the approval of this lease, to be signed by the President of the Commission.

Motion to approve the lease and sign same was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Contract w/Entertainment, Inc.: Attorney Kissinger said he believes all the wrinkles have finally been ironed out in this contract concerning the use of Burdette Park for putting on the Halloween presentation. He is still going to have to fill in the last blank as far as the proper name for the function at the Old Jail -- but everything else is taken care of. He would recommend the Commissioners give favorable consideration to approving this contract and that it be signed tonight by the Commission President.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

New Drainage Ordinance/Penalty Provisions: Attorney Kissinger said he also has some information in relation to penalty provisions in so far as the new Drainage Ordinance is concerned. It would probably be appropriate for him to just hold that until the Commissioners actually have the Drainage Board Meeting.

Ward 4, Precinct 2/Changing of Polling Place: Attorney Kissinger said a question arose in this regard and this matter was discussed at last week's meeting. He merely wishes to report to the Commissioners that if a change is going to be made, that change must be made and notice given no less than thirty (30) days before the next scheduled election and that notice must be published no less than ten (10) days before the election. When the Commissioners make a decision in this matter, those are the time constraints they will be dealing with.

Commissioner Borries said he believes there were persons who had expressed some interest in this matter on the precinct drawn as 4-2, now under the new configuration. Since the Commissioners won't be meeting for a couple of weeks, and the Board may wish the Attorney to advise them further in this matter in terms of accessibility and appropriate location, etc. -- and there were some people who wanted to be notified of that particular decision. Could this matter be scheduled for Monday, August 22nd, and notify those persons. At that time the County Attorney could advise the Board.

The other Commissioners and the Attorney concurred.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Request to Go on Council Call/August: Mr. Abell said that as the Commissioners know, several months ago he repealed \$21,000 out of one of his General Fund accounts (Repairs to Buildings & Grounds) specifically with the understanding that it would be replaced with CCD Fund money. He now needs to go back to Council to ask them to replenish that amount.

Motion to this effect made by Commissioner Borries, with a second from Commissioner Hunter.

Acceptance of Checks: Mr. Abell submitted check from Capital Cable in the amount of \$590.63; also, checks from Dennis Feldhaus which need to be quietused into Account 428.1 (Self-Insurance Fund) in the amount of \$436.00 and \$173.10. Both of these checks are from State Farm Mutual Automobile Insurance Company.

Motion to accept the checks, endorse same and deposit into the proper accounts was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Abell said he also has copies of checks already quietused into the telephone account in the amount of \$937.10 from AT&T and the other from the Controller of the City of Evansville in the amount of \$1,650.00. This was for phones sold from the old system to the City.

ADA Solutions/Quarterly Report: Mr. Abell said he will pass copies of this report out for the Commissioners' meeting packets. This concludes his report.

Central Air Conditioning Bids/Old Court House: With regard to these bids, Mr. Abell said that upon review, if he read it correctly, the lowest most responsive bid was \$34,448 was from U. S. Industries, Inc.

Ms. Ellis said, "That is if the base bid is recommended. At the pre-bid meeting there was doubt raised as to whether the two 7-1/2 ton units would be sufficient to provide enough air to that building."

Mr. Borries asked, "How would we know?"

Mr. Abell said, "Well they're the experts and I asked them."

Mr. Borries asked, "Who's 'they'?"

Mr. Abell responded, "U. S. Industries and Shekell both. And there was a third there."

Mr. Borries asked, "Are they both bidding on the same size units?"

Ms. Ellis replied, "Yes, Sir. What I did -- the question of doubt was raised at the pre-bid meeting as to whether those two units would be sufficient to adequately air condition the building. We provided two alternatives to that bid. One alternative was for four (4) five-ton units in order to get 20 tons worth of air. The other was two (2) ten ton units to also supply the 20 tons of air."

Mr. Abell said the quote calls for more or less the two 7-1/2 ton units in the basic specs -- and would meet the requirements in minimal fashion. So as part of the basic bid specs, he had added in there future wiring for an additional later five (5) tons if we so desired to put that in somewhere down the road. And the bulk of the cost is running that wiring. That wasn't included in the basic."

Mr. Tuley asked, "In layman's terms, when you say 'minimal fashion' -- is that....?"

Mr. Abell interrupted, "It would work."

Mr. Borries asked, "Is it going to work the two offices that are there? Or are we still talking that this central air was going to serve a wing? And I'm sure we would then have a way to control the air conditioning if the one office was not used. Am I correct on that?"

Mr. Abell replied, "Well, the way we had it with the two 7-1/2 ton units, it would do the wing -- the way it is configured now with the county offices using four of the possible six. The problem with controls is that we would only get one control per unit, so you couldn't really individually control the unused rooms. Is that what you were wanting to know?"

Mr. Borries responded affirmatively.

Mr. Abell continued, "Not without additional costs for wiring for the controls. It would be in our interest to get that occupied. I worked on the specs, along with Frank Costello, who is on the

Board of the Preservation Society for the Old Court House and we had input from the Board."

Commissioner Borries asked, "So you're saying it is your recommendation that we award the base bid. Am I correct on this?"

Mr. Abell asked, "Well, we have a little problem. I only was authorized \$30,000 for the CCD Fund expenditure. The lowest bid is \$34,500 basically."

Mr. Borries said they'd have to declare another emergency then to get what is needed, saying, "Here's the thing -- if we don't take some kind of action today (we're not going to meet for two weeks) that means we'd be into August 15th -- so it will really be nice and hot."

Deputy Auditor Cindy Mayo asked, "Mark, did you say you have general funds monies that you could use for the balance?"

Mr. Abell replied, "I am not positive I do. I believe I do. I know it wouldn't be CCD Fund money."

Ms. Mayo said, "The only way we could go ahead and award that would be to use the \$30,000 that was approved from the CCD Fund and then take the remaining \$4,000 -- it depends on what he has to take it out of. If he uses some of his general fund money (and I don't know what accounts he has in general fund) -- but more than likely he is going to have to replenish his general fund money."

Mr. Abell said, "Well, I'm replenishing it with \$21,000 I'm going on Council Call for, but I don't have it yet. That would be CCD Fund money."

Ms. Mayo said, "But that money is not there right now. I mean, I don't think you can award it without the funding somewhere."

Mr. Borries asked, "Do you have some money somewhere else that you can use?"

Mr. Abell replied, "Not until after the August meeting."

Mr. Tuley asked, "What about the departments that are affected?"

Mr. Abell replied, "Not any large sums."

Ms. Mayo asked, "Do the Commissioners have any money?"

Mr. Borries asked, "Do you guys have \$4,400 that we can borrow to cool your office? You either pay now or pay later."

Mr. Hunter said, "If you don't, then we're going to have to pass the hat."

Mr. Borries said, "Well, the Veteran's Service would be another one."

Mr. Tuley said, "They are not here."

Mr. Borries said sometimes when you're not here, there's all kinds of surprises. He asked Ms. Mayo if we could transfer something. How would this have to work?

Ms. Mayo replied, "Whatever account you decide on, you will have to pay out of that account. You cannot transfer it into the CCD Fund. There is no such thing. You will have to expend funds out of some general fund."

Mr. Borries asked, "Can CCD Funds be used to replenish back?"



Ms. Mayo replied, "No."

Mr. Hunter asked, "Even though we declared it an emergency?"

Ms. Mayo said, "If you declare it an emergency and then have Council have an emergency hearing on this. The meeting they're having Thursday has not been advertised for that purpose."

Mr. Borries asked, "What about August 3rd -- that's the regular meeting."

Mr. Abell said, "That is when I'm going for the \$21,000 CCD Fund dollars to come back into my repairs account."

Mr. Borries noted, "What we want to do is move forward on this."

County Engineer John Stoll commented, "I don't know what our balance is right off hand, but in our repairs to buildings and grounds and some of our other accounts we used when we moved over there last year there may be some money available -- but I'm not sure. But I guess we could transfer some money to make up the balance in the interim."

Ms. Mayo said, "Well, if Legal Counsel doesn't have a problem with awarding this subject to the remaining \$4,000 being approved, there has to be some way to go ahead and get started on this."

Attorney Kissinger said, "It is a problem though."

Ms. Mayo said, "Yes, it is."

Attorney Kissinger said, "I have a problem with it."

Mr. Borries asked, "John, do you have the money? Do you think you can come up with \$4,400?"

Ms. Mayo said, "\$4,500."

Mr. Borries said, "Again, we can ask Veteran's Service."

Ms. Mayo said, "They have a pretty tight budget -- I'd be surprised if they had that."

Mr. Borries asked, "Could they come up with \$2,000 and you come up with the rest."

Mr. Tuley asked, "You want to make a decision tonight?"

Mr. Borries said, "Yes."

Ms. Mayo said, "You just need to make sure the money is there and then you can make a decision. But the money should be there tonight."

Mr. Tuley said, "That's what I'm saying -- I don't know how we can keep talking about Veterans Service since they're not here to tell us whether or not they have any money."

Mr. Stoll asked, "Could I pay it out of the contractual services account rather than repairs to buildings?"

Mr. Borries said, 'Sure. We've got to contract something with somebody here to get the equipment."

Mr. Stoll said, "I know we have money in the contractual services in Cumulative Bridge, because we've appropriated the money -- that is what I was paying the Waterworks Rd. thing out of -- so I know there's...."

Mr. Borries asked, "Cumulative Bridge?"

Mr. Stoll said, "That is what we used last year -- all those accounts were in the Cumulative Bridge account -- so that is the money that was used last year when we moved over there -- the rent line items, the electrical, the repairs to buildings and grounds -- those were all line items that were in the Cumulative Bridge account that we used."

Mr. Borries said, "Creative financing; creative funding. Can we do it out of Cumulative Bridge? You say you used it last year when you moved over there?"

Mr. Stoll responded affirmatively, saying that is what their rent is paid out of right now. They don't have any funding other than roads and streets.

Mr. Borries said he knows there's nothing in that account -- we've tapped that one out.

Attorney Kissinger said, "I will have to defer to the Auditor. We have to have the funding in place before we award the bid. We can't just say we will come up with it."

Mr. Borries said to Mr. Stoll, "If you've used it, there has to be some reasoning that it has been done before."

Ms. Mayo said, "Apparently, precedent was set last year somewhere - I don't know. I'm sorry."

Mr. Borries said, "Bridge design is part of their mission here. We get some reimbursements. I move that \$4,448 be take out of Cumulative Bridge buildings and grounds to award this contract."

Ms. Mayo said, "I think you want it to come out of other contractual."

Mr. Borries queried Mr. Stoll in this respect and he confirmed that other contractual is correct. Seconded by Commissioner Hunter.

President Tuley said, "So ordered. Now does that mean we now need a motion to award the bid?"

Ms. Mayo said that is correct.

Mr. Tuley said, "I'm a little hesitant on the qualifier -- what is the minimal adequacy?"

Mr. Abell said, "Well, let's ask Faye Gibson what her opinion is on the specs. She was in on the process."

Ms. Faye Gibson approached the podium and stated, "I think part of where the problem came in is that when the project was originally discussed, it's like you said earlier, Rick, - talking about wings, talking about offices. I think originally when Mark started researching, some of the people he talked with on our Board thought maybe, for example, it was going to be only the County offices air conditioned which is roughly two-thirds of the third floor -- four of the six rooms. I think that's wherein came the 7-1/2 ton units. When I became involved with the process, it was my understanding that County Council had intended all six rooms on the third floor..."

Commissioner Hunter interrupted, "So had we."

Ms. Gibson continued, "So I said to the people involved then, will the two 7-1/2 ton units do it for the six offices as opposed to the four? That is when we got into that might be marginal. Now I guess it gets into the cubic fee."

Mr. Tuley said, "I'm real concerned with the thought that we're going to spend that kind of money and it's not going to be adequate."

Commissioner Borries said, "Well, Government has a way in which, you know despite the fact there's the pervasive negativism of wasting money, we also do it in a way of minimalizing things -- because, in fact, we're trying to save money. It's kind of a way of saying we're not wasting money here; we're always kind of looking at how much does it cost and are we going to do it at the absolute minimum. If we do it at the absolute minimum and it fails, then we've wasted money."

Ms. Gibson said, "That's exactly right. That's why during the pre-bid meeting we discussed if they feel it is marginal would they give us then a different alternate bid to go to two (2) 10 ton units instead of two (2) 7-1/2 ton units. There is also a question of which is cheaper -- going the single phase electrical power to these or three phase. The five tons would only take single phase; the the ton would take three phase. So that is why we asked them to do two alternates. So what they have presented to us is a base bid, which would be the two (2) 7-1/2 ton units; then Alternate #1, which would be four (4) 5-ton units, which would only require single phase -- but 20 tons of air as opposed to the 15 tons. And then, secondly, going to two (2) 10-ton units. But the two alternates both get to the same place -- 20 tons of air as opposed to 15 tons."

Commissioner Borries said, "When we get confused, we always put it off. So it's either now or never. We're either going to have to re-bid this whole thing or....."

Ms. Ellis asked, "May I interject something? At the pre-bid meeting there was discussion about maintenance of the units and it was stated by the experts (the contractors there) that it would be cheaper to install the two (2) 10-ton units as opposed to four (4) 5-ton units. You would get the amount of air, but the wiring and the maintenance would be cheaper and there would be less electricity required to run those two units as opposed to four units."

Mr. Borries asked, "And if we award this contract we're doing it on four (4) units?"

Ms. Ellis replied, "No, Sir. If you're doing the base bid for the \$34,448, you're not getting the 20 tons -- you're only getting 15 tons. And that is the issue. How long will that be sufficient? And how soon are you going to have to come in and add another 5-ton unit? Which may not be very long."

Ms. Gibson said, "So if we're going for the Alternate, it would run \$39,000 as opposed to \$34,000."

Mr. Abell said, "We have the specs here on alternate bids to do it with the two (2) 10-ton units and it came in at \$39,000."

Mr. Borries said, "So we're still short some dough."

Mr. Hunter remarked, "All we need is the money."

Commissioner Borries said, "Well, if we're \$9,000 short, I'd rather take the Alternate Bid then based on what you say -- and we still have \$9,000 bucks to come up with somewhere. We'll just accept these bids. We could award them if we could get funding on August 3rd. We have \$30,000."

Ms. Mayo said, "But you're not meeting again until August 15th."

Commissioner Tuley said, "Two weeks of getting it right is a whole lot better than getting it wrong."

Commissioner Borries said, "Let's wait until August 15th and see if we can get the funding in place. I move we accept the contract Alternate Bids of two (2) 10-ton units with the appropriate electrical service and look forward to awarding those bids on August 15th, subject to available funding."

Seconded by Commissioner Hunter. So ordered.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morphey submitted the Weekly Work Report for period of July 15, 1994 thru July 21, 1994.....report received and filed.

Proposal to Remove Unused Underground Gas Tanks: Mr. Morphey said that along with his Weekly Work Report he has submitted a proposal to remove two unused gas tanks at the County Highway Garage. These tanks have not been used for quite a while and one of them is filled with sand. This will be done under the license of Enviro-Group Inc. They will be overseeing the work. To save money, we would actually remove the tanks ourselves. The cost will be \$1,520.

Mr. Borries said the cost is certainly reasonable and we need to get those out of there.

Mr. Morphey said this will also greatly reduce any future liability with the tanks.

Motion to approve the proposal was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Hunter asked, "This includes only removal of these tanks? it doesn't include any remediation if there's soil there or something?"

Mr. Morphey replied, "We have fresh soil to put in. The soil that is going to be removed around these tanks -- we will be remediating that on the grounds. And new soil which we have in stock at the County garage will be put back in those voids."

Mr. Hunter said he has no problems with doing this as long as the Enviro-Group is overseeing it.

Scrap Auto Parts/County Highway Garage: Mr. Morphey said we have scrap auto parts that came off a County lot. One of the houses somewhere that went back to being County property -- Benny brought the to the garage. They're auto dog houses -- hoods and fender wells -- if we were to scrap these we'd get \$3.00 to \$4.00 out of them. However, if he sells these to body shops we might \$100 apiece out of them. Basically, Benny was cleaning up these lots and brought this stuff to the garage. He thought we'd put this out to bid to the area body shops.

Motion was made by Commissioner Borries to declare these parts surplus and be advertised for bid. Seconded by Commissioner Hunter. So ordered.

Old Henderson Rd.: Commissioner Borries said they were on Old Henderson Rd. today observing whatever in Union Township, which defies description to try to say what they were observing. But they did also travel Old Henderson Rd. The paving looks good. They never did see the crew; they must have been below Dog Town on Cypress-Dale.

Mr. Morpew said it could have been. They did have some problems with the paver, which overheated today. But that was due to a bad radiator cap. So they were down for just a short period of time and then they were back and running again. They're just about finished with this road.

Mr. Borries said it looked like they were putting surface on a partial area of the road.

Mr. Borries said they still have to pave some down around the camps. Through the Slough area they are going to do some crack sealing and get that ready for next year.

RE: AWARDING OF CONTRACT/CENTRAL AIR FOR OLD COURT HOUSE

Mr. Abell reported that in searching his budget he found \$14,000 in the Capital Outlays account he can use for the subject contract and Ms. Mayo has confirmed this would be an appropriate account.

Mr. Tuley said, "Let's go for it."

Commissioner Borries said this will be a pleasant surprise to Faye and a few others who have already left the meeting. Based on Mr. Mark Abell's comments here regarding \$9,000 that he has examined in his budget that we will be able to use at this time, he will move that the bid for two (2) 10-ton units in the Alternate Bid from U. S. Industries Group be accepted in the amount of \$39,048. Seconded by Commissioner Hunter. So ordered.

Commissioner Hunter said that in seconding the motion he would hasten to say that we are sure Benny will get his truck and he will just have to continue driving the old truck for another month?.

Ms. Mayo said, "If Council approves Mark's \$21,000 request in August, there will be money for Benny's truck."

RE: COUNTY ENGINEER - JOHN STOLL

Letter from INDOT for Reconstruction of Franklin Street Bridge over Pigeon Creek: Mr. Stoll said he has a letter from Steve Dilk with INDOT concerning this project. First of all, the bids came in considerably over the Engineer's estimate -- so, in turn, we have to increase our Local Share. Steve's letter states it is necessary for us to appropriate an additional \$315,400 in our funds to match the total cost of \$3,859,000 -- that is the estimate; it has not been bid as of yet. We signed the Agreement back in April based on a local share of \$456,400. This letter from INDOT is requesting that the old Agreement be initialed where the new amounts have been included. He is requesting the Commissioners' permission to go ahead and initial that and return same to INDOT. It will result in our total local share of \$771,800. He has already appropriated that much money -- so it is in place.

Motion to initial and approve this agreement was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Mr. Borries asked, "Does this agreement keep this on target? They didn't do the letting?"

Mr. Stoll replied that is on the August letting -- so, hopefully, we will be able to keep on target on this.

Mr. Borries said, "I mean, this is critical, when you look at that bridge on the Lloyd going down at some point. So we've got to get that done."

Mr. Stoll said, "Right. They estimated two construction seasons -- so it will be pretty tight for them to get finished. But we will

not close it -- two lanes will remain open."

Cynthia Heights Estates/Section B/Street Plan Approval/Cynthia Heights Drive: In accordance with recommendation of the County Engineer, motion was made by Commissioner Borries and seconded by Commissioner Hunter to approve the street plans, as submitted. So ordered.

Cynthia Heights Estates/Section "B"/Sidewalk Waiver: Mr. Stoll said this is a private cul-de-sac and they are also requesting sidewalk waiver.

Motion to approve the sidewalk waiver was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Notice to Bidders/VC-94-07-03/Repair & Repaving/New Harmony Rd.: Mr. Stoll requested permission to advertise. Motion to approve made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Notice to Bidders/VC94-08-01/Rehab of Bridge #1140 on Koressel Rd.: Mr. Stoll requested permission to advertise. Motion to approve made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Fox Hollow Subdivision/Street Acceptance: At the recommendation of Mr. Stoll, motion to accept streets (Fox Hollow Road, Harlaxton Road, Burch Park Drive and Churchill Road) was made by Commissioner Borries and seconded by Commissioner Hunter to approve, as presented. So ordered.

Fox Hollow Subdivision/Acceptance of Storm Sewers: Mr. Stoll recommended acceptance of 1,494 l.f. of storm sewers in the subject subdivision, upon receipt of the developer's 50 cents per lineal foot. They were constructed according to plan. Motion to approve was made by Commissioner Borries, with a second from Commissioner Hunter. Commissioner Hunter did ask, however, "Are we satisfied at this point, John, that the 50 cents per lineal foot is a sufficient amount -- because this has been kicked around for the last four years?"

Mr. Stoll said it is not -- but that is what is in the ordinance right now.

Mr. Hunter queried Mr. Stoll concerning the amount in the new drainage ordinance.

Mr. Stoll said he just received a copy today and hasn't had a chance to go through it. But he believes in one of the former drafts it was \$2.00 per lineal foot.

Mr. Hunter said if we go ahead and accept this 50 cents per lineal foot, then we can't go back and ask this gentleman for more money.

Commissioner Tuley said that 50 cents per lineal foot is all that the current ordinance asks for.

Mr. Hunter said he guesses we have to accept the check.

Mr. Stoll said that is something Attorney Kissinger will have to address. But since that is the only ordinance we have in effect.

Motion having been made and seconded to accept the storm sewers upon receipt of the check, there being no further discussion, it was so ordered.

Concrete Repair Bids: Mr. Stoll said he will continue to review these bids and, hopefully, get back to the Commissioners yet this evening.

Waterworks Road: It was noted by Commissioner Borries that it seems we are making some dramatic strides on this project. He watched that today. We're still eyeballing everything and Dave Franklin was down there doing a fine job today. Thanks to the vigilance of Mr. Stoll's department we've turned the corner. The pipes are in and it looked like they were all covered.

Commissioner Tuley said it is moving pretty good now.

RE: HEALTH DEPARTMENT - SAM ELDER

President Tuley commended Sam Elder for his patience.

Request to go on Council Call: Mr. Elder said he is requesting permission to go on Council Call to request a transfer of \$4,000 from the rent account to contractual services. This is to follow through with the recommendations on the ventilation. The Committee of doctors on the Board recommended we take the short-term cure to the problem. They had already encumbered most of the money to do that. It costs \$16,500 from last year's funds and the \$4,000 will be enough to complete the short term correction to the ventilation system.

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

RE: CONSENT AGENDA

Travel Request/Health Department: Mr. Hunter said he has a couple of items to add to the Consent Agenda. One is for four (4) employees from the Health Department to travel and the Health Department will take care of all related costs.

Travel Request/Area Plan Commission: Mr. Blaine Oliver of the Area Plan Commission will represent the Commissioners this coming Wednesday at a meeting in Jasper, IN and his travel to/from Jasper needs to be approved. The only cost will be his mileage. This is a meeting that Mr. Hunter was to attend last week concerning Rule 5 and Erosion Control. He couldn't attend last week and they changed it to this week and he can't make it this week. Mr. Oliver and perhaps the County Engineer will be attending. He then asked Mr. Stoll if Blaine Oliver talked to him about attending. If Mr. Stoll can attend, he would appreciate it because he would like for Vanderburgh County to be well represented.

It was noted by Commissioner Tuley that he saw several requests last week to attend the A.I.C. Conference and he sees a couple this week. He requested that Mr. Abell check out the funds. While they are not State-called meetings, they are valuable conferences. Mr. Abell had sent a note to him one time about attending.

Mr. Abell said the account was getting low and the Commissioners are already scheduled to go back to Council to seek additional funds. He could go up there; he wouldn't need a place to stay -- but would need the registration fee. In response to query from Commissioner Tuley if there was a particular agenda item in which Mr. Abell was interested, Mr. Abell replied, "Not particularly, no -- I was just posing it as a generic question."

Mr. Tuley said if there is a particular item that would be discussed that he would benefit from, he would be inclined to not have a problem with Mr. Abell's attending -- since he would not require lodging.

Mr. Abell said he would require registration and would take a County car and use County gas.

Mr. Tuley again said, "Well, you had sent me a note. If there is



a particular item of interest -- you won't need lodging fees -- but..."

Motion to approve the Consent Agenda, as amended, was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: SCHEDULED MEETINGS

It was noted by Commissioner Tuley that a list of Scheduled Meetings is attached to the meeting agenda, so he will not read those.

RE: OLD BUSINESS

Public Works & Transportation Committee: Commissioner Borries said one item he would like to add to the minutes of this meeting is appreciation and acknowledgment of the statement made by Congressman Frank McCloskey to this Committee concerning, hopefully, a cost sharing basis of what we were doing on the Waterworks Road project. His statement was given before a House Sub-Committee. Also, Congressman Lee Hamilton, who also has areas affected by the aging infrastructure along levees, made a statement. He would like this entered into the record should the time come when we also contact some other agencies locally for assistance on this particular thing.

Seconded by Commissioner Hunter. So ordered. (Copy attached to the minutes).

RE: NEW BUSINESS

Appointment/Mental Health Board: Mr. Hunter said he has a letter from the President of the Southwestern Indiana Mental Health Center asking that the Commission appoint a member to their Board. Currently, Commissioner Borries serves on that Board. He has spoken with Mr. Borries and he has indicated he would continue to serve. Motion made by Commissioner Hunter that Commissioner Borries' name be submitted to serve on that Board. He believes it is for a period of three (3) years. In response to query from Commissioner Tuley, Mr. Borries indicated the three year period is agreeable. Motion seconded by Commissioner Tuley. So ordered.

Commissioner Borries said there are also may be two other people to be re-appointed -- whose term expires in September, 1994..

Mr. Tuley said he discussed that with B.J. and the only appointment the Commissioners had to make was Mr. Borries. Those are done internally. The only one that had to be done was Commissioner Borries.

Mr. Hunter said the way the letter read, he thought the Commissioners had to appoint those two individuals and the ones who are on there are excellent.

Mr. Tuley again said B.J. talked to him today and said no -- the only one the Board had to do was Rick's appointment.

Mr. Hunter said if they do have to make those appointments, they can always do it later.

Cancellation of Commission Meetings/Special Meeting: Commissioner Tuley announced that there will be no Commission meetings the next two Monday nights, as all three Commissioners are going to be unavailable. However, there will be a Special Meeting called for this Thursday evening (July 28th) at 5:30 p.m. The County Council also has a Special Meeting scheduled at 1:00 p.m. on Thursday.



Economic Development/AZTECA:

Commissioner Borries said, "Mr. President, I know there has been some discussion with you and also members of the Economic Development Team concerning these announcements and the special meetings. Also, maybe some concerns have, I guess, been addressed by some members of the Council (which I don't know if we can verify yet) -- but I know Commissioner Hunter cannot be here and in order for all of us to be supportive of the efforts for economic development and perhaps what could occur here on Thursday, maybe Commissioner Hunter might be able to make some comments to that effect."

Commissioner Hunter said, "What I would like to do is read a letter into the minutes since I will be unable to be at the special meeting:

"TO WHOM IT MAY CONCERN:

This letter is in support of the AZTECA project and the County's financial involvement in it.

This project is vital to Evansville and Vanderburgh County for the following reasons:

- a) A number of new jobs will be provided at fair wages
- b) The firm will be producing an environmentally clean product
- c) Initial figures indicate that all the white corn growing within a radius of 100 miles of Evansville will be needed to produce the product. This demand will have a direct and positive impact on the farmers and the economy of Evansville.

In this writer's opinion, AZTECA will be good for Evansville and Evansville will be good for AZTECA.

Sincerely,

Don Hunter"

Commissioner Borries said he thinks that is a strong statement. He then asked, "May we read that to members of Council in your behalf on Thursday?"

Commissioner Hunter said, "I would appreciate it if you did."

President Tuley said "I will then present this to the Council in my presentation on Thursday."

Commissioner Borries said, "I certainly would want to echo Commissioner Hunter's comments. I think this has been a longstanding process that is quite complicated and, frankly, I think it would be ill-advised to turn back now. I think we strongly want to endorse this project -- so I certainly want to concur with your comments."

Commissioner Hunter said, "My concern is -- and I want to see this thing fly -- very little has happened in the County in the last few years that has any direct impact on agriculture. As I understand it, on any given day, these people need five (5) million bushels of white corn on hand for their production. And that is a tremendous shot in the arm to the agriculture and economy of not only this county, but this whole area. And it is something I think the farmers can have a direct benefit from it. Therefore, I have no problem with the million and a half dollar bond issue on this. You're going to see white corn growing all over the county. As I understand it, they will be able to sell it to AZTECA before it even goes into the ground -- and that's a good situation."

Commissioner Borries concurred.

President Tuley commented, "I thank both of you. Keep your fingers crossed."

Executive Sessions: Motion was made by Commissioner Borries that the Board schedule Executive Sessions at 4:00 p.m. on August 15, 22, and 29 for purposes of discussing Pending and Possible Litigation and Personnel Matters. Seconded by Commissioner Hunter. So ordered.

Solid Waste Meeting: Commissioner Borries requested that Ms. Matthews contact Ms. Bettye Lou Jarrel of the Solid Waste District Board to advise they may have a difficult time getting a quorum for their August 8th meeting. He is not sure any of the Commissioners will be in the community -- and that is one reason the Commissioners canceled their August 8th meeting.

President Tuley entertained further matters of business to come before the Board.

Awarding of Contract for Concrete Repair/VC94-06-01 to J. H. Rudolph & Co.: Mr. Stoll said it is his recommendation that the concrete repair contract be awarded to the low bidder, J. H. Rudolph & Company, in the amount of \$86,275.00.

Motion to this effect made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Drainage Board Meeting: Commissioner Borries said he appreciates the patience of those individuals waiting for the Drainage Board Meeting to convene. However, if they think this meeting is long, just wait until August 15th -- after two weeks of not meeting. The Drainage Board will convene shortly.

There being no further business to come before the Board, at 7:25 p.m. President Tuley entertained a motion for adjournment. Motion to this effect made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

President Tuley asked the group to give the Commissioners about ten minutes to finalize paperwork from the Commission Meeting prior to convening for the Drainage Board Meeting.

PRESENT:

Patrick Tuley, President  
Richard J. Borries, Vice President  
Don Hunter, Member  
Alan M. Kissinger, County Attorney  
Cindy Mayo/Chief Deputy Auditor  
Mark Abell/Supt., County Buildings  
Bethanne Willcutt/Commission Office  
John Stoll, County Engineer  
Bill Morphew/County Highway Supt.  
Keith Wallace/Attorney  
Ed Bassemier/Bassemier's Transportation  
Ms. Shirley James/Westside Improvement Association  
Dennis Buickel/County Coroner  
Bill Smith/PVC Plastics  
Les Shively/Attorney  
Eric Williams/Sheriff's Dept.  
Bill Nicholson/Veach, Nicholson, Griggs  
Gary Richmond/Cresline Pasic Pipe Cp., Inc.  
Lynn Ellis/Purchasing Dept.  
Faye Gibson/Old Court House Preservation Society  
Joseph M. Stephens/Old Court House  
Sam Elder/Health Department

COMMISSIONERS MEETING  
July 25, 1994

23

Dan Peters/Law Construction Co.  
Pat Meier/Hancor, Inc.  
Jill Buttemier/Hancor, Inc.  
Ray Nix/Concrete Pavers, Inc.  
Others (Unidenrified)  
Edward T. Capeless/WEVV-TV  
Kyle Foster/Evansville Press  
James Beck/Evansville Courier  
John Gibson/WIKY  
Others (Unidentified)

SECRETARY: Joanne A. Matthews

  
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Patrick Tuley, President

  
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Richard J. Borries, Vice-President

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Don Hunter, Member

**MINUTES**  
**COUNTY COMMISSIONERS SPECIAL MEETING**  
**RE**  
**AZTECA**  
**JULY 28, 1994**

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Meeting Opened @ 5:30 p.m. ....	1
Call to Order, Introductions & Pledge of Allegiance .....	1
Resolution of the Board of Commissioners of Vanderburgh County Concerning the Purchase of Real Estate ...	4
Resolution of the Board of Commissioners of Vanderburgh County Supporting Financing for the Acquisition of Real Estate .....	4
Meeting Adjourned @ 5:52 p.m. ....	5

MINUTES  
COUNTY COMMISSIONERS SPECIAL MEETING  
RE  
AZTECA  
JULY 28, 1994

The Vanderburgh County Board of Commissioners met in a special session at 5:30 p.m. on Thursday, July 28, 1994 in the Commissioners Hearing Room for purposes of considering approval of the actions of the Vanderburgh County Council concerning the issuance of a bond anticipation note in anticipation of a special tax refunding revenue bond, and for the purpose of appointing appraisers to estimate the market value of certain real estate located in Vanderburgh County, and other related matters.

RE: CALL TO ORDER, INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order and introduced members of the County Staff (Alan Kissinger, County Attorney; Commissioner Rick Borries, himself, County Auditor Sam Humphrey and Joanne Matthews, the Official Recording Secretary of the Board). Commissioner Don Hunter is absent.

President Tuley then asked the group to stand for the Pledge of Allegiance.

President Tuley said the purpose of this meeting is to hopefully adopt a couple of Resolutions with regard to the action taken today by the County Council following the news conference and news release by Azteca re locating in Evansville, Vanderburgh County, Indiana. Before proceeding, Commissioner Tuley said he will ask if there is anyone present who wishes to speak to the Commissioners.

Mr. Ken Robinson, Executive Director of Vision 2000 approached the podium and stated, "We appreciate the meeting tonight to consider this very important issue and with us is Mr. Frank Herrera, the CFO of Azteca Milling Company, who has joined me tonight for this action."

Commissioner Tuley then recognized Richard Mourdock. He stated, "I guess I am here as a private citizen from Darmstadt and I was able to attend the first part of the meeting this afternoon when Mr. Herrera spoke and I regret to say I had to leave and didn't hear what questions might have been addressed to them -- and I have just one quick little series of questions.

First of all, I'd like to say the question is not, in any way, meant to be anti-Azteca, anti-business or anything else. I think the project sounds very promising. But I also don't think it is anti-business to ask business like questions and perhaps if I can turn a little bit here to Mr. Herrera.

The one hundred sixty acres (160 acres) that you're purchasing -- I guess I'm kind of perplexed by it. I heard you say today that you will simply be using that for area distribution of water. The water that you would be putting on the property will have had the solids removed -- you're putting in a filtration system. If I say something incorrectly, stop me. And I believe you said the pH of the water would be 7 -- perhaps slightly more -- so, basically, neutral water. I've read in the paper or heard somewhere that basically the application of the water would be adding some lime to the property. Is that accurate?"

Mr. Herrera responded, "Yes. The process, Mr. President, is for us to take the corn -- we add water to cook it -- and to the water we

add lime. The lime acts as an agent to either remove or soften the outer husk of the kernel. This allows the water going to the corn to form what is closely referred to as a hominy. This water is then drained and it will go into the water treatment facility, where the solids and this lime is basically neutralized. Because when the water comes out of the process, it is basically a base and the pH is around maybe 10 or 11. But when it goes through the water treatment process it will come out as approximately a 7 which, as you know, is almost neutral. At that particular point there will be traces of lime in the water -- but it will not be any amount that would be harmful to the land or to whatever we're going to be growing. And, incidentally, we're going to be planting a lot of the acreage in either alfalfa or some similar type grass product and the water will be used to irrigate this grass. So, basically, it is going to be neutral water really."

Mr. Mourdock said, "Thank you for clarifying that. The question then becomes -- and, again, I say this simply as a taxpayer or as a resident who, like anyone else, is concerned about the environment. If we're just putting water on that, why is it so important that the ground be purchased by the County? Can the ground not just basically be rented? Why is it so important that the ownership of that property be initially in the hands of the County and then at some point (twenty years I understand) converted over to your company? I guess there are a lot of people out there -- and John Bittner might be able to address this -- who commercially raise hay. I would think there would be a market for simply growing and raising the hay without the County actually taking title and expending those funds. So that is the question."

Mr. Herrara stated, "To answer that as well as I can, I really don't know why it has to be in the County. It is part of our process -- because we do need a certain amount of land to be able to adequately dispose of the water. It is, you know, we use it in our process; we just can't hold it -- and it either goes into the municipal sewage system or it is used as irrigated water or water to put someplace. So I guess the only reason I can think of why it has to be -- we need the land, we needed to acquire this amount of land, and this is the proposal that was made to us."

Commissioner Borries interjected, "Well, Frank, I think a logical extension of that, too is that -- you have to realize Mr. Mourdock is also a candidate for office at this time as well as a taxpayer."

Mr. Mourdock said, "In addition to being one, I am just as concerned about the environment..."

Mr. Borries interrupted, "We're all concerned about that. But, I mean, the logical thing, too, is that we hope you're going to expand. That the area he is going to use is something that will be set aside for the future."

Commissioner Tuley interjected, "At the news conference, it was. Joaquim Rubio was asked that question and that is not exactly the way he put it. But he spoke of expanding into the eastern United States markets and he was very clear to say that wasn't by doing another plant on the east coast but by expanding the Evansville, Indiana location."

Mr. Herrera said, "Yes, that is correct, Mr. President. The expansion -- or once we -- we anticipate that we will be at full capacity almost immediately because of our demand for the product. We feel that as we go into the eastern markets -- which is where we're now going to be addressing -- that we will be rapidly going into an expansion phase. As I indicated this afternoon, at our Plainview facility we finished construction in 1991 or the early part of 1991 and we had to go to an expansion almost immediately in 1992. A year later we were expanding the capacity by 50 percent. So we anticipate that we might have the same situation here, which

means that almost within a year or two after we're in production we probably will be looking at injecting capital into expanding this facility here. And we are going to need the land for our process."

Commissioner Tuley said, "I don't remember whether it was you or somebody else who, at lunch, was saying, too, and I think it may have been Manuel -- that the timing of everything is so critical because you have to be up in operation and ready to go when the corn is ready to be taken out of the field. We don't have a lot of time for delays if you need a quick expansion."

Mr. Herrera said, "That is correct. The timing right now is very important for one very basic reason. You know, the corn is grown and harvested at a particular time. We can't tell the harvest, 'Hey, wait until we are ready'. We have to be ready when it is ready -- so we're going to be looking at contracts and purchasing early next year for the harvest. As I understand, it is in September and October of the year. So in September and October of 1995, we have to be in a position to be able to receive approximately 3.6 million bushels of corn from this area in our own facilities and the rest we're going to have to look to store off site somewhere."

President Tuley said, "I was speaking more from a standpoint of once you start your expansion, which it sounds like it will be very soon after you're at full capacity -- you will automatically be expanding anyway. So we didn't want to delay by acquiring less than the land you actually needed. That is what I am getting at."

Mr. Herrera stated, "Incidentally, when we talked to the Indiana Department of Environmental Management we asked them to review our process to review what we do, how we do it. We asked them to recommend an amount of land that would be needed in order for us to be able to not only comply with your regulations, but with the Federal regulations, in so far as the disposal of the water that we were using making sure, you know, that we do not harm the environment and that whatever we did was a good and clean process. And they were the ones who came up with the amount of acreage that we would need in this area. At our facilities in Plainview, TX we have close to 300 acres for this purpose and in Edinburg, TX we have 140 acres. So, you know, we go into the community and into the area and we attempt via this process to find out exactly what it is we need in order to be in full compliance."

President Tuley asked, "Ken, did you pretty well ..."

Mr. Robinson said, "The only thing I wanted to say is that we've done a lot of coordination with IDEM and with Azteca to make sure they are meeting with the right people up there with the answers -- because we are all on a fairly fast track with this whole project and wanted to make sure that everybody knew that we were putting the right people together in Indianapolis with the right folks at Azteca and their consultants -- so we could arrive at the proper acreage, the method of distribution of the water and what have you."

One other thing I just wanted to say was, you know, Frank can obviously address issues related to how the company operates and their processes. But when it comes to the package that is offered to them, I don't think the company ought to be speaking. You know, that is the offer we put on the table; the way we structured it -- and that is how we're bringing to you this offer that I think we've negotiated with the company and we're all in agreement that this is the best way to spend the \$1.5 million. And that is really the point I want to make. I don't want to put the company in an uncomfortable position of defending that. That was our decision working with you and with the City to come up with that methodology of using those dollars."

Mr. Mourdock said, "I want to emphasize, again, my point in being



here to ask questions -- not anti-business like questions -- and I, personally, like the flavor of this project -- the international part of it -- and I think it will be a good project. So, welcome to Evansville."

Mr. Herrara thanked Mr. Mourdock.

Mr. John Bittner of the Big Creek Drainage Association was recognized and said he would like to ask the Commissioners that when they change hats and become the Drainage Board, he would like to ask them to please advise Azteca as to the detention basins and the control of run-off that you require of all the other developments on U. S. Highway 41, so they can incorporate that into their original design -- so this is not a surprise to them.

Mr. Tuley said, "I'm sure that as thorough as they are, they will be aware of what they are going to be needing to do. But we'll insure that they are in compliance, John."

Mr. Bittner said, "This is not to increase the velocity or volume of water coming off. And, like Mr. Mourdock, I, too, am very pleased and excited about this plant coming to Evansville."

President Tuley said, "I know you are. And you've addressed a valid concern. We'll see to it at Drainage Board that those requirements are met. Thank you, John."

Mr. Bittner thanked President Tuley.

President Tuley entertained further comments from the audience.

RE: RESOLUTION OF THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY CONCERNING THE PURCHASE OF REAL ESTATE

Commissioner Tuley said he will go ahead and read the Resolution and entertain a motion to adopt. He will also take a roll call vote. He then proceeded to read the Resolution (copy attached hereto). President Tuley subsequently entertained a motion.

Motion to approve the subject Resolution and that President Tuley sign same was made by Commissioner Borries. Seconded by Commissioner Tuley.

President Tuley then asked for a roll call vote: Commissioner Borries, yes; and Commissioner Tuley, yes. So ordered.

RE: RESOLUTION OF THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY SUPPORTING FINANCING FOR THE ACQUISITION OF REAL ESTATE

Commissioner Tuley said the second Resolution will be handled in the same fashion. He then proceeded to read the subject Resolution (copy attached hereto). President Tuley subsequently entertained a motion.

Motion to approve the subject Resolution and that President Tuley sign same was made by Commissioner Borries. Seconded by Commissioner Tuley.

President Tuley then asked for a roll call vote: Commissioner Borries, yes; and Commissioner Tuley, yes. So ordered.

Commissioner Borries said, "Mr. President, let me add again, if I may, a very, very brief welcome to the community from such a quality company as Azteca Corporation. I think it is right for Vanderburgh County and right for Evansville. We're very grateful to have you here. We don't want you to think in any case -- sometimes the controversy and questions asked are sincere. Sometimes, as we all do, we have to ask these questions and some o



us arrive at different answers at different times -- but I've always felt that you can't be for good quality jobs and at the last minute say something else. So we welcome you here and we stand ready to make a commitment in any way to make sure you're successful here. If you're successful, we're going to be successful. Thank you."

President Tuley said, "Well said, Commissioner Borries. I think I've had my say twice today and don't need to say anything else. I'm about to lose my voice."


Mr. Ken Robinson and Mr. Herrera thanked the Commissioners.

There being no further business to come before the Board, President Tuley declared the meeting adjourned at 5:52 p.m.

PRESENT:

Patrick Tuley, President  
Richard J. Borries, Vice President  
Sam Humphrey, County Auditor  
Alan M. Kissinger/County Attorney  
Ken Robinson/Vision 2000  
Frank Herrera/CFO, Azteca Milling Co.  
Richard Mourdock/Commission Candidate and Taxpayer  
John Bittner/Big Creek Drainage Assn.  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

PROOF OF PUBLICATION OF LEGAL ADVERTISEMENT

PASTE  
PUBLISHER  
NOTICE  
HERE

Acct XV15  
STATE OF INDIANA  
VANDERBURGH COUNTY

Personally appeared before Rose Mary Williams a Notary Public  
Angy Mercer who being sworn, says she is Bookkeeper of the  
Evansville Courier Company, publisher of The Evansville PRESS a  
daily newspaper published in the city of Evansville, in said county and  
state and that the legal advertisement, of which the attached is a true  
copy, was printed in its issues of:  
JULY 21 1994

NOTICE OF  
SPECIAL MEETING  
NOTICE IS HEREBY GIVEN,  
pursuant to I.C. 36-2-2-8, that  
the Board of Commissioners  
of Vanderburgh County will  
hold a special meeting on July  
28, 1994, at 5:30 p.m., in  
Room 307 of the Civic Center  
Complex, 1 N.W. M.L. King,  
Jr., Blvd., for the purpose of  
considering approval of the  
actions of the Vanderburgh  
County Council concerning  
the issuance of a bond anti-  
cipating in anticipation of a  
special tax refunding revenue  
bond, and for the purpose of  
appointing appraisers to es-  
timate the market value of cer-  
tain real estate located in Van-  
derburgh County, and other  
related matters.  
Patrick Tulev, President  
Board of Commissioners of  
Vanderburgh County  
(Courier & Press July 21,  
1994)

DR

Signed Angy Mercer

IAL MEETING

Subscribed and sworn to before me this date: 7/26/94

OMM.

Rose Mary Williams Notary Public  
Notary Resident of Vanderburgh County

ROSE MARY WILLIAMS, NOTARY PUBLIC  
MY COMMISSION EXPIRES SEPT. 12, 1994

My Commission expires:

Invoice:

No.

28 Lines 1 time @ .253 \$ 7.08

PROOF OF PUBLICATION OF LEGAL ADVERTISEMENT

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HERE

Acct XV15  
STATE OF INDIANA  
VANDERBURGH COUNTY

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related matters.  
Patrick Tulev, President  
Board of Commissioners of  
Vanderburgh County  
(Courier & Press July 21,  
1994)

DR

Signed Angy Mercer

IAL MEETING

Subscribed and sworn to before me this date: 7/26/94

OMM.

Rose Mary Williams Notary Public  
Notary Resident of Vanderburgh County

ROSE MARY WILLIAMS, NOTARY PUBLIC  
MY COMMISSION EXPIRES SEPT. 12, 1994

My Commission expires:

Invoice:

No.

28 Lines 1 time @ .253 \$ 7.08

RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF VANDERBURGH COUNTY CONCERNING  
THE PURCHASE OF REAL ESTATE

WHEREAS, on July 28, 1994, the Vanderburgh County Council, the fiscal body of Vanderburgh County, Indiana, passed a resolution to the effect that it is interested in making a purchase of certain real estate located in Vanderburgh County, the legal description of which is attached to this resolution and marked as "Exhibit A"; and,

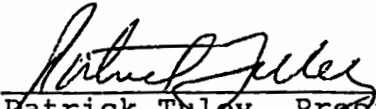
WHEREAS, pursuant to I.C. 36-1-10.5-3, the Board of Commissioners of Vanderburgh County is the "purchasing agent" for Vanderburgh County, Indiana, in that it is empowered to purchase real estate; and,

WHEREAS, it is the finding of the Board of Commissioners of Vanderburgh County that the acquisition of the real estate described in Exhibit A is in the best interests of the citizens of the County and the County;

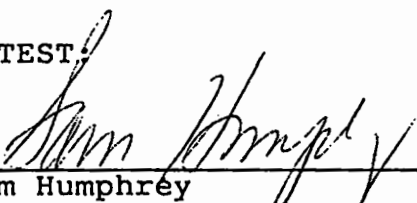
BE IT HEREBY RESOLVED, as follows:

1. The Board of Commissioners of Vanderburgh County, Indiana, pursuant to I.C. 35-1-10.5-5, hereby appoints William Bartlett, II, and David Matthews, both of whom are appraisers professionally engaged in making appraisals in Vanderburgh County, to appraise the fair market value of the real estate described in Exhibit A;
2. The above-named and appointed appraisers shall return their separate appraisals to the Board of Commissioners of Vanderburgh County on, or before, the date of August 28, 1994;
3. After the appraisals have been returned, copies of both appraisals shall be delivered to the Vanderburgh County Council, the County fiscal body;
4. As purchasing agent, the Board of Commissioners may purchase the real estate described in Exhibit A for a price not greater than the average of the two appraisals returned pursuant to this resolution; and,
5. The two separate appraisals shall then be filed in the office of the Board of Commissioners of Vanderburgh County, and shall be maintained on file at that location for a period of five (5) years after the date they are returned.

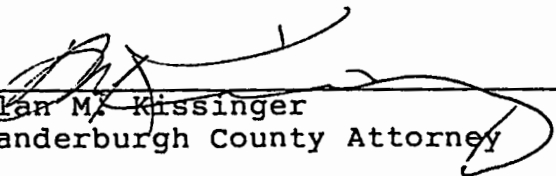
ADOPTED this 28th day of July, 1994.

  
\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners of  
Vanderburgh County

ATTEST:

  
\_\_\_\_\_  
Sam Humphrey  
Vanderburgh County Auditor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan M. Kissinger  
Vanderburgh County Attorney

Part of the West Half of the Northwest Quarter of Section 5 and part of the Northeast Quarter of Section 6, Town 5 South, Range 10 West, Vanderburgh Co., Ind., described as follows:

Beginning at the northwest corner of the West Half of the Northwest quarter of said Section 5, thence 89° 48' 31" East along the north line thereof a distance of 456.23 feet to the west right of way line of the CSX Railroad, thence South 4° 53' 01" East along said right of way a distance of 2764.01 feet to the south line of said half quarter section, thence North 89° 48' 27" West along the south line thereof a distance of 691.42 feet to the southwest corner thereof, thence North 89° 13' 25" West along said south line a distance of 1330.86 feet to a 5/8" iron pin by a corner post, thence North 89° 16' 40" West along said south line a distance of 625.67 feet to a 5/8" iron pin, thence North 0° 21' 12" West a distance of 2733.80 feet to a 5/8" iron pin on the north line of the Northeast Quarter of Section 6, thence South 89° 48' 31" East along said north line a distance of 1973.11 feet to the place of beginning, containing 160.0 acres more or less.

Subject to the legal right of way of Baseline Road on the north.

"EXHIBIT A"

RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF VANDERBURGH COUNTY SUPPORTING FINANCING  
FOR THE ACQUISITION OF REAL ESTATE

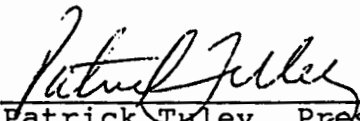
WHEREAS, on July 28, 1994, the Vanderburgh County Council, the fiscal body of Vanderburgh County, Indiana, passed a resolution indicating its interest in purchasing certain real estate to facilitate industrial expansion in Vanderburgh county; and,

WHEREAS, the Vanderburgh County Council has taken the initial legal action for authorizing the issuance and sale of bonds, and the issuance of notes in anticipation of said bonds, for the purpose of financing the purchase of real estate; and,

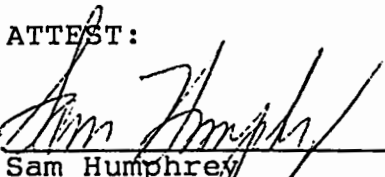
WHEREAS, the Board of Commissioners of Vanderburgh County has found that the acquisition of the real estate is in the best interests of the citizens of the County and Vanderburgh County;

BE IT HEREBY RESOLVED, that the Board of Commissioners of Vanderburgh County, being one of the governmental authorities having jurisdiction to approve the issuance of bonds and other debt obligations in behalf of Vanderburgh County, supports the initial action taken by the Vanderburgh County Council toward the financing of the acquisition of real estate for industrial expansion, and will continue to support and cooperate in future legal actions to accomplish said financing.


ADOPTED this 28th day of July, 1994.

  
\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners of  
Vanderburgh County

ATTEST:

  
\_\_\_\_\_  
Sam Humphrey  
Vanderburgh County Auditor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan M. Kissinger  
Vanderburgh County Attorney

**MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 15, 1994**

**I N D E X**

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Bid Opening/Body Armor for Sheriff's Department .....	1
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MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 15, 1994

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. in the Commissioners Hearing Room, with President Pat Tuley presiding.

President Tuley stated that Commissioner Don Hunter is absent today because he is still on vacation.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Mark Abell, Supt./County Buildings, County Attorney Alan Kissinger, Commissioner Rick Borries, himself, Chief Deputy Auditor Cindy Mayo, and Joanne Matthews, the Recording Secretary for the Board) and asked the group to stand for the Pledge of Allegiance.

Commissioner Tuley subsequently asked if there are any groups or individuals who wish to address the Commission but do not find their name or particular item of interest on tonight's agenda. There was no response

RE: APPROVAL OF MINUTES

A motion was entertained to approve the minutes of July 15, 1994, as engrossed by the County Auditor.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: BID OPENING/CULVERT REPLACEMENT-SCHROEDER RD.

A motion was entertained to authorize Attorney Kissinger to open the subject bids.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: BID OPENING/REHABILITATION OF BRIDGE #1140 KORESSEL RD.

A motion was entertained to authorize Attorney Kissinger to open the subject bids.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: BID OPENING/BODY ARMOR FOR SHERIFF'S DEPARTMENT -  
LYNN ELLIS/PURCHASING DEPARTMENT

Ms. Lynn Ellis of the Purchasing Department requested permission for Attorney Kissinger to open the subject bids and that same be taken under advisement for one week.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: BID VC9414/100 GALLON FUEL CONTAINER - LYNN ELLIS,  
PURCHASING DEPT.

Ms. Ellis requested permission for Attorney Kissinger to open the subject bid concerning purchase of the 100 Gallon Fuel Container formerly used by the Weights & Measures Department and take same

under advisement.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: REQUEST TO APPROVE UTILIZATION OF STATE'S BID FOR  
PURCHASE OF SALT - LYNN ELLIS, PURCHASING DEPT.

Ms. Ellis said the State has already bid the salt and the recommendation is to allow the County Highway Department to purchase the salt as the State bids it at \$31.47 per ton. The low bidder for the State was Akzo Nobel Salt, Inc. -- and that would be the 1994-1995 State Bid.

Motion to approve utilizing the State Bid was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: BID OPENING/REPLACEMENT COMPUTER HARDWARE-PRINTER

Mr. Richard Cappelletti of Data Processing said he is requesting permission for the Attorney to open the subject bids. He would like to award one portion of the bid tonight and after he looks at the prices. The other portion he will take back and analyze in further detail.

Motion to authorize the Attorney to open the bids was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

RE: TRANSPORTATION FOR ELDERLY/HANDICAPPED - BASSEMIER'S  
TRANSPORTATION

It was noted by President Tuley that this bid has already been awarded; all the Commissioners need to do is sign the contract -- and he asked if Ms. Ellis has same.

Commissioner Borries interjected that he wrote a letter. We received some letters from C.A.P.E. He asked if Mr. Abell knows where those letters are. Since this transportation contract was approved by the Commissioners on July 25th, C.A.P.E. apparently sent letters to several other agencies saying that as of whatever now they were not going to provide services to some of these agencies. He wrote back immediately, trying to say first of all that it was kind of amazing to him that if they were already providing services, merely because they lost this County contract it appears that apparently one of the major differences between this contract was a vehicle that C.A.P.E. wanted to get -- so there was a \$21,000 difference there. But apparently the Bassemier bid had already provided the vehicle. So he guesses what he is saying is, if C.A.P.E. doesn't fulfill their responsibilities in so far as transporting eligible, needy elderly through ARC or other Senior Citizens programs -- and they sent copies of that letter -- he wrote back saying that, first of all, he thinks that Bassemier's will honor some of those things -- but it seems regrettable to him that apparently C.A.P.E. was either commingling these funds and serving a population solely off of our County contract -- it's really not clear what they were doing -- but he regrets they sent out letters alarming people of a discontinuation of services that we had no contractual thing to do. Or, if it is simply that C.A.P.E. to provide according to the way the bid was -- you know, transportation to County residents who fit in needy slots -- and, frankly, he doesn't know if they got City funds or whatever else, but he was really concerned about why Ms. Weathers wrote this letter and sent it out re discontinuing transportation service for these other people.

Mr. Tuley said this is the first he's heard of this. As part of the funds that they were receiving from the County as per a contract agreement, is it your opinion they apparently were using

same to provide services to other areas -- that now they say they are not going to provide them?

Mr. Borries said that is right and he doesn't get that.

Mr. Tuley queried Mr. Borries concerning C.A.P.E. funding source.

Mr. Borries said he doesn't know -- but they sent a letter to ARC; they apparently were providing some transportation services to ARC clients and there was a Senior Grandparent or some other group that got a letter like this -- where they said they are going to have to stop providing the services.

Ms. Mayo interjected, "They receive several grants from the State."

Mr. Borries asked, "But shouldn't those grants -- they should fulfill that mission, and I said I felt that they ought to go ahead and continue to provide those services. I don't think then at this point -- I think what is being flushed out of this whole situation is that they apparently were using the money to supplement some other things. We apparently were not getting a lot of itemized breakdown on this. But I find it regrettable that simply because they lost this contract they are now informing some of these other agencies that they are not going to provide these services. And, apparently, there are needy people there. But anyway it is really regrettable. I guess my alternatives, I said they would need to contact Bassemier's regarding some of these clientele -- but we'll do that. But the bottom line is that as far as I am aware, C.A.P.E. ought to be providing those services if they have grants and they are supposed to be serving these people. Merely because they didn't get this contract shouldn't tell them now to stop services."

Mr. Tuley said, "That wasn't part of the contract, so apparently they commingled funds."

Mr. Borries said, "I don't know -- but I found it regrettable that they would do that. So we may have to get a bit more specific here as to who Mr. Bassemier may have to provide services to. But I didn't necessarily want to alarm some of these other agencies. I was totally unaware of that."

Mr. Tuley asked, "Is C.A.P.E. an agency of the City, the County -- or...."

Mr. Borries said, "Well, it's Community Action Program of Evansville. The letter is from Alice Weathers and then I wrote a letter back. If you can get those, Mark, we probably ought to enter them into the record. And I only bring it up because I have not had an opportunity to see you and I want to get it into the record that I don't think we're the cause for them to terminate services to these other agencies. It's your understanding, Ms. Ellis, that they do get other grants and they should have some money to provide the services?"

Ms. Ellis replied, "Yes."

Mr. Tuley said, "Well they either, Number One -- and it's off the top of my head -- need to continue to provide those services, or they were commingling funds provided by the County and maybe they need to be refunding some of those funds. One or the other -- they can't have it both ways."

Mr. Borries said, "Well, if Mark can find that information. It was in a folder and there were some signatures there. I wanted to write a letter back as quickly as I could to assure them that they needed to contact C.A.P.E."

COUNTY COMMISSIONERS  
August 15, 1994

4

Mr. Tuley said, "Well, that is something that is not going to go away, so we need to talk about it, I guess."

Mr. Abell having retrieved the form letter sent by Ms. Alice Weathers, Commissioner Borries proceeded to read the following form letter into the record, noting it was also sent to Torey Brummel of the Foster Grandparent Program and W. H. Powers, Director of Material Management at Deaconess Hospital concerning its Helping Hand Program customers:

Tue. Aug 09, 1994

Ms. Margaret Boarman  
Director  
Evansville Association for Retarded Citizens, Inc.  
615 West Virginia  
Evansville, Indiana 47710

RE: Transportation Contract for EARC Clients

Dear Ms. Boarman:

Due to unforeseen circumstances The Community Action Program of Evansville must exercise the 30 day cancellation clause of the 1994 contract for the transportation of EARC clients.

The loss of the Vanderburgh County contract with the County Commissioners, which was recently awarded to Bassemier's Transportation, has had a drastic effect on our overall Transportation Program. The economies of scale achieved through combining all of our transportation contracts into one program reduces the indirect charges to each individual contract for such necessary costs as, Coordinator, Dispatch and Maintenance salaries, space costs, telephone costs and other administrative overhead.

I am sure yo can understand that with the loss of that contract, the revenues received from our existing contracts would be significantly insufficient to absorb such indirect costs of operating a quality transportation program without a major price increase to our customers. The increase necessary would put our pricing comparable to those currently charged by the other "For Profit" carriers in the area. It is not our desire to compete at those rate levels, but to offer quality transportation to our clients at a more affordable price. Since we cannot at this time, we must inform you that our services will no longer be available after September 9, 1994.

If we can be of assistance in locating alternate transportation, please call.

Sincerely,

Alice Weathers  
Executive Director

cc: Mayor Frank McDonald  
Commissioner Rick Borries  
Alfred Riecken, Jr., CAPE Finance Administrator  
Marylou Cundiff, CAPE Transportation Coordinator

\*\*\*\*\*

Commissioner Borries said, "Now, that was never from what I understood a condition of what -- this was to be County residents yes, County residents in the City, but to target those that may be -- if she has other contractual agreements, it just seems to me that she ought to honor those."

Mr. Tuley said, "Well, that is what it sounds like. That because

of our funding source...."

Mr. Borries continued, "What I wrote back was (and this is my handwritten note):

'In their July 25, 1994 meeting, the Vanderburgh County Commission awarded the Transportation Services contract to Bassemier Transportation in the amount of \$52,008. This bid was the lowest submitted by approximately \$21,744. It was also the most responsive bid, as recommended by the Vanderburgh County Attorney, and in accordance with Indiana State Statutory law. It has come to our attention that the previous transportation provider, C.A.P.E., has apparently been co-mingling the County funds with those of other units of government to subsidize its total transportation operation. Vanderburgh County's contract specifically was intended for County residents who were not served through other existing programs. C.A.P.E.'s communication to you about suspending their services is regrettable given the nature of their mission and the original scope of our agreement with them. They should continue their agreements with you and the County will work with you to provide services to those persons who are not covered by other transportation agreements.'

Commissioner Tuley said, "Off the top of my head it sounds like we were underwriting some other transportation contracts."

Mr. Borries responded, "Apparently. Joanne, my handwritten note is there. Again, I had not had the opportunity to talk with Mr. President here before about that, but when it came up on that contract I wanted to make sure I got that in the formal record."

Mr. Tuley said, "I hadn't seen that, so I'm glad you went ahead and responded to it."

Commissioner Borries said, "I wouldn't have done it individually, except she only named me individually so I felt like I better make a reply there pretty quick."

Mr. Tuley said, "Okay."

RE: ORDINANCE TO AMEND CHAPTER 72, SCHEDULE II OF THE CODE OF ORDINANCES OF VANDERBURGH COUNTY/FINAL READING

President Tuley said this is the Final Reading of this Ordinance. The Ordinance concerns a list of some additional 18 intersections that will now include stop signs.

Motion to approve the Ordinance on Final Reading was made by Commissioner Borries, with a second from Commissioner Tuley.

Mr. Tuley then asked for a roll call vote: Mr. Borries, yes; and Mr. Tuley, yes. So ordered.

RE: CCD FUNDS/SHERIFF'S DEPARTMENT

President Tuley noted this item has been withdrawn.

RE: TIMOTHY MAJOR RE 4905 POLLACK AVENUE/VC-9-94

Mr. Tuley said this matter has been deferred to a later date.

RE: REQUEST TO ADVERTISE FOR CASH MANAGEMENT SERVICES TO VANDERBURGH COUNTY

President Tuley said the County Treasurer has provided the Commissioners with a copy of the Legal Notice. Proposals are to be

opened September 12, 1994 and awarded on September 19, 1994. We've done this twice now and we've always hired a Consulting firm. This year Jayne has been working with a professor from USI that he had that teaches finance and banking to help her draft this and do this at no cost to the County. His name is Bob Hardim and he has donated a lot of time and effort to help us put this together so we could get this done with no cost being expended by the County.

Mr. Borries said we should write Mr. Hardim a letter of thanks for donating his time..

Motion to approve the Legal Notice, as presented, and publish same was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Commissioner Borries said the opening/award date for the proposals is September 12th.

Ms. Matthews interjected that the opening date is September 12th, but the award date is September 19th.

Commissioner Tuley confirmed the County Treasurer would like to come back on September 19th to award the contract. He forgets when the current contract expires, but he thinks it's the end of December.

RE: MATCHING FUNDS COMMITMENT LETTER TO THE STATE RE AZTECA

President Tuley said this item is deferred only because it required -- it wasn't just a simple letter -- there were some facts and figures that had to be provided that we weren't able to gather all today in order to get it on tonight's agenda. So that will probably come back next week.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Work Report: Mr. Morpew submitted Weekly Work Reports for a three week period.....reports received and filed.

Old Henderson Rd.: Commissioner Tuley said he received a call from someone who lived down on Old Henderson Rd. who was very pleased with the paving job. They said you guys did a nice job and they were happy about it. We don't often get those kinds of calls, so I wanted to pass it on to you.

Mr. Morpew said he, too, thinks they did a nice job.

Shore Drive/Roth Rd.: Mr. Morpew said they put base on Shore Drive today and started on Roth Rd. this afternoon.

Equipment Failure: In response to query from Commissioner Borries concerning how the equipment is holding up, Mr. Morpew said they had an equipment failure today. Their paver went down for a couple of hours. They're going to try to get the paver replaced the next paving season. So far they are doing all right with Council with their budget request.

Mr. Borries said when he got back he read with interest about the Council budget hearings. They must have been rather spirited.

Weed Cutting: Mr. Borries asked if, with the dry weather, the weed cutting is working out. Are we still getting some assistance through the County Corrections Department?

Mr. Morpew said that it is. In fact, they said we could have people year round if we wanted them -- and he might be able to use them.

Mr. Tuley asked if with the dry weather the weeds aren't slowing down.

Mr. Morpew said they were slowing down -- but they are growing now and they only have two tractors. Basically they are using them, along with a truck driver, for intersections and hazard areas where motorists can't see around a curve or far enough down the street to pull out safely.

Request to Utilize Safety Director & Inspector on Environmental Work in Process at County Highway Garage: In response to query from Commissioner Tuley, Mr. Morpew said that is just a letter requesting that he use their Safety Director and Inspector on some environmental work going on out at the garage. He (Morpew) found a couple of discrepancies in billing and he asked him if he would look at these before he sent those on to the appropriate personnel -- basically to just scrutinize the billing.

RE: COUNTY ENGINEER - JOHN STOLL

Review Appraisals for Ohio Street Bridge: Mr. Stoll said he is requesting approval to sign the subject appraisals on two (2) right-of-way (2) parcels and forward to Bernardin-Lochmueller. Then they can go ahead and make their official offers to the property owner. Since it involves spending County money, he came here to get authorization to sign same.

Motion to authorize Mr. Stoll to sign the appraisals was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Request to Go on Council Call: Mr. Stoll said he needs an appropriation and a transfer to cover the cost of the appraisals for the aforementioned right-of-way and he is requesting permission to go on Council Call for same.

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

Change Order/Green River Rd. Project: Mr. Stoll said this involved a couple of manhole castings that were too high and they had to switch. It basically involves no change in the cost -- it's just a matter of filing the paperwork.

Motion to approve the change order was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Mr. Borries said there are some spots in the pavement on Green River Rd. that look almost like a tine -- are they going to repave that?

Mr. Stoll said that is where they milled it off where it didn't pass the State's profilograph test. The asphalt was supposed to kind of hide where it had been milled. It's okay. The project is complete -- they are just finishing up the paperwork. There is nothing else that will be done out there.

Fox Hollow Subdivision/Road Plans: Mr. Stoll submitted the subject road plans. He said this subdivision is located up off Baumgart and Heinline roads. The roads have already been built; it's just that they didn't realize the plans were never officially approved. There were no problems with any of the grades or anything and due to error they were just never brought to the meeting for approval. Everything has been built and accepted, but APC needs a date as to when the road plans were officially approved by the Commissioners.

Motion to approve the road plans was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Request for Sidewalk Waiver/Fox Hollow Subdivision: Mr. Stoll said this is a high density area. There are 79 very small lots. The developer is requesting a partial waiver. He wants to put the sidewalks on one side of the street and he said he doesn't care which side of the street. With the density the way it is, we probably should have them on both sides of the street.

In response to query from Mr. Stoll, it was the consensus of the Commissioners that sidewalks should be required on both sides of the street and Mr. Stoll is to so advise the developer.

Edinborough Subdivision/Acceptance of Streets: Mr. Stoll said this subdivision is directly east of Fox Hollow Subdivision. He is requesting acceptance of Kind George Rd. and Churchill Road. Everything was built according to plan and he recommends the streets be accepted.

Motion to accept these streets was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Intersection of Covert Avenue and Fuquay Road: Mr. Stoll said this intersection was discussed a couple of meetings ago, after Mr. Borries had received a letter from a resident. Subsequently they have gone out and painted new stop bars on the streets and added a second stop sign for westbound traffic on the south side of the road. So the stop signs on both sides of the road improve the visibility of the stop there. We'll see how that works.

Mr. Borries said that hopefully this will help. The speed is terrific coming up to that intersection.

Mr. Stoll said the speed limit is 40 mph.

Mr. Borries said 40 mph doesn't touch it -- and when somebody misses it and runs the stop, there have been some horrendous accidents there.

Mr. Stoll said they didn't find records concerning any recent bad accidents. Hopefully, this will improve the visibility of the stop. They were mainly concerned about the west bound stop -- but there are stop signs for both west bound and east bound traffic.

Mr. Borries said he travels this intersection quite a bit himself -- but there is a big shrub on property owned by a homeowner, not on right-of-way -- but if you're traveling south on Fuquay and want to look at westbound traffic on Covert, you've got to kind of inch around there to get around his big shrub -- but the rest of it is clear.

Mr. Stoll said they moved the stop bar closer to the intersection, hoping people would pull out there. It's not out in the traffic stream -- it's just to let them know they can pull out that far.

Boonville-New Harmony Railroad Crossing: Mr. Stoll said this matter was also brought up a couple of meetings ago; it's out by the 4-H Center. The railroad did improve that crossing and it is in a whole lot better condition than it was.

Volkman Rd. Bridge: Mr. Stoll said he did get in touch with the engraving company concerning this bridge and they suggested that since the concrete would be so hard, to either put in a bronze plaque or basically saw out a piece of the concrete and put an inlaid stone marker back in -- they said they could engrave the concrete. He will talk with Don Hunter and see how he wants to proceed with that.

Soil Conservation Service Meeting: Mr. Stoll said he did attend this meeting subsequent to the last Commission meeting. He forgot to request permission to use the County car to travel to Jasper, so



he would seek retroactive approval at this time. The Commissioners approved his travel to Jasper for the meeting, but not taking the County car.

Motion to retroactively approve use of the County car to attend this meeting was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

USI Project: Commissioner Borries said he noted it was announced through the media that the USI project was delayed. Did the contractor or anyone give Mr. Stoll that information?

Mr. Stoll said they have been running just about on schedule.

Mr. Borries said he just hopes we keep the communication open there. Frankly, he wishes they would either contact either Mr. Stoll or the Commission office directly -- so that we don't have any surprises.

Mr. Tuley said he was driving down the road and heard about the delay on the radio one day.

Mr. Borries said if Mr. Stoll's office can monitor -- maybe we need to ask them again to report to us regularly.

Mr. Stoll said that they do.

Mr. Borries said he was not aware we were going to have any delays on that, particularly with the weather we've been having. Are we now running into problems we weren't aware of on that project?

Mr. Stoll said the only delay that he knows of was that Robert Mills told him they were having some problems with some of the sub-contractors getting out there in a timely manner. But as far as any significant delays -- work days have been charged when they should be charged and if they should be charged as a result of weather, then they haven't been.

Mr. Borries said that particular firm is also doing U. S. Highway 41 and has a number of things they are doing -- so he hopes we're not being short changed as a result of some other project.

Mr. Stoll said, "No, no. I would think that if Bob felt that way he would have been in touch with us."

Mr. Tuley said, "Maybe I'm confused then. As far as you're aware of, are we then pretty much on time?"

Mr. Stoll said, "For the most part, yes."

Mr. Tuley asked, "So when we're talking about a delay we're not talking about a month, two months, or three months?"

Mr. Stoll replied, "No. It may be that right before the job was bid somebody was looking at a preliminary schedule -- and they were targeting certain time frames -- I'm not real sure. But I saw the same articles and, based on the monthly updates, it has not been anything substantial in so far as delays go."

Mr. Borries said, "I know the USI people get a little nervous, too, because they have to start planning. I was a little dismayed when I saw they hadn't contacted our office on that. Sometimes you hate to read these things and -- wait a minute, I wasn't aware that anything was going on. So I would appreciate if your office could maybe continue to improve the communications -- because as these things get closer I want to make sure we let the USI folks and everybody else know that the thing is going to get done and there are no problems with it."

Mr. Stoll said, "From what Bob Mills (the project engineer) told me, he said he has pretty much kept open communication between USI and the progress on the job. So as far as I know, everything has been going basically as planned."

Waterworks Rd. Project: Mr. Borries said he went down to this project on Saturday -- and it is dramatically different from what he'd seen during his last visit.

Mr. Stoll said that hopefully they will be paving by Wednesday.

Mr. Borries said, "That is great. Particularly for not only you, but Dave Franklin -- he's done an outstanding job as the County's representative and, in this case, really the taxpayers' representative on this whole project. He is super conscientious. He was down there waving, checking the fill and the number of quantities, etc. I mean, that guy is a real unsung hero -- he's done a terrific job."

Mr. Stoll said, "He deserves a lot of credit. He's given up a lot of Saturdays."

Mr. Borries continued, "I mean, this one has a lot of pressure. It has had lot of attention and I just want to be sure we acknowledge his work and also your constant diligence to make sure this thing stays focused. It's been a tough one -- but we're going to get it done and that is the main thing. Hopefully, we won't have too many more like it. We really appreciate your work on that."

Mr. Stoll said, "A lot of the credit goes to Dave, like you said."

Mr. Borries said, "Maybe we can have an opening next week. We need to plan that. As much static as we got from everybody else, we ought to get that thing -- we ought to at least get a smile or two from somebody down there if we can get it open."

Mr. Stoll said he thinks Dave said hopefully they will be paving by Wednesday and possibly Rudolph will have all of their work done by Friday. It is then just a matter of the County coming back to install the guard rail. So it's possible that early next week things will be ready to go."

Mr. Borries requested that Mr. Stoll let the Commissioners know.

RE: LYNCH RD. PROJECT

Mr. Jim Morley having entered the meeting and in response to query from Commissioner Tuley, he stated what he just handed the Commissioners is a request from Al Bauer for the Contract "Z" item on the Lynch Rd. Project. Al wants to install a casing pipe underneath the Lynch Rd. fill before it is all finished -- for the extension of a sanitary sewer. Al will be responsible for all costs associated with this. He would be putting in a Class 4 concrete encasement pipe and John checked with the State and they want it to be processed as a "Z" item change order. So those are the drawings of the location. It is at Station 105 right at the bottom of the hill as you come down from Lynch Rd. It is not underneath the deep part of the fill. The fill right there is about 4 ft. to 5 ft. deep -- and those are the drawings they need to send on to the State to let them know about putting this casing pipe under there. The casing pipe would extend 15 ft. beyond the right-of-way fence on both sides, so there would never be any movement inside the right-of-way and, of course, now is the time to do it.

Mr. Stoll said the way we will have to process this is we will have to put together a change order and since it will be a "Z" item (which means it's 100% local funds) it will have to be basically put through as part of the project. So before they proceed with

it, we just want to get a verbal okay on it. We have to wait until we get Al Bauer's money for the thing before we process it, because we don't want the County footing the bill -- and it would be a whole lot easier if we could just have him pay the contractor direct; but since it is within the project limits of that Federal Aid job it has to be put through as part of the project.

Motion that this addition be approved was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Encroachment/O'Charley's: Mr. Morley said the other item he handed to Commissioner Borries probably more properly comes under the Drainage Board and that is that O'Charley's has an encroachment of a deck out over the lake and sidewalk out at Cross Pointe and he's got three copies of that. But he thinks that's properly taken into the Drainage Board Meeting next week and he is trying to get it to the Commissioners early so they have time to ask questions -- because he thinks he is down to seeking the building permit and everything now -- so he's got a clear picture for all three Commissioners and wants to leave same with them for their perusal, prior to acting on it next week.

The Commissioners thanked Mr. Morley.

RE: SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Abell noted his list might be longer than usual because we're three weeks away from the last Commission meeting.

Notice to Proceed/Air Conditioning/Old Court House: Mr. Abell submitted the subject Notice for signatures. He said as soon as that is signed he will issue the Notice and work can begin as soon as tomorrow.

Motion to sign the Notice was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Travel Requests/EMA/Sherman Greer: Mr. Abell said that during the last few weeks Mr. Sherman Greer asked for approval for out of town travel to Terre Haute on two different occasions and those dates have already passed. To be official, he thought he should bring the travel request memos to the Commission Meeting. One trip was for the Dog Search & Rescue Evaluation Course and the other was an EMA event. Mr. Greer has already attended both events.

Acceptance of Quietuses for Checks: Mr. Abell said checks also came in which he quietused -- one for \$4,572.82 from Tele-Media. He will give the quietus copy to Joanne for the record. Another check was in the amount of \$40,278.15 from TCI Great Lakes, Inc. He will also provide Joanne with a copy of that quietus for the record.

Request for Permission to Sell 1965 Chevy Truck to Free Pentecostal Church: Mr. Abell said this non-profit organization has asked us to sell them this vehicle, deemed to be surplus (it really is not usable; it is sitting out at the County Garage) for the sum of \$1.00. He thought he would ask to get a legal ruling on this. He didn't know even if we could do that -- but they are a non-profit organization and would like to purchase the old -- he thinks it's either a van or a bus.

Attorney Kissinger said if we don't anticipate the value at more than \$1,000, we don't even have to take bids on it.

Mr. Abell said it is certainly under that. Could he get the Commissioners' permission to sell that to the Free Pentecostal Church? It's a 1965 Chevy Truck, Serial #C63358179065 -- completely not used at this time.

Commissioner Borries said, "I guess -- though -- and I want to say this correctly -- I support, I guess, the church's efforts on this. But sometimes what concerns me the most is, if we sell this -- we're not using it in the County because, obviously, it would have some liabilities and hazards, then what are they going to do with this? Are they going to haul people around in it?"

Mr. Abell replied, "I believe that is their intention. Did I say they wanted to purchase it for \$1.00? I don't know whether I said that or not."

Chief Deputy Auditor Cindy Mayo interjected, "Joanne brought up a question -- since the Commissioners previously authorized Mr. Abell to work through Wolf's Auto Auction with regard to the list of surplus vehicles, is this is to be an exception."

Mr. Abell commented, "I could do that."

Commissioner Tuley said, "I would think that is probably what we ought to do."

Mr. Abell said, "And we are preparing a list of those."

Commissioner Borries said, "I guess I have no objection to that -- but it always bothers me -- I mean, here's something that is unsafe and unusable and somebody is going to transport people -- you almost ask them, 'Are you going to get this fixed, or what are you going to do to it?' -- because that really bothers me."

Attorney Kissinger interjected, "Yes. Since we do already have a contract with Wolf's Auto Auction you probably should go ahead and refer it to them. If you don't want to do that -- I think this would represent an alternative."

Commissioner Borries said, "Maybe we need to refer the matter to Wolf's, Mark if you don't mind."

Mr. Abell said, "I'll pass that information along to them. I am working with Bill Morphey to get a list together of all County vehicles that are currently what you would call surplus - that we do not use. So in the near future we should have that completed. And I'll contact the Pentecostal Church."

Acceptance of Check: Mr. Abell said that normally we get a check from Koester, if the Commissioners will remember correctly, in the amount of \$200 per month for the building they have used, more or less, as a point of operations. They have sent us a letter stating that building is no longer needed. It's a letter to advise us the project to widen North Green River Road has reached the stage at which the Project Engineer does not require a field office any longer, blah, blah, blah -- and they have sent us a final check pro-rated for the amount of time they used it for the month in the amount of \$33.30. He has subsequently checked with John Stoll, the County Engineer, to make sure to take the proper steps to secure the building, to have the utilities cut off (in fact, cut off at the street) -- at which time, he believes John stated, it becomes more or less the property of Blankenberger Bros., because it is in the project right-of-way and they will start demolition as soon as utilities are cut back at the street. He will pass that check down for signatures and quietusing into that account.

Claim/Alexander Ambulance Service: Mr. Abell said he has a claim from Alexander Ambulance Service which arrived after the agenda was finished.

Commissioner Borries interrupted, asking, "Isn't that Mercy Ambulance now?"

Mr. Abell said, "Oh, I'm sorry - Alexander/Mercy -- sorry, my

fault. The claim is in the amount of \$62,984.12. I guess I just need to pass that on down to get approval to pay that. That does pretty much take up what we had funded for the year -- and only that."

Mr. Borries asked, "And they understand that?"

Mr. Abell responded, "B.J. has worked with them on that -- I think they understand. Like it? I don't know. But I'll pass that on down."

Engagement/Kyle Foster: "I have a little note here that says Kyle Foster did become engaged over this past weekend. No details at this time."

Surplus Properties: Mr. Abell said, "Also, Surplus Properties -- that we had planned to give away to the Not-for-Profit Corporations -- we have gotten to that point in time, if I can get permission from our Attorney and permission from you to go ahead and advertise that, as we did last time. We got to the stage where we advertised in the paper and listed the properties for not-for-profit sale. If it's time to do that, then we should go ahead and do that."

Attorney Kissinger said, "Assuming that all of our notices have been properly sent and all the appropriate times have passed, then, yes, we should be doing that."

Mr. Abell said, "It is my understanding that there is a 90-day period in there that has elapsed. Should we go ahead and start the advertising? And, Joanne, if we do advertise that, do you remember doing that last time?"

Ms. Mayo interjected, "Mark, since you have been working with Alan on this, we would like for you to get the list together as you want it advertised -- and then we will advertise."

Mr. Abell said, "Okay. I have the same write-up that we used last time and I have a list of properties. Alan prepared the ad, himself -- do you remember that? I have copies."

Attorney Kissinger said, "Yes. We'll make sure that all the notices -- that we have corresponding notices and that we have our times passed right -- and then -- I'll tell you what, Mark, let's double check on everything and then ask the Commissioners for permission to advertise at next week's meeting. All right?"

Mr. Abell replied, "Okay. Very good."

Mr. Tuley said, "Alan, along that line -- when we had that spirited debate a couple of weeks ago, one of the questions I was asked by the Council members was, if at all possible, in selling that property they would just as soon we sell it before we give it away."

Attorney Kissinger said, "I wonder if any of the Council members would want to come over and bid on this fine real estate."

Mr. Tuley said, "I said I was sure if we could get somebody to buy it I was sure we'd like to sell it."

Attorney Kissinger said, "As I think all the Commissioners are aware, this is not real estate that is going to serve any purpose other than it has served historically -- and that is, to go out to someone who is going to buy it for a few dollars, not pay the taxes on it, and ultimately will come back and become the responsibility of the county. And I would be happy to address the Council on this matter. This is an opportunity for this real estate to be put to a good and profitable use."

Mr. Tuley said, "And that was discussed. This isn't just a matter of getting rid of this property -- but Habitat and different organizations give people modest homes to live in, teach some people some kind of career and what have you. So I said there is more to it than just a matter of donating them land."

Attorney Kissinger, "These are properties that, once improved, are going to contain motivation for the payment of real estate taxes which, ultimately, will pay us back. But they have no real market value at this time."

Mr. Tuley said, "The only thing -- and in the interest of fairness, the way I think we ought to advertise it is list all of those properties that are available for not-for-profits to request, just because I don't want to see certain ones immediately taken out because they have already been requested. Understand what I am saying?"

Attorney Kissinger said, "We're going to advertise as a group for all not-for-profits to come in and bid on that."

Mr. Tuley said, "That is what I want to hear."

Mr. Abell said, "I do have an accurate list for that if we can go ahead and get permission to advertise. We have everything set up as we did last time. And I know the list is accurate."

Attorney Kissinger stated, "But last time we got ahead of our notices. Let's not do that this time."

Mr. Tuley said, "Mark, I'm not sure I am following you. What do you mean 'a proper list'?"

Mr. Abell replied, "Well, we had so many agencies that have requested some properties -- and, as you can imagine, a lot of them overlapped. It got confusing to keep track of all those that were requested. I have done that and I have kept track of who wants what and have gotten with them and they understand who will get -- they have worked out within themselves so that there won't be any fighting over properties, etc. We have 137 total properties that came to us. This is roughly 38 of them that we will be doing with non-profits and I've kept good track of them."

Commissioner Tuley said, "I guess what I am trying to get across is the fact we have been contacted and we should not exclude any no-profit. I don't want to open up a can of worms and get into a fight over it, but at the same time I don't think we exclude anybody who has the right to come in and make a bid to get some property."

Attorney Kissinger interjected, "Correct. The bid will not ....."

Mr. Tuley interrupted, "There are no commitments made on any of these properties -- at least to this point -- is what I'm getting at.:"

Attorney Kissinger said, "Correct. No, there is no commitment and the notice is open in that it merely tells them what qualifications they have to have."

Commissioner Tuley said, "That is what I'm trying to get at."

Request to go on Council Call: Mr. Abell said he would like to go on Council Call at the September meeting to get some funds to pay for the fencing that was required at the new annex of the County Highway -- where we had picked up that property. We went ahead and got the fence and had to -- we used Benny and Bruce out there -- we installed it, but we did have to buy the fence to secure the property.

Mr. Abell said, "Mark, before we're done with you -- there is a request in there (and this is what got my attention) from Burdette to go to Council Call. It says we're requesting Capital Improvement Funds from the CCD Fund for some very important improvements at Burdette -- and it looks like there was an attachment to this. What is this for? Do you know?"

Mr. Abell replied, "I don't know -- but I know that -- does it have a sum on there -- a figure?"

Mr. Tuley said, "Somebody has written on here -- where it says building and structures, \$10,000."

Mr. Abell said, "They initially had a larger sum in mind and were informed -- I don't think we have that much in CCD Funds. I know they made an adjustment to that request and I think what you are looking at is the adjustment to that. What exactly it is for, I am not sure. Cindy, do you remember anything coming from them??"

Ms. Mayo said, "All I know is that Sandi Deig contacted the office today and we told her -- she was contacting us through Burdette Park -- and we said if you approved the Council Call request that we would honor it tomorrow past the deadline -- but I don't know what it is for."

Mr. Abell said, "I don't either, frankly."

Mr. Tuley said, "I don't have any idea what it is. And we did put in a request..."

Ms. Mayo stated, "Joanne said the initial request was \$165,000 -- does that ring a bell with you?"

Mr. Tuley said, "That sounds more like cottages, which I put a request in through the CCD Fund for 1995 for two of them. For advertising purposes, I would just as soon go ahead and approve it, but before it gets to Council we could always withdraw it. "

Mr. Abell said, "I'll call out there tomorrow and find out."

Mr. Tuley said, "Every time I turn around there is a request out of the CCD Funds."

Mr. Abell said, "Mine for fencing was not out of the CCD Funds."

Mr. Tuley said, "No, I just wanted some insight as to what this request was for -- because it looks like the attachment to it is gone."

Mr. Abell said, "I'm not sure what happened to it. I know it started off one way and got changed."

Mr. Tuley moved that the checks be signed and the claim to Mercy Ambulance be approved. Seconded by Commissioner Tuley and so ordered.

RE: COUNTY ATTORNEY - ALAN KISSINGER

VC-9-94/Timothy Major Matter: Attorney Kissinger said this matter has been deferred. Specifically, he would request that it be deferred until the meeting of August 22nd.

Hawkins vs. County Lawsuit: Attorney Kissinger said we have an offer for settlement of this case in the amount of \$500. He is requesting permission to settle that case for that amount, with the understanding the case will be dismissed and there will not be any admission of any liability.

Motion to this effect made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Bid Recaps:

Schroeder Rd. Project: Attorney Kissinger said bids were, as follows:

Koberstein Trucking Co., Inc.	\$23,400.00
Phoenix Construction Co.	\$24,180.00
J. H. Rudoloh & Company, Inc.	\$25,660.00
CCC of Evansville, Inc.	\$28,155.35

Rehabilitation of Bridge #1140/Koressel Rd.:

Koester Contracting Corp.	\$18,648.30
J. H. Rudolph & Company, Inc.	\$24,595.00

Repair & Repaving/New Harmony Rd.:

Koester Contracting Corp.	\$197,121.53
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There was an option in this bid for a type of pavement. That bid, plus the Option add-on, was \$210,811.53.

J. H. Rudolph & Company, Inc.	\$218,397.50
With the Option add-on	\$233,097.50

Body Armour Sheriff's Department:

Park Technology, Inc.	\$13,250.00
U. S. Armor Corporation (1st Series)	\$13,999.50
(2nd Series)	\$17,499.50
Kiesler Police Supply	\$15,892.00
Top Line U.S.A., Inc.	\$13,497.50
RBR Armor, Inc.	\$15,627.50
Steven R. Jenkins Company (1st Model)	\$13,450.00
(2nd Model)	\$14,700.00
(3rd Model)	\$16,095.00
Siegel's Uniforms, Inc.	\$16,002.00
Protective Products International	\$14,529.00
Ray O'Herron Company, Inc.	\$19,200.00
Guardian Technologies International	NO BID

Mr. Tuley noted that's a lot of people selling Armor.

Mr. Borries said, "Fortunately, that's a growing industry.

Bids for 100 Gallon Fuel Container:

Attorney Kissinger noted there was only one bid and that was Hinderliter, Inc. in the amount of \$350.00.

Replacement Computer Equipment:

Attorney Kissinger said the following bids were received:

Pioneer Standard Electronics, Inc.	\$58,348 (Digital) NO BID (Hewlett)
Summit Information Resources	\$49,200 (Digital) \$30,200 (Hewlett)
American Computer Exchange, Inc.	\$56,349 (Digital) NO BID (Hewlett)
Co-Mark	NO BID (Digital) \$28,280 (Hewlett)



Attorney Kissinger said that is all the bid recaps -- for about the next six months, he hopes.

Motion was made by Commissioner Borries that these bids be taken under advisement by the appropriate agencies, with possible recommendations at future meetings -- or tonight.

Mr. Cappelletti said he hopes to award one portion of the bid tonight. Because it is more complex, he would like to take the bids on the Digital Equipment under advisement. But for the H.P. printer, it appears the low bid is from Co-Mark for \$28,280 and that is for 20 H.P. plus printers to replace the aging equipment we have in the Courts Building right now and that is badly needed. He would like to award that to Co-Mark based upon the bid and proceed with the acquisition. There is funding available in his budget for this, although it was not an identified item, he does have funding available.

Motion to approve the award of the bid, as recommended, was made by Commissioner Borries, with a second from Commissioner Tuley. So ordered.

Mr. Cappelletti said he would like to come back next week to award the other bid.

RE: CONSENT AGENDA

Motion was made by Commissioner Borries that the Consent items be approved, as printed. Seconded by Commissioner Tuley.

Employment Status Changes: Ms. Mayo said she does have one correction on the Employment Status Change for the Auditor's office. The Jamie Decker listed as an appointment is not an appointment. She has moved, so she did not start work in the office. That is the only change she has.

Motion to approve the Consent items, as amended, was made by Commissioner Borries. Seconded by Commissioner Tuley and so ordered.

Ms. Mayo said, "For a point of clarification, is the Burdette Council Call listed on the Consent Agenda the same one as mentioned earlier by Mr. Tuley, or a different one?"

Mr. Tuley said it is the same one. It shows on the Consent Agenda. He had asked them at one time that if they weren't going to get the money for the new chalets, to compile a list of what it was going to cost to modify the three old ones they have. So he doesn't know if that is what this is -- or whether this needs to be withdrawn. But he would like to go ahead and get it advertised -- because we can always withdraw it and stop it before Council Call, if necessary.

RE: SCHEDULED MEETINGS

It was noted by Commissioner Tuley that a list of Scheduled Meetings is attached to the meeting agenda. He then cited the various meetings, as listed.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

President Tuley entertained matters of New Business to come before the Board. There were none.

There being no further regular business to come before the Board at this time, at 7:15 p.m., President Tuley declared a brief recess and said the Commissioners need to affix their signatures to several documents and will reconvene in approximately ten minutes to hear the rezoning petitions.

PRESENT:

Pat Tuley, President  
Richard J. Borries, Vice President  
Alan M. Kissinger/County Attorney  
Cindy Mayo, Chief Deputy Auditor  
Mark Abell/Supt., County Buildings  
John Stoll/County Engineer  
Bill Morphew/County Highway Supt.  
Eric Williams/Sheriff's Dept.  
Stephen Woodall/Sheriff's Dept.  
Cecil Davis/J. H. Rudolph & Co., Inc.  
Don Gibbs/Koester Contracting Co.  
Lynn Ellis/Purchasing Dept.  
Richard Cappelletti/Data Processing  
Jim Morley/Morley & Associates  
Jim McKinney/Regency Associates  
Jim Farny/Bernardin-Lochmueller & Assoc.  
Jack Hartmann/Hartmann Farms  
Robert Rheinhardt/F. C. Tucker Realtors  
Dorothy Rheinhardt/Citizen  
Barbara Cunningham/Area Plan Commission  
Bev Behme/Area Plan Commission  
Others (Unidentified)  
Steve Burger/WIKY  
Kyle Foster/Evansville Press  
Jim Beck/Evansville Courier

ABSENT: Don Hunter

SECRETARY: Joanne A. Matthews

  
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Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**AUGUST 15, 1994**

**5:30 P.M.**

**FINAL**

1. **CALL TO ORDER**
2. **INTRODUCTIONS**
3. **PLEDGE OF ALLEGIANCE**
4. **ACTION ITEMS**
  - A. Approval of Commissioner Minutes
  - B. Any group/individual wishing to address the commission
  - C. Bid Openings:
    - 1) VD 94-07-02 Culvert Replacement-Shroeder Road
    - 2) VC 94-08-01 Rehabilitation of Bridge #1140 on Koressel Road
    - 3) VC 97-07-03 Repair/Paving of New Harmony Road

Lynn Ellis/Purchasing:

    - 1) Body Armor
    - 2) VC 9414/100 Gallon Fuel Container
    - 3) Approve utilization of State's Salt Bid
  - D. Richard Cappelletti/Data Processing
    - 1) Open Bids for Replacement Computer Hardware/Printers
    - 2) Award Bids for Printers
    - 3) Awards for DEC Equipment will be requested after analysis
  - E. Bassemier's Transportation  
re: signatures on contract that was awarded on July 25, 1994
  - F. Ordinance to Amend Chapter 72, Schedule II, of the Code of Ordinances of Vanderburgh County  
\*Final Reading
  - G. Sheriff Ray Hamner  
re: CCD Funds
  - H. Timothy J. Major by his Attorney Steve L. Bohleber  
re: 4905 Pollack Avenue

I. Request to advertise for Proposals for Cash Management Services to Vanderburgh County

J. Matching Funds/Commitment letter to State  
re: Azteca

**5. DEPARTMENT HEADS**

Alan Kissinger ----- County Attorney  
Mark Abell ----- Superintendent of County Buildings  
Bill Morphew ----- County Garage  
John Stoll ----- County Engineer  
Sam Elder----- Health Department

**6. CONSENT ITEMS**

- A. Travel/Education  
Health (4) Paid from their budget  
Auditor (1) AIC  
Area Plan (1) See attached information  
Center Assessor (7) Paid from their budget
- B. Employment Changes  
\*lists are in folders
- C. Claims for payment:  
1) Given & Spindler.....2,692.54 (expenses per contract)  
2) Given & Spindler.....4,241.00 (management fee)
- D. Council Call  
1) Burdette Park  
2) Vanderburgh Auditorium
- E. Treasurer's report for June 1994  
\*for acceptance
7. Scheduled Meetings - List attached

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. MEETING ADJOURNED**

**REZONINGS 7:00 PM**

# COUNTY ENGINEER'S

## CONSENT AGENDA

AUGUST 15, 1994

### CLAIMS:

#### CONTRACTUAL SERVICES 203-3930

Community Jobs Club, Inc. (Inv. #11)	\$ 75.00
M & W. Concrete (Inv. #6077) Old Petersburg Rd.	\$ 72.00

#### OHIO ST. BRIDGE #3C 203-4345

Bernardin Lochaueller (Inv. #91-68-1(25))	\$ 4,006.52
Bernardin Lochaueller (Inv. #94-026-5(2))	\$ 266.09

#### BIXLER ROAD BRIDGE #7 203-4349

American Timber Bridge (Inv. #S-787-94)	\$151,355.20
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#### MANN ROAD BRIDGE #5 203-4361

Federal Express Corp. (Inv. #5-271-32300)	\$ 18.50
American Timber Bridge (Inv. #S-788-94)	\$170,389.79

#### ENGINEERING EQUIPMENT 203-4429

Kuester's Hardware (Inv. #12741 & 11995)	\$ 26.56
John Stoll (Reimbursement for Laser Film)	\$ 17.65
Kuester's Hardware (Inv. #14205)	\$ 23.86

#### LYNCH ROAD BRIDGES 203-4395

Bernardin Lochaueller (Inv. #92-032-2(11))	\$ 19,891.78
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#### LYNCH ROAD EXTENSION 216-4827

Bernardin Lochaueller (Inv. #92-032-2(11))	\$ 45,749.27
Bernardin Lochaueller (Inv. #90-038-1(26))	\$ 16,400.55

#### USI & SR 62 430 BOND

Bernardin Lochaueller (Inv. #93-003-3(14))	\$ 53,607.63
Blankenberger Brothers (Est. #23)	\$169,972.18

# August 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 213 / 152	2 214 / 151 9:00am County Council Budget Hearings	3 215 / 150 9:00am County Council Budget Hearings 3:30pm County Council	4 216 / 149 9:00am County Council Budget Hearings	5 217 / 148	6 218 / 147
7 219 / 146	8 220 / 145	9 221 / 144 12:00pm County Council Budget Hearings 5:00pm Joint Budget Hearing	10 222 / 143 12:00pm County Council Budget Hearings	11 223 / 142 12:00pm County Council Budget Hearings	12 224 / 141 Pay Day	13 225 / 140
14 226 / 139	15 227 / 138 3:30pm Solid Waste 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	16 228 / 137 9:00am Insurance Comm.	17 229 / 136	18 230 / 135 9:00am Steering Comm. 2:00pm County Council 5:00pm Pigeon Creek	19 231 / 134	20 232 / 133
21 233 / 132	22 234 / 131 4:00pm Exec. Session 5:15pm Solid Waste 5:30pm Commissioners 6:30pm Drainage Brd.	23 235 / 130	24 236 / 129	25 237 / 128	26 238 / 127 Pay Day	27 239 / 126
28 240 / 125	29 241 / 124 4:00pm Exec. Session 5:30pm Commissioners	30 242 / 123	31 243 / 122 3:30pm Personnel & Finance			

July

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September

S	M	T	W	T	F	S
					1	2
					3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Health 213.0

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
152	Louise Kiesler	5199 Char-Mar Lane Evansville 47720	HCDP Nurse	12.8293/hr.	8/22/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
154	Louise Kiesler	"	HCDP Nurse	12.8293/hr.	8/22/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Sam Alden*  
Director

DATE

8/15/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Records Office

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
040-1990	Laurie Klein	2040 Polaris	Pt. Time	5.00 Per. Hr.	8/12/94
1040-1990	Nick Hermann	5601 Beaver Trail	Pt. Time	5.00 Per. Hr.	8/12/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Betty J. Hermann*

DATE

8/12/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Health 213.0

*sd*

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
153	Jeri Kenning	8324 Brerwood Court Evansville 47715	HCDP Nurse	12.8293/hr.	8/21/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
152	Jeri Kenning	"	HCDP Nurse	12.8293/hr.	8/21/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Sam Eddy*  
Director

DATE 8/15/94





# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Treasurer

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
103-120	Laura J. Watson	2324 Rheinhardt	Counter Posting Clerk	16,075 00	7-1-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
103-120	Laura J. Watson	2328 Rheinhardt	Counter Posting Clerk	15,336 00	7-1-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Jayne L. Black DATE August 15, 1994

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

BURDETTE PARK

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1180	MICHAEL HIRSBERG		GUARD	4 50	8-1 94 ✓
1180	BRIAN DECKER		ENT	5 00	8-1-94 ✓
1180	JAMES JONES		GROUND	5 00	8-1-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Mark T. Tuley DATE \_\_\_\_\_

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Prosecutor's Office - Pre-Trial Diversion Program

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
2630 1990	Michael T. Scarton	725 Brookshire Drive	Assistant	\$5 per hour	8-5-94
		Evansville, IN 47715			

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
2630 1990	Jana Kixmiller	RR # 2 Winslow	Assistant	\$5 per hour	8-4-94
		IN 47598			

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

SEANLEY B. Levco

DATE

8.8.94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Circuit Court

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
505.0136Z -1160	JESSE HERRON		CORRECTION OFFICER	19,142 AN	8-26-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Burley K. Pace  
Magistrate, Circuit Court

DATE 7/26/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Auditor

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1210	Shirley Ankenbrand		Trans. Supv.	21,139 00	8/22/94
1270	Daviette Redmond		Posting Clk	17,668 00	8/29/94
1280	Lisa Tieken		Trans. Clk.	18,502 00	8/29/94
1300	Dorothy Wilson		Trans. Clk.	21,957 00	8/22/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## APPOINTMENTS CONT'D

~~REDACTED~~

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1310	Jamie Decker		Posting Clk	15,336 00	8/1/94
1350	Donna Krowl		TaxSale/H.S.	21,139 00	8/29/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Cindy Mayo

DATE 7-29-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Pigeon Township Assessor (REASSESSMENT)

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1490-150-1130	Deborah K. Schulze	901 Stewart Ave.	Reassessment Co-ord II	Bi-Weekly 719 53	7/30/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*David A. Foy*

DATE 7/29/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Health 213.0

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
152	Jeri Kenning	8324 BRISWOOD COURT Evansville 47715	HCDP Nurse	12.8293/hr.	7/25/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
153	Jeri Kenning	"	HCDP Nurse	12.8293/hr.	7/25/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Sam P. Kelly*  
Director

DATE 7/27/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Auditor

*sh*

## Releases

~~XXXXXXXXXXXXXXXXXXXX~~

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1210	Dona Reheman		Trans. Supv.	21,139 00	8/19/94
1260	Lisa Tieken		Posting Clk	16,852 00	8/26/94
1270	Dorothy Wilson		Posting Clk	19,988 00	8/19/94
1280	Donna Krowl		Transfer Clk	19,400 00	8/26/94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1300	Shirley Ankenbrand		Transfer Clk	19,400 00	8/19/94
1310	Debbie Schneider		Posting Clk	15,336 00	7/29/94
1350	Daviette Redmond		Tax Sale/HS	21,139 00	8/26/94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Cindy Mayo*

DATE

*7-29-94*



# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Cooperative Extension Service - 1230

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1230-1990	Tricia Dilger	4831 St. Wendel-Cynthiana Rd. Poseyville, IN 47633	4-H Summer Staff	4.65	8-4-94
1230-1990	Margo Jones	1322 S. Alvord Blvd. Evansville, IN 47714	4-H Summer Staff	4.65	8-4-94
1230-1990	James Reese	7801 Joest Road Wadesville, IN 47638	4-H Summer Staff	4.65	8-4-94
1230-1990	Angela Reininga	12440 Old State Road Evansville, IN 47711	4-H Summer Staff	4.90	8-4-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE

8-5-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department Cooperative Extension Service - 1230

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1230-1990	Tricia Dilger	4831 St. Wendel-Cynthiana Rd. Poseyville, IN 47633	4-H Summer Staff	4.65	7-22-94
1230-1990	Margo Jones	1322 S. Alvord Blvd. Evansville, IN 47714	4-H Summer Staff	4.65	7-22-94
1230-1990	James Reese	7801 Joest Road Wadesville, IN 47638	4-H Summer Staff	4.65	7-22-94
1230-1990	Angela Reininga	12440 Old State Rd. Evansville, IN 47711	4-H Summer Staff	4.90	7-22-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1230-1220	Tricia Dilger	4831 St. Wendel-Cynthiana Rd. Poseyville, IN 47633	4-H Summer Staff	4.65	7-22-94
1230-1220	Margo Jones	1322 S. Alvord Blvd. Evansville, IN 47714	4-H Summer Staff	4.65	7-22-94
1230-1220	James Reese	7801 Joest Road Wadesville, IN 47638	4-H Summer Staff	4.65	7-22-94
1230-1220	Angela Reininga	12440 Old State Rd. Evansville, IN 47711	4-H Summer Staff	4.90	7-22-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE

8-5-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDEBURGH COUNTY HIGHWAY DEPT. 2010 01010

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
20101023	CECIL D. SILLS	708 N. ELEVENTH AVE. EVANSVILLE, IN 47712	TRUCK DRIVER	11. 67	7-25-94
	CECIL WAS INJURED ON THE JOB AND NOW HAS RETURNED TO WORK				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY William F. Mayhew DATE 7/29/94  
Superintendent

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
60-1980	CHERIE EPLEY	EMP# 05618	PART-TIME CORRECTION OFFICER	\$5.00 HR.	7-18-94 ✓
60-1980	MARY GRIGGS	EMP# 05258	PART - TIME CORRECTION OFFICER	\$7.00 HR.	7-18-94 ✓
36.1-1990	DAVID SNYDER	EMP# 05689	PART-TIME CORRECTION OFFICER	\$7.00 HR.	7-18-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
36.1-1990	CHERIE EPLEY	EMP# 05618	INTERN	\$5.00 HR.	7-17-94 ✓
36.1-1990	MARY GRIGGS	EMP# 05258	PART-TIME CORRECTION OFFICER	\$7.00 HR.	7-17-94 ✓
36.1-1990	DAVID SNYDER	EMP# 05689	PART-TIME CORRECTION OFFICER	\$5.00 HR.	7-17-94 ✓
60-1980	CHRIS PALMER	EMP# 05533	STILL PD ON 8/12/94 INTERN	\$4.75 HR.	7-30-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Rm DATE 8/17/94  
JUDGE

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH SUPERIOR COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
13701730	Sue A. Rheinhardt		Mental Assess. Deputy	18,334 00	8/1/94 ✓
13701370	Steve Griggs		Bailiff	23,930 00	8/15/94
13701803	Sue A. Rheinhardt		Mental Assess. Other Deputy per mo. 3000		8/1/94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1370173	Mildred Morgan		Mental Assess. Deputy	23,930 00	7/29/94 ✓
13701370	Louis J. Carnaghi		Bailiff	22,169 00	7/29/94 ✓
13701970	Sue A. Rheinhardt		Temporary Help	18,334 00	7/29/94 ✓
13701803	Mildred Morgan		Mental Assess. Other Deputy per mo. 3000		7/29/94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*W. G. Dutcher* DATE 8/5/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff Misd.

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
278013702780	Jeffrey Ludwig		Corr. Officer	9 8144 20414 00	8-5-94 ✓
278013802780	Jeffrey Hales		Corr. Officer	9 8144 20414 00	8-5-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
278013702780	Jeffrey Ludwig		Probationary Corr. Officer	9 5740 19914 00	8-4-94 ✓
278013802780	Jeffrey Hales		" "	9 5740 19914 00	8-4-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*R. H. Hume* DATE AUGUST 5, 1994



# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Co. Clerk

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1010-1170	Rhonda L. Clayton	(home raise)	Clerk	8,042.31	7-1-94
1010-1360	Lyons L. Anderson	2516 S. Edwards	Dep. Clerk	17,647.00	7-1-94
1010-1380	Schroeder S. Schaefer	3939 Tushnet	Dep. Clerk	14,691.00	8-1-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1010-1170	Rhonda L. Clayton		Grant Court	8,042.31	7-1-94
1010-1360	Paula M. Burton		Post. Clerk	14,691.00	7-29-94
1010-1380	Lyons L. Anderson	Indianapolis	Dep. Clerk	18,524.00	7-29-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Betty Wright Smith DATE 8-2-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
105011300202	Jennifer Wright		Post Command Receptionist	7,728.31	7-29-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY Roy H. Owen DATE AUGUST 5, 1994

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department County Commissioners # 1300

sl

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1300-1990	Bethanne Willcutt		Intern	5.00	8/3/94
					still on s.i.

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *Patricia J. [Signature]* DATE 8-7-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

sl

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
260-1980	TY WESTON	EMP# 05542	INTERN	26.75 HR	7-30-94
136-1990	ETHAN BROWNING	EMP# 05298	INTERN	26.75 HR	7-30-94
136-1990	TIMOTHY FALLEN	EMP# 05301	INTERN	26.75 HR	7-30-94
36.1-1990	LYNN UNDERWOOD	EMP# 05170	PART-TIME CORRECTION OFFICER	27.00 HR	6-3-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY *[Signature]* DATE 8/4/94

JUDGE

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH COUNTY HWY. DEPT. 2030 02030

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
2030 1130	STANLEY M. LUTZ SR.	2712 CASS AVE.47714	SUPERINTENDENT	13 20	7-26-94 ✓
			BRIDGE CREW	27456	

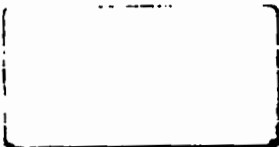
ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY William F. Maglowe DATE 7-26-94



# VANDERBURG COUNTY EMPLOYMENT CHANGES

Department \_\_\_\_\_

## APPOINTMENT MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
1240	1401 N. 1st St. Vicksburg, MS 39180	7833 Highway 111 Vicksburg, MS 39180	RECEPTIONIST	\$ 8201	8-8-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDED  
COMMISSIONER

DATE



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRILL

DON L. HUNTER

PATRICK R. TULEY

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Authorize the County Attorney, Alan Kissinger, to open bids  
for the Sheriff's Body Armor (Protective Vests), bid number  
VC9413.

Bids will be opened at the August 15, 1994 meeting and are to  
be taken under advisement for award at a later date.

**DATE TO BE PLACED ON AGENDA:** August 15, 1994

**ACTION** xx **CONSENT**        **OTHER**



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRILL

DON L. HUNTER

PATRICK R. TULEY

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Authorize the County Attorney, Alan Kissinger, to open bids  
for the Sale of the 100 gallon Fuel Container for Weights and  
Measures, Bid Number VC9414.

Bids will be opened at the August 15, 1994 meeting and are to  
be taken under advisement for award at a later date.

**DATE TO BE PLACED ON AGENDA:** August 15, 1994

**ACTION** XX

**CONSENT**           

**OTHER**

ADDENDUM  
TRANSCRIPT  
REZONING PETITIONS  
AUGUST 15, 1994

I N D E X

<u>Subject</u>	<u>Page No.</u>
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Third Readings

VC-8/94/Petitioners, Joseph Hartmann et al .....	1
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First Readings

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VC-10-94/Petitioner, Larry J. Minar .....	15
VC-11-94/Petitioner, Mid-West Simon, Inc. ....	15
VC-12-94/Petitioner, Evansville Industrial Foundation ...	15
VC-13-94/Petitioner, Vision 2000/Evllle. Regional Economic Dev. Corporation .....	16
VC-14-94/Petitioner, Southern Indiana Properties .....	16

MINUTES  
COUNTY COMMISSIONER'S MEETING  
AUGUST 15, 1994

ADDENDUM - REZONING PETITIONS

The Vanderburgh County Board of Commissioners reconvened promptly at 7:00 P.M. for purposes of hearing Rezoning Petitions. President Tuley called the meeting to order and stated the Board has before them tonight one (1) Third Reading and six (6) First Readings, as follows:

VC-8-94/Petitioners, Joseph Hartmann et al: Commissioner Tuley said the premises affected are 7800 E. Lloyd Expressway with a requested change from Agricultural to C-4.

Attorney Les Shively was recognized, introduced himself and stated, "Mr. President, members of the County Commission, my name is Les Shively, representing the Petitioner here this evening. I am going to be brief. You know the location. You are very familiar with it. The area around it, either side, across the Lloyd Expressway is zoned commercial, C-4 predominantly. The Commissioners denied this back in May. The concern was that they did not -- you all did not want to see us utilize the existing frontage road that was constructed at the time that the State of Indiana put in the cloverleaf for I-164 onto Lloyd Expressway. We then went back to the drawing board and -- came up with a redesign. This is Mr. Morley's drawing. This is the drawing that was the subject of the discussions at your special public hearing on July 11th on traffic problems in this area east of Burkhardt and I'll move it up a little bit here so you can see it. Basically, what we plan to do is vacate this portion I'm pointing to right now of the present county road and relocate the county road beyond this -- at this point right here where there is break in the median starting at Cross Pointe Boulevard and moving east, going around the north line of the Dersch Oil property, coming down here and then reconnecting at the existing frontage road. It will be two-way traffic to a point somewhere to the east where it would become one-way. As I said, the traffic will move along the previously dedicated and established county roadway with some improvements to make it a little wider. Move it along this way into a loop. The loop will come back out here on Cross Pointe Boulevard. We're either going -- this will be the north line, the Builder's Square Property -- we're either going to do this, or if we don't do this, we'll go ahead and line up with the dedicated Virginia and come down this way. In any event, the traffic will move along the reconfigured frontage road to a loop system. John Stoll has reviewed this, finds it to be -- a workable system. The concern that you had back in May was how are we going to be able to do this. It's land we don't own. It's land we don't control, and what we have done at this point in time is the following. We have reached an agreement with Dersch Oil on acquisition of their property, enlisting their cooperation for the construction of the frontage road. We have entered into a verbal understanding of an agreement with the Regency Property folks, the ones that are the principles, the key player, if you will, of the development of Cross Pointe Commerce Center. Mr. McKinney, in fact, is here this evening representing their interests. We have not -- we have prepared a draft of our base agreement of what lands we're going to need from them, how we're going to construct the roadway. They are reviewing that with their engineer and we've also agreed to submit to binding arbitration the determination of what additional consideration, if any, would be owed to the developers of Cross Pointe Commerce Center as a result of the right-of-way they will give us for this north road and also part of this land we need down here, that little turn-neck around the Shell Oil or the Dersch property to do the frontage road. Their engineer is Mr. Morley. They have another engineer, Mr. Waninger, Dave Waninger, who is also reviewing those plans and because of vacation schedules, Regency is



not -- the parties have not signed off because there's still some changes they want to make. The first batch of changes, which was about the engineering review, were forwarded to my office today and have already been incorporated to the agreement and it is our game plan that by the end of this week we will have signed, sealed and delivered the arbitration agreement and the base agreement with Regency and the owners of Cross Pointe Commerce Center. The Dersch deal is pretty well -- is done at this point in time. There's an addendum for some additional work that we're going to do that is also part of that agreement, but we have reached an agreement with those parties and we ask now for the approval of the rezoning. Let me tell what's also going to have to happen before we can start selling anything out here though, and its conveying title. We will still need to go back to the Plan Commission and have our plat redone, or amended, or replatted, if you will, to reflect the location of the roadway, the loop system, so that commitment is placed of record and is clearly shown on the plat books. The other thing that we'll have to do, and we'll come back to you again, is we will have to ask the County Commissioners to vacate that county roadway. At that point -- in getting to that point, we will have to be working very closely with you all because obviously you don't want to vacate anything until you know that we're going to be dedicating this and so that will involve the cooperation of all the parties. Mr. McKinney and I were talking just generally about the mechanics of that this evening, possibly using an escrow or something so we can do it simultaneously on those conveyances that would be triggered by the approval of the vacation, but will be done in such a way that the County is protected. As I said before, I can't imagine the County would want to vacate a road without getting a road back, or some consideration. We're certainly not going to put you in that position. We have come a long way since May. We appreciate the opportunity to come back with you on this project. We tentatively have our financing in place. We will get the final word this week on that to commence construction, if this is approved, in order to accommodate Dersch Oil, which has to be under roof by November. We will be completing by November the lake, which the part that goes around -- the Dersch property -- and that involves the property down there that's still owned by Regency, the developers of Cross Pointe Commerce Center. That will have to be completed on or before November 15th of this year and, in assuming we get the zoning approved this evening, we're going to initiate the vacation petition this week. We're going to get the agreement signed, sealed and delivered with the Regency folks. We will then also have our financing approved and we're going to move forward on this. In fact, Dersch is prepared to do site development work, that is work that they do not need any other approvals on, yet this month. So, I've been a little wordy, and I apologize. I was trying to anticipate some of the questions. I will leave it open for those questions. Our -- the two engineers that have been working on this thing, Mr. Morley on behalf of Dersch Oil and Regency, is here this evening, as well as Jim Farny of Bernardin Lochmueller, has been very instrumental of some of these designs and working, I think -- was working initially back in May with Mr. Stoll when we presented this design for the first time.

Mr. Borries said, "Les, go back through now. It's going to be -- you're proposing a two-way street to the north of the Dersch property, the Shell Oil, and then it becomes...

Mr. Shively interjects, "One way".

Mr. Borries continues, "One way".

Mr. Shively adds, "It would be -- it'd be one way east, going away..."

Mr. Borries asks, "How wide -- do you know how wide a piece of property is there that we would have, or what kind of size area we would envision on that?"

Mr. Morley answers, "The segment -- the segment that is one lane wide would have to be made one lane wide on the Hartmann property by a lane control and signing at that point. The reason for the two lane on the north side of the Dersch Oil property is that the original design for Cross Pointe included a median cross-over at that north point. That was the only access point that had been planned for. That access point is not of extremely high volume and so therefore it would work very satisfactorily for ingress and egress from Dersch's planned service station, but if you were to open it up to an entire shopping center or something else then you would overload that point and so that was the reason for the concern of why -- although the distance is satisfactory, its too much to plan for the amount of left turns. With the roadway layout here the roadway on the north side of Dersch would be three lanes wide so that Dersch could bring his tanker trucks as well as his customers into and out of the station. Then, as the road wrapped and went south towards the Lloyd Expressway it would essentially neck back down into a one lane road. The roadway itself would be, for the most part, the existing county frontage road. I think its twenty, twenty-four foot wide, but the one lane control occurs at the east end of the roadway. That would be the point at which you would sign it -- and you would sign it and use certain median barriers. From a traffic standpoint..."

Ms. Matthews instructs, "Turn your microphone around a little bit, please."

Mr. Morley adjusts the microphone and continues, "From a traffic standpoint it works very satisfactorily. There won't be any traffic tie-ups this way. I mean, it seems a little unorthodox, but it actually flows very well."

Mr. Shively said, "In layman's terms, Mr. Borries, the only patrons, or whatever drivers that would be able to -- to go west, would be those people that go to Shell Oil. You can access the Hartmann property, but you can't exit it. You have to go through the loop which will cut down the traffic immensely, substantially."

Mr. Morley said, "The -- one of the conditions that Dersch has placed on this arrangement is that that two way access not be opened up to the Builder's Square parking lot and so, the way in which this can be done is by the preservation of a one foot wide strip between the two so that we would not under any set of circumstances or future changes from Builder's Square to something else, Dersch would maintain -- Dersch or someone would maintain the ownership of that one strip or it would be placed -- you know, someone would own it so that the people now at Builder's Square, or in the future of some other group, could not then open onto that and overload the capacity of that intersection."

Mr. Shively said, "That's something that Dersch insisted upon for their consideration in cooperating with us on this and that's something that's provided in the -- exhibits that go with that. Also note too, on the roadways -- you've been out to Cross Pointe and know the way their roads have been built, to county standards and then some, with the landscaping, the lighting and such. We are going to build our roads -- this road project will be done consistent with the standards of Cross Pointe and so, it will be in excess of the county standard. That's part of what we have committed to do."

Mr. Morley said, "While I'm up here I would like to add one other thing, to say that my understanding and John Dersch's here, that Dersch Oil does want to get underway and I had warned them that with the high ground water table in that area it would be necessary

that they proceed with all the dirt work as soon as possible, that they have essentially sixty days remaining of -- of weather they can count on for dirt work with the project and the particular problem with this is that they have to really move their plans for the service station. They've either got - they're either going to go with this plan or they got to go where they own land and leave that frontage road alone and I think that is their concern now, is that -- that is correct, that you do plan to proceed this year?

A gentleman's reply from the audience is inaudible.

Mr. Shively interjects, "Let me also -- put this in a nutshell too. This is our only opportunity - I say our, I'm talking the Hartmanns -- this is the only opportunity for this property to be developed with a -- this modified frontage road or any kind of frontage road system and once we lose this window of opportunity with the folks at Dersch then that opportunity is gone forever because they will go back to their regular plan and use the lot that they purchased at Cross Pointe in its dimensions and then we will be without a remedy in terms of trying to utilize the frontage road. So, that's why the timing is critical in order to preserve the cooperation, assistance of Dersch Oil - Dersch Energy.

Commissioner Borries asked Commissioner Tuley if perhaps other people might want to comment. Commissioner Tuley then indicated this would be the appropriate time for comments from anyone either for or against the proposed rezoning. President Tuley recognized Mr. Jim McKinney.

Mr. McKinney introduced himself and said, "My name is Jim McKinney with Regency Associates and representative of Cross Pointe Commerce Corp. We're in agreement that this ground is appropriate - is master planned to become commercial real estate and we agree, matter of fact, we're part of the design of the system that is now being presented before you, as being appropriate. There are only two things I wish to, if I could say, take issue here, is number one, we have not come to an agreement yet. I happen to express frustration because we had your County meeting in here well over a month ago. We met before the Area Planning Commission. We had a commitment that we were going to have an agreement by this evening. We're now short of time. Mr. Shively is representing that we have to do it now or otherwise its lost forever. However, I only got my draft of his proposed agreement on Friday afternoon. Now, its true, I was on vacation. However, after Area Planning Commission I sent a memorandum to Mr. Shively, to our attorney, saying that I will identify where I am, get it to me as fast as possible to review it. To be quite candid with you, I came back from the vacation, spent all day yesterday in the office, and last night working on this thing only to be told this afternoon that he recognized he couldn't have an agreement in place. Plus the fact, part of his presentation to you this evening is in contrast to what we represent is to be our agreement. He said something that which we are not a part of and we don't want to be part of as part of his presentation. So, I feel frustrated because this is appropriate, should be doing -- we understand the Dersch's do have a kind of restraint upon them. We think this plan should work out. We want it to work out for the Hartmanns. However, I'd like to be able to see a whole agreement in place, and we have been asking for this and I have made myself ready and available for it in fact. So, and, we had a meeting prior to the Area Plan Commission. Mr. Shively pulled us all out. Tom Dersch was there, Joe Reed, and I turned to Mr. Shively and I said, we want to have that agreement done by the County Commissioner's meeting. We have to. It should be done and I don't believe its fair for me now to be called upon to say we have an agreement when I only got my copy of this thing as of last Friday and worked on it this weekend. So, I endorse it. I think its a good plan, but we can't represent that we have an agreement yet. I anticipate that we're going to work towards that.

Commissioner Borries said, "Jim, you had some -- you said there was something there you did not feel to be a..."

Mr. McKinney replied, "Something that Mr. Shively said, that we are opposed to as being part of his agreement which he represented earlier. Not with regards to this plan, not with regards to the rezoning, but with our agreement between the two parties."

Commissioner Tuley asked, "Is it reasonable to expect -- maybe this is just looking through a crystal ball -- that you can come to terms on this in a period of time?"

Mr. McKinney answered, "Yes, I believe that it is possible for it to come to terms in a reasonable period of time. As I identified, it has been well over a month since we were in here. At that time he represented that we had agreed to arbitration. Here we now sit this evening and we still are working on this thing. We would like to get it concluded. We've not turned away from it. I anticipate that we will come to an agreement on this."

Commissioner Tuley said, "Jim, I guess to clarify, the questions or the things you don't agree on, are these things that will be settled by binding arbitration or these are other things before we actually get to it."

Mr. McKinney responded, "Yes, its prior to the binding arbitration. The binding arbitration is to the compensation, which is [inaudible]."

Commissioner Tuley said, "So, it has nothing to do with what you're agreeing to other than how much its going to be compensated?"

Mr. McKinney answers, "That's exactly right. That's what the binding arbitration is to."

Mr Morley said, " I have some comments later about these streets, but I -- you know, maybe the other people, maybe will want to say something."

Commissioner Tuley asked again for any comments from the audience.

Mr. Shively responded, "First of all, I don't know what I misspoke about, and if you could clarify it, cause it was not my intention to do so. What I represented to Mr. McKinney at the conclusion of the Plan -- prior to the Plan Commission meeting, that I would have a draft of the arbitration agreement, basic agreement, out by Tuesday to the -- to any number or fax number that his attorney would direct me to do that. I represent to you on the record that I did that. It was faxed to Mr. Miller at the address or the fax number that Mr. Miller requested that I send it to. What happened in-between that point in time and why Mr. McKinney didn't see it until Friday, I don't know. I'm not Mr. McKinney's attorney, so I don't know what happened, but I did as I represented I was going to do and I have not deviated from that one iota, and as I indicated before, there were -- there are, it is my understanding that what -- and I'm trying to speak for Mr. McKinney, but there are three aspects to the review process that Regency is going through. Mr. McKinney's attorney has done an initial review and I was -- and those changes were faxed, those requested changes were faxed to us this morning and have already been incorporated in the agreement. There is two other batches of changes that we have yet to see and I don't anticipate any problems. Those would be Mr. McKinney's himself, because Mr. McKinney is a developer, an experienced developer, and has an eye to these things that go beyond the humble expertise of attorneys and so, he wants to incorporate those as well, and we understand that, and we're anticipating receiving those this week. The third is the -- Mr. Dave Waninger of - Dave's with Arc, is that correct -- Arc Construction, he's an engineer, he had some comments too -- as well and so we'll have to have those

incorporated as well, but I think, and I know that we've done everything we said we would do and we are poised to incorporate those changes and have an agreement that people can sign on Friday, and I certainly, if I misspoke, Mr. McKinney, I certainly apologize and I'm more than happy to correct anything that you felt was incorrect, but that's the record as I -- as I know it to be. We're not trying -- we're working very hard on this thing and time is of the essence and here's something to keep in mind. I think Mr. Kissinger would attest to this. There are a lot of -- simply rezoning this property, all that's said by the County Commissioners is that the land use is appropriate. To do this project, to get a building permit, we have to show access. We can't get a building permit, and I'm not saying this is the right legal position, but the County's position right now, we cannot get a building permit using the existing frontage road there. So, until this plan's effectuated we can't build anything there. The second thing that has to happen is the Plan Commission will have to see a re-plat when we do sell a lot showing the correct dimensions of the property that we're selling incorporating the location of this frontage road loop system. The third thing that needs to happen, which you all have direct control of, is we need some of your right-of-way to do this. You hold the cards, and you're not going to let loose of any right-of-way until the Regency folks and the Hartmann folks are reading out of the same book and have got their deal together and know that when you vacate a County road that you just got, you're going to get another one in its place and that hasn't taken place yet and it won't happen until Regency and Hartmanns are signed, sealed and delivered. All we're trying to do is keep this thing, keep the ball in the air and I think we have made a substantial amount of progress since we were before you in May and even made a substantial amount of progress from where we were about ten days or so from the Plan Commission. We just asked this be approved so we can move this -- continue to move this thing forward. But, the key thing, too, is our financing package is contingent on the zoning and -- but the one top thing is they don't want -- they're not going to loan this kind of money on Ag property. They want to see that zoning classification. That's the only way we can keep the bank interested and it's my understanding, it's poised, assuming we get this approved this evening, it's poised to go to the loan committee Wednesday. So, we basically throw off the financing schedule completely for this month if we don't have the rezoning cause they're not even going to look at this, they're not going to look at this really, you know, they're going to give us -- one contingency is the zoning, the other contingency is the terms of the agreement with Regency, the terms of the agreement with Dersch, but the rezoning is the key. If this is Ag property they're not interested. We can't do without -- we can't do the things he wants to do without the money.

President Tuley speaking, "Alan, if I might, the three points he lined out, is that correct? [Inaudible] ...because its rezoned unless the proper access is shown."

Mr. Kissinger answered, "Correct."

Commissioner Hunter adds, "Barbara may have some comments on that."

Mrs. Cunningham said, "Number one, you [inaudible], I'm sorry, you're asking if building permits can be issued. There are a lot of steps before building permits. One is a subdivision which we have on now, but we've been told that's not the one that they're going to go with. Is that correct? They're going to change that. So, you can not issue until the land is platted, which would have to be filed by next Monday to be on the October meeting."

Commissioner Tuley stated, "Which was point one you made."

Mr. Shively answered, "Yes."



Mrs. Cunningham added, "Which was one point. The other point is that -- that some of the things that you -- you have to be certain that you have proper access to this property and I think Plan Commission asked that this be tied down by tonight too. This was one of the things that they wanted to everything tied down by the time it came before..."

Commissioner Borries asked, "Who's going to make that decision for us. I mean, I see that gets into the congestion. I mean I'd like to see a commitment here that we stick with our overall plan was. If we want -- I mean, all of a sudden we're under the gun. Now, you know, what we've done is make some noticeable changes, even to existing law, to allow this thing to go forward and we're still not there yet is what I'm hearing. We're getting all kinds of conflicting things.

Mrs. Cunningham interjects, "What -- what you have before you tonight is the petition to rezone, what, twenty-one acres to C-4.

Commissioner Borries said, "Well, but what -- where we're headed is, we don't know if Virginia Street's going to get built. We don't know what kind of a -- I mean, we're not only under the gun here with financing, according to what some developers are. There's going to be motorists and people going to be faced with this for years ahead, years ahead, long after I know I'm gone in this seat, that are going to wonder what the heck happened in this whole deal if we don't get something tied down. I don't know where we are yet. I still have some -- there's a lot of things out there that we're going to do this week and next week and everything else and it still just doesn't seem like it's there. I'd like to see a commitment for Virginia Street, to know that Virginia Street's going to go through. I still want to hang on my total quality development. Otherwise, I see some traffic nightmares here and some public safety problems that just may not work in the near future. I mean, I -- I don't know. Yeah, I -- I see -- there was a sliver of Regency property down there, I don't know if any of that has been resolved yet.

Mrs. Cunningham asked, "Builder's Square property was it, or Regency?"

Commissioner Borries answered, "Near -- near the Builder's Square property.

Mr. McKinney asked, "Mr. Borries, excuse me, are you talking about this piece right here?"

Commissioner Borries answered, "Yes sir, yes sir."

Mr. McKinney stated, "The concept is that we would be deeding that to the County at the same time the other ground is being vacated for that road to be built upon it.

Commissioner Borries replied, "Okay, okay."

Mrs. Cunningham continues, "See, there's no right-of-way dedicated nor has there been an application for vacation for the... [Inaudible].

Mr. Shively adds, "Obviously, there's not going to be a petition filed to vacate until we take care of the first prerequisite, the land use question."

Commissioner Borries asked, "I mean, what if we got all these things in place in the next thirty days? I mean, can you get all the things you've talked about in place for the next thirty days? Can we make all this thing work in the next, you know, during that time?"

Mr. Shively answered, "Let me represent to you what -- let me answer the question this way. Those things can be in place in the next thirty days. In fact, they have to in order to get Dersch under way. Mr. Borries, your point is well taken, in terms of your concerns. I'm simply saying to you that the land use is a kingpin to a lot of things and -- and one thing that we would certainly want to get done by the month of August is know that we had our financing in place."

Commissioner Borries said, "Land use is the issue, Mr. Shively, I understand that, but land use, and the reason why, you know, as I say, I -- you don't ever have to -- cause I'll point to the north of the Lloyd Expressway and then voted to rezone every single piece of property north of the Lloyd Expressway, every single piece, since I've been on the County Commission, but land use here is the issue because it still won't work if we can't get in and out of that land. That's the key. That's, to me, the issue that not only faces this with your financing picture, but motorists for the years ahead. How are they going to get in and out of there? Is this thing going to work? I guess that's..."

Mr. Shively replied, "Well, Mr. Stoll, your county engineer has said it will work, sir, and he said it was going to work. And, these folks, the Hartmann family, are not wealthy developers. They're not a major corporation. They're not Mel Simon and Company. The only thing they have of any value is sixty-five of potentially the hottest commercial ground in this county and they are putting it on the line to borrow, and I'm sorry -- I'm not breaching any confidence, I'll tell you, over a million dollars to build road. I'll make this very clear, not roads on their property per se, but roads off-site, substantially off-site from their property, which in more of fifteen years of doing this work, I've never seen a developer do or be required to do, yet this developer is going to do that, and -- you know, I'm simply, you know, saying right now that we have made substantial gains. We're eighty-five percent of the way there. You asked earlier if this could all be completely in thirty days. Yes. If the County wants protection, your attorney's already indicated that the protection is there in the fact that we can't get a building permit until we get it platted, until we get the access and so we're bound to do those things, and you're not going to vacate the roadway until we have those agreements cause you're not going to give up County right-of-way without seeing something going in its place such as we've shown, and I -- I don't know what else to put on the table right now.

Commissioner Tuley said, "Les?"

Mr. Shively replied, "Yes."

Commissioner Tuley continued, "Are you at liberty, so I can get a feel for the amount of traffic that's going to be coming in there and making that right hand turn around Shell Oil, to discuss, I mean, are we talking about at Lot One and Lot Two a high volume traffic generation of, you know, I don't necessarily want you to disclose, but I mean I just need to get a feel, cause I think that's where you're coming from, is the ability to move that traffic in and out there?"

Commissioner Borries said, "Well it'll never get -- its never going to get any less. As the development -- as the development occurs it'll get worse.

Commissioner Tuley said, "Well, there's not -- there's not much more development though. Builder's Square's got that whole corner. There's Lot One and Lot Two. I don't know what..."

Commissioner Borries said, "All behind it along by the -- by the

interstate there. They can -- they can still subdivide lots, can't they?"

Commissioner Tuley said, "Let me ask you this..."

Commissioner Borries continued, "What's going to happen east of this where it says et al, on the Hoffman et al, right -- right in that area there?"

Commissioner Tuley said, "Okay, what..."

Mrs. Cunningham made an inaudible comment.

Commissioner Borries asked, "They're not going to rezone this at this time."

Mr. Shively said, "No, sir, I..."

Commissioner Tuley said, "Well, I mean, I think that's what he's trying -- I think that's what he wanted you to say, not at this time, but what's going to happen in the future is what I think you're asking."

Commissioner Borries replied, "Yes, yes."

Commissioner Tuley continued, "What's going to happen when we develop to the east of that roadway that you're projecting in it besides Lot Two?"

Mr. Shively asked, "You mean up here, you talking about in here?"

Commissioner Tuley said, "Well, between, look at Lot Two and the road that comes up, your loop, okay. Look to the right, yeah, that, between there and sixty-four. Is that going to be, yeah, is that eventually going to be developed?"

Mr. Shively answered, "[Inaudible]... but, I think that its very, very clear that once they move beyond the twenty-one acres, and that's why this is putting in, being put in the way, there's something, there's going to have to be a grid system and you will have the opportunity to address that, require that at the time its rezoned and the time its platted. I feel its very certain we're going to have to show another north -- east-west roadway."

Commissioner Tuley said, "Okay, the one..."

Mr. Shively continued, "In fact, I'm sorry to interrupt you, but we specifically limited it to the twenty-one acres because you all didn't want us to rezone all sixty-five at once and all we -- all we really believed that we can develop right now is the twenty-one acres, because I -- I'll tell you what's really going to happen in reality. Because of the state of flux we're in on getting this done, we don't have any sign of any prospect right now. We haven't sold anything. We're not going to sell any till we get this done. The only thing we're hoping in 1994 is to rezone the twenty-one acres that fronts this roadway and to be able to get the road system in, as much of it as we can. Certainly the property, part of the road that goes around Dersch so we don't slow them down. We're not even thinking about selling in nineteen -- we'd like to sell in 1994, but what we're trying to do right now is take care of the rezoning, the infrastructure concerns, so that we can complete that portion of the frontage road system."

Commissioner Tuley asked, "The road there directly -- I mean, immediately north of Builder's Square, that, according to the plans right now, is a one-way headed west?"

Mr. Shively answered, "No. This is a two-way, I'm sorry."



Commissioner Tuley said, "That is two-way up there."

Mr. Shively continued, "But, people exiting..."

Commissioner Tuley said, "Have no other choice. Okay, so people don't necessarily have to come in and make an immediate right beyond Shell Oil to get back there. They can go further north if they want to for whatever reason."

Mr. Shively said, "Absolutely. We hope that we have some businesses and such that will cause them to do that. We hope it will be attractive to whoever will do that."

Commissioner Borries asked, "What about the road to the east? What are the Hartmanns prepared to -- insofar as you -- you talking about the infrastructure, what are they prepared to put in? You mentioned that, you know, there's a sizable investment."

Mr. Shively gave an inaudible answer.

Commissioner Borries said, "We understand that, but they're going to get all that back. If it's the hottest piece of property, I mean the marketplace alone, it ain't going to go away and it ain't going to be any less. But, that's why we're trying to insist to find out what's going to happen here for future motorists long after they've sold it."

Mr. Shively said, "I -- Joe may be able to -- Joe as the developer working with it may enlighten you, but I mean, regardless of whether we sell it or not I would note also that the agreements with regards to the development of the roadways, the construction of the roadways will be placed in a memorandum of record that will run with the land, the chain of title to the Hartmann property, so all of these road constructions will be prerequisites because it -- mainly because of the private property interests that are involved here, such as Regency and Dersch, so they have assurances that we're going to get this job done."

Commissioner Tuley recognized Mr. Joe Ream.

Mr. Ream introduced himself and said, "Joe Ream, representing also the Hartmanns. I would just like to ask -- answer your question, in English. The financing is to do this and then build a north-south road somewhere there... [Inaudible]... so this get us in to the Hartmann property, then we'll build this north-south road here, here or it could even be here. Then, the way the financing is arranged is that we could either build a three lane road here or a three lane road here. That's our option. So, the worst case scenario as far as the most costly solution would be to go all the way back to Virginia and build a three lane road there and that's -- that's what I've, I've asked them for."

Commissioner Borries said, "Joe, you can't do it on Nuremburg ditch. You're talking about..."

Mr. Ream said, "Well, I meant somewhere, you know. Here or..."

Commissioner Tuley said, "The Lot One and Lot Two that's outlined there, that was the original configuration that -- that now you're talking about rechanging. Is that what you're saying, depending on?"

Mr. Shively answered, "Yes."

Mr. Ream continued, "See, as a practical matter, we're kind of waiting for the first customer. If the first customer wants seven acres, you know, then you do it for seven acres, but if they want fifteen acres, that's a different story. Then you have to put the road in a different place."

Commissioner Tuley replied, "Yes."

Mr. Ream said, "But what I'm saying to you is -- go ahead."

Commissioner Borries said, "Well, Joe, you've been involved and I know that you know that the County has assisted another development you had in getting Vogel Road through."

Mr. Ream added, "Okay."

Commissioner Borries continued, "And, also Virginia Street through in that. So, I mean, are you saying that there's going to be at some point a commitment to keep Virginia Street open in the future so that we have a grid system there?"

Mr. Ream answered, "Well, hopefully the people that own the land in this area, the Hirsch's as an example and the Simon -- my understanding is Simon's going to put it through, his part of Virginia and then there's another piece in between the Hartmann's and -- and the Hirsch, that I think Bente owns most of that in two different pieces. We -- if you're asking me can the Hartmann's afford to build Virginia to Burkhardt Road, they can't do that."

Commissioner Borries said, "No, no, no. On their portion of the property."

Mr. Ream said, "Oh yeah, We -- I can commit to that tonight."

Commissioner Borries said, "That's -- no, no, no, no. I don't ever, ever, ever -- I mean, I'm talking about what developers other than you have always done on their parts of the property, cause that's how Vogel Road got done and that's how other roads have gotten done. No, I'm not talking about all the way over to ..."

Mr. Boehm said, "No -- that's -- that's been reviewed and favorably."

Commissioner Borries continued, "Along their part of the property, Virginia Street, yeah."

Mr. Boehm said, "We've got it all -- yeah, and it's three lane by the way, it's a forty foot road, forty-one. With everything, not just the road, everything complete."

Mr. Shively added, "And let me say this too, and the reason we've given ourselves this flexibility is because we may have a buyer such that are going to need more acreage. We have in our -- in our discussion with Regency and I think, Jim tell me -- please correct me if I'm wrong on this, okay..."

President Tuley interjects, "I bet he does."

Mr. Shively continued, "I don't think he will. We've left it open that in doing this loop, what we're going presently going to do, I say presently going to do as part of this deal, we're either going to do our loop like this or our loop up to the Virginia, link on over to what they've dedicated for Virginia and come down to Cross Pointe Boulevard. That may -- that may get in before this is ever done. You see what I'm saying? I just throw that out as just further evidence of the fact of how we are committed to doing that."

President Tuley asks, "Joe, did I hear you just say that you've -- your financing you've set up for the more costly Virginia Street, if it was necessary to do that? Is that what I heard you say?"

Mr. Ream replied, "Yes, right. Forty-one foot. Just like Vogel Road."

Commissioner Borries asked, "John Stoll, do you have any comments at all at this point?"

Commissioner Tuley said, "I hear a lot of words coming from John, but not from John himself, so..."

Mr. Stoll said, "Like Mr. Shively said, I did support the previous option, the way the road wrapped around the Dersch property and I think that it can work like, I believe it was Mr. Morley who said, that the channelizing islands would have to be constructed that would make sure we wouldn't get ahead on accident condition out there. As far as the other roads in that system, if the road was built on the north side of Builder's Square I would venture to guess that some drivers would not go down around that Dersch road that they'd take the more direct route if they were going to some sites north of, I mean, farther north from these two..."

Mr. Ream interjected, "Why wouldn't they turn in down at this road down here?"

Mr. Stoll answered, "That's hard to say, I'm not sure."

Commissioner Tuley asked, "Say it again, if they were trying to get where?"

Mr. Stoll said, "If they were getting, if they were heading more from this area, so we wouldn't put all the congestion, like you were talking about, having all the right turns coming straight in and looping around the Dersch site, they'd come up to the next road north of Builder's Square and access..."

Commissioner Tuley said, "You mean, go straight across."

Mr. Stoll continued, "... some of the properties that would be rezoned in the future."

Commissioner Tuley said, "I would tend to think you're probably right."

Mr. Stoll said, "I hadn't seen any of these plans until today either, so I'm not sure exactly what had been committed to, but I do think we need some assurances that this will happen, these roads will happen."

Commissioner Borries said, "I do want that. I guess, to ask Mr. McKinney again, I mean, what -- we've heard what needs to happen from Mr. Shively's perspective here. What needs to happen again from your perspective? I mean, can -- we're talking about some things I guess we have on the record tonight, but, I guess my question now is what happens if these things don't happen in the next few..."

Mr. McKinney answered, "Then we will not have an agreement with the Hartmanns."

Commissioner Tuley said, "But, then if you..."

Commissioner Borries said, "Then, then we've got -- what do we do here in terms of..."

Commissioner Tuley said, "But, I think this is -- I mean, if you guys don't come to an agreement, even if we rezone that, the rezoning is virtually worthless because you have no access to the road. Is that correct?"

Several people answered yes.

Mrs. Cunningham said, "You should not zone a property that does not have access and the State would not consider it, I'm sorry, the

farm access. I would hate to have -- to have this come back to be utilized as what the State says we should not, which is this access to the Derschs and the proposal to vacate... [Inaudible].

Commissioner Tuley said, "Well, I guess where I got a problem, and I've -- I've always said I rely real heavily on the recommendations that come from Area Plan and what have you and if I'm reading from the proper minutes, if this is August 3rd, this looks like this came with a nine for and nothing against. Am I reading it properly?"

Mrs. Cunningham replied, "Yes, it did and it also says in the minutes that everything should have been tied down that night and that they hoped they'd have everything tied down by the County Commissioner's meeting and that Mr. Dersch and his family had been patient and had to be under roof by November, but they also said they were coming back with a new prospect to show you, the Commissioners, [Inaudible]... I think the Commissioners will want to see those too... [Inaudible]."

Mr. Borries said, "I know you will have to have it tied down by the County Commissioner's..."

Mr. Tuley said, "Yeah, I'm reading it now."

Mr. Borries continued, "...meeting, Mr. Powers said."

Commissioner Borries asked, "Is it possible to, I'm just talking out loud here, to continue this matter one week? Can we include it as part of our meeting next week?"

Mrs. Cunningham said, "If you don't vote on it ... [Inaudible]..."

Mr. Borries asked, "Can we get it done in a week?"

Mr. McKinney said, "If you continued it you could."

There were several inaudible replies from the audience.

Mr. Borries asked again, "Can we get it done in a week to get all this stuff signed, sealed, boom, boom, boom, get it all?"

Mrs. Cunningham said, "Yeah... [Inaudible]..."

Commissioner Borries said, "Well, that's fine. Whatever it takes because I -- I mean, we're talking about some verbal agreements that haven't been -- been finalized. We think we can get it done. Can we get it done in a week if we continue it?"

Commissioner Tuley said, "The ball is in Mr. McKinney's court. I..."

Mr. Shively said, "Well, I mean, I mean, I've done the drafts. I'm waiting for their comments and I'll -- I'll even get it done in a week. We can get it done in a week."

Mrs. Cunningham made an inaudible statement.

Mr. McKinney said, "I will commit that we'll be always available to respond to his drafts as they have today and I don't think its unreasonable to expect it couldn't be done in a week."

Someone commented, "Two week's time. It should have been done weeks ago."

President Tuley asked, "Let's continue it for a week?"

Mr. Ream said, "As long I tell them that its rezoned then they're going to, you know, take it to a loan committee and I'm, I'm -- you know, you can never be one hundred percent certain, but, I'm virtually certain they're going to approve it because they're very high on the project. I forgot to tell you who I talked to and everything..."

President Tuley said, "No, that's okay. But, I mean, my question would be two weeks from now, that's still going to give you time to get everything done that you have to in the short season that's going to be left? Assuming you get the money in place, I mean, and the weather -- maybe its a crystal ball question."

Mr. Ream said, "I'm for a week myself, sooner rather than later."

Commissioner Tuley said, "Mr. McKinney?"

Mr. Shively said, "Jim, you think we could really give it a good week?"

Mr. McKinney replied, "I'm ready any time you are."

Commissioner Tuley said, "I'm only speaking for one. I'm looking - - I'm speaking from one person's point of view, but I been sitting next to him long enough to realize you come back in a week and its not ready, he's not going to be ready to vote on it. So, give yourself what's a realistic point of time. I don't mean to speak for you, but, I guess we'll get it..."

Mr. Ream said, "That's fine, that's fine."

There were several inaudible conversations.

Mrs. Cunningham asked, "Mr. Shively, what are you going to be ready to do by next week? What are you going to be ready to do by next week?"

Mr. Shively answered, "[Inaudible]... agreements with Regency have them all signed, sealed and delivered."

Mrs. Cunningham asked, "Okay, so when will you be submitting a reprint, at that time?"

Mr. Shively said, "[Inaudible].... rezoning meeting."

Mrs. Cunningham asked, "[Inaudible]... to be on the October meeting, is that what you're planning on? Are you going to file for the vacation? Are going to dedicate the right-of-way, or..."

Mr. Shively answered, "We're going to file for the vacation. We've got the [Inaudible]..."

Mrs. Cunningham asked, "Can you file for the vacation so they'll be started for the Derschs before that? I mean, it doesn't have to happen until its done, but at least it will have been filed."

Commissioner Tuley asked, "Is that law going to be subject to..."

Mrs. Cunningham said, "I don't think... [Inaudible]... is subject to anything."

Commissioner Tuley said, "Well, not the zoning law, his dedication, I mean, he doesn't want to give up -- dedicate anything until such time as he gets the zoning."

Mr. Shively gave an inaudible reply and there was inaudible discussion among the audience.

Commissioner Tuley said, "You guys had your heads together. We've got our heads together. Have you -- is a week continuance enough?"

Mr. Shively said, "Why don't we ask the engineer [Inaudible]..."

Mr. Farny said, "The construction season is nearing the end in terms of being able to get together plans and get everything put together and get it developed. As Jim Morley can attest, this side of town, the east side of town, it's very difficult to move dirt once you get beyond October. The ground water table is just too high. It gets very difficult to construct anything. The key thing here, more than the engineering, as far as I'm concerned, is the agreement between Mr. McKinney and the Hartmann's. If that can happen in a week, then we can make it happen. If that's not going to happen then the engineering doesn't mean anything."

Commissioner Borries said, "That's the reason for the coming back. That's why we're trying to get this thing done next week. If we can just get it done."

Commissioner Tuley said, "Next week."

President Tuley then asked for a motion to continue the hearing until the following week. Motion to continue the hearing was made by Commissioner Hunter with a second from Commissioner Borries. So ordered.

There was much discussion among the Commissioners, Mrs. Cunningham and Mr. Kissinger regarding the First Readings for the evening.

VC-9-94/Petitioner, Timothy J. Minor: The premises affected are 5000 Earl with a requested change from Agricultural to C-4.

Commissioner Borries said, "I'm going to make some comments. Mr. President, in regards to these -- these First Readings are generally routine matters. However, there is a potential litigation for a portion of some of this property, if I'm correct, on -- that is referred to VC-9-94 so I would wish to make comments on First Reading to have the Area Plan Commission evaluate this request in view of the current situation on another portion of this property. So, at this time, Mr. President, I would want to ask that this particular -- this particular Petition be approved on First Reading and forwarded to the Area Plan Commission with the comments that this Petition could be the matter of some future litigation."

Commissioner Tuley seconded the motion. So ordered. Thank you.

VC-10-94/Petitioner, Larry J. Minar: Commissioner Borries moved that the petition for change from Agricultural to R-3 for premises 9249 Baumgart Road be approved on First Reading and forwarded to the Area Plan Commission.

Commissioner Tuley seconded the Motion. So ordered.

VC-11-94/Petitioner, Mid-West Simon, Inc.: Commissioner Borries moved that the petition for change from Agricultural to C-4 for premises G.B. Evansville Developers, L.P. be approved on First Reading and forwarded to the Area Plan Commission.

Commissioner Tuley seconded the Motion. So ordered.

VC-12-94/Petitioner, Evansville Industrial Foundation: Commissioner Borries moved that the petition for change from Agricultural to M-2 for premises 15700 Highway 41 North be approved on First Reading and forwarded to the Area Plan Commission.

Commissioner Tuley seconded the Motion. So ordered.

VC-13-94/Petitioner, Vision 2000 Eville. Regional Economic Development Corporation: Commissioner Borries moved that the petition for change from Agricultural to M-2 for premises 400 West Baseline Road be approved on First Reading and forwarded to the Area Plan Commission.

Commissioner Tuley seconded the Motion. So ordered.

VC-14-94/Petitioner/Southern Indiana Properties, Inc.: Commissioner Borries moved that the petition for change from Agricultural to M-2 for premises 15400 Highway 41 North be approved on First Reading and forwarded to the Area Plan Commission.

Commissioner Tuley seconded the Motion. So ordered.

President Tuley then entertained a Motion to continue until the following week. Motion to continue the meeting to August 22nd, 1994, specifically regarding the Third Reading of VC-8-94, Petitioner Joseph Hartmann, et al, 7800 East Lloyd Expressway, was made by Commissioner Borries.


Commissioner Tuley seconded the Motion. So ordered.

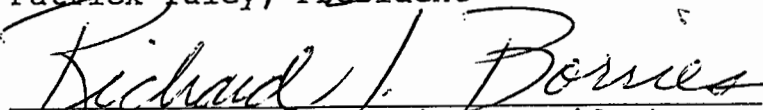
The meeting was adjourned.

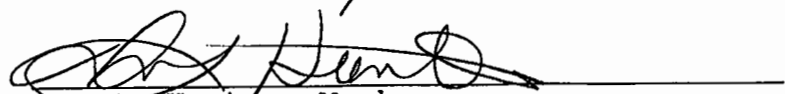
PRESENT:

Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan M. Kissinger/County Attorney  
John Stoll/County Engineer  
Barbara Cunningham, Director/Area Plan Commission  
Les Shively/Attorney  
Bill Morphey/County Highway Department  
Cecil Davis/J. H. Rudolph & Co.  
Lynn Ellis/County Purchasing Department  
Don Gibbs/Koester Contracting  
Stephen S. Woodall/Sheriff's Department  
Ms. Cannellert/Data Processing  
Jim Morley/Morley & Associates  
Jim McKinney/Regency Associates  
Jim Farny/Bernardin Lochmeuller & Associates  
Joseph M. Hartmann/Hartmann Farms  
Joe Ream  
Martha Deuerling/Hartmann Farms  
R.M. Rheinhardt/F.C.Tucker/Huber Realtors  
Dorothy A. Rheinhardt/Citizen  
Eric Williams/Sheriff's Office  
Kyle Foster/Evansville Press  
Jim Beck/Evansville Courier  
Steve Burger/WIKY

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President

  
Richard J. Borries, Vice-President

  
Don L. Hunter, Member

TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
AUGUST 22, 1994

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**TRANSCRIPT  
COUNTY COMMISSIONERS MEETING  
AUGUST 22, 1994**

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, August 25, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff, Mark Abell/Supt. County Bldgs., County Attorney Alan Kissinger, Commissioner Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo and Joanne Matthews, the Official Recording Secretary for the Auditor and this Board. He subsequently asked the group to stand for the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES**

President Tuley said that the minutes from last week's meeting will be available next week.

**RE: GROUPS ADDRESSING THE COMMISSION**

Commissioner Tuley said that this was the appropriate time for any group or individual whose name is not listed in the agenda wishing to address the commission. There were none.

**RE: VC-8-94 PETITIONER/JOSEPH HARTMANN ET AL d/b/a HARTMANN FARMS:**  
President Tuley said that this was a continuation from the previous week. The property affected is 7800 East Lloyd Expressway with a requested change from Agricultural to C-4.

Attorney Les Shively was recognized, introduced himself and said, "Mr. President and rest of the members of the Commission, last week we appeared before you to seek approval of the rezoning of twenty-one acres of a sixty-four acre parcel owned by the Hartmann family. The northwest corner of the intersection of Lloyd Expressway and I-164. The Area Plan Commission unanimously approved, recommended approval of this rezoning petition. It came on to be heard by you all last Monday. As you know, we had submitted to you to address some of the concerns of the County a plan to redesign the frontage road LSR #4 which would be a wrap-around road then going on to the Hartmann property to the east to Lincoln to a north/south roadway on the Hartmann property to join either a north, excuse me, east/ west road along the Builder's Square property or to link on with the -- Virginia Street. We reported to you last week that we had an agreement with the owners of Lot A14. That's the lot right at the corner of Cross Pointe Boulevard. I guess it would be the northeast corner of Cross Pointe Boulevard and Lloyd Expressway to relocated their property to accommodate this phase of it. The other property owner that we needed to seek an agreement with which we did not have in writing at that time were the developers and owners of Cross Pointe Commerce Center. We were hopeful that by this evening we would have that agreement in writing complete today in order to dedicate those right-of-ways. Since we last met attempts have been made to do that. New issues, however, were raised since last week by the developers of Cross Pointe Commerce Center and we've been unable to reach an agreement. That's the bad news. The good news is we do have an access plan for which the right-of-way has already been dedicate which will function and meet the health safety concerns of this county, and its in the spirit -- I received a copy of a letter that was given to you from Barbara Cunningham dated August 17, 1994. I think we received this on Thursday or Friday which suggested certain items that need to be in place to assure that an effective roadway system was, in fact, part of this rezoning. This particular agreement which I'm about to review with you meets the spirit of that agreement -- meets the spirit of that agreement. Mr. Reem, if you'd bring the drawing forward."

Commissioner Borries asked if the other Commissioners and the audience could clearly see the drawings as positioned. There was general agreement that the positioning as appropriate for all.

Mr. Shively continued, "Mr. President, as I run through this plan, I want to give you a written commitment which says for -- how this plan would be implemented and the commitments that the Hartmann family have agreed to make in consideration for the approval of the rezoning this evening. Here's an original that's been signed by the parties. Phil Hartmann has signed for -- under Power of Attorney for his brother and sister out of town. I have those Powers of Attorney with me this evening for review by the council. Let me walk through this for you step by step if I could. Can everyone see this? Okay. The top drawing, which is the drawing prepared by Jim Farny of Bernardin Lochmueller & Associates, shows basically a loop system which would utilize the frontage road where it is presently located now tying into a north south roadway on the Hartmann property to then tie in to a dedicated area on the Hartmann property, the Virginia Street, to the point of the already dedicated Virginia Street. Hartmanns would commit to build the roads starting here on the Cross Pointe property, the northern portion of Cross Pointe Boulevard, Virginia Street and the dedicated right-of-way that currently exists, that the County has, to our property line, build the road where we've dedicated for Virginia Street, build this north/south road. In order to make the frontage road work in its present location, and this bottom drawing is sort of a blow-up of that, we would slightly widen within the existing right-of-way, traffic would be limited to one-way east, automobiles only and we have facsimiles of signage that would be put in place, the one-way sign, the universal symbol and the actually written statement sign that says no trucks. Trucks would have to go up here, over and down. I'm telling -- what I'm telling you I'm telling you second-hand, so there are people here that you can ask directly if you have some questions, but I've been told that the County Engineer has seen this plan, reviewed the plan with Mr. Farny of Bernardin Lochmueller & Associates and he is aware of this plan and has given his input in the plan. Let me go through the rest of this. I think the roadways, the right-of-ways are pretty well -- if I move along from the right-of-ways we would agree and commit to construct those roadways twelve months from today assuming the approval would be given to the rezoning today, we would build those roads within twelve months from today. We would also agree to participate in the cost of the installation of the traffic control signal at the intersection of Lloyd Expressway and Cross Pointe Boulevard. Part number two that begins at the bottom of this commitment runs to the next page. We would include this commitment which you have seen this evening as a use and development commitment to all future rezoning of the balance of the Hartmann property and I've included a legal description of the entire Hartmann property. In other words, we will have to come back to you as we develop this property and rezone more land. We're only rezoning twenty-one acres this evening. There's still -- that's only a third of what's out there. The next petition to come before you would have to have essentially these commitments and the use and development. Yes, sir?"

Commissioner Borries asked, "Where are the twenty-one acres? Can you point it out up there please?"

Mr. Shively said, "I'll let the engineer tell you himself."

Mr. Jim Farny continued for Mr. Shively, "Its the last area south of that line."

Commissioner Borries said, "From there all the way over, okay. So its the southern portion."

Mr. Farny said, "The southern third."

Commissioner Borries repeated, "The southern third. Okay, thank you."

Mr. Shively continued, "In addition, as I've indicated on our prior meetings before we obtain any building permit we'll have to plat the ground that we sell and any application for primary plat approval we'll include this commitment as well and where appropriate we will include in, and you -- Mr. Hunter I know is familiar with this being on the Plan Commission, but before you even record a plat you either have to build your infrastructure or post a letter of credit in sufficient amounts in favor of the county in case the developer goes belly up there's money to complete those roads. We would include, even those these are all, many of these roads are off-site, we would include those costs in the amount of the letter of credit in favor of the county at

the time we would ask for secondary plat approval for any portion of the entire sixty-four acres including the twenty-one acres that we're rezoning here this evening. It's come back to my attention that there was some concern by some county officials about possible litigation and I want to -- I want to leave that issue at rest. If this is approved this evening as we have outlined, we will waive release, whatever Mr. Kissinger feels the appropriate language any claims against Vanderburgh County with regard to the rezoning efforts today. The fifth thing that we ask is that this commitment as its signed be made a part of the minutes of the meeting, this meeting, and the last item of this commitment is that these commitments here again are contingent upon the rezoning being approved this evening. Let me summarize why we believe this is a good proposal for everyone concerned. Number one, there's no question about the appropriateness of the land use. No one's debated this in the many times we've been up here. Number two, the roads that we're going to build here is going to be a substantial commitment on the part of the Hartmanns. They have the financing lined up to do it, somewhere roughly between three-quarters of a million and a million dollars depending upon what your encounter. If you approved this this evening with this commitment this money is going to be -- paid out to satisfy private developers or adjacent property owners per se. It's going to go largely to address a public problem and will initiate the construction of Virginia Street which you all have said on several occasions, especially after our July 11th public hearing is absolutely essential for orderly development in this rapidly growing commercial area. This will insure that it will get done. It will get done not only on the Hartmann property. It will be done on the Cross Pointe property and pretty soon the Hirsch proposal will be coming before you as well and will set the tone for that commitment to come from those developers as well. By the way, I don't represent those people so don't interpret that as saying that I'm making a commitment for them. We seek this rezoning this evening because for several reasons. First of all, the rezoning is the prerequisite for everything, for the financing, for the next step in getting the property platted. Without that everything's at a standstill which means our ability to get money to do these necessary capital projects for the public. Also, late this afternoon we were contacted by a representative of the Hayes group, Mr. Paul Speena, their broker Mr. Dan Fozler and Mr. Dan Bushlon of the Hayes Group of Louisville. Can you gentleman stand please. Thank you. They met with me about an hour before we came over here. They expressed desire in consummating a deal to purchase this property tomorrow morning, sign papers, negotiate out the terms, providing we get this rezoned, because they're under some time frame constraints. I explained to them the road plan that we were going to commit to and they accept that road plan and agree to abide by those conditions. So, they asked to be here this evening, be present to acknowledge that fact by their presence. I think I've covered it all. I appreciate you allowing me the time to go through everything. I'm more than happy to answer any questions. Let me do say this. A lot of what I told you I don't have first hand knowledge of. I'm giving the summary. Here this evening to answer some of the engineering questions on behalf of this project is Mr. Jim Farny of Bernardin Lochmueller & Associates and the developer, Mr. Joe Reem and probably some of those technical questions those gentleman will be in a better position to answer than myself, but we'll give it our best shot."

Commissioner Hunter said, "Well, I've got a question, Les, or whoever. Looking at this commitment to construct roadways and on the first two pages its very clear whose going to be doing what. On the third page you have a boundary description and on the fourth page you indicate that you are asking for rezoning of the entire amount. Now, which is right and which is wrong?"

Mr. Shively answered, "No sir. We're not asking to rezone the entire amount."

Commissioner Hunter said, "But, that's what this says."

Commissioner Tuley added, "The map looks a little strange."

Commissioner Hunter said, "Look at this map. That doesn't -- isn't that the entire acreage?"

Mr. Shively said, "Mr. Hunter, can I -- can I clarify the record please. That's an exhibit to show you, take off the word rezone. It's an exhibit on there to give you a boundary description

and the land that would be subject to future commitments to show you that all sixty-four acres will be subject to these commitments, not just the twenty-one acres we seek to rezone this evening. And, besides, as your attorney will point out, by simply writing the word rezone on that pictorial exhibit would not, could not in any way shape or form legally amend our petition. The petition is for twenty-one acres. I'm sorry for any confusion that might have caused."

Commissioner Borries said, "Sure would make it easier though wouldn't it."

Mr. Shively said, "Yes, sir, it sure would. Yes, it would. By the way, I do have with me, Mrs. Cunningham, I think, already gave these to you and they -- when the order they were sent to me and I don't know if its just the people that faxed them to me or whatever, I had to go through with Mr. Farny and I do have the dedications of Cross Pointe Boulevard, Virginia that were dedicated back in 1990 with drawings and the legal descriptions if your attorney cares to see them, but we have confirmed that all the areas where we'll be constructing, those are already right-of-ways dedicated to the county that exists right now."

Commissioner Tuley said, "Les?"

Mr. Shively answered, "Yes, sir."

Mr. Tuley continued, "Can I just ask you a question here, just for the record. Petitioners agree to participate in the cost of the installation of the traffic control signal as outlined in this letter from EUTS, that percentage and that dollars amount?" To what degree are we talking about?"

Mr. Shively said, "Close to that amount, yeah. It said thirty percent, they're only talking about -- the last figures that I saw or actually were phoned into me was I believe a third for Cross Pointe..."

Mr. Tuley said, "I'll let you read this letter of August 5th. I don't mean to belittle your commitment but a dollar is to participate, so I just want to clarify that."

Mr. Shively said, "Originally we were told twenty-five percent. That's what we had agreed to commit to and I just saw this thirty percent recently. I don't think that's going to be -- especially now that this is..."

Mr. Tuley interjected, "This far along."

Mr. Shively continued, "This is little more cost, this is a little more in our budget doing this road system. I think we'll have the money. But, we did commit to twenty-five percent. The percentage break down is a little strange though. It had thirty-three for Cross Pointe, thirty for us, thirty for Eagle Crest and seven percent for Woodward's development. I don't know how they came up with those percentages number one. Number two, I don't know why they just limited it to those people. But, you know, we did commit early on to twenty-five percent, I believe, is what we committed."

Mr. Hunter said, "I have two more questions. First, I apologize. I was not in the last Area Plan Commission meeting. What was the vote?"

Mr. Shively said, "Nine, 9-0 I believe."

Ms. Cunningham said, "9-0 with the understanding that...[Inaudible]..."

Mr. Hunter continued, "Okay, second question. Did I understand you to say that if this were approved this evening that the magenta and the blue and the dark green and the light green would all be completed within twelve months?"

Mr. Shively asked, "This?"

Mr. Hunter answered, "The magenta, the dark blue, the dark green and the light green would all be completed in twelve months."

Mr. Shively answered, "Yes sir."

Mr. Hunter said, "Okay."

Commissioner Borries stated that he had no questions at that time.

Mrs. Cunningham made several inaudible comments.

Mr. Shively answered, "The roads would have to be in place to accommodate any business that was opened."

Mrs. Cunningham said, "That's what I wanted to make sure of, yeah. So, it would all be in place within twelve months prior to...[Inaudible]. The other question I had as you went through, I haven't seen the agreement. The other question I had was Mr. Shively, you said you were going to have the road costs included in the letter of credit for the subdivision, would that - that would be the total road cost of the whole area."

Mr. Shively said, "Right, right, and I don't know how we could break it down Barbara. I -- have us submit a plat?"

Mrs. Cunningham said, "Well, you have a -- we've got one plat on file, but you said you wanted to change that."

Mr. Shively said, "Doing a replat would be like starting over again. When we submit that we would..."

Mrs. Cunningham said, "It'd really be a new plat, yeah. It would be a new plat."

Mr. Shively said, "Right, right."

Mrs. Cunningham continued, "But in that -- in that you would not have just, you would not have just these improvements you would have...[Inaudible]..."

Mr. Borries said, "Barbara, we can't pick you up over there."

Mrs. Cunningham returned to the microphone and said, "You would not have just these improvements that would be used in this part, you would have the total which is what I'm questioning, the total."

Mr. Shively said, "And that's correct. I'm glad you brought that up because what I wanted to emphasize in this agreement was its a matter of law that we have to -- we have to bond the roads that we build on our property. It is not necessarily the rule that we have to bond off-site roads and that's why I specifically put that in that commitment. So, it's clear that these roads will get built and the mechanism will be the letter of credit that will include those costs."

Mrs. Cunningham said, "In the first phase of the subdivision."

Mr. Shively agreed, "Right, right. I think that's the only way adequately the county can be protected to see those roadways go in."

Mr. Borries said, "Les, I'm sorry, I have one more question tonight because I have not seen all this material. Originally, I think your clients were willing to participate twenty-five percent on - on the signal. Well, the letter I'm looking at dated August 5th says the estimated cost of the signal was approximately \$125,000.00 of which your participation rate was thirty percent. Is there a problem between the twenty-five and thirty percent?"

Mr. Shively said, "Let me put it to you this way, there was a week ago when some of the things -- other things we're going to have to pay for, it certainly was. I think the thirty percent may be doable at this point. See, we committed a long time ago. In these early meetings, you know, we were kind of led to believe our percentage was going to be twenty-five percent and you know, we didn't have any financing lined up or anything. We do have our financing lined up now and I look -- looking to our developer. Is that doable?"

Mr. Reem answered, "Yes."

Mr. Tuley said, "Just for the record, Joe Reem answered yes on the thirty percent."

Mr. Reem said, "I'm not the money guy."

Mr. Borries said, "Well, I know, and if it isn't, the additional five percent comes out of Joe's pocket. Is that right?"

Mr. Shively said, "Exactly. That'll be in the agreement I'm preparing."

Mr. Reem said, "Since you -- since you weren't here last week, I met with the bank and, you know, we have a schedule that we're estimating what this will cost and like Les said, since this is hopefully a little less costly I think we can fit this in, but it would be within the commitment that we have -- we put in with the whole road project. You know, its not like we're borrowing for this separately. What they're waiting for is to get this rezoned and then they're going to take it to their loan committee Wednesday for approval. That's where we're at."

Mr. Hunter said, "So you have no problem with the additional five percent."

Mr. Reem said, "No."

Mr. Hunter said, "This is just for the record because I know that -- the other number was kicked around earlier."

Mr. Tuley again entertained questions from the Commissioners of Mr. Shively or the people he represented.

Mr. Jim McKinney was recognized, introduced himself and said, "I'm Jim McKinney with Cross Pointe Commerce Court. The concern -- this is the first time we've seen this obviously as it is for you. I looked it at on July 22nd when the letter of notice of appearance before the Area Plan Commission as well as before the County Commissioners, this was not the plan that was submitted at the time. It wasn't the plan that was submitted before the Area Plan Commission that was attached to that letter. It concerns me with regards to the access up front and the congestion that could occur with traffic turning in from both directions off the Lloyd Expressway. Like I said, this is seen for the first time. I'm not saying that there is really an issue, but I do not know whether or not this has truly been reviewed. I might come over here. My only concern would be, talking about the congestion, we want to avoid the problem with the Moto Mart that's down at Lloyd and Burkhardt, is that if we have a left turn arrow here and people are coming in here wanting to come over here yet at the same time we are, in this State, permitted a right hand turn on red, will there be congestion or confusion here at this intersection given the fact that this thing is immediately at the intersection. That's why we enjoyed the access being further back here because it gave several hundred feet for this to straighten itself out right here. That's just a concern. I'm not sure of the validity of it, but its something that's not been addressed. This is the first time for us to be able to see it and I don't know how the corporate engineers have looked at this thing, but this seems to be awful close to this major intersection which as this whole thing develops will become more and more congestion right there."

Mr. Tuley asked Mr. Shively, "Les, the part that's about the frontage road as it exists now, did I not understand you to say going east that is a one-way?"



Mr. Shively answered, "Yes, sir. It is east all the way to the Hartmann property. One-way. Did I say one-way? One-way east to the Hartmann property line."

Mr. Tuley asked, "With no truck traffic?"

Mr. Shively said, "No truck traffic."

Mr. Tuley continued, "The frontage way, I mean, what's -- here I am just a dumb ole country boy, went to school with you -- what kind of trucks are we talking, no trucks, are you talking semis, that kind of truck?"

Mr. Shively answered, "Right, right."

Mr. Tuley said, "No tandems."

Mr. Shively said, "Right. Well, I mean -- I wouldn't include blazers like you and I drive, but obviously delivery vehicles, commercial grade trucks. Kind of like on that little sign here."

Mr. Hunter said, "Les, I have a question for you again, since we don't have minutes from last week's meeting I'm not aware of this, what happened to the curly-q that you originally proposed when you were working with Dersch?"

Mr. Shively answered, "We had come to accommodation with Dersch Energies on their participation on this project, Mr. Hunter, and we had come to an agreement in writing with them. We did not have an agreement last week in writing with the Cross Pointe interest. We attempted to do that this week and as I said at the top of my discussion, some new issues came forward from the Cross Pointe group that could not be resolved and to be quite frankly, imposed some additional costs that would -- some additional costs which really started driving up the cost of doing that particular project and starting to make it not very feasible from a financial standpoint. That's basically what happened. I -- I mean, I -- everybody, certainly Mr. McKinney and his group, I can put a gun to their head and make them agree to whatever, but we just -- some new issues were raised this week that had some price tags attached to them that were of concern."

Mr. Hunter said, "I guess the reason I ask this, several weeks ago when we had a meeting, we've had lots of meetings on this as you well know."

Mr. Shively said, "Yes, sir."

Mr. Hunter continued, "I was kind of left with the impression that everybody was going to sit down around the table and everybody was going to work out what would be best for this county and tonight I'm seeing something that's totally different and so I'm just kind of wondering why. So, an agreement was never reached. Is that what you're saying?"

Mr. Shively answered, "Yes, sir. I mean, I thought I was -- I was under the impression that that would occur to, Mr. Hunter, and I can assure that myself, Mr. Farny, the Dersch family, Mr. Reem, we worked to that end and I'm not saying that the folks representing Cross Pointe didn't do the same thing, but as we came down to putting it in writing it appeared that more new issues were raised that were not anticipated back then. Those issues had certain price tags and those were not issues that we were aware of or foresaw at that particular time and seems like every time we did get together, you know especially this past week, new issues were raised rather than resolving existing issues that were out there and, you know, it became a function of, I go to Mr. Reem and I have him crunch through the numbers, you know, its a very delicate situation for me. I'm not the developer. I'm not the money person. I'm just there to see that the documents fall into place and as they started running the numbers there was some concerns raised. What I think we have here, however, in a sense the efforts have not been in vain, Mr. Hunter. Let me point this out. One of the things that I've heard especially Commissioner Borries say on several occasions, especially coming out of the July 11th public hearing and even



as recently as last week, we need to build this Virginia. We need to do this -- this Cross Pointe Boulevard and this is the main entrance, if you will, into both of these areas. That's getting done and that's something that's getting done, which I might add, Cross Pointe Commerce Center will be allowed to use as they develop and sell lots, or tracts of land, in this particular area. So, I don't think it was in vain, Mr. Hunter. I think that as a result of that ideas were floating around. We're trying to solve this problem. We're trying to meet county concerns. We're trying to meet the Dersch family concerns. We're trying to meet Cross Pointe Commerce Center. Most importantly, I'm trying to represent my clients at the same time. So, I think this plan does this because I think there's something in there for everybody, and more importantly it allows the Hartmanns to develop their property and number two, the county gets in, not more than just a commitment, they get the machinery at private expense to build roadways that are very necessary for the development out here, so I don't think the negotiations and discussions were in vain. At least, that's my feeling on it."

Mr. Tuley asked, "Are people here from Dersch?"

Mr. Tom Dersch answered yes and said, "My name is Tom Dersch, representing Dersch Energies from Mt. Carmel, Illinois, the owner of 101 Cross Pointe Boulevard, also known as Lot A-14. This is also the first time that I have been able to review this, this proposal. The first thing that I would like to make sure of is that we have received a permit from the County Engineer allowing us to put a curb cut just north of our southern property line which is relatively close to this agricultural access road. Is that a valid curb cut? I'd like to make sure that is still considered to be a valid curb cut, irrespective of what happens here. If I could have -- made known to that because that does affect our property considerably. Okay, it would be. Is it okay to notate that, that the county..."

Commissioner Borries answered, "Curb cut on what? On the access road that we were talking about?"

Mr. Dersch said, "No, on Cross Pointe Boulevard. Yeah, we have a -- just north of our southern property line of Cross Pointe Boulevard we have a permit to put in a curb cut and..."

Mr. Tuley interjected, "Just for the recorder, in response to Mr. Dersch's questions, John Stoll, the County Engineer, answered it and the answer to the reply was yes."

Mr. Dersch continued, "Okay. The second thing I'd like to -- I'd like to make sure of. I think there was mentioned that there'd be special signage to prevent truck access to this. A truck pulling a trailer, as far as I know, cannot make that radius coming, if they're west bound on the Lloyd Expressway, I don't believe they can make that radius into the agricultural access road so that signage would need to be such that that would not be attempted I would think so that there would not be a stoppage there at that intersection. I would imagine the engineers have addressed that. The other thing I'd like to say is that we did endeavor and, to come to an agreement, and we did come to an agreement with the Hartmanns and we felt that all along that the road accessing our northern curb cut was a better solution than what was there now because of the radius concerned and that it would help facilitate quality development to the east so that's why we -- we cooperated."

Mr. Borries said, "Isn't there a sliver of property that either belongs to your company, or Center Pointe, that is part of that dispute there that apparently can't be resolved?"

Mr. Dersch answered, "I'm not real sure where it broke down because as of Monday of this last week we entered into an agreement and I'm not sure what the cost figure was. We outlined in considerable detail for the Hartmanns what cost they should expect on this and there may have been something that's transpired since that time that I don't know about."

Mr. Borries said, "Well..."

Mr. Dersch said, "But, yes, there is a piece of property to the east of our property..."

Mr. Borries said, "Yes."

Mr. Dersch continued, "... that was supposed to be a basin, a drainage basin, and apparently Builder's Square ran their drainage behind their property rather than in front of their property so that left that basin area to basically serve our needs which wasn't as much as it was before."

Mr. Borries said, "So, although your agreement could still be used if that were the case, there is a sliver of property though apparently because of the drainage basin that is would be in dispute that you would not be able to agree this. Am I correct in saying that?"

Mr. Dersch answered, "You mean, that I would be able to unilaterally make the decision for them?"

Mr. Borries said, "That someone would in relation to this. This was my understanding tonight why Mr. Shively has come up with this alternative. That there's still some slight parcel of access problem to the plan that was presented last week in relation to your property."

Mr. Dersch said, "Okay. First off, we didn't even -- even the road going across our property, the part that we own lock, stock and barrel, fee simple, we made it clear that we were not willing to unilaterally give him the rights to cross that without the okay of Cross Pointe because we have to develop under Cross Pointe's protective covenants and design guidelines and so, even though they were going across our property, it is very important that Mr. McKinney and the folks at Cross Pointe be pleased with how this is being done so that it not become a deterrent or a detraction to their development out there and I, again, I don't know what, but there is a strip of ground, about sixty feet, running in an east west direction just east of our property that is still owned by Cross Pointe Commerce Center that was for a drainage area."

Mr. Borries said, "Okay, that's it."

Mr. Hunter said, "Then, is that the piece of ground that's in -- that there's a problem with? Is that what they're saying? Is that what stopped the curly-q?"

Mr. Dersch said, "To my -- I cannot answer that. Only -- I can only answer that the road has to be put into Cross Pointe's guidelines whether it crossed our property or whether it crossed that sixty foot area. I don't exactly know what stopped this."

Mr. Borries asked, "Is a tanker truck with fuel going to be able to make the turn that you're talking about, onto your property?"

Mr. Dersch answered, "With our curb cuts the way they are there, yes. I believe so. The -- no truck that I know of, unless my radius -- unless I'm looking at that wrong, can make a turn onto that access road as its presently designed unless the engineers done something different than what's there. So, it will not be for trucks."

Mr. Tuley said, "Okay, but by going further north of Cross Pointe Boulevard there is then adequate access by a tanker truck coming to you guys to get into your area to deliver your guys fuel, I assume, is mainly the question."

Mr. Dersch said, "Yes, I believe so, because its the same property that was there before and if we bump down the access was still valid."

Mr. Borries said, "Here's what originally Mr. Dersch and Mr. Shively, I guess, I haven't had any questions, but I will make a comment at this point since you brought this matter up. This is one of the toughest rezoning I can remember because it seems like its a classic case of private property rights versus community and public need in an area and we haven't been privy to all of the negotiations, the private negotiations, nor would we be entitled to that. Initially, I would not have had some concerns about this if this was going to be a two-way street and everything else, but our whole purpose in asking these questions and going through all this has been basically to be able to come up with some documents that allow the private property rights to

interface with the community needs and I've seen that being done now. I mean, I'm not saying that there could be some other room for negotiations between all of you there. I guess that's been our whole purpose anyway. It takes two to get an agreement and we're kind of a third party here representing the, I guess the community, as you will, insofar as community needs. But, and so I think we've come a long way from that tonight. So, I guess there could still be that. I would want to hear from the engineers at this point to see if that would go, if they think John Stoll and perhaps Mr. Farny is representing the developer here what the turning radius is because you see, they've done some accommodation there too. I don't think this would work. We know it wouldn't if it was going to be a two lane street. For one thing there's not a cut on Cross Pointe Boulevard so you couldn't turn left anyway to get back out there, but it is a one-way street. One way it works. It works if you ban trucks as we have talked about here to insure automobile flow and other flow. I think it works, but I need maybe to have one -- an engineer say, say something about that. Would John or Mr. Farny talk a little bit about that?"

Mr. Tuley said, "You have a vested interest in this, too, telling us right and he's got a vested interest in keeping them happy. So, tell us how you see it."

Mr. Stoll said, "Well, I've written numerous memos saying that that road shouldn't be used, but they were all based on the one-way street, I mean on a two-way street and the access as it stands there would be something that I would think you'd want to start off with if you were starting with a totally undeveloped piece of property. It's not the greatest, but I can't -- I couldn't get a resounding no or resounding yes. I just saw this about an hour and a half ago and was trying to figure out what could be right or wrong with it. The only thing that's..."

Mr. Borries interjected the question, "How wide would the pavement be and let's say we're westbound, we want to turn into this. We're going to come up off of Lloyd here and we're going to make this turn. How wide do we have here to do that?"

Mr. Stoll said, "That pavement was 26 feet wide and a passenger car can do that and I believe a truck can, can't it, Jim, if it needs to."

Mr. Borries said, "I would prefer not to have trucks. I like the idea if we're going to have heavy equipment and everything, that you would use that infrastructure to get that kind of traffic congestion away. But, could vehicle traffic, automobile, blazer, truck, something like that, could that make that turn?"

Mr. Stoll answered, "Yes. I believe it can meet the existing one. I mean, a vehicle can do what's out there right now if that little channelizing island was removed. The..."

Mr. Borries said, "In a two-way street, I mean a one-way street at this point, probably tends to move traffic, I guess, fairly expediently. I mean, that would work wouldn't it?"

Mr. Stoll said, "That's one of the things that I was wondering about, whether or not if INDOT would be willing to possibly widen the limited access right-of-way at that point if any other geometric changes could be made that would allow for a quicker turn into that site, mainly the eastbound to northbound left turn. My concern is -- this is about the only concern I had left after it went from one-way to two-way -- if a quick turn comes in here and he puts on his brakes, once there's a signal up here, you'd have a pretty good line of traffic probably and I could see if this guy puts his brakes on pretty quick he may cause a rear-end accident. That's the only remaining concern when we switch from the two-way street from the one-way street that I could see that would happen. But, if the geometrics, which I couldn't really tell on a short notice there when I got the plan, but they have improved this radius here, so it may be possible for the cars to get in there quick enough that it wouldn't cause the problem."

Mr. Tuley asked, "John, is there a name for that street now or is there plans for a name for that road."

Mr. Stoll asked Mr. Shively, "You called it Hartmann Drive, didn't you?"

Mr. Shively said, "Cross Pointe has suggested, maybe this will make sense for public records, unless my clients have any great objection, we might want to call it Division Street since I think they're calling most of the frontage roads along the Lloyd Expressway, Division Street. So, it'd be consistent."

Mr. Tuley asked, "Is there -- okay, is there a way to get a sign that tells trucks -- you know, initially I can see people trying to come in there, then at the last minute realizing they can't make the turn and stomping on the brakes as John had just indicated. Is there some way to get signage along the Expressway that trucks are not allowed on Division Street or whatever it is?"

Mr. Stoll said, "The sign is supposed to be where?"

Mr. Tuley said, "Anywhere besides once they get inside -- before actually entering."

Mr. Stoll asked, "You talking about inside here?"

Mr. Tuley said, "Yes."

Mr. Stoll said, "You want something out on the Expressway."

Mr. Tuley answered, "Exactly."

Mr. Stoll said, "I would think INDOT would consider that. We'd need some kind of permit for them to have that in their right-of-way, just like the other thing Mr. McKinney brought up..."

Mr. Tuley interjected, "Trucks are not allowed on Division Street, or whatever."

Mr. Stoll continued, "... if the problem arose where right turns and left turns were conflicting I suppose you could put a No Right Turn on Red sign up there. If INDOT -- when the signal goes in if its like INDOT usually does, there'll probably be a protected left turn arrow here, so the right turns I would hope wouldn't go when the left turn arrows on."

Mr. Borries said, "Hasn't INDOT been a little bit of this problem too? I mean, we didn't, we meaning Vanderburgh County, certainly didn't design this road that's there. That was left by the state for whatever reason."

Mr. Stoll said, "Right, right."

Mr. Borries asked, "When they built the Lloyd Expressway. Is that right?"

Mr. Stoll answered, "Right."

Mr. Borries said, "I mean -- all along, you know, I've tried to push here for a total quality development and that means that you've got to have everybody working together. To me, if you were getting there, if you -- I guess what Mr. Shively has proposed here is at least if there's no other agreements that can be made at this time between the other -- the other groups, this allows them to have some determination to get on their property."

Mr. Tuley said, "Right."

Mr. Stoll said, "Right."

Mr. Borries said, "Their own way and with another infrastructure provided that they've agreed to build at some point in the future or within the twelve months."

Mr. Stoll said, "Ideally, the roads too close, like Mr. Dersch was saying, with the proximity to his driveway to this realignment so, that's real close..."

Mr. Borries said, "See and our problem here is to try to get people to negotiate. If you -- if people aren't going to negotiate I don't know what else we can do. You know, you reach a point there."

Mr. Tuley said, "Mr. Dersch stood up first, Jim."

Mr. Dersch said, "Again, this is the first time that the concept's been presented to me so my mind is working only so fast here. One of the things that I see that, that I would personally like to see addressed, if at all possible, is I would like to see some way of access from this frontage road into our site and the reason is is that someone may take -- all along we felt that this frontage road was going to be temporary and if someone takes a right turn on this frontage road thinking that they're going into our site but they're not, then they're stuck for like a mile or two going east and there's no way to get into our site and that will really really frustrate them. Now, on the way back and I can understand your concern, you don't people coming out of our site, going back that direction and causing a problem at Cross Pointe Boulevard and we don't either because that's not good for business either if we would have to have appropriate signage saying, you know if anyone did try to come out our site, No Right Turn."

Mr. Borries said, "That's where they'll probably enter in and I'm not opposed to one-way streets in demand areas. I've been opposed to one-way streets in the downtown cause frankly they're isn't enough people downtown to have one-way streets down there anymore, I don't think. I think you need to have two-way streets as much as possible so that you can move traffic to and from and make it user friendly. Every time I get around Greyhound bus, and I've lived here all my life, I still get lost on one-way streets that become two-way streets that are back to one-way streets. You know, I don't get it. So, I -- I don't have any problem with one-way streets moving traffic, getting in and out. I think that's the purpose of one-way streets. But, you see we've tried to get you guys to all negotiate here for quite some time. I mean, I -- again you get down to a classic situation here of private property rights, commitments here and access to property versus everybody's right to negotiate. So, I mean -- the other group can still look at that as an alternative, but there's still some, again, some other property I think that was in dispute. Am I correct on this?"

Mr. Shively said, "Yes, sir."

Mr. Borries said, "And is this why you're proposing this alternative tonight?"

Mr. Shively said, "If Mr. Dersch owned, let me take off here -- that's a little strip right in here, lies...[Inaudible]... to their property. Its about 60 feet in width and runs all the way. If that wasn't part of their parcel, we would have had it done last Monday. I don't know how to -- way to say it any more succinctly."

Mr. Dersch said, "Only though that we -- we can only allow roads to be built according to Cross Pointe standards and if its some of those standards that are causing the costs to go up then..."

Mr. Hunter said, "Barb, I have a question for you. And, again, I have to apologize because of my absence at the last Area Plan. Is this the same plan that was voted on 9-0 in the Area Plan Commission?"

Mrs. Cunningham said, "No. This just came up. This wasn't - this was not addressed, this road, was never addressed at Area Plan Commission."

Mr. Hunter said, "So what was it that was approved by the Area Plan Commission with a vote of 9-0?"

Mrs. Cunningham answered, "Well, Area Plan approved the conceptual plan of..."

Mr. Hunter said, "The curly-q. Okay."

Mrs. Cunningham said, "I mean, they didn't approve..."

Mr. Hunter said, "So, we're dealing with something totally different than received the unanimous decision from Area Plan in early August."

Mr. Shively said, "I think its a [Inaudible], Mr. Hunter."

Mr. Hunter said, "I don't know. I'm just asking. That's what I'm trying..."

Mr. Borries said, "They've done all kinds of different things here."

Mrs. Cunningham said, "The only thing was on there that I think might be different, Les, is Area Plan did approve the subdivision that had the wrap-around and so they had the feel that - - they take it that the wrap-around was what was going to happen. I mean, there was never to be -- they never were represented the farm road access as [Inaudible]."

Mr. Borries said, "Mrs. Cunningham, I mean, we're getting back to the chicken and the egg and the catch-22 again. If they can't agree, if the two property owners can't agree..."

Mrs. Cunningham said, "What Area Plan approved was a rezoning."

Mr. Borries said, "Assuming that it was going to -- that they would agree."

Mrs. Cunningham continued, "There was no use and development commitment, but there was [Inaudible] the subdivision, which Mr. Shively said was going to come back as a replat."

Mr. Shively said, "And Mr. Hunter, the Plan Commission will get this at least two more times, when we rezone any other portion of it whether its in a block or whatever and my guess would be, when I say at least two more times, because I can't believe that we would plat all sixty-four acres together. It would probably be done in sections, so each section that comes back, it'll go back to the Plan Commission and as you know, the Plan Commission has exclusive jurisdiction on plats and design and everything in those plats. So, the Plan Commission will see this again. It's the -- Commissioners will only see this again in the context of a rezoning request to insure that the commitments that we made this evening are part of the use and development that's followed the petition."

Mr. Dersch said, "This is Tom Dersch again. I would again just state for the public record that we would respectfully request a cut from the -- if this proposal is approved by the Commissioners -- respectfully get access to a cut and to me its not -- somewhere along the lines there so that a person can make a left turn into our site in case they mis-turn and they wouldn't be totally inconvenienced and we would agree to putting some kind of signage up to where if someone tried to exit there would be no right turn, left turn only and a one-way sign there staring them in the face to where they would not want to head back towards Cross Pointe Boulevard and I think that would protect our interests satisfactorily."

There were several inaudible discussions between Mrs. Cunningham, the Commissioners and members of the audience.

Mr. Dersch said, "One final comment if I may make, we did come to agreement with the Hartmanns and we have a signed agreement with them cooperating to allow the property to wrap around our road and go through part of our property. If its the desire of the Commissioners that there be additional meetings and consideration given to the wrap around road concept please know that Dersch Energies is prepared to be at the table for an additional week and to work -- try to work this out in any way that we can without harming our interests which has been our objective all along. So, if you want us to keep working on it we will be at the table with the other parties."

Mr. Borries said, "We do. We do, but we can't force you to do this at this point. I mean,



we've tried to do this all along and stay neutral in it. I mean, in effect we have some competing property owners here and somebody has to play umpire in this and I guess we're it. I mean, somebody's got to keep working on this thing and that's why we've gone through this and gone through this and this and that and the other. We still don't have the parties. Now, your interests have been jeopardized. The Hartmanns have said that their interests could be jeopardized if we don't do this and Mr. McKinney's group could say, I guess, I don't know if there interests have been jeopardized, but you know, they certainly have an interest because they're adjoining property. If you could work it out from my opinion, yes all along that would be fine. I'm not hearing that we can get that done and I mean, this is the only other -- this is the only other game in town that we can go on at this point. And that's why I'm asking the engineer to see if its going to work."

Mr. Dersch said, "I gave up three and a half days of my vacation, delayed it and then also spent a day of my vacation trying to make sure this thing was worked out and this was a surprise to me tonight and again as long as our interests are served I'll work with these folks in any way we can, but if the wrap around road is deemed to be superior insofar as access in and out and traffic close to the Lloyd and so forth, we're still at the table. We'll still try to work everything out if it can be without hurting our interests."

Mr. Hunter said, "I appreciate that comment from you too. Thank you."

Mr. Borries said, "I do."

Mr. Tuley said, "The only thing though, Mr. Dersch, before you leave, and this is just something that came up in our discussion, we don't have the authority, and someone step up here and correct me if I mis-speak, to grant him that cut-away if he wants. This body doesn't have that right. So, I don't want you walking away thinking -- I mean, we want to work with you guys to, see this happen. But, this Board doesn't have the authority to grant you that cut through that you want. That has to do with a site review plan, you say, or board, is the one that has to get that [Inaudible], okay?"

Mr. Dersch said, "Okay."

Mr. McKinney said, "Earlier it was represented that we had added new conditions or new things to this agreement. I wish to point out to you is that nothing new had been added that hasn't already been provided to them over a week ago when we provided the information to them prior to a meeting last Monday evening. I also should point out though is that there's lots of things that they had not focused on to recognize that had to be done. As one example, this afternoon, we were meeting at three o'clock and Mr. Shively pointed out that they thought well, perhaps Virginia and Cross Pointe Boulevard would be the way. Then I asked them, where do you plan to put your water retention by virtue of the fact that all the roads would be impervious and that's very flat ground, you have to have water retention. He said, I don't know, I hadn't thought about that yet. So, what I'm trying to point out to you is that the issue which is everybody's focus here, the financial aspect of it, back when we met before you all that had been put aside. We agreed to arbitrate all that out. All that was left was the build this. And, yes, if it is in error to build according to good standards of construction and to be compatible with what we already have put out there the same styles, the same type of construction, that's all we're asking for there. Nothing that's unique or unusual, just what the rest of Cross Pointe's been developed by. That's nothing unusual or unique. I think its a failure on Mr. Shively's part to recognize what good development standards are and to say what's minimally necessary to get it done and onto something else. And so we have focused on that. We've had a difficult time. Mr. Shively came in, we had a meeting with him this morning at 8:30. He arrived at about 9:15, said he had another appointment and he had to leave and we met back again with him at, supposed to been there at 2:00, 2:30, came in like about 3:00 and then said he had to leave because he had to meet with the Ford people at 4:00. So, I, you know, we want to be there. It can be worked out. However, quite candidly, is it takes some wanting to be able to get it to work out and yes, to do quality development it does require some investment. So that's what we were asking for there, but nothing that wasn't already addressed, the development wouldn't have already faced,

in addressing this issue regarding to the curly-q road, as its called."

Mr. Shively said, "May I respond to that?"

Mr. Hunter said, "I wish you would."

Mr. Shively said, "Because its just -- to make it short, it's just simply untrue. I'll give this to your attorney right here. I'm sitting in my office after church on Sunday. I get two faxes from Mr. McKinney directed to my office. Here's both of them, part of the material he's had since August 15th that he didn't share with us. Number two, I have bent myself over backwards. I've faxed stuff to his attorney while on vacation. Why his attorney didn't get it to him in time for the 15th meeting, I don't know. He blamed that on me last week. He also said on the record that I misrepresented something but admitted off the record after our meeting that I didn't misrepresent anything. The bottom line is here, I'll let the record speak for itself. We have negotiated in good faith. My job's not to represent Mr. McKinney. My job is to represent the Hartmann family, to protect their interest in here and I think we have fashioned an agreement that protects all private property interests involved here, especially the Hartmanns and furthers a public project. With regard to Mr. Dersch's comments, I called Mr. Dersch. The first phone call I made this morning was to Mr. Dersch who was not in the office. I told him to please call him at home and have him call me. I told him that there was not much progress in our discussions with Mr. McKinney and his group at the end of last week and I said I needed to talk to him before the meeting. I also had my office call Mr. Dersch and alert him to the fact that the Commissioners meeting has normally rezoning at 7:00, would be at 5:30. I suggested that he come to our office beforehand so I could give him an update and told him I would give him an update as to where things stood at the end of the day regarding the negotiations with Regency. First time I've seen Mr. Dersch in person was when he walked in these doors a moment ago after this meeting commenced. Now, you know, we've gone to the limit of, if they want to call us tomorrow, you know, we'll answer the phone, but you, we want to get on with this thing. It's a good program. You've heard from your own engineer, his analysis of it. Cross Pointe's going to get roads built on their property they can use for development. Its roads they dedicated a long time ago and roads I might add that they said in 1990 would be available for access for this particular property. I would strongly urge you all to approve this rezoning this evening subject to those conditions so we can go on with solving the county's problem and making this a productive part of ground here in Vanderburgh County."

Attorney Kissinger said, "Mr. Shively, if I may, can you clarify your commitment to construct roadways, paragraph E, to take any question out of it that that means either twelve months or prior to occupancy of any of the lots."

Mr. Shively said, "We are going to insert that Mr. Commissioner..."

Mr. Tuley said to Mr. Kissinger, "You've just been demoted."

Attorney Kissinger said, "Mrs. Cunningham has requested that and I think that's based on her previous experience. Also, there was a concern..."

Mr. Tuley said, "If you will come forward and identify yourself please."

An unidentified individual said, "There was also a concern about paragraph three after re-reading it, I think you indicated -- that it satisfactorily describes all 64.3 acres."

Mr. Paul Speen introduced himself and said, "My name is Paul Speen. I'm with the Hayes group, one of the people trying to purchase this property. I have a question. I've heard the term occupancy used here several times tonight and I'd like to get a clarification. One of our concerns on this project is the timing. We would like to be able to begin construction while improvements are going in even though we know that we could not begin operations until improvements are in and I just want to make sure that that's not inconsistent with the requirements you're establishing for occupancy."



Mr. Dersch said, "What we anticipate is when you open your business there's going to be a road out there."

Mr. Speen said, "That's fine."

Mr. Tuley said, "We're going to move this thing forward."

Mr. Dersch said, "When Denise, which is Mr. Shively's secretary, got a hold of me today, she just said that the meeting would be at 5:30. I asked her if there was anything, any recent developments I needed to know about and Denise if there were Les would be telling you about them. I represent as truthfully as I know how that she never told me to be there at your office earlier, Les."

Mr. Shively said, "I was talking about the conversation this morning."

Mr. Dersch said, "Okay the..."

Mr. Tuley said, "Any new information?"

Mr. Dersch said, "Yes, site review, I believe meets on Monday and you have to get your plan in to them by Thursday. I would be more than happy to submit my plan for site review by Thursday, by noon, so that we could be considered next Monday so that we would know whether we're going to have a cut and whether any other matter that might affect our development would be impaired. I think I would urge you to at least give us that time to make sure that our interests are protected because again, this is the first time I've heard of this matter. I've worked really hard on trying to accommodate the other matter. This is fine if -- if, you know, our interests are not being sacrificed somehow and again, I just didn't see this coming. I didn't see it coming to go before Area Plan. I didn't see it coming before here. I'm just not prepared."

Mr. Borries said, "This has been one of the longest, Mr. Dersch, rezoning in memory, I guess that I can recall. I -- I think that tempers and again, private developments and things are getting pretty complicated in this. We have to look at land use. If you all can continue to work for the total quality idea depending on what this rezoning is I would urge you to do so."

Mr. Dersch said, "If there's any way just to have a week I would really appreciate it, just to make sure everything's okay on our part."

Mr. Tuley said, "John, do you sit on site review? Come on up and let me ask you a question. Do you have a particular problem? I'm trying to visualize what he's asking for and it doesn't seem like its that much. I mean, this is all changes that's new to him, but asking for a curb cut there, with proper signage cause I can see someone trying to come back out and have a problem there, but other than that, with proper signs out there, do -- I know you're only one person, but do you as an engineer have a problem with that? Them wanting a curb cut off that Division Street or whatever you want to call it."

Mr. Stoll said, "Right, off that access road. Wouldn't be ideal. I wouldn't want to start encouraging a whole lot of turns out there that we would have to -- I mean, that we could avoid. I mean, I could see if in the Dersch..."

Mr. Tuley interjected, "Is that one-way, two lanes wide?"

Mr. Stoll said, "Yes. In the Dersch case, yeah, somebody may mistake the new road for one of their driveways and accidentally end up on there. But the thing I wouldn't wan to see is that if a curb cut were approved on that to start encouraging Builder's Square to want one and things like that and everybody start using that and then if the problem, if this was approved, then a problem did develop we'd just be compounding it by allowing all these additional access points that wouldn't necessarily need to be there."

Mr. Borries said, "I feel that the recommendation of the top part probably is higher, but I don't think that this Board has the power at this point to do that on the other and I will at this point say that I would move that the rezoning be approved. Based on all the meetings we've had, everything else, I mean I don't know what other power this Board has, what other new information we could get. We don't have the power to get the parties in the room and negotiate further than where we are right now."

Mr. Tuley said, "Motion on the floor."

Mr. Hunter said, "I will second."

Mr. Borries made a motion to approve VC-8-94. Seconded by Mr. Hunter.

President Tuley then asked for a roll call vote.

Commissioner Hunter said, "Before I vote, let me say that I do not like this plan. I'm going off this Commission December the 31st and I can see problems with it. I can see problems similar to Green River Road and similar to the Lloyd Expressway west in the shopping area out there. I don't think that common good is being dealt with here. I don't think this is a classy idea. Of the same token, I have followed this long with the two of you since day one and I've walked the ground and I've done this and I've done that. My feeling is at this point that the Hartmanns have gone more -- more than halfway to do their portion of it and for that reason, I vote yes."

Mr. Borries said, "I think Commissioner Hunter's comments are very well taken and I think that there has been lots of discussion. I will not say at this point as I see it as an ideal plan, but insofar as the land use, I will vote yes at this time and encourage both parties, all parties involved to continue to work for alternatives in site review."

Mr. Tuley said, "Okay, there's never much left for the third person and I agree this is obviously isn't the best plan. However, after listening to discussions for as many weeks as we've listened to them and I don't think delaying this one more week or two more weeks are going to bring us any closer to an agreement than what we are tonight. And, having said that I will vote yes as well. Three to nothing, it passes."

Mr. Hunter asked, "Mr. Shively how do you propose to make this a part of the record?"

Mr. Shively said, "However you want to. It just has to be submitted and made a part of the record."

Mr. Tuley said, "I've got the originals."

Mr. Hunter said, "We'll make it a part of the record of this proceeding then, to be referred to in the future, and the commitment should be referred to in any future."

Mr. Tuley said, "Okay, let's go ahead and bring this meeting back to order and try and get back on track."

Mr. Borries said, "One last thing, Mr. President, on this, this continuing saga, one last thing. I don't care who pays for it, if its the developers or anything else, but I think this Board ought to go on record tonight saying that we need a stoplight at Center Pointe. We've got to get that in quickly. Cross Pointe, whatever it is. There's too many Pointes out there. But, that's got to get in there. I don't care who plays the games with it, who pays for it, but we need the light and we ought to write the State of Indiana and make sure we, you know, that they begin to install it as soon as they can."

Mr. Hunter said, "Is that your part of a motion?"

Mr. Borries said, "Yes."

Mr. Hunter said, "I'll second it."

Mr. Tuley ended said, "So ordered."

Mr. Borries said, "We need to get it going now."

RE: LYNN ELLIS/PURCHASING

RE: VC-9414/100 Gallon Fuel Container:

Mr. Tuley recognized Ms. Lynn Ellis.

Ms. Ellis said, "The first item is the award of the sale of the standard 100 gallon fuel container. The only bid that was received was from Hinderlighter in the amount of \$350.00. They were responsive. They are responsible and we would recommend it be awarded to Hinderlighter Construction and Maintenance. That would keep the unit in town, local, so that they can use it locally. So, that would be ideal.

Mr. Borries made a motion to approve the request. Second by Mr. Hunter. So ordered.

RE: Notice to Proceed/Old Union Township School:

Ms. Ellis said, "The press has made us aware today that the Old Union Township School building is being torn down and I would like for the Commissioners to provide a revision to the Notice to Proceed that was executed July 27th previous giving Notice to Proceed and then we had the subsequent hearings and legal actions that caused a delay in that. Work began today following the hearing on the 18th and I would like to have the Notice to Proceed revised to read August 22nd through September 25th and there is in your packet to sign the revised Notice. I'm sorry, Joanne has the current one that was revised as of discussions with Attorney Rounder this morning."

Mr. Kissinger said, "Is this for the purpose of giving the contractor sufficient amount of time in which to complete the project?"

Ms. Ellis said, "Yes, sir. So that it would be in compliance with the contract document of the twenty working days."

Mr. Kissinger said, "I believe that that's totally appropriate then.

Mr. Borries made a motion to approve the revision. Seconded by Mr. Hunter. So ordered.

RE: DATA PROCESSING - RICHARD CAPPELLETTI

RE: Bid #CE-9421/Award Computer Hardware

Mr. Cappelletti said, "Thank you, sir. Last week we opened Bid CDE-9421 and awarded half of the bid which was the HP printers. We kept one-half for the digital equipment hardware for the replacement -- replacement equipment until today so I can analyze it, that award. And what I found, the low bidder, the low responsive and responsible bidder was Summit Information Resources, Inc. for a total bid of \$45,100.00. That also includes a labor contract award to DET for de-installation and installation so that would be for a total of \$50,120.00. As I said, \$45,100.00 to Summit and \$5,020 to DET and funding does exist in my fiscal year 94 budget for this."

Commissioner Borries made a motion to award the bid. Mr. Hunter seconded the motion. So ordered.

RE: AUDITORIUM GENERAL MANAGER - SANDRA TOTON

RE: Addendums to Union Agreement

Ms. Toton said, "Thank you. I am here this evening to review and hopefully get approval on Addendum to the agreement to the Teamster's Union contract that is in force at this time. There were a few areas that came up during negotiations that were not addressed and these are the two that I think need to be addendums to the contract."

Mr. Borries said, "I think Mr. Kissinger has reviewed these."

Mr. Kissinger said, "I have."

Mr. Borries continued, "And, so at this time..."

Mr. Hunter asked, "Alan, you have no problem with it?"

Mr. Kissinger answered no.

Mr. Borries made a motion to approve the addendums. Mr. Hunter seconded the motion. So ordered.

Ms. Toton asked, "Okay, will you submit that to the Teamsters or shall I do that? Will you, Alan? The Addendum, does that need to be sent to them?"

Mr. Kissinger answered, "Probably. Probably be more appropriate if the Commissioners were to do so in the circumstances and then Mr. Hayes can call me and I'll call the Commissioners..."

Ms. Toton said, "And then you'll let me know what happens?"

Mr. Kissinger answered that he would.

Mr. Borries asked Ms. Toton if she retained copies and she answered that she did.

RE: ATTORNEY STEVE L. BOHLEBER REPRESENTING TIMOTHY J. MAJOR

Mr. Tuley indicated that this matter was to be deferred until further notice. Mr. Kissinger indicated that this was to be deferred until September 26th at the regular meeting of the County Commissioners.

RE: MATCHING FUNDS - COMMITMENT LETTER TO THE STATE RE: AZTECA

Mr. Tuley said that the letter was to Betty Cochrum, Director of Administrative Services for the Indiana Department of Commerce. He said that it was a letter to the Department of Commerce accepting the grant from the State regarding the Azteca project. He said it was also a questionnaire type form. The form had been reviewed by Mr. Kissinger, County Attorney and has his approval for signage by the Commissioners.

Mr. Borries made a motion for the signing of the letter. The motion was seconded by Commissioner Hunter. So ordered.

Mr. Tuley said, "There is a part of it that shows that we did enter into an agreement with the Metro Development Commission that they'll be actually overseeing the funds of the project and we need to sign that letter as well."

Mr. Hunter asked, "Local government agreement concerning..."

Mr. Tuley said, "Basically, its just a commitment to the State that we do in fact have that in force which we do have."

Mr. Hunter said, "Oh, this was passed March 14th, 1988. Is that what we're talking about."

Mr. Tuley said, "That is correct. More specifically, we did something specific to this project earlier this year. Mark, will you see that this gets mailed out tomorrow and that copies of this cover letter and the signature pages gets forwarded down to DMD so that they know in fact we did it please."

RE: EVERGREEN ACRES - LES SHIVELY

Mr. Shively said, "I'll be extremely brief since I don't have my file with me, but I think the Petition's self-explanatory and Mr. Morphew's familiar with our property. He and I talked about it. This happens to be in my neighborhood. Some of my neighbors have expressed to you in a Petition some concerns they're having with standing water in the roadways out there. Specifically, I believe its Berry Court and where it comes down to Holly, Holly Hill and I guess what we wanted to let you know is that the County, Mr. Morphew has told me that the County has some concerns or is limited to what they can do because there are not sufficient easements out there and if that's what's necessary, if Mr. Morphew and the County Engineer whether you need easements to get in there and through the situation, we'll get them for you. Everybody wants to get it cleaned up cause it is a serious problem because it -- I don't know if there's underground springs or something there, but boy, it really -- we get a high water table situation. We got a problem."

Mr. Morphew said, "What Mr. Shively's talking about is the drainage, the utility easements running through the -- Evergreen Subdivision, the ditches do need to be cleaned out from the highway point of view and we can't go in there and do this because we'd be off our right-of-way. We do have a lot of phone calls from concerns from people living out there, water's backing up and it is damaging the roads to the point that we have cleaned the culverts out, cleaned the storm drains out the best we can, but we can't get in and do the ditch work. It would be off our right-of-way. Mr. Shively asked me about that approximately a year ago and I explained that to him then. I wish there was more I could do."

Mr. Hunter asked, "But, if you did have the right of way in your opinion, could you justify going in and doing the ditch work because of the damage its doing to county roads?"

Mr. Morphew said, "We don't even have the equipment to be honest with you, Mr. Hunter."

Mr. Hunter said, "Oh, we don't?"

Mr. Morphew answered, "No, sir. Some of these easements there, they range anywhere from eight foot to fifteen foot wide; twenty foot wide. If you get into a wide area like that twenty foot easement then we could possibly rent a small excavator or something to go in and clean the ditch lines, but in this -- the narrow easements we wouldn't have anything to do that with."

Mr. Hunter said, "So, what you're saying, even if you had the proper easement, you still couldn't do the work?"

Mr. Morphew answered, "We'd have to rent the equipment and then it would be the concern of this being off of county highway right-of-way. I would think it could be a real good backhoe operator on a backhoe with doing some ditching in there, but then some of these areas that have privacy fences and things like that, you really can't even swing the boom of a backhoe around to load a truck up so it would be difficult to do that."

Mr. Borries asked, "Are we able to provide some technical advice maybe to look and see what we can do or what needs to be done in that area?"

Mr. Morphew said, "Yes, we could. Yes, sir."

Mr. Hunter said, "I notice it says here there's concerns about exposure of public utilities. Now are we talking about underground power lines or something that would provide -- propose a safety hazard here?"

Mr. Morphew said, "These are drainage and utility easements. Usually, you will have the -- a lot of the subdivisions you go joint trench, utilities go joint trench with telephone and the power. Cable TV is now starting to go in joint trench with telephones, but for years they were separate trenches, but they are also, they do utilize those easements."

Mr. Borries said, "Maybe our soil people could also..."

Mr. Morphew said, "Well, that's what I was wondering. We've got a new man that came on board in July we have half-time out at the SCS office and I wonder if maybe he could be of some assistance."

Mr. Shively said, "You did that with Darrell Rice one time out at a neighborhood out -- I can't think of the name of the subdivision -- off Oak Hill road. I can't think of the name of the subdivision right off hand, but you sent him out to kind of arbitrate or work out a solution for the development that was going in just to the south and it worked. So, I mean, I think these people will be -- I can't speak for all of them, but I think that they got some technical advice, some direction as to what can be done out there, I think that would be a great beginning. I think it'd make a lot of people happy."

Mr. Morphew said, "Let me ask you this. I see this Peggy Dossett and Neil Dossett. Are they the ramrods in this project?"

Mr. Shively answered yes.

Mr. Morphew continued, "So, if I had Darrell Rice contact these people would that help?"

Mr. Shively indicated that it would help and that Neil Dossett was the person to contact.

Mr. Morphew said, "Yeah, I think -- I know the SCS would be real happy to work with them on this."

Mr. Shively said, "And they'd just be tickled to death to get somebody out there to work with them. I think that'd be a great start."

Mr. Morphew said, "I'll take care of it tomorrow night."

Mr. Borries asked if Mr. Morphew would take care of it and he indicated that he would.

RE: DEPARTMENT HEAD MEETINGS

RE: County Attorney - Alan Kissinger

Mr. Kissinger stated that there was nothing to report.

RE: Superintendent of County Buildings - Mark Abell

Mr. Abell said he had a few claims that came in too late to get on the agenda, but that he was informed that he needed to get them heard. Mr. Abell stated that one was a legal claim and the other was for travel. These were passed to the Commissioners for their approval.

Mr. Abell also stated that he needed to ask permission to advertise the not-for-profit sale of the surplus properties as it was deferred. Ms. Matthews agreed that it was deferred from last week.

Mr. Tuley said, "There's a special point for that to be made. It's well taken. However, it will be done by next week. Correct?"

Mr. Abell answered, "Absolutely. We will work on it ASAP."

Mr. Tuley asked if Mr. Abell had anything else and Mr. Abell answered that he did not.

RE: County Garage - Bill Morphew

Mr. Abell said that the County Garage has finished putting the surface on Shore Drive and working on the surface on Roth Road presently and that it would be done this week. He stated there was a little patchwork to do on Cypress-Dale Road and Seminary Road and planned on finishing that next week. Mr. Abell also stated that there was some patching to be done on County Line West that he would like to start on tomorrow.

Mr. Borries stated, "I appreciate your work of your -- was it the bridge crew that installed the guard rail?"

Mr. Abell answered that it was and added that they did a fine job.

Mr. Borries said, "There was a lot of discussion about the timing and the reason why -- the time to have a opening or ribbon cutting, at least semi-official for Waterworks Road was to make sure that everybody was out of the way. I don't think some of the residents down there or some people figuring to, again, I've used the term, but its only the best way I can see, it's like putting icing on the cake. You can't put guard rail in when they're still paving the road.

Mr. Abell agreed.

Mr. Borries continued, "And they worked hard to get that done on Friday. They got out of there. The pavement was just literally hot, still hot, when I was standing on it and you know, I don't how we would have been able to move equipment in there at three o'clock in the afternoon and try to get all that installed. You know, its not as easy as turning a television set on and off. So, you did get out there Saturday and I appreciated the work."

Mr. Hunter added, "Yeah, my comment was that out of a 168,000 people in this county, I think 167,999 were happy. So, I figured if we just have one -- one carrying signs that we've done pretty well."

Mr. Borries said, "Well, I just wanted to put to bed the discussions because the early talk was is that we weren't going to open it up until we officially cut the ribbon. That was never the understanding. That's why Bill's group was always ready to go as soon as they could get in there and they couldn't get in there until Saturday."

Mr. Abell said, "Yes, sir. We moved the guard rail on Thursday afternoon. It was there laying on the job site waiting for the paver to move. We did try to start -- we did -- we put up sixty foot of guard rail Friday. We were leaving footprints in the asphalt and it was extremely hot. We didn't want to damage that new asphalt so we pulled the men off. We started at five o'clock Saturday morning. We moved the barricades at 3:20 Saturday afternoon to let traffic through. The gates were opened and the barricades down."

Mr. Borries said, "That's great."

RE: County Engineer - John Stoll

Mr. Stoll said that he had three bids to be awarded. He recommended they all be awarded as they were all low bidders for each project.

Mr. Stoll said, "First I've got Schrader Road culvert replacement, awarded that to Colberstein



Trucking in the amount of \$23,400."

Mr. Borries made a motion to approve the award. Second from Commissioner Hunter. So ordered.

Mr. Stoll said, "Next I'd like to recommend that repaving of New Harmony Road be awarded to Koester Contracting in the amount of \$210,811.00."

Mr. Borries made a motion to approve the award. Second from Commissioner Hunter. So ordered.

Mr. Stoll continued, "Finally, I'd like to recommend that the rehab of the Koressel Road Bridge number 1140 be awarded to Koester Contracting in the amount of \$18,648.30."

Commissioner Hunter made a motion to approve the award. Mr. Borries seconded. So ordered.

Mr. Stoll said, "And finally, there's a developer interested in constructed the extension of Columbia Street from Burkhardt Road east, west to Kimber Lane and in order to do that there's an option agreement with Mr. Larry Watson in order for his -- in order for thirty feet of the right-of-way to be dedicated off his side of the property line. The Decem investors have the thirty feet on the north side and Watson has the thirty feet on the south side and in 1988 Mr. Watson entered into an option agreement where the county could purchase that right-of-way. There were several conditions on that. The primary condition is that we have to move the garage and several of his sheds that are located on his site. Commissioner Borries and I met with Joe Reem last Friday of Decem Investments and he had agreed that they could proceed with relocation of the garage if we would trade that off as far as doing some additional elsewhere which they could probably get the garage moved easier than we can, faster in order to meet the time frames spelled out in the option agreement. But, in order to start the ball rolling the County needs to express that -- we need to express in writing that we intend to exercise the option and in order to do that the County needs to officially say so. We've got to -- there's several things that need to be done. The garage needs to be relocated and the right-of-way needs to be purchased and then the construction of the street could take place. Mr. Watson told me during a phone conversation today that his main concerns about this are mainly related to the time of the year its going to occur. We're supposed to have this garage moved by -- well, we can't move it during the months of October and November or December and he's saying that due to the fact that his classes have begun -- he has a pottery shop in that garage, ceramic shop, I'm not sure exactly what it is, but he says his fall classes have begun and the first of next year would be a better time for him for this to occur. He's concerned about insurance on when all the items inside this garage would be moved and then stored and then replaced back once the building's been moved. He said the moving companies won't pay insurance so he's got a concern about that. He wants some written agreements with another private individual out there concerning parking on the Oncology Center's parking lot and he also wants to make sure that some flooding problems that exists out there where the proposed location of this garage will be properly addressed. I think we can work through most of these. He said he couldn't be here this evening, but he wanted to make that part of the record, that he does have some concerns that need to be resolved before any of this could take place. I told him since we've got to resolve all these things properly or the option agreement's invalid that we would do everything according to the way it was spelled out back in the agreement back in 1988, but as a first step if the county wishes to pursue the construction of this road in this location we need to state that we are interesting in exercising this option for Watson's property."

Mr. Borries said, "I think the County should be interested. Mr. Watson came in, I think, and may have represented himself in that particular rezoning."

Mr. Stoll said, "He had an attorney."

Mr. Borries said, "Did he?"



Mr. Stoll answered yes.

Mr. Borries continued, "I don't recall all of what he said he intended to do and I'm not sure at this point what is -- what his locations and everything else, if those were spelled out at the time of this rezoning. He indicated at that time that this was a part-time business that I think his wife who happened -- he said wa sill -- she could work in the home and so forth and so I think that the county has tried to accommodate Mr. Watson as best they can, but in order to make sure that we're going to have an infrastructure going through on Columbia Avenue I would suggest that we do exercise our option and then have Mr. Stoll, our engineer work out any possible agreements as to resolve the issues here that Mr. Watson brought up.

Mr. Tuley asked if that was the form of Mr. Borries motion.

Mr. Borries made a motion for the county to exercise the option. Mr. Hunter seconded the motion. So ordered.

Mr. Stoll said, "One thing you said about what he agreed to when he got it zoned. In all these minutes he agreed that a ten foot right of way wouldn't have been a problem, but thirty feet was. So, that's why the option agreement was written up the way it was. So, he didn't agree to a whole lot back -- if the minutes accurately reflect the meetings."

Mr. Borries said, "And, as we found out tonight, it's hard to predict the future. What's going to go in there or what won't. But, at least this way we get a way in which we can get -- get some progress on that road."

Mr. Stoll said he had nothing further unless there were questions. Mr. Tuley indicated he had none.

Mr. Borries said, "I want to thank you again for your constant follow-through on the Waterworks Road project. It's been a tough one."

Mr. Stoll said, "The guy who cut the ribbon deserves most of the thanks."

Mr. Borries said, "Dave Franklin has just has done an outstanding job, but so have you and its, again, so easy for everybody to fingerpoint. We could have still been pointing fingers and nothing would have been done out there, so you know, you took charge of it and I appreciate all your fine work."

Mr. Stoll said, "Thanks."

RE: CONSENT ITEMS

Mr. Tuley said, "I'm just going to ask that permission to travel not be granted to anybody until I write everybody a letter for the IC. The only money available is for each of the elected officials to go if they so choose. Last minute requests may get granted tonight depending how many office holders want to go. I need to get a letter and get a feel for who all wants to go. That's just because there's no money and the council cut our budget from \$30,000.00 next year down to \$10,000.00. So, with the exception of Item A, if its coming out of general funds I'd assume we'd not act on that this week."

Commissioner Borries agreed.

Mr. Tuley continued, "I had a letter typed up and ready to go, but it was too strong. It was done right after the Council Budget Hearings. So, I'll get it -- I'll get it out tomorrow. Okay, that was the only comment I had in regard to the consent items."

Mr. Borries said, "So you are asking to defer travel and education at this point or at least..."

Mr. Tuley said, "Those parts -- the portion that comes out of...."

Mr. Borries said, "AIC."

[Inaudible due to tape defect.]

RE: MDA Sixth Annual 5K Run/Permission to use county roads

Mr. Borries made a motion to approve this request with a second from Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

It was noted by Commissioner Tuley that a list of scheduled meetings is attached to the meeting agenda.

Ms. Matthews asked if the Board wanted to schedule any Executive Sessions for September so that they can be advertised in adequate time.

Mr. Borries made a motion that the Board meet Monday, September 6, 1994 at 4:00 p.m. for the purpose of discussing Personnel and Pending Litigation facing the County and Monday, September 19, 1994 at 4:00 p.m. and Monday, September 26, 1994 at 4:00 p.m., both sessions for the same.

Mr. Hunter seconded the motion. So ordered.

Mr. Hunter asked, "Let me ask one question. No one of this group is going to the AIC which is on the 26th of September?"

Mr. Tuley indicated that he planned on attending. Commissioner Borries and Commissioner Hunter indicated they would not attend and the schedule for the Executive Sessions were to be the same as ordered above.

RE: OLD BUSINESS

Mr. Tuley said, "I received a letter of resignation today from Darwin Collins who was recently appointed to the Economic Redevelopment Commission, actually the County's Economic Development Commission and that appointment has to be remade. I contacted an individual by the name of Steve Folz today who lives out on Corning Road who is with the Laborers Local, Secretary/Treasurer about to become and I understand their BA or soon will be their BA and who will be more than gladly -- glad to serve if we would so choose and I endorse him tonight.

Mr. Borries made a motion to accept the resignation and that Mr. Folz be appointed. Mr. Hunter seconded the motion. So ordered.

Mr. Tuley said that Mr. Folz should go to the County Clerk's office to be sworn in for this Board before Thursday morning.

Mr. Borries said, "I did talk with Ms. Weathers. She wrote me a letter. I wrote her another one that I'm going to send. We are having some semantic problems in relation to what -- whatever she calls the pooling of their money or their economies of scale or whatever. I told her I - the only implication that we had some concerns about and I think we're going to be able to address this, She spoke very positively in our conversation on the phone, is just to make sure that those people who are served or when she was cutting off the contractual services to some of these other agreements that they didn't blame the county for that, that she had other agreements that were in place. And so, she felt that some of these people could be served by the new provider and so she's going to go through the list of people and I think we're going to

be able to resolve the issue. At any rate, we did have a good positive conversation. She was not, I don't think, speaking negatively of our contract -- other contractual obligation, but again, my concern is just there weren't any people who are going to fall through the cracks and that if she had other agreements in place through other contractual services that those needed to be honored. So, she agreed that she would go through those lists with the new person so there'd be a smooth transition and I hope that that's what will take place."

Mr. Tuley said, "Well, I'm glad your name was the only name on the letter. That's fine."

Mr. Borries said, "Finally, Mr. President, under Old Business, we received a letter this week from Mark Tuley, Burdette Park Manager. He wrote, dear County Commissioners, just a few weeks ago two of our hand-held radios were stolen from one of our buildings used for daycamp. These radios were valued at \$1,052.00. Needless to say, this was quite a loss. Fortunately, these radios were found in a bag in an alley by Mr. Craig Crowe, an honest citizen of Evansville. He made the effort to track down ownership and return them to us. We feel very fortunate to have these returned. We are sincerely grateful to him for his honesty and efforts. We feel this deserves recognition. So, with your approval, I wrote that in these times in reports on violence and mistrust and theft and other negative features about American life it is indeed heartening to us to hear about your honesty. You returned radios to Burdette Park which you found in an alley and that truly represents the best of American values. We need to reaffirm our gratitude for these sincere acts of goodness on a regular basis. By doing so we commend you and other citizens for doing the right thing and saving all of us a part of our hard-earned tax dollars. Thanks again and again."

Mr. Tuley and Mr. Hunter agreed that this letter was very appropriate.

Mr. Tuley said, "Last week there was a question about a request for council call from the manager of Burdette Park, since we're speaking of Burdette and it was a request to go before them for CCD funds. That is for a concessions building. So, what I'd like to do is get authorization tonight to have Mark Abell write a letter to the County Council and say that we'd like for that to come out of either CCD money if there's any balance left in 1994. If not, we'll take it out of '95 budget CCD funds."

Mr. Borries made a motion to approve, seconded by Commissioner Hunter. So ordered.

Mr. Borries said, "Mr. President, one final item here, just a piece of -- I don't know if we took action on these claims that Mark Abell had given me. This was claims to the City of Evansville and they were not included on the Consent Agenda for a variety of items here. So, may I get approval. I suppose these have been -- they have been -- travel related. Let me see who they came from. They've been reviewed, so it's a matter of approving them." Mr. Hunter seconded this motion. So ordered.

Mr. Borries made a motion to adjourn, seconded by Mr. Hunter. So ordered.

The meeting was adjourned.

PRESENT:


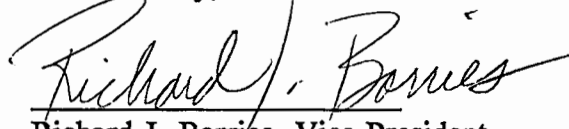
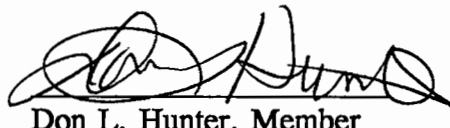
Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Cindy Mayo, Chief Deputy Auditor  
Alan M. Kissinger/County Attorney  
Mark Abell/Supt., County Bldgs.  
John Stoll/County Engineer  
Bill Morphew/County Hwy. Supt.  
Les Shively, Attorney  
Barbara Cunningham/Area Plan

COMMISSIONERS MEETING  
August 22, 1994

27

Joe Ream/DECM Investments  
Tom Dersch/Dersch Energies  
Paul Speen/Hayes Group  
Lynn Ellis/Purchasing Dept.  
Richard Cappelletti/Copmputer Services  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President  
Richard J. Borries, Vice President  
Don L. Hunter, Member



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**AUGUST 22, 1994**

**5:30 P.M.**



1. CALL TO ORDER — 5:40 pm.

2. INTRODUCTIONS

3. PLEDGE OF ALLEGIANCE

4. ACTION ITEMS

A. Approval of Commissioner Minutes

B. Any group/individual wishing to address the commission

**\*\*Deferred from last week:**

# VC 894  
Petitioner: Joseph Hartmann, etal  
D-B-A Hartmann Farms  
7800 E. Lloyd Expressway  
AG to C-4

C. Lynn Ellis/Purchasing:

- 1) Award bid # VC 9414/100 Gallon Fuel Container
- 2) Notice to proceed/Old Union Twp School (Biggerstaff)  
re: razing of property RB/DH

D. Richard Cappelletti/Data Processing RB-DH  
re: Award Computer Hardware from bid # CE 9421

E. Sandra Toton/Auditorium General Manager RB-DH  
re: Addendums to Union Agreement

F. Timothy J. Major by his Attorney Steve L. Bohleber  
re: 4905 Pollack Avenue Agenda 2nd 7/26/94

G. Les Shively  
re: Evergreen Acres (responsibility of drainage ditch)

H. Matching Funds/Commitment letter to State  
re: Azteca

COUNTY ENGINEER

CONSENT AGENDA

AUGUST 22, 1994

1. CLAIMS:

USI & SR 62 430 BOND		
Blankenberger Brothers (Est. #24)		\$182,749.09
ENGINEERING EQUIPMENT 203-4420		
Van Ausdall & Farrar (Inv. #4080300077)	\$	33.40
Van Ausdall & Farrar (Inv. #4080900075)	\$	15.00

**5. DEPARTMENT HEADS**

Alan Kissinger ----- County Attorney  
Mark Abell ----- Superintendent of County Buildings  
Bill Morpew ----- County Garage  
John Stoll ----- County Engineer

**6. CONSENT ITEMS**

**A. Travel/Education**

\*Health (4) \*Knight Twp Assessor (3)  
\*Perry Twp Assessor (1) \*Pigeon Twp Assessor (2)  
\*EMA (1) \*To be paid from department funds

\*\*County Assessor (4) AIC

**B. Employment Changes**

\*lists are in folders

**C. MDA Sixth Annual 5K Run/Permission to use county roads**

**D. Council Call/County Commissioners**

1300-3290	Transfer of Tuition/	13,602.00
1300-3290	Transfer of Tuition/	26,709.00
1300-3530	Contractual Services/	5,368.00-GarageRemediation
1300-3050	Patient-Inmate/	11,064.00
1300-3060	Soldiers Burial/	20,000.00
1300-3190	Solid Waste/	1,000.00

**7. Scheduled Meetings - List attached**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. MEETING ADJOURNED**

**DRAINAGE BOARD IMMEDIATELY FOLLOWING**

## COUNTY ENGINEER

## CONSENT AGENDA

AUGUST 22, 1994

## 1. CLAIMS:

USI &amp; SR 62 430 BOND

Blankenberger Brothers (Est. #24) \$182,749.09

ENGINEERING EQUIPMENT 203-4420

Van Ausdall &amp; Farrar (Inv. #4080300077) \$ 33.40

Van Ausdall &amp; Farrar (Inv. #4080900075) \$ 15.00

AUG-19-1994 13:30

8124355676

P.O:



# August 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 213 / 152	2 214 / 151 9:00am County Council Budget Hearings	3 215 / 150 9:00am County Council Budget Hearings 3:30pm County Council	4 216 / 149 9:00am County Council Budget Hearings	5 217 / 148	6 218 / 147
7 219 / 146	8 220 / 145	9 221 / 144 12:00pm County Council Budget Hearings 5:00pm Joint Budget Hearing	10 222 / 143 12:00pm County Council Budget Hearings	11 223 / 142 12:00pm County Council Budget Hearings	12 224 / 141 Pay Day	13 225 / 140
14 226 / 139	15 227 / 138 3:30pm Solid Waste 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Rezoning	16 228 / 137 9:00am Insurance Comm.	17 229 / 136	18 230 / 135 9:00am Steering Comm. 2:00pm County Council 5:00pm Pigeon Creek	19 231 / 134	20 232 / 133
21 233 / 132	22 234 / 131 4:00pm Exec. Session 5:15pm Solid Waste 5:30pm Commissioners 6:30pm Drainage Brd.	23 235 / 130	24 236 / 129	25 237 / 128	26 238 / 127 Pay Day	27 239 / 126
28 240 / 125	29 241 / 124 4:00pm Exec. Session 5:30pm Commissioners	30 242 / 123	31 243 / 122 3:30pm Personnel & Finance			

July

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September

S	M	T	W	T	F	S
					1	2
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

**VANDEBURGH COUNTY COMMISSIONERS**

[illegible]

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
505.0136Z-1990	SCOTT GILLES	EMP# 05506	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	SAMUEL ALDERSON	EMP# 05514	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	RICKY DIXON	EMP# 05537	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	ERIK CHANDLER	EMP# 05539	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1990	SCOTT GILLES	EMP# 05506	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
136.1-1990	SAMUEL ALDERSON	EMP# 05514	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
136.1-1990	RICKY DIXON	EMP# 05537	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
136.1-1990	ERIK CHANDLER	EMP# 05539	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE

DATE

8/17/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
505.0136Z-1990	CEDRIC REED	EMP# 05472	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	PATRICIA RHOADES	EMP# 05473	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	JOHN PAYNE	EMP# 05498	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	EDWARD GREENFIELD, III	EMP# 05499	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
36.1-1990	CEDRIC REED	EMP# 05472	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
36.1-1990	PATRICIA RHOADES	EMP# 05473	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
36.1-1990	JOHN PAYNE	EMP# 05498	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
36.1-1990	EDWARD GREENFIELD, III	EMP# 05499	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE

DATE

8/17/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
505.0136Z-1990	DANIEL THOMAS, JR.	EMP# 05555	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	JAMES WARD	EMP# 05565	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	JOHN WETZEL	EMP# 05688	PART-TIME CORRECTION OFFICER	5.00	HR	7-31-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1990	DANIEL THOMAS, JR.	EMP# 05555	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
136.1-1990	JAMES WARD	EMP# 05565	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
136.1-1990	JOHN WETZEL	EMP# 05688	PART-TIME CORRECTION OFFICER	5.00	HR	7-30-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE

DATE

8/17/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
505.0136Z-1990	TITUS TRASK	EMP# 05544	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	MARY WILSON	EMP# 05547	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	JASON SHANKS	EMP# 05548	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓
505.0136Z-1990	JOSEPH DICKINSON	EMP# 05553	PART-TIME CORRECTION OFFICER	7.00	HR	7-31-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
136.1-1990	TITUS TRASK	EMP# 05544	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
136.1-1990	MARY WILSON	EMP# 05547	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
136.1-1990	JASON SHANKS	EMP# 05548	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓
136.1-1990	JOSEPH DICKINSON	EMP# 05553	PART-TIME CORRECTION OFFICER	7.00	HR	7-30-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE

DATE

8/17/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department 1081 - IVD Child Support Enforcement Division - Prosecutor's Office

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
081 1990	Amy E. Meyer	440 Stonegate Road	Temp. part-time		
		Evansville, IN 47711	clerical	\$5 per hour	07-28-94 ✓

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

Douglas R. Brown

DATE 8-16-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department CIRCUIT COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1190	CARDOLYN KENNEBECK		PUBLIC DEFENDER SECRETARY	4,7437 / HK 9,867 AN	8-15-94 ✓

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
136-1190	KARIN PALLADINO	EMP# 05616	PUBLIC DEFENDER SECRETARY	9,867 AN	8-12-94 ✓
36.1-1300	JOHN HARL. JR.	EMP# 00740	DECEASED 8-5-94 COUNSELOR	33,618 AN	9-30-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

JUDGE

DATE

8/17/94

## VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

**BURDETTE PARK**

**APPOINTMENTS MADE**[illegible]

**ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM**

**RECORDER  
COMMISSIONER'S RECORD:**

**SIGNED BY**

DATE

9/19/94

SIGNED BY Mark Tuley Jr DATE 8/19/94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department VANDEBURGH SUPERIOR COURT

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
13701590	Richard D. Jewell	Still PD 8/26/94 P.A.	Riding Bailiff	10.6575 / HR 22,251 00	8/17/94

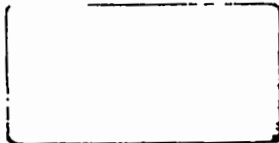
RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*James Knight*

DATE

8/19/94





VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CENTER ASSESSOR

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
249011101990	ROBERTA A. McKANNAN	4500 MEADOWRIDGE RD	PT TIME DEPUTY	HR	7 00	8-18-94
249011101990	TINA M. MOERS	1776 S. NORMAN	PT TIME DEPUTY	HR	7 00	8-18-94
249011101990	BRIAN WEATHERFORD	1722 BUCHANAN RD	PT TIME DEPUTY	HR	7 00	8-18-94
249011101990	ROBERT FOERSTER	8503 N GREENRIVER RD	PT TIME FIELD DEPUTY	HR	7 00	8-18-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE

8-15-94

VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department

APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

RELEASED

	NAME	ADDRESS	POSITION	SALARY		EFFECTIVE
249011101990	WAYNE BESING	5115 BASSETT AVE	PT TIME FIELD DEPUTY	HR	7 00	8-18-94
249011101990	LOIS STUCKI	1401 LAUBSCHER RD	PT TIME DEPUTY	HR	7 00	8-18-94
249011101990	SUSAN GRAY	2024 W. ILLINOIS	PT TIME DEPUTY	HR	7 00	8-18-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

DATE

8-15-94

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department Sheriff

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
105011300022	Stephen Griggs		<del>Still PL 8/24/94</del> Sergeant	17 7600 36941 00	8-14-94
10501750	" "		Cleaning Allow	other	8-14-94

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Ray Hamner*

DATE Aug. 14, 1994

# VANDEBURGH COUNTY EMPLOYMENT CHANGES

Department CENTER ASSESSOR

## APPOINTMENTS MADE

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
11101990	LOIS STUCKI	1401 LAUBSCHER RD	PT TIME OFFICE DEPUTY	HR 5 00	8-19-94
11101990	WAYNE BESING	5115 BASSETT AVE	PT TIME FIELD DEPUTY	HR 5 00	8-19-94

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

	NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDER  
COMMISSIONER'S RECORD

SIGNED BY

*Chris E. Shanks*

DATE 8-15-94

Q. Kissinger

BID RECAP SHEETS

AUGUST 15, 1994

BID RECAP SHEET

PROJECT: VD-94-07-02 (CULVERT REPLACEMENT  
SCHROEDER RD.)

BID OPENING DATE: AUGUST 15, 1994

\* \* \* \* \*

<u>Bidder Name</u>	<u>Amount</u>
<u>KOBERSTEIN TRUCKING, INC.</u>	<u>\$ 23,400<sup>00</sup></u>
<u>Phoenix CONSTR. CO.</u>	<u>\$ 24,180<sup>00</sup></u>
<u>J.H. RUDOLPH &amp; CO., INC.</u>	<u>\$ 25,660<sup>00</sup></u>
<u>C.C.C. OF EVANSVILLE, INC.</u>	<u>\$ 28,155<sup>35</sup></u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

COMMENTS:  
   
   
 

ACTION TAKEN:

## BID RECAP SHEET

PROJECT: VC-94-08-01 (REHABILITATION OF BRIDGE #1140  
ON KORESSEL ROAD)

BID OPENING DATE: AUGUST 15, 1994

\* \* \* \* \*

[illegible]

COMMENTS:

ACTION TAKEN:

BID RECAP SHEET

PROJECT:            VC-97-07-03 (REPAIR/PAVING OF NEW HARMONY RD.)

BID OPENING DATE:    AUGUST 15, 1994

\* \* \* \* \*

<u>Bidder Name</u>	<u>Amount</u>
<u>Koester Contracting Corp.</u>	<u>\$197,121.53</u>
<u>J.H. RUDOLPH &amp; CO., INC.</u>	<u>\$210,811.53 (+ OPTION)</u>
	<u>\$218,397.50</u>
	<u>\$233,197.50 (+ OPTION)</u>

COMMENTS:

ACTION TAKEN:

BID RECAP SHEET

PROJECT:            BODY ARMOR

BID OPENING DATE:    AUGUST 15, 1994

\* \* \* \* \*

<u>Bidder Name</u>	<u>Amount</u>
<u>PARK TECHNOLOGY, INC.</u>	<u>\$ 13,250<sup>00</sup></u>
<u>U.S. ARMOR CORP. (2 Series)</u>	<u>\$ 13,999<sup>50</sup></u> <sup>20.1</sup> <u>\$ 17,499<sup>50</sup></u>
<u>Kiesler Police Supply</u>	<u>\$ 15,892<sup>00</sup></u>
<u>TOP-LINE USA, INC.</u>	<u>\$ 13,497<sup>00</sup></u>
<u>RDR ARMOR, INC.</u>	<u>\$ 15,627<sup>00</sup></u>
<u>STEVEN R. JENKINS CO., INC.</u>	<u>\$ 13,450<sup>00</sup></u> <sup>&gt;</sup> <u>\$ 16,095<sup>00</sup></u> <u>\$ 14,700<sup>00</sup></u> ~ Three DIFF MODELS
<u>SIEGEN'S UNIFORMS, INC.</u>	<u>\$ 16,002<sup>00</sup></u>
<u>PROTECTIVE PRODUCTS INTERNATIONAL CORP.</u>	<u>\$ 14,529<sup>00</sup></u>
<u>RAY O'HERRON CO., INC.</u>	<u>\$ 19,200<sup>00</sup></u>
<u>GUARDIAN TECHNOLOGIES INTERNATIONAL</u>	<u>(NO BID)</u>

COMMENTS:

ACTION TAKEN:

## BID RECAP SHEET

PROJECT: VC9414 (100 GALLON FUEL CONTAINER)

BID OPENING DATE: AUGUST 15, 1994

\* \* \* \* \*

[illegible]

COMMENTS:

ACTION TAKEN:



## BID RECAP SHEET

PROJECT: REPLACEMENT COMPUTER EQUIPMENT

BID OPENING DATE: AUGUST 15, 1994

\* \* \* \* \*

<u>Bidder Name</u>	<u>Amount</u>
<u>PIONEER-STANDARD ELECTRONICS, INC.</u>	DEC EQPT. \$ 56,348. <sup>00</sup> H.P. EQPT. (NO BID)
<u>Summit INFO. RESOURCES, INC.</u>	DEC - \$ 49,200. <sup>00</sup> H.P. \$ 30,200. <sup>00</sup>
<u>AMERICAN COMPUTER EXCHANGE, INC</u>	DEC - \$ 56,349. <sup>00</sup> H.P. (NO BID)
<u>COMARK</u>	DEC (NO BID) H.P. \$ 28,280. <sup>00</sup>

COMMENTS:

ACTION TAKEN:

**CITY—COUNTY PURCHASING DEPARTMENT**

ROOM 323, CIVIC CENTER COMPLEX  
1 NW MARTIN LUTHER KING JR. BOULEVARD  
EVANSVILLE IN 47708-1833  
PHONE (812)-426-5495  
TDD/HEARING IMPAIRED (812)-426-5483  
FAX (812)-426-5399

August 23, 1994

Mr. Robert I. Staub, Sr.  
Secretary of Corporation  
Floyd I. Staub, Inc.  
800 Bayse Street  
Evansville IN 47713-2998

Re: Demolition/Razing of Old Union Township School  
Bid No. VC9405  
NOTICE TO PROCEED - EXTENSION

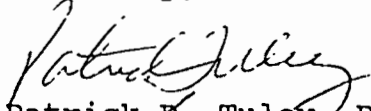
Dear Mr. Staub:


The original Notice to Proceed issued July 27, 1994 for the above-referenced project is hereby extended. As a result of further legal action, the previously issued Notice to Proceed was temporarily suspended. This Notice to Proceed Extension is now offered in this matter. Work shall commence August 22, 1994 and be completed no later than September 25, 1994.

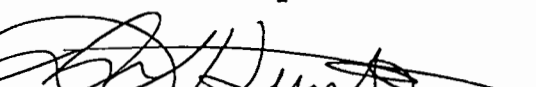
Bret Townsend of the Health Department will act as Project Manager for this project. Please direct any questions or problems to him.

Thank you for your continued cooperation in this matter.

Sincerely,

  
Patrick R. Tuley, President  
Board of County Commissioners

  
Richard J. Borries, Vice-President  
Board of County Commissioners

  
Don L. Hunter, Member  
Board of County Commissioners

cc: Lynn W. Ellis, Buyer  
Bret Townsend, Supervisor, General Sanitation  
Roger Lehman, Building Commissioner  
Keith Rounder, County Attorney  
Chief Stephen Woodall, Sheriff's Department

Bid Recap # CE9421

DEC EQUIPMENT (section 2.1)

	Pioneer	A.C.E.	Summit	DEC
Equipment	53,828.00	56,349.00	45,000.00	
shipping	420.00	incl	100.00	
Install	see DEC	see DEC	see DEC	4,100.00
De-Install	see DEC	see DEC	see DEC	920.00
Trade-in	(4,900.00)	(2,725.00)	incl	
TOTAL	49,348.00	53,624.00	45,100.00	5,020.00
City			12,767.81	1,421.16
County			32,332.19	3,598.84

GRAND TOTAL CITY: 14,188.97

GRAND TOTAL COUNTY: 35,931.03

Award Summit: 45,100.00

Award DEC: 5,020.00

HP LASERJET IV plus EQUIPMENT (section 2.2)

	Pioneer	A.C.E.	Summit	Comark
Laserjet IV+	no bid	no bid	30,000.00	28,280.00
shipping	0.00	0.00	200.00	incl
TOTAL	0.00	0.00	30,200.00	28,280.00
City				800.61
County				27,479.39

GRAND TOTAL CITY: 13,568.42

GRAND TOTAL COUNTY: 59,811.58

**AGREEMENT FOR SERVICES**  
**TRANSPORTATION SERVICES FOR**  
**ELDERLY AND HANDICAPPED CITIZENS**

THIS AGREEMENT, entered into as of the 22<sup>nd</sup> day of August, 1994, by and between Bassemiers' Transportation, Inc.

(hereinafter "CONTRACTOR") and Vanderburgh County, Indiana, acting by and through its Board of Commissioners (hereinafter "COUNTY").

WHEREAS, the County desires to contract for transportation services for certain elderly and handicapped citizens of Vanderburgh County; and

WHEREAS, Contractor is willing to provide such services.

THEREFORE, the above-named parties enter into this contract upon the following terms and conditions.

1. Term. The term of this Agreement shall be from September 1, 1994 to December 31, 1994, with the understanding that this Agreement may be extended, on an annual basis, thereafter provided terms of the contract remain the same.

2. Employment of Contractor. The County hereby agrees to engage Contractor and Contractor hereby agrees to perform the services hereinafter set forth.

3. Scope of Services. Contractor shall perform and carry out in a good and professional manner the following services:

a. Transportation services to elderly and handicapped citizens of Vanderburgh County, Indiana, who do not reside within the corporate city limits of Evansville, Indiana, where either the trip origin or destination is outside the

Evansville corporate limits.

4. Consideration/Compensation. The County agrees to pay Contractor a sum not to exceed Fifty-Two Thousand Dollars and Eight Cents (\$52,000.08) on an annual basis, or Four Thousand Three Hundred Thirty-Three Dollars and Thirty-Four Cents (\$4,333.34) per month for the term provided for herein.

5. Fees. The sum of Two Dollars (\$2.00) shall be charged to any individual utilizing the services as detailed herein. Collection of said fee shall be the sole responsibility of Contractor.

6. Availability. The service will be available throughout Vanderburgh County, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m.

7. Service Criteria. All vehicles utilized in performing the services set forth in this Agreement shall be passenger vans equipped with radios on board to communicate with the dispatching office. All vehicles used shall be accessible to all elderly and handicapped persons. Vehicles used for the transportation of handicapped citizens shall be equipped with wheelchair lifts and tie downs. All drivers of vehicles used in providing services outlined herein shall have valid Public Passengers licenses.

8. Liabilities of the Parties. Contractor agrees to hold harmless the County, its agents, officials and employees from any and all claims, actions, causes of actions, judgments and liens arising out of the performance of Contractor under this Agreement.

9. Assignment. Contractor shall not assign or subcontract the whole or any part of this Agreement without the County's prior

written consent.

10. Entire Agreement. This Agreement represents the entire agreement between the parties in connection with the subject matter hereof, and supersedes any prior agreements, whether oral, written, express or implied. This Agreement incorporates by reference hereto the Invitation to Bid which was issued to seek the services outlined herein. This Agreement may be modified only in writing.

IN WITNESS WHEREOF, Vanderburgh County Board of Commissioners and Bassemiers' Transportation, Inc. have executed this Agreement on the day first written above.

BASSEMIERS' TRANSPORTATION, INC.

By: Edwin E. Bassemier

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS

By: Patrick Tuley  
Patrick Tuley, President

By: Richard J. Borries  
Richard Borries, Vice-President

By: Donald Hunter  
Donald Hunter, Member

**CITY—COUNTY PURCHASING DEPARTMENT**

ROOM 323, CIVIC CENTER COMPLEX  
1 NW MARTIN LUTHER KING JR. BOULEVARD  
EVANSVILLE IN 47708-1833  
PHONE (812)-426-5495  
TDD/HEARING IMPAIRED (812)-426-5483  
FAX (812)-426-5399

July 26, 1994

Mr. Edwin C. Bassemier  
Bassemiers' Transportation, Inc.  
4250-B E Morgan Avenue  
Evansville IN 47715

Re: Transportation Services for Elderly and Handicapped  
Bid No. VC9409

Dear Mr. Bassemier:

Congratulations! The Board of County Commissioners awarded the above referenced bid to your company, at an annual cost of \$52,000.08, at their meeting of July 25, 1994.

The contract will become effective September 1, 1994 and will continue through December 31, 1994. At that time, the Board of County Commissioners may elect to extend the contract on an annual basis provided services are satisfactory and the terms of the contract do not change. The contract start-up date is delayed due to the terms outlined in the bid document which provide that a thirty (30) day written notice of termination will be provided to the current contractor.

Enclosed please find four (4) copies of the contract for this project. The contracts must be properly executed and returned to this office so that I may have them fully executed by appropriate County personnel. Once the contract is fully executed, a copy will be forwarded to you for your records.

Should you have additional questions, please do not hesitate to contact me at (812)426-5715.

Sincerely,



Lynn W. Ellis  
Buyer

cc: Board of County Commissioners

## TRAVEL REQUEST FORM

FOR

COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

COPY

DATE OF REQUEST: 8/17/94 DEPARTMENT: Pigeon Township AssessorEMPLOYEE(S): Sandy BoydMary Joan PayneDATE(S) OF TRAVEL: 8/30/94DESTINATION: Indianapolis, INPURPOSE: Training on software for Reassessment.

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: \_\_\_\_\_

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: Private

REIMBURSEMENT CLAIMED	<u>X</u> Mileage	<u>      </u> Parking
	<u>X</u> Per diem	<u>      </u> Registration
	<u>      </u> Air fare	<u>      </u> Other

APPROVED: \_\_\_\_\_  
Department HeadAPPROVED: David A. Fox  
Office HolderAPPROVED BY: VANDERBURGH COUNTY COMMISSIONERS this 22<sup>nd</sup> day of August 1994Richard J. Borries  
RICHARD J. BORRIES, PRESIDENTPatrick Tuley  
PATRICK TULEY, VICE-PRESIDENTDon L. Hunter  
DON L. HUNTER, MEMBER



## TRAVEL REQUEST FORM

FOR

COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

COPY

DATE OF REQUEST: 8/17/94 DEPARTMENT: Pigeon Township AssessorEMPLOYEE(S): Sandy BoydMary Joan PayneDATE(S) OF TRAVEL: 8/30/94DESTINATION: Indianapolis, INPURPOSE: Training on software for Reassessment.

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: \_\_\_\_\_

MEANS COUNTY VEHICLE NUMBER: \_\_\_\_\_

OF OTHER: Private

TRAVEL

REIMBURSEMENT CLAIMED

X Mileage       ParkingX Per diem       Registration       Air fare       Other

APPROVED: \_\_\_\_\_

Department Head

APPROVED: \_\_\_\_\_

Office Holder

APPROVED BY:

VANDERBURGH COUNTY COMMISSIONERS this 22<sup>nd</sup> day of August 1994Richard J. Borries  
RICHARD J. BORRIES, PRESIDENTPatrick Tuley  
PATRICK TULEY, VICE-PRESIDENTDon L. Hunter  
DON L. HUNTER, MEMBER

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>CONT CONT - PDS</u>			<u>13003860</u>	<u>795.00</u>
			TOTAL	<u>795.00</u>

TOTAL 608.85

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
CC-AIRFARE			13003860	261.00
			TOTAL	261.00

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

VAN AUSSALL & FARRAR

Vendor No. 154

\$ 48.40

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name ENG. EQUIP.

Account No. 203-4429

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Patrick J. Juley  
Richard J. Harris  
Don L. Hunter

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Aug 19, 1994 John Steel  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>4080300077</u>	<u>—</u>	<u>8/3/94</u>	<u>203-4429</u>	<u>33.40</u>
<u>4080900075</u>		<u>8/9/94</u>	<u>203-4429</u>	<u>15.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 48.40

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

BLANKENBERGER BROTHERS

Vendor No. 481

\$ 182,749.09

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name USE \$ SR62

Account No. 430 BOND

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Patrick J. Sullivan  
Richard J. Barre  
Don L. Hunter

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Aug 19, 1994

John Hall  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>EST. #24</u>	<u>-</u>	<u>8/16/94</u>	<u>430 BOND</u>	<u>182,749.09</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL

182,749.09

**CITY—COUNTY PURCHASING DEPARTMENT**

ROOM 323, CIVIC CENTER COMPLEX  
1 NW MARTIN LUTHER KING JR. BOULEVARD  
EVANSVILLE IN 47708-1833  
PHONE (812)-426-5495  
TDD/HEARING IMPAIRED (812)-426-5483  
FAX (812)-426-5399

July 26, 1994

Mr. Edwin C. Bassemier  
Bassemiers' Transportation, Inc.  
4250-B E Morgan Avenue  
Evansville IN 47715

Re: Transportation Services for Elderly and Handicapped  
Bid No. VC9409

Dear Mr. Bassemier:

Congratulations! The Board of County Commissioners awarded the above referenced bid to your company, at an annual cost of \$52,000.08, at their meeting of July 25, 1994.

The contract will become effective September 1, 1994 and will continue through December 31, 1994. At that time, the Board of County Commissioners may elect to extend the contract on an annual basis provided services are satisfactory and the terms of the contract do not change. The contract start-up date is delayed due to the terms outlined in the bid document which provide that a thirty (30) day written notice of termination will be provided to the current contractor.

Enclosed please find four (4) copies of the contract for this project. The contracts must be properly executed and returned to this office so that I may have them fully executed by appropriate County personnel. Once the contract is fully executed, a copy will be forwarded to you for your records.

Should you have additional questions, please do not hesitate to contact me at (812)426-5715.

Sincerely,



Lynn W. Ellis  
Buyer

cc: Board of County Commissioners

8/22/94



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

24  
August 16, 1994

Betty Cockrum, EDFP  
Director, Administrative Services  
Indiana Department of Commerce  
One North Capitol Avenue, Suite 700  
Indianapolis, IN 46204

Re: Infrastructure Grant for Azteca Milling Company Project

Dear Ms. Cockrum:

On behalf of the Vanderburgh County Board of Commissioners, I hereby formally accept the Indiana Department of Commerce's grant award to cover 48 percent (up to \$375,000) of the infrastructure improvements costs for the Azteca Milling project.

In accordance with an Interlocal Governmental Agreement between Vanderburgh County and the City of Evansville, the City's Department of Metropolitan Development will be handling the implementation of this grant on behalf of the County. Please direct questions and copies of correspondence to R. Michael Robling, Deputy Executive Director of Metropolitan Development. He can be reached by telephone at (812) 426-5580, by FAX at (812) 426-5348, and by mail at Department of Metropolitan Development, One N.W. Martin Luther King, Jr. Blvd., Room 306, Evansville, IN 47708-1869.

The Vanderburgh County Board of Commissioners greatly appreciates the Indiana Department of Commerce's assistance to Vanderburgh County on this important economic development project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patrick Tuley".

Patrick Tuley  
President



INDUSTRIAL DEVELOPMENT GRANT FUND  
GRANT AGREEMENT PREPARATION  
FORM

Congratulations on your recent IDGF award. As stated in your award letter, you must submit a letter to the Department of Commerce which formally accepts your grant award. In addition, in order to initiate the grant process, the following information must be submitted with your acceptance letter.

PROJECT NUMBER

4999

1. GRANT RECIPIENT

Grantee Vanderburgh County

Chief Elected Official Patrick Tuley, President-Board of Commissioners

Street Address One N.W. M.L.King, Jr. Blvd., Room 305

City, State & Zip Evansville, IN 47708

Telephone No. (812) 435-5241

2. QUESTIONS REGARDING PROJECTS SHOULD BE ADDRESSED TO:

Contact Person R. Michael Robling

Title Deputy Executive Director-Department of Metropolitan Development

Telephone No. (812) 426-5580 (812) 426-5384

3. TWO PERSONS AUTHORIZED TO DRAW DOWN GRANT FUNDS (SIGNATURE CARD):

Name R. Michael Robling

Title Deputy Executive Director - Department of Metropolitan Development

Name Mariann D. Kolb

Title Executive Director - Department of Metropolitan Development

7. PROJECT TIME TABLE:

Completion of Final Plans	<u>November 15, 1994</u>
Award of Construction contract	<u>January 15, 1995</u>
Start of Construction	<u>March 15, 1995</u>
Completion of Construction	<u>July 15, 1995</u>

8. CASH FLOW REQUIREMENTS:

<u>90</u> days after effective date	\$ 100,000.00
<u>150</u> days after effective date	\$ 200,000.00
<u>30</u> days after completion of project *	\$75,000

\* At least twenty percent of the State's share will be held until after "completion of project" and the Departments receipt and approval of the audit report.

9. ATTACHMENTS:

- a. A letter from a responsible representative of the affected industry indicating their approval of the project and final budget.
- b. A letter from the Chief Elected Official (of the Grantee) formally accepting the grant award.

4. DESCRIPTION OF PROJECT:

Infrastructure to serve the Azteca Milling Company at U.S. 41 and Baseline Road in Vanderburgh County, Indiana. Improvements to include: construction of a right-turn lane for southbound U.S. 41 at Baseline; widen Baseline Road west of U.S. 41 from 20 feet to 24 feet with 2 foot shoulders for a distance of 1,950 feet; reconstruction of 2 box culverts in association with Baseline Road widening; construction of a frontage road approximately 1,400 feet in length located south of Baseline Road and running parallel with U.S. 41; construction of an 1,800 railroad siding (spur) including the track switch to serve the 42.5 acre Azteca land; extension of water and sewer lines to serve the Azteca land; tap-in fees for water, sewer and fire protection; engineering and contingencies. Said improvements to be completed at a total cost of approximately \$780,117.

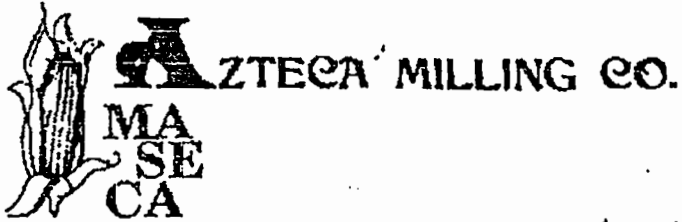
5. INDUSTRY INFORMATION:

Name Azteca Milling Company  
Contact Frank G. Herrera  
Street Address P. O. Box 141  
City, State & Zip Edinburg, Texas 78540  
Telephone No. (210) 383-4911

6. BUDGET:

	STATE SHARE	LOCAL SHARE	PRIVATE SHARE	TOTAL
Admin. Expenses	\$ ineligible	\$	\$	\$
Professional Fees	\$	\$ 60,690	\$	\$ 60,690
Demolition/removal	\$	\$	\$	\$
Construction	\$ 375,000	\$ 279,025	\$	\$ 654,025
Contingencies	\$	\$ 65,402	\$	\$ 65,402
Total	375,000	405,117		780,117

\* An audit fee of \$500 will automatically be added to all grant awards.



August 18, 1994

Mr. R. Michael Robling  
Deputy Executive Director  
Department of Metropolitan Development  
1 N.W. M.L. King Jr. Blvd. Room 306  
Evansville, Indiana 47708-1869

Dear Mr. Robling,

As required by the Indiana Department of Commerce, Azteca Milling Co. approves the scope of the infrastructure project and budget as detailed below:

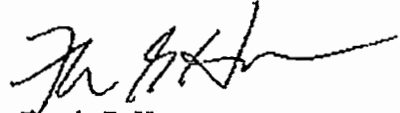
<u>Description</u>	<u>Appro. Costs</u>
Construction of a right turn lane for southbound U.S. 41 at Baseline Rd.	\$150,000
Widen Baseline Road west of U.S. 41 from 20 feet to 24 feet (2, 12 foot lanes) with 2 foot shoulders for a distance of 1,950 feet.	123,100
Reconstruction of two box culverts in association with the Baseline Road widening.	11,200
Construction of a frontage road approximately 1,400 feet in length located south of Baseline Road and running parallel with U.S. 41.	105,000
Construction of an 1,800 foot railroad siding (spur) including the track switch to serve the 42.5 acre tract.	217,600
Extension of water and sewer lines to serve the 42.5 acre tract.	28,000
Tap-in fees for water, sewer and fire protection.	19,125
Gas and Electric service extensions	25,000
Engineering and contingencies.	<u>126,092</u>
Total Project Costs	<u>\$805,117</u>

P.O. BOX 141, 501 WEST CHAPIN, EDINBURG, TEXAS 78540 TEL. (210) 383-4911

Mr. R. Michael Robling  
Department of Metropolitan Development  
Page 2

As mentioned above Azteca Milling Co. approves the project and budget and hopes that you will be able to proceed as soon as possible. Call me at 210-383-4911 if you have any questions.

Sincerely,



Frank G. Herrera  
Vice President & CFO

**CITY—COUNTY PURCHASING DEPARTMENT**

ROOM 323, CIVIC CENTER COMPLEX  
1 NW MARTIN LUTHER KING JR. BOULEVARD  
EVANSVILLE IN 47708-1833  
PHONE (812)-426-5495  
TDD/HEARING IMPAIRED (812)-426-5483  
FAX (812)-426-5399

August 23, 1994

Mr. Robert I. Staub, Sr.  
Secretary of Corporation  
Floyd I. Staub, Inc.  
800 Bayse Street  
Evansville IN 47713-2998

Re: Demolition/Razing of Old Union Township School  
Bid No. VC9405  
NOTICE TO PROCEED - EXTENSION

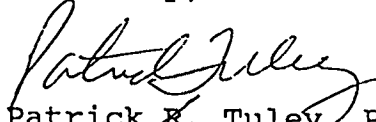
Dear Mr. Staub:

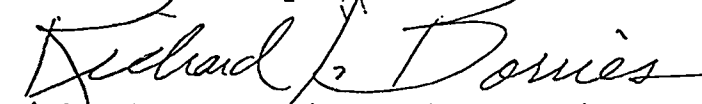
The original Notice to Proceed issued July 27, 1994 for the above-referenced project is hereby extended. As a result of further legal action, the previously issued Notice to Proceed was temporarily suspended. This Notice to Proceed Extension is now offered in this matter. Work shall commence August 22, 1994 and be completed no later than September 25, 1994.

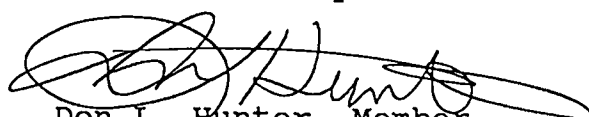
Bret Townsend of the Health Department will act as Project Manager for this project. Please direct any questions or problems to him.

Thank you for your continued cooperation in this matter.

Sincerely,

  
Patrick R. Tuley, President  
Board of County Commissioners

  
Richard J. Borries, Vice-President  
Board of County Commissioners

  
Don L. Hunter, Member  
Board of County Commissioners

cc: Lynn W. Ellis, Buyer  
Bret Townsend, Supervisor, General Sanitation  
Roger Lehman, Building Commissioner  
Keith Rounder, County Attorney  
Chief Stephen Woodall, Sheriff's Department



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BO

DON L. HUNTE

PATRICK R. TU

## AGENDA REQUEST

**NAME OF REQUESTOR:** Lynn W. Ellis

**REQUESTOR TITLE:** Buyer

**DEPARTMENT:** Purchasing

**REQUEST(S) BEING MADE:**

Approve the award of the bid for the sale of One (1) Standard  
100 Gallon Fuel Container to Hinderliter Construction and  
Maintenance, Inc. in the amount of \$350.00. Hinderliter was  
the only bidder, therefore, is the high responsive and res-  
ponsible bidder.

Weights and Measures concurs with this recommendation.

**DATE TO BE PLACED ON AGENDA:** August 22, 1994

**ACTION** XX

**CONSENT**       

**OTHER**



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORF

DON L. HUNTER

PATRICK R. TULE

## AGENDA REQUEST

NAME OF REQUESTOR: Lynn W. Ellis, Buyer

REQUESTOR TITLE: Buyer

DEPARTMENT: Purchasing

### REQUEST(S) BEING MADE:

Execute a revised Notice to Proceed for the Razing of Old  
Union Township School Building. Work shall commence August 25,  
1994 and shall be completed no later than September 22, 1994.

DATE TO BE PLACED ON AGENDA: August 22, 1994

ACTION XX CONSENT        OTHER



*Law Offices*  
*of*  
*Steven L. Bohleber*  
Attorney At Law

123 N.W. 4th Street, Suite 503  
Evansville, IN 47708

TEL (812) 423-4535  
FAX (812) 421-9709

August 4, 1994

*defer  
1 week*

Richard Borries  
7517 Taylor Circle  
Evansville, IN 47715

Dear Rick:

Enclosed is an Agenda Request made on behalf of Timothy J. Major for your August 15, 1994 meeting. The brief request only touches the surface of the problem Mr. Major faces.

Mr. Major petitioned the County Commissioners in 1993 to rezone a parcel of property commonly known as 4905 Pollack Avenue for the construction of a mini-storage facility. Subsequent to that petition being filed, the County Commissioners entertained the rezoning request on July 19, 1993. The request was approved and the property was rezoned from agricultural to C-4 to accommodate this proposed use. Mr. Major was granted a location improvement permit by the Area Plan Commission pursuant to the grant of authority of the County Commissioners in rezoning the property. Subsequent thereto, the Area Plan Commission determined on its own that its internal interpretation of notification of abutting property owners was not met. As a result of that determination, the Area Plan Commission issued a revocation of the improvement location permit and a cease and desist order to Mr. Major on July 19, 1994. While most of his construction was completed, the final stages were underway at the time of the revocation. He is currently being frustrated in his ability to complete construction. Obviously, by the nature of this business, he is losing revenue daily. If the Area Plan Commissions determination that the rezoning is void is upheld by the Commissioners or some other body, Mr. Major's business enterprise will be destroyed and he will lose hundreds of thousands of dollars.

My client and I take significant issue with this unilateral decision of the Area Plan Commission. We do not feel that their interpretation of the notice requirements after the fact is valid, fair or consistent with the ordinances

involved. Section 153.003 defines abutting property owner as "official owner of record, whose property is contiguous to the subject property; any property which would touch at any point the subject property ignoring all rights of way, easements, alleys and the like." While there is no definition of subject property in this section of the ordinance, there are references throughout the zoning code to subject property that indicate it is the property to be rezoned. Section 153.158 (f)(3) reads as follows: "A notice of hearings must be mailed by the petitioner by certified mail, return receipt, to each of the abutting property owners, no less than twelve (12) days prior to the Area Plan Commission hearing." My client notified all abutting property owners whose land touched upon the area he sought to rezone. He did not, however, rezone the entire portion of land owned by him. Therefore, he did not notify those owners whose property abutted land that was not the subject of the rezoning, although it was owned by him. I enclose a copy of an area map to show you the situation in more graphic detail. Mr. Major provided the necessary affidavit to the Area Plan Commission showing who he had notified before this matter came to the Commissioners in 1993. No problems were discovered or brought to his attention at that time. As a result, this action passed with little debate on July 19, 1993.

There is nothing in the Code of Ordinances of Vanderburgh County, the City of Evansville or Indiana State Statute that mandates the interpretation given by the Area Plan Commission. In fact, a strict reading of all applicable ordinances and statutes confirms and ratifies the propriety of Mr. Major's actions. My client cannot back down due to the tremendous financial investment in this land and an obligation to more than 100 current tenants.

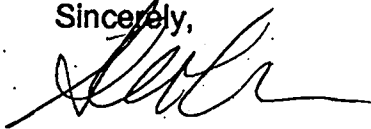
The remaining portion of property owned by Mr. Major is the subject of a rezoning that will come before the County Commissioners in September, 1994. It is this additional rezoning request that brought about a group of remonstrators contiguous to that request who are now objecting to the earlier rezoning.

In the event that the Board of Commissioners does not ratify its actions and order the Area Plan Commission to comply with its legislative decision, a declaratory judgment action will be filed without further delay. In addition to declaratory relief, my client must make a claim against the County for all lost revenue and arguable, the cost of demolition and future income deprivation if he ultimately is required to remove the structures on the property.

I am hopeful that the Commissioners will be of assistance in rectifying this situation. If there is a problem with the interpretation of the Vanderburgh County Code as it relates to notice requirements and rezonings, that matter should be addressed by the County Commissioners. This ambiguity should not, however, be visited upon the head of Tim Major one (1) year after his rezoning was granted and after tremendous improvements had been made upon the land pursuant to that rezoning.

I will attempt to contact you personally prior to the August 15, 1994 meeting to answer any questions you may have about this situation.

Sincerely,



Steven L. Bohleber

SLB/smj

Enclosure

cc: Tim Major.



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK R. TULEY

## AGENDA REQUEST

**NAME OF REQUESTOR:** Timothy J. Major  
by his Attorney, Steven L. Bohleber

**REQUESTOR TITLE:** \_\_\_\_\_

**DEPARTMENT:** \_\_\_\_\_

**REQUEST(S) BEING MADE:**

Requestor respectfully asks to be heard by the County Commissioners to discuss the legality and binding effect of the Board of Commissioners of Vanderburgh County's decision to rezone certain property known as 4905 Pollack Avenue, docketed as 93-39-PC and VC-10-93. Since approval by the Board of Commissioners of Vanderburgh County on July 19, 1993, the Area Plan Commission has unilaterally revoked an improvement location permit pursuant to Chapter 153, Section 156 of the Code of Ordinances of Vanderburgh Co., deciding that the actions of the County Commissioners of July 19, 1993, were without legal authority since by the Plan Commission's interpretation that a requirement of the Zoning Code for notification of the contiguous property owners was defective. The request is that the County Commissioners decide whether an act of administrative agency can abrogate, rescind or void the act of the the legislative process of the Board of Commissioners, and for an interpretation of the appropriate ordinance language.

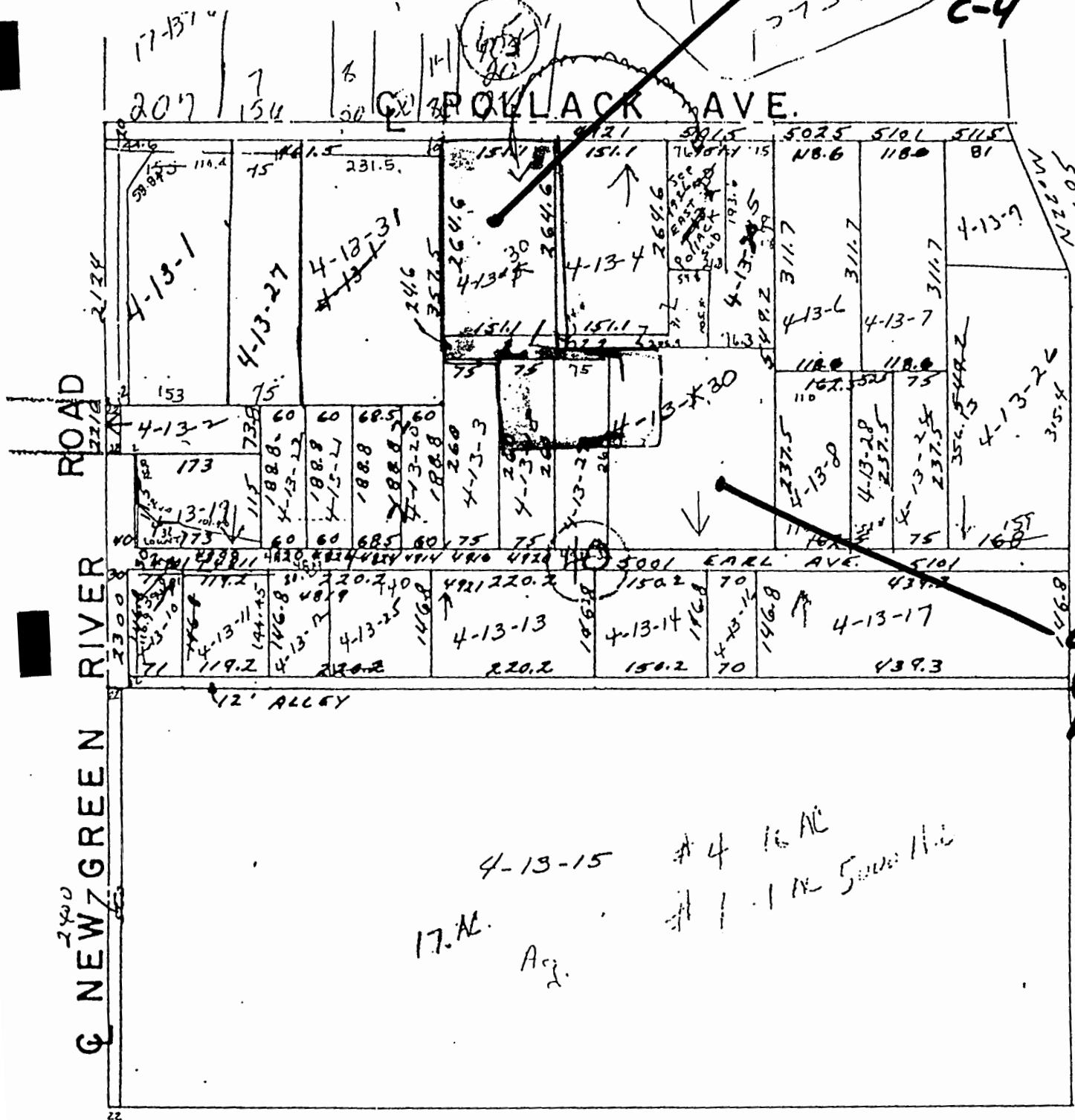
**DATE TO BE PLACED ON AGENDA:** August 15, 1994

**ACTION** XX

**CONSENT** \_\_\_\_\_

**OTHER** \_\_\_\_\_

1993 cover needed  
C-4



current  
(1990)  
request

4-13-15 A 4 16 AC  
17. AC. Ag.  
A 1 1 AC 5000 H.C.



NOFFSINGER, PRICE, BRADLEY & SHIVELY

Attorneys at Law

1 RIVERFRONT PLACE, SUITE 508  
EVANSVILLE, INDIANA 47708  
TEL. (812) 424-1234 • FAX (812) 423-1110

TERRY NOFFSINGER  
DAVID E. PRICE  
STEVEN C. BRADLEY  
LESLIE C. SHIVELY  
LAWRENCE L. GRIMES

JASPER OFFICE  
4201-N MANNHEIM ROAD  
DER BÜRO KOMPLEX  
JASPER, INDIANA 47548  
TEL. (812) 482-6644 • FAX (812) 482-6460

MARY B. PERDUE  
DENNIS L. VOELKEL

August 10, 1994

Vanderburgh County Commissioners  
Civic Center Complex  
Evansville, IN 47708

RECEIVED

AUG 15 1994

Vanderburgh County Commissioners

Re: Evergreen Acres Subdivision

Dear Commissioners:

Please be advised that the undersigned represents the residents in Evergreen Acres Subdivision regarding the above matter. Enclosed is a petition setting forth their concerns. I would appreciate this matter being placed on the agenda of the County Commissioners on August 15, 1994.

Thank you for your cooperation and assistance.

If you should have any questions, please contact me upon receipt of this letter.

Very truly yours,

NOFFSINGER, PRICE, BRADLEY  
& SHIVELY

Leslie C. Shively

LCS/djr

Enclosure

To: Vanderburgh County Commissioners

From: Peggy Horak Dossett, Neal E. Dossett, and other concerned citizens.

Subject: Responsibility of drainage ditch

The issue is lack of maintenance of the drainage ditch located between properties on Holly Hill Drive and Berry Court. In the past three years we have noticed, 1) exposure of public utilities, 2) visible bank erosion, 3) small pools of stagnant water.

The purpose of this letter is to express our point of view of this matter. It is our opinion, along with our co-signers that the county should take responsibility for proper drainage in public utilities easements. In order to facilitate this work, we are willing to assist in securing any other necessary easements to provide for immediate and continuous maintenance by the county of the drainage facilities serving this area. We will be awaiting your reply.

Peggy Horak Dossett  
Neal E. Dossett

NAME: Barry Hook Rossett  
ADDRESS: 500 Holly Hill

NAME: Neil E. Dossert  
ADDRESS: 500 Holly Hill Dr.

NAME: David Mann  
ADDRESS: 507 Holly Hill Dr.

NAME: Carolyn Mason  
ADDRESS: 504 Holly Hill Dr.

NAME: Georgia Vaughn  
ADDRESS: 514 Holly Hill Dr.

NAME: James E. Rust  
ADDRESS: 516 Holly Hill Dr.

NAME: Nellie Ostrum  
ADDRESS: 601 Holly Hill Dr.

NAME: Ann Taylor  
ADDRESS: 608 Holly Hill.

NAME: Nancy Williams  
ADDRESS: 8309 Cherry Dr.

NAME: James Williams  
ADDRESS: 8309 Berry Dr.

NAME: Morris & Ima Butler  
ADDRESS: 1509 Berry Ct. Evansville, In 47710.

NAME: Michael D. & Linda Bladen  
ADDRESS: 599 Berry Ct.

NAME: DAVID MOSBACHER  
ADDRESS: 607 BERRY CT.

NAME: Howard A. Leister  
ADDRESS: 613 Berry Court



NAME: Ruth Kramer  
ADDRESS: 308 Holly Hill

NAME: Linda J. Condit  
ADDRESS: 612 Holly Hill Drive

NAME: Michael E. Lasher  
ADDRESS: 505 Berry Court

NAME: Shirley Martin  
ADDRESS: 507 Berry Court

NAME: Kari M. Drew  
ADDRESS: 519 Berry Court

NAME: John Haas  
ADDRESS: 512 Holly Hill

NAME: J. L. Altkamp  
ADDRESS: 600 Holly Hill

NAME: Will Deems  
ADDRESS: 603 BERRY CT.

NAME: Georgia Clark  
ADDRESS: 8308 Berry

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street • Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 • Tel. (812) 424-9603

### Agenda for August 22, 1994

- RS/SH  
RS/SH  
RS/SH.
1. Awarding of contract number VC 94-07-02 Culvert Replacement on Schroeder Road to Koberstein Trucking in the amount of \$23,400
  2. Awarding of contract number VC 94-07-03 Repaving of New Harmony Road to Koester Contracting in the amount of \$210,811.53
  3. Awarding of contract number VC 94-08-01 Rehabilitation of Bridge 1140 on Koressel Road to Koester Contracting in the amount of \$18,648.30
  4. Option agreement for the extension of Columbia Street

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

PROGRESS REPORT

FRIDAY, AUGUST 12, 1994 THRU THURSDAY, AUGUST 18, 1994

FRIDAY, AUGUST 12, 1994

Paver, roller, broom and eight crews paved Old Henderson Road.  
Summer crew worked on work orders.

MONDAY, AUGUST 15, 1994

Paver, roller, distributor and six crews paved Shore & Roth Rd.  
Gradall and one crew installed culvert at 5000 Seven Hills.  
Two patch crews worked on work orders.  
Summer crew worked on work orders.

TUESDAY, AUGUST 16, 1994

Paver, roller, distributor and seven crews paved Roth & Shore.  
Mowers worked on Bixler, Mann, Nisbet Station, Wallenmeyer and  
Adler.  
Summer crew worked on intersections.  
Gradall and one crew dug out next to box culvert on Bayou Creek  
and Lyle Road.  
Gradall and one crew prepared shoulders for concrete on Old  
Henderson.

WEDNESDAY, AUGUST 17, 1994

Paver, roller, distributor and seven crews paved Roth and Shore.  
Summer crews worked on work orders.  
Gradall and one crew replaced culvert at 10101 Hogue Road.  
Patch crew and pothole patcher worked on Frontage Road.

THURSDAY, AUGUST 18, 1994

Paver, roller, distributor and seven crews paved Roth and Shore.  
Gradall and one crew picked up pipe on Seven Hills.  
Mowers worked on Peerless, Schutte, Dieffenbach, Little Schmuck,  
County Line East, Heerdink, and Millersburg.  
Summer crew worked on work orders.  
One crew rocked mailbox approaches.

VANDERBURGH COUNTY BRIDGE CREW

PROGRESS REPORT

FRIDAY, AUGUST 12, 1994 THRU THURSDAY, AUGUST 18, 1994

FRIDAY, AUGUST 12, 1994

Crew #1 - trim and paint guardrails on Big Schaeffer, St. Joe Road and No. 6 School Road.

Crew #2 - trim and paint guardrails, pick up horses on Old Henderson and Tekoppel and Seminary.

MONDAY, AUGUST 15, 1994

Crew #1 - trim and paint guardrails on Old Henderson and Tekoppel.

Crew #2 - remove and replace pipe on Seven Hills Road.

TUESDAY, AUGUST 16, 1994

Crew #1 - pick up signs on Seven Hills, compact rock and trim Old Henderson Road.

Crew #2 - dig up and repair box culvert on Bayou Creel.

WEDNESDAY, AUGUST 17, 1994

Crew #1 - tamp patch on Bayou Creek, paint rails on Old Henderson Road.

Crew #2 - replace pipe on 10101 Hogue Road with 12X32 r.e.p.

THURSDAY, AUGUST 18, 1994

Crew #1 - put up rail on Waterworks Road.

Crew #2 - cut up and move pipe and work on shoulders on Seven Hills.

### COMMITMENT TO CONSTRUCT ROADWAYS

The undersigned, being the petitioners in Zoning Petition VC-8-94, make the following commitments in consideration for approval of the now pending petition, VC-8-94:

1. Petitioners shall construct and implement the roadway plan as more particularly shown on the map prepared by Bernardin Lochmueller & Associates and submitted to the Board of Commissioners of Vanderburgh County at its August 22, 1994 meeting. Specifically, petitioners will do the following in conjunction with the construction and implementation of said roadway plan.

- A. Petitioners shall widen LSR #4 and limit the use of LSR #4 from Cross Pointe Boulevard to the west line of the Petitioner's property to one-way automobile traffic only;
- B. Petitioners shall dedicate and construct a north/south roadway on Petitioners' real estate at the approximate location depicted in the map prepared by Bernardin Lochmueller & Associates. Said roadway shall commence at LSR #4 and run north whereupon it will intersect with an east/west roadway to be dedicated and constructed by the petitioners as described in paragraph 1(C).
- C. Petitioners shall dedicate an east/west roadway which shall be known as "Virginia Street" which will line up with the existing dedicated right-of-way for Virginia Street, running along the northern portion of the Cross Pointe Commerce Center Subdivision.
- D. Petitioners shall construct the northern portion of Cross Pointe Boulevard previously dedicated to the county so as to intersect and connect with the newly constructed Virginia Street described herein.
- E. Petitioners agree to complete said roadways within twelve (12) months of the granting of the rezoning petition by the Board of Commissioners of Vanderburgh County.
- F. Petitioners agree to participate in the cost of the installation of the traffic control signal at the intersection of Lloyd Expressway and Cross Pointe Boulevard.

2. This commitment to construct the roadways as described herein shall be included as a use and development commitment for any future rezoning of the remaining real estate of the

petitioners, which is included in the description of the petitioners' real estate attached hereto as Exhibit "A".

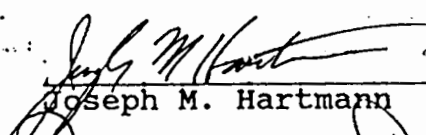
3. Petitioners will include, as a condition to primary plat approval of any portion of the real estate described in exhibit "A", the commitment to construct said roadways and, where appropriate, will include all appropriate costs for construction of said roadways in any letters of credit which may be necessary to submit in conjunction with secondary plat approval of any portion of the real estate described in Exhibit "A".

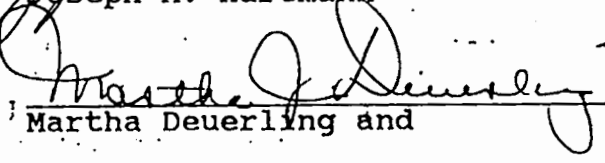
4. In consideration for the acceptance of these conditions and the approval of the rezoning petition VC-8-94 as submitted, the petitioners shall also agree to release any and all claims which petitioners may have against Vanderburgh County pertaining to petitioners' efforts to rezone the subject real estate.

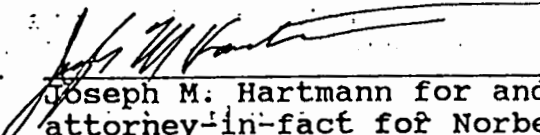
5. The petitioners ask that this commitment be made a part of the minutes of the meeting of the Board of Commissioners of Vanderburgh County of August 22, 1994.

6. These commitments shall become null and void if Petition VC-8-94 is not approved by the Board of Commissioners of Vanderburgh County on August 22, 1994.

Respectfully submitted,

  
Joseph M. Hartmann

  
Martha Deuerling and

  
Joseph M. Hartmann for and as  
attorney-in-fact for Norbert  
Leo Hartmann and Mary Ann  
Hoffman

BOUNDARY DESCRIPTION

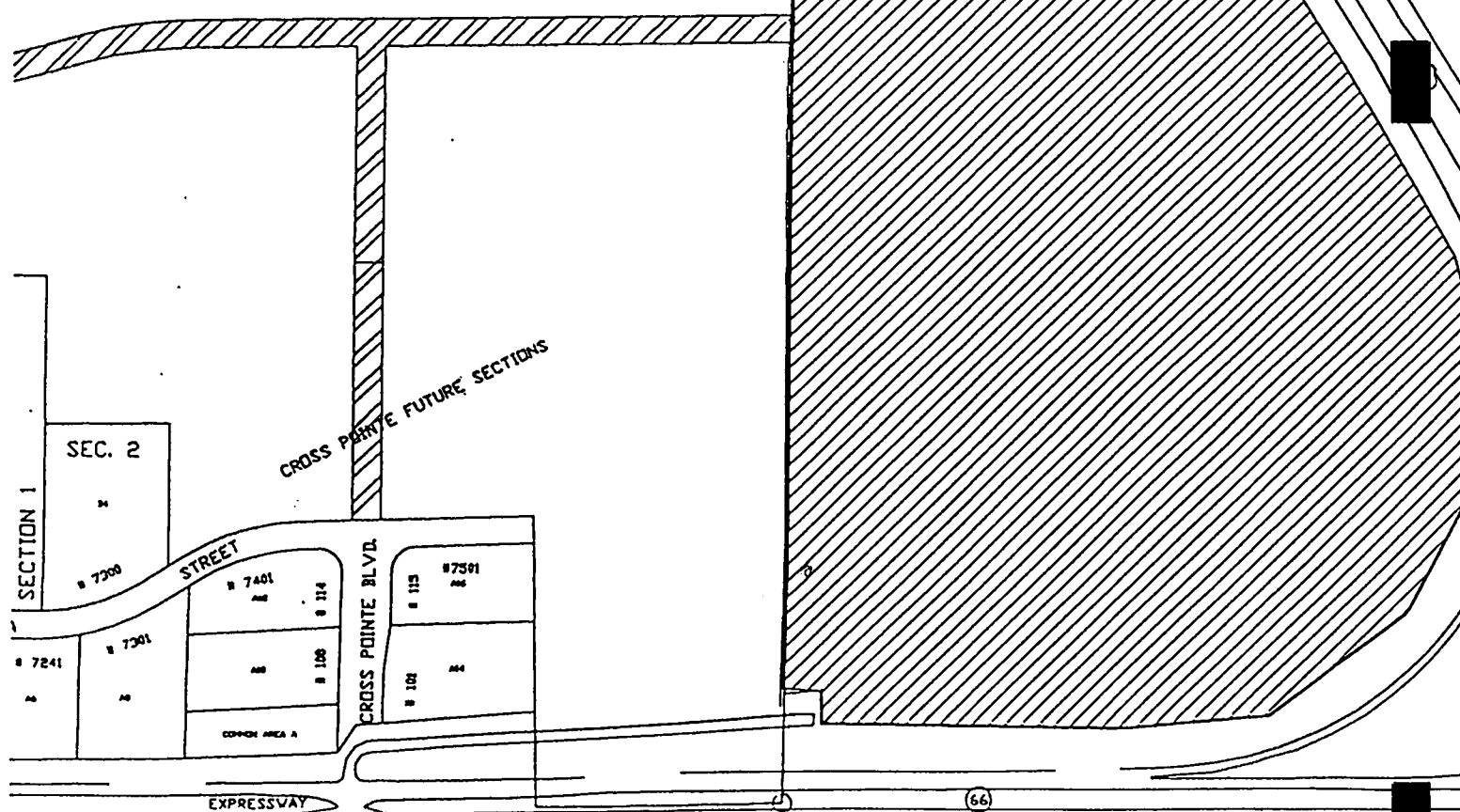
A part of the West Half of Southeast Quarter and also a part of the West Half of the Southeast Quarter of the Southeast Quarter of Fractional Section Nineteen (19), Township Six (6) South, Range Nine (9) West of the Second Principal Meridian, Vanderburgh County, Indiana, described as follows:

Commencing at the southwest corner of the West Half of the Southeast Quarter of said Fractional Section Nineteen (19); thence along the west line of said half-quarter section North 00 degrees 33 minutes 02 seconds East 234.04 feet to the north right-of-way line of I-164 Interstate Highway Project Number I-164-1-(2) 9 L.S.R. No.4 as described in a certain deed to the State of Indiana recorded in Deed Drawer 3, Card 7031 in the office of the Recorder of Vanderburgh County, Indiana and being the POINT OF BEGINNING of this description; thence continuing along said west line North 00 degrees 33 minutes 02 seconds East 2395.43 feet to the northwest corner of said half quarter section; thence north 89 degrees 40 minutes 28 seconds east along the north line of said half quarter section 544.36 feet to a point on the Western Limited Access Line of I-164 Interstate Highway Project Number I-164-1-(2) 9 as described in a certain deed to Martha J. Deuerling et al. recorded in Deed Drawer 7, Card 89 in the office of the Recorder of Vanderburgh County; thence along said Limited Access Line the next six (6) calls:

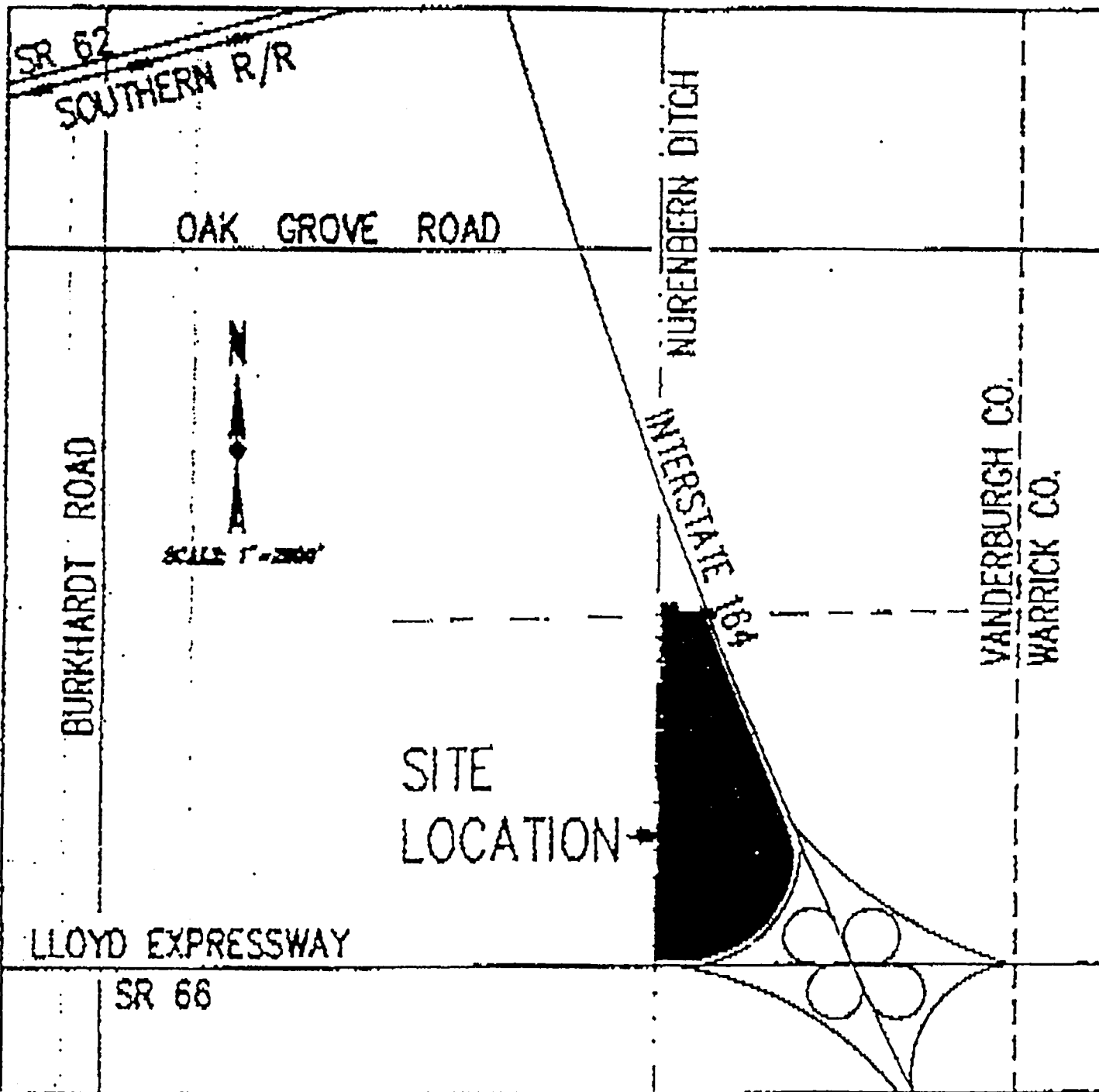
- 1) south 33 degrees 15 minutes 00 seconds east 5.70 feet;
- 2) south 31 degrees 05 minutes 21 seconds east 1200.17 feet;
- 3) south 29 degrees 31 minutes 52 seconds east 471.77 feet;
- 4) south 15 degrees 40 minutes 25 seconds east 266.34 feet;
- 5) south 07 degrees 46 minutes 20 seconds west 264.34 feet;
- 6) south 28 degrees 02 minutes 32 seconds west 293.75 feet

to the west line of the West Half of the Southeast Quarter of the Southeast Quarter of said Fractional Section Nineteen (19); thence along said west line South 00 degrees 32 minutes 52 seconds West 1.12 feet; thence along the northwestern and northern Limited Access Line of I-164 Interstate Highway Project Number I-164-1-(2) 9, as described in the aforementioned deed recorded in Deed Drawer 3, Card 7031, the following four courses: South 28 degrees 02 minutes 33 seconds West 10.27 feet; thence South 53 degrees 11 minutes 40 seconds West 356.15 feet; thence South 84 degrees 59 minutes 59 seconds West 309.61 feet; thence North 89 degrees 16 minutes 16 seconds West 643.73 feet to the eastern right-of-way line of the aforementioned I-164 Interstate Highway Project Number I-164-1-(2) 9 L.S.R. No.4, as described in said deed recorded in Deed Drawer 3, Card 7031; thence along the eastern and northern right-of-way line of said L.S.R. No.4 North 00 degrees 17 minutes 19 seconds West 70.00 feet; thence South 86 degrees 03 minutes 02 seconds West 78.60 feet to the point of beginning and containing 64.63 acres, more or less.

A hand-drawn geological map. A prominent fault line, represented by two parallel lines, runs diagonally from the top left towards the bottom right. To the left of the fault, a large area is filled with diagonal hatching. To the right of the fault, there is a small, irregularly shaped area with a scalloped or wavy boundary. In the upper right corner, there is a solid black rectangle. In the lower right corner, there is another solid black rectangle with a small circle next to it. On the left side, near the hatched area, there is a label 'E' with an arrow pointing downwards, and below it, the number '4' with an arrow pointing towards the fault line. A small horizontal hatched rectangle is located at the bottom left corner.









## EMERGENCY MANAGEMENT AGENCY EVANSVILLE, VANDERBURGH COUNTY

Sherman G. Greer, Director  
Room 18, Civic Center Complex  
1 NW Martin Luther King, Jr. Boulevard  
Evansville, Indiana 47708-1839  
Telephone (812) 426-5602  
Fax (812) 426-5606  
TDD/Hearing Impaired (812) 426-5483



Jane Snelling  
Assistant Director

Lisa Patterson  
Administrative Assistant

### MEMORANDUM

TO: MAYOR FRANK F. McDONALD II  
FROM: SHERMAN G. GREER, EMA DIRECTOR *SGG/LP*  
DATE: AUGUST 16, 1994  
RE: OUT OF TOWN TRAVEL, SEPTEMBER 15-18, 1994

I request your approval for out of town travel to Indianapolis, Indiana to attend the 1994 Indiana Emergency Response Conference.

Lodging, per diem, transportation, and conference registration costs will be the responsibility of the EMA..

With your approval I will be leaving Evansville at 12:00 P.M. on September 15 and return at 9:00 P.M. September 18, 1994.

Thank You.

SGG/lp

cc: Pat Tuley, President County Commissioners  
Roger Lehman, EMA Advisory Council Chairman  
file

**MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 29, 1994**

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MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 29, 1994

The Vanderburgh County Board of Commissioners met in session at 5:45 p.m. on Monday, August 29, 1994 in the Commissioners Hearing Room with President Pat Tuley presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley called the meeting to order, welcomed the attendees, introduced members of the County Staff (Alan Kissinger, County Attorney; Mark Abell, Supt./County Buildings, Commissioner Rick Borries, himself, Commissioner Don Hunter, Chief Deputy Auditor Cindy Mayo, and Joanne Matthews, the Recording Secretary for the Board) and asked the group to stand for the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

Commissioner Tuley said he has the Original minutes of April 15th for approval. Apparently there is a problem with the copier, so there are no additional copies. Copies will be distributed as soon as the machine is repaired. Joanne takes excellent minutes and is a good typist, so he has no problem with approving the minutes.

Commissioner Borries asked if Commissioner Tuley recommends the Commissioners sign the minutes.

Mr. Tuley responded affirmatively.

Motion to approve the minutes as engrossed by the County Auditor was made by Commissioner Borries, with a second from Commissioner Tuley (since Commissioner Hunter was absent on August 15th). So ordered.

RE: VC-8-94/JOSEPH HARTMANN REZONING

President Tuley said the Commissioners also need to sign the Ordinance for the Hartmann rezoning, which was approved last week. They can do that after the meeting.

RE: COMMUNITY CORRECTIONS - JUDGE RICHARD YOUNG

Commissioner Tuley said Judge Young is seated in the audience and has indicated he wishes to address the Commission. He then recognized Judge Young.

Judge Young said, "Thank you, Mr. President. I am Richard Young, Judge of Circuit Court. I am also here tonight in my capacity as President of the Community Corrections Advisory Board. I would like to report to the Commissioners that -- and also ask their approval -- the Advisory Board, at its last meeting, approved amendments to our existing by-laws. These amendments establish a committee structure: A Personnel Committee, a Building Committee, a Finance Committee. This is something that has been needed for quite some time and we have now formalized that through amendments to our by-laws and, by State law, those amendments need to come to you for your final approval.

"The second item I have for your approval is the Advisory Board also unanimously approved the appointment of Harris Howerton as the Executive Director of the Community Corrections Facility and Program here in Vanderburgh County. As you know, this is something that the Consultants recommended be formalized. I know that we've done this in the past, but the

paperwork just can't be found. Harris has acted in this capacity for approximately eleven (11) years and I am sure at some time he was appointed to this position -- but we just can't find the paperwork. So just as a matter of housekeeping, basically, I think we need to make this a matter of record and the Board was unanimously supportive of Harris' appointment -- or the reaffirmation of his appointment -- I guess I should say. And we now need to come to you, as with all County employees, to have that formally approved."

President Tuley asked, "These by-laws, etc., were presented to us several months ago, weren't they?"

Judge Young replied, "Right. We initially presented to you a draft of the by-laws. We then took the draft and presented the formal amendments to the Community Corrections Advisory Board and now we're bringing those amendments back to you for approval."

Mr. Tuley said, "I remember at that time I asked -- and the answer was 'yes', I don't think it's changed -- that any ideas, suggestions or whatever any of these individual committees make will then come back to the full Advisory Board for their approval?"

Judge Young stated, "That is correct." It's just -- I don't think I've ever served on a Board of Directors anywhere that didn't have a committee structure except this one, and this Board of Directors -- if you sign off on these amendments -- will now have the committee structure which will allow us to focus on some things that need to be focused on."

President Tuley entertained questions or comments.

Motion was made by Commissioner Borries that Article V in the Community Corrections Advisory Board By-Laws be approved. Seconded by Commissioner Tuley and so ordered.

Motion was made by Commissioner Borries that, based on the Vanderburgh County Community Corrections Advisory Board's Resolution to name Harris Howerton as Director of the Community Corrections Facility (a position in which he has served for eleven years) be approved. Seconded by Commissioner Hunter. So ordered.

Judge Young expressed appreciation to the Board and said that is all he has.

President Tuley said, "Harris, you were next."

Mr. Howerton stated, "That was the same business."

**RE: OLD UNION TOWNSHIP SCHOOL - ROGER LEHMAN/BUILDING COMMISSION**

President Borries said he had asked Mr. Roger Lehman, the Building Commissioner, to attend tonight's meeting to give the Board a report on a piece of property we've all had some contact with during the last -- ten years for him, and maybe not quite as long for some of the other people.

Mr. Lehman said, "The saga continues. In the process of razing the Old Union Township School, we were operating under a set of assumptions relative to asbestos that were changed in July without our knowing they changed -- and in order for us to proceed with the demolition (which is approximately two-thirds complete) we do have to have some of the apparent and available asbestos removed, which can be done in several different ways. However, none of them are free. Therefore, I am here tonight to request that the Commission approve or give me direction or funding to accomplish this necessary item as delineated by the State Department of Environmental Management. We have had the situation looked at out there. It appears the removal will cost somewhere in the vicinity of \$12,000 to \$14,000 and there will be another \$1,000 or \$2,000 for supervision of the removal by a separate company. We are planning to have three groups out there in the morning to look at the situation and give us an exact price on it -- and we believe that \$14,000 or \$15,000 should cover all the contingencies at this time."

Mr. Borries asked, "And how long would you envision that this would take, Roger?"

Mr. Lehman replied, "Once we have the funding in place the one group has indicated they could do the removal, which would take about two days, depending on the route we go as far as actually implementing the removal. Whether we do it concurrently with the demolition or prior to the demolition, or after it is completely demolished will somewhat affect the total time. But I believe if we can get this lined out quickly that three to five days will take care of the asbestos end of it and the demolition will be another three to five days after that to complete."

Mr. Tuley said, "I don't see that we have any choice."

Commissioner Borries said, "Well, I would ask..."

Mr. Lehman interrupted, "I might just throw in a couple of other things. Obviously, the building is unsafe. It was unsafe -- Judge Young agreed that it was unsafe in Court. And so we now have a building that was partially razed that was unsafe before it was partially razed. So this obviously is a continuation of the emergency order that we issued earlier in July."

Attorney Kissinger commented, "You might also add, Roger, that we are operating under a Court Order to raze that building at the present time, as well."

Mr. Lehman said, "That is correct."

Commissioner Borries said, "I checked with the Deputy Auditor, Cindy Mayo, today and she informed me there would be monies available currently in the Cumulative Capital Development Fund should we elect to have this an emergency -- and I would, at this time, ask this Board to declare an emergency to ask for an appropriation of emergency funds in the amount of \$14,000."

Commissioner Tuley asked, "Will \$14,000 cover it? I thought I heard you say something around \$15,000 or \$16,000."

Mr. Lehman stated, "I did receive from Environmental Management -- and Mr. Borries was not aware of this, I just got it immediately before meeting time -- again, their estimate of the current expenses for EMC is \$1,400. They estimate for the future for the clean-up supervision to be approximately \$1,800 for a total of \$3,200. So I would say that probably \$15,000 would be safe. I believe that would cover all of our contingencies."

Mr. Borries asked, "There is money available in the CCD Fund that has not been appropriated. This certainly does qualify as an emergency and, upon the advice of Counsel here, we're also under a Court Order -- and, as Roger points out here, having the building half up places us more under emergency. So I would ask approval then for this emergency amount of \$15,000."

Seconded by Commissioner Hunter. So ordered.

Mr. Lehman asked, "Do I just tell them to go ahead -- or do I...."

Attorney Kissinger asked, "Roger, have you been communicating with Ms. Ellis in purchasing?"

Mr. Lehman responded affirmatively.

Attorney Kissinger continued, "I think there is a possibility that there will be more than one quote on this -- so be sure to check with her."

Mr. Lehman said, "Right. I contacted those companies and they are going to meet us out there in the morning -- three of them."

Mr. Hunter asked, "So we will have three quotes?"

Mr. Lehman replied, "Yes. And part of the contingency is that they show up and that they have the quote by the end of the day tomorrow."

Commissioner Hunter asked, "Does he have the discretion to go ahead and take care of this?"

Mr. Borries said, "Yes."

Mr. Hunter continued, "We don't want to fiddle around with this for another week now."

Mr. Tuley said, "I agree. We'll just grant him the authority to go ahead and do it."

Attorney Kissinger said, "I don't see any problem with that -- he, or Ms. Ellis in Purchasing. And then, I believe I am correct, this has to go before the County Council. We may want to request that the County Council hold a special meeting -- because I am not sure we can get our advertising in to them for the September meeting. Do you know, Joanne?"

Mr. Borries asked, "What do you think, Cindy?"

Ms. Mayo replied, "The advertising has been done for the September meeting for the appropriation requests. Now, if this is declared an emergency -- if they have an emergency meeting on this -- I don't know what the advertising would need to be for Council."

Attorney Kissinger said, "That is what I am saying. I am wondering if we can get the advertising done in time for their September meeting. I am advised preliminarily that we probably will be on the deadline already. So we may want to request that the County Council hold a special meeting for the purpose of considering this appropriation only."

Commissioner Borries asked, "Is there some way they could do that at the end of their meeting under a separate advertised meeting? --As not a part of their regular meeting?"

Attorney Kissinger replied, "Yes. Once again, if we can get it advertised in time. But we can't advertise it until we accept the quote."

Mr. Tuley said, "We have to wait until tomorrow and it will probably be too late to get to the paper."

Attorney Kissinger said, "Yes."

Ms. Mayo stated, "I believe the Council is having their Personnel & Finance Meeting on Wednesday and maybe at that time -- I don't know, I'll find out for sure -- but maybe one of the Commissioners could speak to them on this -- if you're going to find a quote on it tomorrow."

Mr. Lehman said, "I'll be glad to do that on Wednesday -- this Wednesday? I'll be in town."

Mr. Borries said, "Yes."

Ms. Mayo said, "I'll get in touch with you and make sure. Kyle, do you know if they're having their Personnel & Finance Meeting on Wednesday?"

Ms. Foster replied, "Yes."

Ms. Mayo continued, "And it's always the last Wednesday of the month?"

Commissioner Borries replied, "right."

Mr. Lehman said, "And then, I guess, subject to what we find out there will determine what I do."



Ms. Mayo said, "Their Attorney would be able to advise when the advertising got sent in and when they could have their special meeting."

Mr. Borries said, "Okay."

Ms. Mayo continued, "And I'd be happy to call in tomorrow and let him know what is going on so he will have the research done."

The Commissioners thanked Ms. Mayo, as well as Mr. Lehman for his attention in this matter.

RE: SIGECO/NATURAL GAS VEHICLE PROGRAM/JOE KIEFER

The meeting proceeded with President Tuley recognizing Joe Kiefer of SIGECO.

Mr. Kiefer stated, "My name is Joe Kiefer and I'm with SIGECO and I just want to first thank you very much for giving me a few moments of your time to inform you about a new natural gas vehicle program we are getting ready to start. I was going to show a brief video here and then give some explanation."

Following the brief video presentation, Mr. Kiefer said, "Briefly, that was just so you would understand that natural gas vehicles are safe and economical and SIGECO is opening a station at Heidelberg and Division Street and one of the reasons I wanted to talk to you today is because I was hoping in the future some of the different departments will be coming to you and asking for some help in paying for the cost of the conversion. In the long run -- like, the School Corporation has 95 buses and they were able to get a payback in one year. SIGECO operates about 70 plus vehicles and we had a quick payback on what we had invested in our vehicles from the fuel savings and the maintenance savings -- and right now we've got several potential private fleets lined up ready to convert. I made up a package here that shows a little bit about what SIGECO is going to be doing. Our cost is going to be 82 cents per gallon minus whatever sales tax that the County wouldn't pay, so less whatever that tax would be -- and this is a rate that we have just filed and we don't anticipate on changing this NGV rate because we're trying to market this program and, obviously, we are competing against the cost of gasoline and diesel and propane. So we want to keep our natural gas cost for vehicles down. We are also going to offer rebates based upon a person's fuel consumption. So if one of the County departments wanted to convert a vehicle and they use a high usage vehicle, then we would give them a rebate to help offset the cost of the conversion, because we know that once you hook onto it you are going to like it and keep using it and then we'll get our money back -- we'll make our money in the long run over a period of time. It's more of a long term investment, but we feel that it is something we need to do to get people started on it. And one other final note, when she was talking about the life of the engine, some of these dedicated natural gas engines out there are running three hundred thousand plus miles and I know the County will sometimes want to utilize those vehicles as long as they can.

Mr. Borries interjected, "We don't want to -- but we have to."

Mr. Kiefer continued, "So that is the reason to convert -- because you could pass those vehicles down along the way and they will still be in good operating condition. I enclosed an invitation to our Grand Opening, which is September 9th and 10th. We're going to have a Grand Opening and show different types of converted vehicles and we're going to show how easy it is to use the station and we're going to have a lot of expert help on hand to answer any questions. That is really all I wanted to say and I want to thank you for your time."

Commissioner Hunter said, "One quick question. You said you had filed for the 81 cents per gallon. During what period of time would we be guaranteed the 81 cents per gallon?"

Mr. Kiefer said, "What we do -- the eighty-two cents is the average price which we based on because they buy off the spot market and so every three months they have a gas cost adjustment, but that is something that continues on every three months all the time for all gas sales. So in

the summer months the cost drops. That eighty-two cents is the base price and then it drops -- so it could drop to eighty-one or eighty cents per gallon. But in the winter months at the peak time, then it may go up to eighty-three or eighty-four cents per gallon."

Mr. Hunter asked, "So every three months it..."

Mr. Kiefer interrupted, "It fluctuates up or down. But it's not a new filing that SIGECO files. That is not something they have to file for, because it is not a rate increase -- they don't consider that a rate increase."

Commissioner Hunter said, "You've answered my question."

Commissioner Tuley asked, "Joe, typically speaking, what does the conversion cost? Is there a typical cost?"

Mr. Kiefer replied, "Yes, there is -- and Don's Cleaners is a local company that just converted two of their vehicles -- and they have that computerized, high-tech top line system -- and this cost, when I first mention it, may scare you to death, but it was \$4,000 to convert his vehicle. But SIGECO looked at his usage and determined that he would be using \$2,500 plus amount of fuel over a period of two years and so that is how we are basing the amount of money that we're going to give him toward his conversion. So out of that \$4,000 we gave him \$2,500 to help offset the cost and then he is picking up the rest on the conversion cost. And the way he figured it, for both vehicles (because he converted two) he is going to have a two year payback time on his."

Mr. Tuley said, "Okay. Thanks."

Commissioner Borries asked, "How many vehicles? Like if we wanted to do a test on this, I'm sure we maybe could get some volunteers. If we don't, then we'll just tell them. But we could get -- what would be a reasonable kind of test for us? We've got how many units at the County Garage? We couldn't convert them all at once."

Mr. Kiefer said, "We could do anything, you know, from one up to a hundred. We're not limiting ourselves. Obviously, of course, the more we got, the more we have, the better type situation we can offer -- because SIGECO is looking at it as an investment and the more you have the more they feel like you're going to be using natural gas in the future for your vehicle use. But I talked to Mr. Schletzer and he said that he would be willing to try a new van that they had in mind to purchase coming up some time -- maybe next year or something -- and we told him that would be an ideal one to try."

In response to query from Eric Williams of the Sheriff's Department as to whether SIGECO does the conversion or contracts with someone else to do this, Mr. Kiefer said, "No. SIGECO does not want to get in the market of doing the conversion business. They basically want to sell the natural gas. But there are a couple of companies around that do them. There is a company named SYSCO Trucking wanting to do it. M&M Auto Services expressed great interest in doing theirs and we're talking to them about doing conversions. And, Jasper Engines & Transmissions out of Jasper are coming down and doing conversions, too, right now. But there are several people wanting to do it."

Deputy Williams offered further comments, but they were inaudible since he was speaking from the back of the room. In response to an inaudible question, Mr. Kiefer responded, "Yes. The station is unmanned and it operates 24 hours per day. You would just pull out a credit card type card that SIGECO would give you. They have a card reader and you would run it through that and it activates the pumps. So anybody could use the station 24 hours a day as long as they had a card that allowed them to do so."

President Tuley asked, "Joe, the 95 buses the School Corporation has -- are any of those converted? I was under the impression that some of those are."

Mr. Kiefer replied, "Yes. They have 95 buses that were all converted. They have their own fueling station and they fuel right on site. And it is my understanding from talking with Mr. Charlie Johnson over there that they had a \$200,000 investment to put an on site fueling station and from his calculations, they were able to pay that back in a one year period. Right now he is even paying less than 82 cents. Because he has his own fueling site, he is probably paying only around 45 cents per equivalent gallon. But we had to charge the additional amount in order to recoup our cost of the station -- because we were building the station we had to recoup the cost."

Commissioner Borries said, "Well, a couple of things, Mr. President, if we could maybe get some volunteers; there might be a unit or two in the Sheriff's Department and perhaps the County Garage -- and then in the long term perhaps look at some kind of site installation where we could do it out at the County Highway. Of course, our problem would be the 24 hours per day. We'd have to set up some kind of way in which we would be able to do the Sheriff's vehicles. That might even have to come out to the Sheriff's Command Post to do that."

Commissioner Hunter asked, "Well, you guys are going to have an operation similar to a service station over here that is going to sell natural gas."

Mr. Kiefer interjected, "Correct."

Mr. Hunter asked, "If this becomes popular, I noticed in the video tape that some of the major brands..."

Mr. Kiefer again interrupted, "Right. AMOCO and Thornton's had expressed some interest in coming down to this area. But it's kind of like the chicken and egg type deal -- they wanted to see some development first."

Mr. Hunter said, "So if there was a market there, they would consider -- which would give you guys more flexibility."

Mr. Kiefer said, "Correct. To give you an example, Indianapolis -- they started a few years ahead of us and they have an existing three stations and three more stations planned for 1995. So by the end of 1995 they will have six (6) stations -- and Louisville has several. Terre Haute even has a station. I talked with a representative over in Owensboro and they are planning to open a station there, also."

Deputy Eric Williams asked for a SIGECO packet to share with others in the Sheriff's Department. He also asked if Mr. Kiefer is aware of any police stations that have switched over to natural gas.

Mr. Kiefer said he believes LaPorte, Indiana has. He has some names and numbers, but there are probably a couple of dozen police departments across the country running on natural gas -- and there is one up in northern Indiana. They've been pretty happy with it. The big disadvantage of natural gas vehicles though that they showed on the tape was the tank -- that is probably the biggest obstacle. That's because if you already have a gasoline tank, you sometimes have to be creative in figuring out where to put the natural gas tank -- and that seems to be the biggest problem. But, for SIGECO, since we're operating a fleet we are not packing luggage and stuff in the back of our trunks, so we've been putting them in our trunks. But I know some of the trucks have them underneath because there is enough room.

Mr. Tuley said he doesn't think the people the Commissioners are looking at are going to be carrying too much luggage.

In response to query from Bill Morpew (which was also inaudible because he was speaking from the back of the room), Mr. Kiefer said, "As far as safety goes, they're really confident -- I mean, natural gas is really safe -- because it just evaporates into the air -- so there wouldn't

be a problem with safety. We're not operating our large trucks on it -- mostly pick-up trucks, vehicles and that kind of thing. Any diesel-operated engine would be conducive to it, because natural gas works good with high compression engines -- so any of the diesel type vehicles would be ideal for it.

Mr. Hunter asked, "You can use this in a diesel engine?"

Mr. Kiefer replied, "Yes. See, the natural gas mixes directly with the diesel and so you'd have like a small percentage of diesel always being used and it mixes right together. It's a dual fuel. They actually work with diesel engines."

Commissioners Borries and Tuley expressed appreciation to Mr. Kiefer, saying they would like to try to pursue this.

Mr. Kiefer said SIGEGO would love to have the Commissioners down at the NVG station Grand Opening on September 9th and 10th. September 9th is on a Friday and they are going to have a lot of people there, showing exactly how these work -- and people with a little more knowledge than he may have to also answer technical questions. He then again expressed his appreciation to the Commissioners for allowing him to make this presentation.

RE: RESOLUTION IN FAVOR OF DENIAL OF ALCOHOLIC BEVERAGE PERMITS  
TO CONVENIENCE MINI-MARTS

The meeting continued with discussion concerning the subject matter. Mr. Tuley said it is his understanding that this is a renewal, so to speak. That this was done prior to 1993.

Commissioner Borries said, "That is correct, Mr. President. I believe that this Body (and Commissioner Hunter can help me on this) passed this same Resolution in perhaps 1992 or..."

Commissioner Hunter interrupted, "It may even have been in 1991; I think it was shortly after I came on the Commission. I think perhaps it was in regard to Phar-Mor at that time -- and then, I believe, there was an attempt to get a license for a drug store at Washington and Boeke and this Resolution was used then, as well."

Mr. Borries continued, "Apparently this office was contacted because there may be a petition going before the local ABC that is petitioning for convenience mini-marts to sell alcoholic beverages. The reason, as I recall -- and Commissioner Hunter may want to add some comments here -- I cannot recall any citizens ever lobbying this group saying we don't have enough alcohol outlets. We have quite a few available. So I don't think that was involved from a lobbying standpoint. But there were some obvious dangers -- although grocery stores do sell some beer and wine there were some concerns -- there are security personnel there employed by the stores (either Sheriffs or City Policemen) as off-duty security. There are more persons over age 21 who work there. In some of the convenience mini-marts you may be located close to a school or church, which could give some hazards -- because they may have fewer employees and employees who often are under the age of 21 -- without any security or off-duty security personnel. There seems to be a greater problem there with under age access. So, frankly, I don't believe my feelings have changed any. I don't see any need at this point in time to encourage more alcohol beverage outlets."

Commissioner Hunter said, "I would completely concur with what you have said. As an educator I've been in this business 33 years and I've seen too many students either killed or crippled for life from alcohol and under age drinking. And in all good faith I cannot support additional hard liquor outlets, particularly where a youngster may be put on the spot. As you say, they are going to be by themselves and it may be more difficult to deal with who takes that alcohol out. So, simply in good faith, I could not support a petition for an outlet for alcohol."

Commissioner Tuley said, "I would tend to agree with the comments of both Commissioners. Do we need to read this into the record?"

Commissioner Borries replied, "Yes. I would envision what we did last time. This Resolution was forwarded to the Alcoholic Beverage Commission and they, of course, have the say on this. And there could be an appeal process for the State. But at least the Resolution expresses our feelings on this matter."

President Tuley read the following Resolution into the record:

\* \* \* \* \*

COUNTY RESOLUTION IN FAVOR OF  
DENIAL OF ALCOHOL BEVERAGE PERMITS TO  
CONVENIENCE MINI-MARTS

WHEREAS, the Vanderburgh County Alcohol Beverage Commission is the authoritative body concerning the issuance of alcohol beverage permits in the County:

WHEREAS, the Board of Commissioners of Vanderburgh County sees no demonstrated need for additional beverage grocery-type permits in the County;

WHEREAS, the Board of Commissioners of Vanderburgh County recognized there is substantial opposition to the issuance of such permits from citizens of the County:

NOW THEREFORE LET IT BE RESOLVED that the Board of Commissioners does hereby oppose the issuance of alcohol beverage permits to businesses that are commonly described as convenience stores or mini-marts and encourages the Vanderburgh County Alcohol Beverage Commission to use its authority to deny permits to these businesses.

This resolution shall be in full force and effect from and after its adoption by the Board of Commissioners of Vanderburgh County, Indiana,

APPROVED AND ADOPTED by the Board of Commissioners of Vanderburgh County, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 1994, and upon said day signed and executed by the members of the Board as evidenced by their respective signatures hereto, and as attested by Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

Patrick Tuley, President  
Richard J. Borries, Vice President  
Don L. Hunter, Member

APPROVED:

Alan Kissinger  
County Attorney

ATTESTED:

Sam Humphrey  
County Auditor

\* \* \* \* \*

A motion was entertained.

Motion to approve the Resolution and forward same to the Alcoholic Beverage Commission was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - ALAN KISSINGER

Enforcement of Collection of Child Support Maintenance Fees: Attorney Kissinger said he only has one matter today and that is a request from the County Clerk concerning the enforcement of collection of child support maintenance fees through the Vanderburgh County Small Claims

Court. He would like to recommend that Kevin Bryant, who now does our collection work for our ambulance service, be authorized to carry out the filing of these small claims suits for the Vanderburgh County Clerk. He would also request that the County Clerk be instructed not to forward any claims to Mr. Bryant that are less than \$50.00 and recommends that Mr. Bryant's fee be set at a minimum of \$50.00 plus one-half of his recovery in excess of that \$50.00. And, obviously, as all the Commissioners know, there will be no Court Costs for the Commissioners or the County, itself, in filing -- although the Court can order that those costs be paid by the individual who has had that small claims action filed against him or her. He would recommend the Commissioners give this request favorable consideration.

Motion to this effect made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: SUPERINTENDENT OF COUNTY BUILDINGS - MARK ABELL

Old Court House/Air Conditioning Renovation: Mr. Abell said this project is proceeding along nicely. However, there is one small problem and he believes Mr. Acker forwarded a letter. When they are cutting the holes in the ceiling for the defusers and the venting, it creates quite a furious mess of dust, basically, and it is not advisable that we have any staff in the office when they are doing that. He thinks John Stoll can fully testify to this, because they have done some in his office and it is just not safe.

Mr. Acker has sent over a letter and requested that, with the Commissioners' permission, he would like to take the two days they are going to be doing that in his office and have field days, where he and his staff will be out in the field. They will then, of course, spend a day cleaning up their office, as well. If it is all right with the Commissioners, they would like to have the field days in there. And probably John Stoll is going to have a similar problem tomorrow, he would think -- tomorrow or the next day anyhow.

Commissioner Borries said Mr. Stoll can send his employees to the field or use one of the offices over here or something.

Mr. Abell continued, "It's a furious mess, isn't it? You really can't even see your hand in front of your face almost -- and that is with them taping it off and doing what they can. But it's one hundred years of plaster and brick, so..... We will need some clean up and I will work through that with Faye."

Commissioner Borries said, "I will move that this be approved. I won't go through the whole story, but when I was in graduate school in Terre Haute, I lived in a real old house with plaster ceilings near the railroad. We could hear the train most of the time. And one time that train came flying through and the whole ceiling fell down and I'm telling you, the landlady came hotfooting it upstairs and thought there'd been a fight. She looked at that ceiling -- and I'm sitting there looking like the Pillsbury Doughboy! I mean, you couldn't see anything but white dust all over. I'll never forget that as long as I live. So there are hazards with a plaster ceiling, I'm telling you."

Mr. Hunter asked, "Is that in the form of a motion?"

Mr. Borries said, "Yes. I will move that the field days be granted."

Seconded by Commissioner Hunter. So ordered.

Mr. Abell said the good news on that is that we will soon have air conditioning.

Request re Bow Hunting: Mr. Abell continued by saying, "I also received a curious -- well, it wasn't curious -- but interesting, letter from a gentleman requesting permission to do some bow hunting on some of our properties out near where our Lynch Road Extension will be (and I will pass these on down so Legal Counsel can look at that and see if it is apropos) -- but it's an

interesting letter and brings up an interesting point about the deer population and how it will change when we put the new road in. So that's for your consideration -- and that is all I have. Thank you."

Mr. Tuley thanked Mr. Abell.

RE: COUNTY HIGHWAY - BILL MORPHEW

Weekly Progress Report: Mr. Morpew submitted copies of the Weekly Progress Report for period of August 19 thru August 26, 1994.....report received and filed.

Shore Rd./Roth Rd./Cypress-Dale Rd.: In response to query from Commissioner Borries concerning the status of these two roads, Mr. Morpew said they are finished with both of these roads and have started on their repair work on Cypress-Dale Rd. and they're about 50% complete. They will be finished with that this week and ready to move on to bigger and better things. They've spent a lot of time in Union Township, but it surely has improved.

Commissioner Borries said it surely has. He talked to one of the bus drivers today and he was very complimentary concerning the work done there. He picks kids up all through that area and he was very complimentary.

Waterworks Rd./Commendation to Guard Rail Crew: Commissioner Borries said he would think the Board would certainly want to thank the Guard Rail Crew that worked on the guard rail on Waterworks Rd. There was somewhat of a flap there that we couldn't finish it any quicker than we did, but to get guard rail people on hot pavement before the contracting people were finished would just have been a nightmare -- and things are good. It's a fine project and he certainly wants to extend his thanks to the crew for a fine job.

Commissioner Tuley requested that Mr. Morpew provide the Commissioners with a list of the individuals who worked that Saturday -- so he would like to send them a nice letter.

Mr. Morpew said it was the Bridge Crew. One individual was on vacation and there were six (6) people on the crew. He will provide Mr. Tuley with a list of the names of the individuals.

Mr. Borries said, "And, as I think Bill has pointed out, Mr. President, they didn't take a lunch hour that day. They brought food down and grilled out down there. They started at what -- 6:00 a.m.?"

Mr. Morpew said they started at 5:00 a.m. He, Stan Lutz and John Stoll cooked and they had lunch on the job site. They worked eleven (11) hours, with the men taking about a 20 minute break out of that eleven hours to eat lunch -- and they got that road open.

The Commissioners again said this was well done.

RE: COUNTY ENGINEER - JOHN STOLL

Cypress Creek Subdivision/Street Plans & Sidewalk Waiver: Mr. Stoll submitted the subject street plans for approval, saying this is located off Hillsdale Rd. It's about 28 lots -- all of which are large lots. The developer and engineer are both present today. Mr. Hunter said that Hillsdale is not very wide. Do we need any kind of a decel lane or anything there?

Mr. Stoll said there will be some tapers. He doesn't believe this will generate a lot of traffic, so there is to be no decel area or anything like that. It's a 11% grade. These will be asphalt streets and the grade is as flat as they could get it, given the terrain. In response to query from Commissioner Borries, Mr. Stoll said that there will be rolled curb and gutter. It is his recommendation that the street plans and sidewalk waiver be approved.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Hunter's Ridge/Section B/Street Acceptance: Mr. Stoll submitted request for acceptance of 606.14 lineal feet of Hunter's Ridge Court in Hunter's Ridge Subdivision/Section B. This was built as planned and he has all the test data, etc., showing everything was done properly. It his recommendation that this be accepted.

Motion to accept, as submitted and recommended, was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Stop Sign Ordinance/Amendment: Mr. Stoll said he has another amendment to the Stop Sign Ordinance for Joanne to advertise.

Claim/Franklin Street Bridge: Mr. Stoll said this claim is listed in the Consent Agenda. The Franklin Street Bridge was awarded at \$2.9 million rather than \$3.2 million like it was bid the first time -- so we got a little break on the price there when it was bid the second time. In response to query from Commissioner Borries, Mr. Stoll said he can remember two of the three who bid, but not the bidder who got the project. However, he doesn't think any local contractors bid it. The firm who received it was not familiar to him -- but he thinks they were out of Indianapolis.

Mr. Borries said he had some concerns voiced about prevailing wages, but he said he was sure Mr. Stoll checked that.

Request to Lower Speed Limit/West Haven Subdivision: Mr. Borries said there is a Ms. Ude - there are some subdivision streets (maybe it is West Haven Subdivision) -- but it's Meadowlark Lane, Karen Drive, Magnolia Drive -- on some of these apparently there is either a 30 mph or higher speed limit. She wanted to know if we could lower the speed limit to around 20 mph. They were asking for 15 mph (which is very low). These are in a subdivision and he told her we could certainly consider that if we have the engineer go out to look at them.

Mr. Stoll said, "What I would do with that, I would have to request EUTS put a speed counter out there and gather some speed data to see if it justifiable."

Mr. Borries asked, "Could we do that?"

Mr. Stoll responded affirmatively, asking if Mr. Borries has a letter from Ms. Ude or anything.

Mr. Borries said he has her name and the names of the streets.

Mr. Stoll said he will get in touch with her.

Mr. Borries said he would strongly urge EUTS to consider this. He is not sure about the West Haven part -- he doesn't know if West Haven is the street or the name of the subdivision.

Mr. Morphew interjected that there is a West Haven Subdivision and there is also a street in that subdivision named West Haven.

Mr. Borries asked if it needs a lower speed limit?

Mr. Morphew said the entire subdivision is nothing but hills and curves. He would think 20 mph would be as high as you would want to go.

Mr. Borries said we should ask EUTS to get out there and give us a recommendation -- but right now we're talking 20 mph.



RE: CONSENT AGENDA

Travel Requests: Mr. Tuley said he had a memo sent out last week to Officeholders and Department Heads asking them to cooperate with us with regard to AIC requests for travel. He then queried Mr. Abell concerning if we've had too many requests other than the officeholder or department heads?

Mr. Abell said, "None that I'm aware of."

Mr. Tuley said the Commissioners are just asking them to bear with us, as we have limited funds available for travel until the end of the year.

U. S. Nuclear Regulatory Commission: Mr. Hunter asked Mr. Stoll why we are giving this agency \$2,400?

Mr. Stoll humorously said his office wanted to glow in the dark! He then seriously stated that this concerns the Nuclear Density Gauge, a piece of equipment we have that tests for soil compaction, etc. It is a nuclear device and the license fees are expensive. This is one of our annual fees to keep this device. They have used it extensively down at Tekoppel Overpass and the Waterworks Rd. project.

Mr. Hunter asked, "And that amount is just for the licensing?"

Mr. Stoll responded affirmatively. He said there are also additional fees for the little badges that register the amount of radioactivity that anybody is exposed to and all of that. So they're not cheap to have around.

Motion to approve the Consent Agenda was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: SCHEDULED MEETINGS

President Tuley said a list of scheduled meetings is attached to the meeting agenda.

RE: OLD BUSINESS

Commissioner Tuley entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

President Tuley entertained matters of New Business to come before the Board. There were one.

There being no further business to come before the Board at this time, President Tuley entertained a motion for adjournment.

Motion to this effect made by Commissioner Hunter, with a second from Commissioner Borries.

President Tuley advised the other Commissioners that he will not be present for next week's meeting. However, he is not going to attend the AIC Meeting, so he will be here that Monday night instead.

Meeting adjourned at 7:00 p.m.

COMMISSION MEETING  
August 29, 1994

14

PRESENT:

Patrick Tuley  
Richard J. Borries  
Don L. Hunter  
Alan M. Kissinger/County Attorney  
Cindy Mayo/Chief Deputy Auditor  
Mark Abell/Supt., County Buildings  
Roger Lehman/Building Commissioner  
Eric Williams/Deputy Sheriff  
John Stoll/County Engineer  
Bill Morphew/County Highway Supt.  
Judge Richard Young, Circuit Court/Community Corrections  
Harris Howerton/Community Corrections  
Joe Kiefer/SIGECO  
Dan Buck/General Contractor  
Chris Weil/Sitecon  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Don L. Hunter



**BOARD of  
COMMISSIONERS**  
of the County of Vanderburgh

RICHARD J. BORRIES  
DON L. HUNTER  
PATRICK TULEY

**AGENDA**

**VANDERBURGH COUNTY COMMISSIONERS**

**AUGUST 29, 1994**

**5:30 P.M.**

**FINAL**

- 1. CALL TO ORDER**
- 2. INTRODUCTIONS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ACTION ITEMS**
  - A. Approval of Commissioner Minutes**
  - B. Any group/individual wishing to address the commission**
  - C. Harris Howerton, Community Corrections**  
re: see attached requests
  - D. Joe Kiefer/Sigeco NGV Representative**  
re: Natural Gas Vehicle Program
  - E. County Resolution in favor of denial of alcohol beverage permits to convenience mini-marts**  
re: for discussion/approval

**5. DEPARTMENT HEADS**

Alan Kissinger ----- County Attorney  
Mark Abell ----- Superintendent of County Buildings  
Bill Morpew ----- County Garage  
John Stoll ----- County Engineer

**6. CONSENT ITEMS**

**A. Travel/Education**

\*Health (15)

**B. Employment Changes**

\*lists are in folders

**C. County Treasurer's Monthly report-June**

\* for acceptance

**D. Request from Pine Haven Nursing Home**

re: use of Lakeside Shelter House at reduced rate  
(Burdette Park has approved as in previous years)

**E. Kevin Bryant/County Collections Attorney**

1) acceptance of check.....\$ 569.01  
2) Invoice # 8-22-94..... 1,093.00]

**7. Scheduled Meetings - List attached**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. MEETING ADJOURNED**

**COUNTY ENGINEER**

**CONSENT AGENDA**

**AUGUST 29, 1994**

**1. CLAIMS:**

**OHIO ST BRIDGE #3C 203-4345**

Bernardin Lochmueller (91-068-1(26) \$2,751.94

Bernardin Lochmueller (94-026-5(3) \$8,911.53

**FRANKLIN ST BR. #4 203-4340**

Indiana Dept of Trans. (Inv. #IC9500099) \$586,376.53

**CONTRACTUAL SERVICES 216-3930**

US Nuclear Regulatory Comm. (#AM04233-94) \$2,470.00

⊕

# September 1994

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1244 / 121	2245 / 120	3246 / 119
4247 / 118	5248 / 117 Labor Day	6249 / 116 4:00pm Exec. Session 5:30pm Commissioners	7250 / 115 3:30pm County Council	8251 / 114	9252 / 113 Pay Day	10253 / 112
11254 / 111	12255 / 110 4:30pm Solid Waste 5:30pm Commissioners	13256 / 109	14257 / 108	15258 / 107 5:00pm Pigeon Creek	16259 / 106	17260 / 105
18261 / 104	19262 / 103 4:00pm Exec. Session 5:30pm Commissioners 7:00pm Remonings	20263 / 102 9:00am Insurance Comm.	21264 / 101	22265 / 100 9:00am Steering Comm.	23266 / 99 Pay Day	24267 / 98
25268 / 97	26269 / 96 4:00pm Exec. Session 5:30pm Commissioners 6:30pm Drainage Bd.	27270 / 95	28271 / 94 3:30pm Personnel & Finance	29272 / 93	30273 / 92	

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

October						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department General Township Assessor

## APPOINTMENTS MADE

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
2190- 1120-1990 2190- 1120-1990 Diane N Dunigan	2108 Swanton Dr	extra help	7 DOB	8-15-94
Brenda C Hoesberger	4820 Seib Rd	extra help	7 DOB	3-1-94

RECORDED  
COMMISSIONER'S RECORD

SIGNED BY [Signature]

DATE 8-15-94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH COUNTY HWY. DEPT. 2010 02010

## APPOINTMENTS MADE

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
20101045 ROGER E. HALL	1520 S. FAIRLAWN AVE.	LABORER	113562	8-10-94 ✓
ROGER OFF WORK, WITH P.D. INJURY 8-10 8-10-94.				

RECORDED  
COMMISSIONER'S RECORD

SIGNED BY Chad Howard  
asst. clerk.

DATE 8/26/94

# VANDERBURGH COUNTY EMPLOYMENT CHANGES

Department VANDERBURGH COUNTY HWY. DEPT. 201012010

## APPOINTMENTS MADE

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE
20101045 ROGER E. HALL	1520 S. FAIRLAWN AVE.	LABORER	11 3562	8-15-94 ✓
RETURN TO WORK, FROM OFF JOB INJURY, DUE TO AUTO ACCIDENT.				

ATTACH WITHHOLDING EXEMPTION CERTIFICATE WITH THIS FORM

## RELEASED

NAME	ADDRESS	POSITION	SALARY	EFFECTIVE

RECORDED  
COMMISSIONER'S RECORD

SIGNED BY William F. Meigs

DATE 8-19-94



BOARD of  
COMMISSIONERS  
of the County of Vanderburgh

RICHARD J. BORI  
DON L. HUNTER  
PATRICK R. TULE

## AGENDA REQUEST

NAME OF REQUESTOR: Harris Howerton

REQUESTOR TITLE: Director of Court Services

DEPARTMENT: Vanderburgh County Correction Complex

### REQUEST(S) BEING MADE:

#1. Adopt Article V in the Vanderburgh County Community Correction  
Advisory Board By-Laws.

#2. Adopt the Vanderburgh County Community Correction Advisory Board's  
resolution to name Harris Howerton the Executive Director of  
Community Corrections.

DATE TO BE PLACED ON AGENDA: August 29, 1994

ACTION ☒ CONSENT ☐ OTHER ☐





## VANDERBURGH CIRCUIT COURT

210 COURTS BUILDING  
CIVIC CENTER COMPLEX  
EVANSVILLE, INDIANA 47708-1885

RICHARD L. YOUNG, JUDGE  
BEVERLY K. CORN, MAGISTRATE

TEL (812) 435-5192  
FAX (812) 435-5459  
FAX (812) 435-5831

### ADULT PROBATION DEPARTMENT

K. ALLAN HENSON  
CHIEF PROBATION OFFICER

KARLA M. CLAYBROOK  
PROBATION OFFICER

LARRY G. MCDOWELL  
PROBATION OFFICER

JOHN R. MUELLER  
PROBATION OFFICER

JANICE A. WADE  
PROBATION OFFICER

BETTY M. CRAIG  
PROBATION OFFICER

### COMMUNITY CORRECTION COMPLEX

HARRIS HOWERTON  
DIRECTOR OF COURT SERVICES

ROBERT L. HART, JR.  
ASSISTANT DIRECTOR

JERRY F. STECKLER, SR.  
ASSISTANT DIRECTOR

KAREN L. ANGERMEIER  
EXECUTIVE ASSISTANT

August 23, 1994

Patrick Tuley, President  
Vanderburgh County Board of Commissioners  
305 Administration Building  
Civic Center Complex  
15 N.W. Martin Luther King Boulevard  
Evansville, Indiana 47708

Dear Pat,

At the August 18, 1994, meeting of the Vanderburgh County Community Correction Advisory Board, a number of items were discussed. One item was the issue of Harris Howerton being formally appointed as "Executive Director of Community Corrections". By a unanimous vote the board voted Harris in as Director. Although we cannot find the documentation, as you know, Harris has discharged those duties faithfully and with much dedication since 1986.

By virtue of the boards resolution, and with my pleasure, I am asking that at the August 29, 1994, Commissioners Meeting, you adopt the boards resolution and appoint Harris the Executive Director of Community Corrections.

Thank you, and my best personal regards to the Board of Commissioners.

Sincerely,

Richard L. Young, Judge  
Vanderburgh Circuit Court,  
and President, Vanderburgh County Community  
Corrections Advisory Board

RLY/al

cc: Advisory Board file

BY-LAWS  
OF  
VANDERBURGH COUNTY COMMUNITY  
CORRECTIONS ADVISORY BOARD

ARTICLE I

NAME AND PURPOSE

Section 1. Name: The name of the organization is the Vanderburgh County Community Corrections Advisory Board.

Section 2. Purposes: The purpose of the Advisory Board shall be those prescribed by Statute.

ARTICLE II

MEMBERSHIP

The membership of the Advisory Board is as designated by Statute within the State of Indiana.

ARTICLE III

MEETINGS

Section 1. Meetings: The meetings of the Advisory Board shall be those as designated by the Chairman or by the group at any previous meeting. The number of meetings held by the Advisory Board shall be those prescribed by the Board itself and any further advisement as prescribed by Statute.

Section 2. Voting: Each Advisory Board member shall be entitled to one (1) vote. A member may vote by proxy if said proxy is properly notarized and submitted to the Chairman of the Board prior to the conduct of the actual meeting.

Section 3. Quorum: A Quorum for the purpose of conducting meetings of the Advisory Board shall be the presence of at least fifty-one percent (51%) of the voting members of the Advisory Board. Quorum requirements may not be fulfilled or exercised by proxy or in any other manner other than personal attendance at the meetings.

## ARTICLE IV

### OFFICERS

Section 1. Election: Election and number of Officers of the Advisory Board shall be elected by the Advisory Board from among their number at the meeting of the Advisory Board during the month of April of each year and shall consist of a President, Vice-President, Secretary-Treasurer and any other officers determined by the President necessary to conduct the business of the Advisory Board.

Section 2. Term: Each officer shall hold office for a period of one (1) year or until his successor is elected and qualified.

Section 3. Vacancies: Whenever any vacancies shall occur in any office, by any means, replacement will occur at the next meeting.

#### Section 4. Duties:

- A. President The President shall preside at all meetings of the Advisory Board and the Executive Committee shall coordinate the work of the officers and committees and shall perform such other duties as the By-Laws or the Advisory Board may prescribe.
- B. Vice-President The Vice-President shall perform the duties of the President in the absence of the President and shall perform such other duties as the By-Laws or the Advisory Board may prescribe.
- C. Secretary-Treasurer The Secretary-Treasurer shall keep the records of the proceedings of the meetings of the members of the Advisory Board and shall perform such other duties as the By-Laws or the Advisory Board shall prescribe and in addition his duties shall include the receiving and deposit of all monies of the Advisory Board and shall keep an accurate record of all receipts and expenditures. The Secretary-Treasurer shall present a financial statement of the Advisory Board as requested by the Board and shall perform such other duties as the By-Laws and the Board may prescribe.

## ARTICLE V

### COMMITTEES

Section 1. Permanent Committees: The executive committee is hereby created as a permanent committee.

Section 2. Executive Committee: The general areas of responsibility of the Executive Committee include the review of reports from the Special Committees and make recommendations to the Board regarding same. Executive shall meet at a time convenient to it's members, but at least during an occasion separate from the regular Board meeting. The Executive Committee shall consist of the President, Vice-President, Secretary-Treasurer and the Chairman of the Special Committees. In the event the Secretary-Treasurer is not a Board member, then another Board member shall be appointed.

Section 3. Special Committees: The Executive Committee shall appoint Board members to serve on Special Committees. Special Committees will be responsible for setting meeting times separate from the regularly scheduled Board meetings. The general areas of responsibility of each Special Committee shall include the formulation of policies or guidelines relating to the Community Corrections Program and to present said policies or guidelines to the Executive Committee for review prior to presenting same to the Board for approval. The Special Committees may, at times, meet more or less frequently depending on the necessity of Committee action. The Special Committees designated are:

- A. Personnel Committee: The general areas of "Personnel" include review and development of personnel policies or guidelines pertaining to recruitment, selection, training, promotions and termination of staff.
- B. Building Committee: The general areas of "Building" include the review of the present facility and development of capital improvements to meet the needs of the population, employees and statutory standards.
- C. Population Committee: The general areas of responsibility of "Population" include the review and development of policies or guidelines pertaining to the population physically housed at the Correction Complex.
- D. Finance Committee: The general areas of "Finance" include the review and revision of all budget and grant information and applications.

- E. Other Committees: From time to time the President, Executive Committee and/or Board may deem necessary the formulation of other committees for special projects. The President may appoint such committees and outline the general areas of responsibility for same.

Section 4. Committee Members: The President of the Board shall appoint the members of the permanent committees and shall also designate a member to serve as committee chairperson. Committee members shall be appointed for one-year terms; however, committee members and committee chairpersons may serve an unlimited number of terms. The Director of Community Corrections or his designee shall be a nonvoting member of each committee formed pursuant to this Article.

## ARTICLE VI

### AMENDMENTS

Section 1. Amendments: The By-Laws of the Advisory Board may be amended by any member proposing to the Board in written form to the Secretary at least ten (10) days prior to any meetings and shall include a brief statement of the proposed amendments. Said amendments must be approved by two-thirds (2/3) of the outstanding membership of the Advisory Board.

## ARTICLE VII

### PARLIAMENTARY AUTHORITY

Rules contained Roberts Rules of Order, as revised, shall govern the Advisory Board in all cases in which they are applicable and are not inconsistent with the law of the State of Indiana or these By-Laws.

VANDEBURGH COUNTY COMMUNITY  
CORRECTIONS ADVISORY BOARD

Adopted

*Sent in August PT*

SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

20 N.W. FOURTH STREET • TELEPHONE (812) 424-6411



EVANSVILLE, INDIANA 47741-0001

PLEASE ROUTE TO:

RICK BORRIES \_\_\_\_\_

PAT TULEY \_\_\_\_\_

DON HUNTER \_\_\_\_\_

OTHER \_\_\_\_\_

*6-22-94*

*Sound interesting!*

June 17, 1994

County Commissioners  
305 Administration Building  
Civic Center Complex  
Evansville, IN 47708

Dear Commissioners:

SIGECO is currently preparing to offer a complete Natural Gas Vehicle (NGV) Program that reduces operating and fuel costs, improves vehicle performance, increases vehicle life, and meets all federal, state and local safety-control mandates. It allows people to convert their gasoline or diesel fuel-burning cars, trucks, buses, or vans over to safe, efficient Compressed Natural Gas (CNG), quickly, easily, and affordably.

SIGECO will be opening their NGV fueling station this summer at Heidelbach and Division Streets. I would like the opportunity to talk about alternative fuels, primarily CNG, and how SIGECO's NGV Program could benefit Vanderburgh County. I would be very pleased to be included on the County Commissioners agenda at your earliest convenience to make a presentation. This would include 10 minutes for a slide show and another 5 minutes to share some details about SIGECO's NGV Program. I would be available as long as necessary to answer any questions.

If you have any questions or concerns, please feel free to contact me at 464-4602. I look forward to communicating with you concerning SIGECO's NGV Program.

Sincerely,

*Joe Kiefer*

Joe Kiefer, NGV Representative

COUNTY RESOLUTION IN FAVOR OF  
DENIAL OF ALCOHOL BEVERAGE PERMITS TO  
CONVENIENCE MINI-MARTS

WHEREAS, the Vanderburgh County Alcohol Beverage Commission is the authoritative body concerning the issuance of alcohol beverage permits in the County;

WHEREAS, the Board of Commissioners of Vanderburgh County see no demonstrated need for additional beverage grocery-type permits in the County;

WHEREAS, the Board of Commissioners of Vanderburgh County recognized there is substantial opposition to the issuance of such permits from citizens of the County;

WHEREAS, the Board of Commissioners of Vanderburgh County believes the issuance of such permits would have a demonstrated negative impact upon a significant number of County businesses;

NOW THEREFORE LET IT BE RESOLVED that the Board of Commissioners does hereby oppose the issuance of alcohol beverage permits to businesses that are commonly described as convenience stores or mini-marts and encourages the Vanderburgh County Alcohol Beverage Commission to use its authority to deny permits to these businesses.

This resolution shall be in full force and effect from and after its adoption by the Board of Commissioners of Vanderburgh County, Indiana,

APPROVED AND ADOPTED by the Board of Commissioners of Vanderburgh County, Indiana, on the 29<sup>th</sup> day of August, 1994, and upon said day signed and executed by the members of the Board as evidenced by their respective signatures hereto, and as attested by Auditor of Vanderburgh County, Indiana.

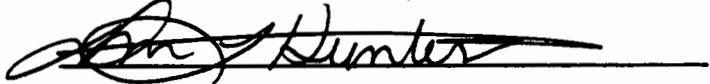
Board of Commissioners of  
Vanderburgh County, Indiana



Patrick Tuley, President



Richard J. Borries, Vice President



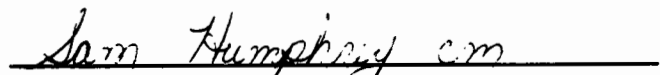
Don L. Hunter, Member

APPROVED:



Alan Kissinger, County Attorney

ATTEST:



Sam Humphrey, County Auditor

**VANDEBURGH COUNTY HIGHWAY DEPARTMENT**  
**PROGRESS REPORT**

**FRIDAY, AUGUST 19, 1994 THRU THURSDAY, AUGUST 25, 1994**

**FRIDAY, AUGUST 19, 1994**

Paver, roller, broom and seven crews paved Roth & Shore Drive.  
Summer crew worked on Heckel Road.  
Gradall and one crew worked on Denzer.  
Pothole patcher crew worked on Old Henderson Road.  
Mower worked on Peerless, Red Bank, Upper Mt. Vernon, Boehne  
Camp.

**MONDAY, AUGUST 22, 1994**

Paver, roller, distributor and six crews paved Shore & Roth Rd.  
Gradall and one crew installed culvert at 4100 Mesker Park.  
Two patch crews worked on work orders.  
Gradall and one crew razed building at 5301 St. Joe Road.  
Mowers worked on Golden Rule and St. Wendell.

**TUESDAY, AUGUST 23, 1994**

Paver, roller, distributor and seven crews paved Roth Road.  
Mowers worked on Golden Rule, St. Wendell and other work orders.  
Gradall and one crew replaced driveway culvert on Heinlein.  
Summer crew worked at Garage.  
Patch crew worked on work orders.

**WEDNESDAY, AUGUST 24, 1994**

Paver, roller, distributor and seven crews paved Roth Road.  
Summer crews worked on work orders.  
Gradall and one crew worked on Cypress Dale repair holes.  
Patch crew and pothole patcher worked on work orders.  
Mowers worked in bottoms, Ruston Lane, Nurrenburn and Broadway.

**THURSDAY, AUGUST 25, 1994**

Paver, roller, distributor and seven crews paved Roth Road.  
Gradall and one crew repaired holes on Cypress Dale.  
Mowers worked in Bottoms, Red Bank and in the yard.  
Summer crew worked on work orders.  
Patch crew worked on work orders.



VANDEBURGH COUNTY BRIDGE CREW  
PROGRESS REPORT  
FRIDAY, AUGUST 19, 1994 THRU THURSDAY, AUGUST 25, 1994

FRIDAY, AUGUST 19, 1994

Crew #1 - trim and paint Hogue, Creamery, Mill Road.  
Crew #2 - cut roads on Cypress Dale, Lexington, Charlotte and Meadowview.

SATURDAY, AUGUST 20, 1994

Crew #1 & #2 = all crews installed guardrail on Waterworks Road.

MONDAY, AUGUST 22, 1994

Crew #1 - trim and paint guardrail on Bexley, Wallenmeyer, and Nesbitt Station Road.  
Crew #2 - replace driveway culvert at 4100 Mesker Park Dr.

TUESDAY, AUGUST 23, 1994

Crew #1 - finish guardrail on Waterworks Road.  
Crew #2 - put in driveway culvert at 1809 Heinlein Road.

WEDNESDAY, AUGUST 24, 1994

Crew #1 - finish Waterworks Road.  
Crew #2 - saw Lexington Ave, Charlott and Cypress Dale.

THURSDAY, AUGUST 25, 1994

Crew #1 - finish Waterworks Road.  
Crew #2 - finish cutting Cypress Dale, Lexington and Charlotte.



## VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307  
Old Vanderburgh County Courthouse  
Evansville, Indiana 47708 · Tel. (812) 424-9603

### Agenda for August 29, 1994

1. Cypress Creek subdivision street plans and sidewalk waiver request *RA/DH*

*RA/DH* 2. Street acceptance request for 606.14 lft of Hunters Ridge Court in Hunter's Ridge Section B *RA/DH*

3. Stop sign ordinance revisions *- To Be discussed.*

# VANDEBURGH COUNTY ENGINEERING DEPARTMENT

OLD COURT HOUSE, SUITE 307  
201 N.W. 4TH STREET  
EVANSVILLE, INDIANA 47708

812-435-5773

DATE: August 29, 1994

## ACCEPTANCE OF STREET/ROAD IMPROVEMENTS IN: HUNTER'S RIDGE, SECTION B

Dear Commissioners:

The undersigned have made an inspection of the subject street and storm drainage (included in the street right of way) improvements on August 26, 1994. These improvements were constructed/finished on/by July, 1994. All streets were constructed with concrete in accordance with the approved plans.

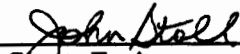
The following is a summary of the length of the completed 29 b/c to b/c feet wide streets.

STREET NAME	R/W	LENGTH LF	MILES
Hunters Ridge Court (continuation)	50'	606.14	.11

It is recommended that these streets/roads and r/w storm drainage improvements be accepted for maintenance.

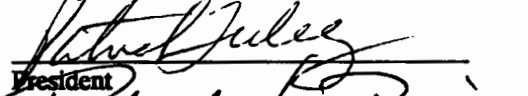
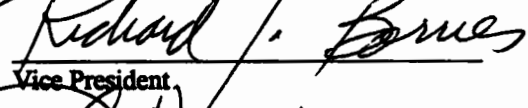
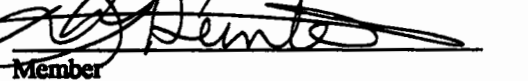
If you have any questions please contact the County Engineering Department.

Respectfully:

  
County Engineer

CC: Developer  
VC Highway Department  
APC  
Design Engineer  
INDOT  
Sub file  
Road file

Accepted for Maintenance by the Board  
County Commissioners

  
President  
  
Vice President  
  
Member

**NOTICE  
ORDINANCE TO AMEND CHAPTER 72,  
SCHEDULE II, OF THE CODE OF  
ORDINANCES OF VANDERBURGH COUNTY**

**NOTICE IS HEREBY GIVEN that the Board of Commissioners  
of Vanderburgh County has scheduled Public Hearings with  
regard to the subject ordinance at 5:30 p.m. in Room 307,  
Civic Center Complex, Evansville, Indiana, as follows:**

**SECOND READING - Monday, September 19, 1994**

**FINAL READING - Monday, September 26, 1994**

**(Insert Attached Ordinance here)**

ORDINANCE TO AMEND CHAPTER 72,  
SCHEDULE II, OF THE CODE OF  
ORDINANCES OF VANDERBURGH COUNTY

WHEREAS, traffic engineering studies have verified that traffic control signs are necessary at certain additional intersections within Vanderburgh County,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

(A) Chapter 72, Schedule II (Stop Intersections), of the Code of Ordinances of Vanderburgh County, Indiana, is hereby amended to include the following locations as designated stop intersections. All vehicles are required to stop at one or more entrances to these intersections, as indicated below.

<u>ROAD NAME</u>	<u>ROAD THAT INTERSECTS</u>	<u>ROAD THAT STOPS</u>
Aspen Drive	Iroquois Drive	Aspen Drive
Nora Drive	North Pointe Dr.	Nora Drive
Churchill Rd.	Edinborough Road	Churchill Road
Harlaxton Road	Edinborough Road	Harlaxton Road
Churchill Road	Fox Hollow Road	Churchill Road(2)
Burch Park Drive	Churchill Road	Burch Park Drive
Fox Hollow Road	Heinlein Road	Fox Hollow Road
Country Lake Dr.	New Harmony Road	Country Lake Dr.
Upper W. Terrace Dr.	Key West Drive	Upr W. Terrace Dr.
Shannon Lane	Browning Road	Shannon Lane
Greendale Drive	Hunter Green	Greendale Drive
Forest Green	Hunter Green	Forest Green
Covington Drive	Hedden Road	Covington Drive
Wellton Drive	Covington Drive	Wellton Drive(2)
Clifton Drive	Covington Drive	Clifton Drive
Clifton Drive	Wethersfield Drive	Clifton Drive(2)
Clifton Drive	Hartford Place	Clifton Drive
Hartford Place	Hedden Road	Hartford Place
Gabes Drive	St. Wendel Rd.	Gabes Drive

(B) The designation of all other stop intersections listed in Chapter 72, Schedule II of the Code of Ordinances of Vanderburgh County shall remain in full force and effect, as previously adopted or amended.

(C) This ordinance shall be in effect after it has been signed by the President of the Board of Commissioners of Vanderburgh County and after all necessary signs giving notice of the foregoing stop intersections have been posted in accordance with I.C. 9-2-3 and I.C. 9-21-4.

(D) Any violation of this traffic schedule shall be punishable pursuant to the applicable section of Title 9 of the Indiana Code.

Date: \_\_\_\_\_

\_\_\_\_\_  
Patrick Tuley, President  
Board of Commissioners of  
Vanderburgh County

ATTEST:

Sam Humphrey  
Vanderburgh County Auditor

APPROVED AS TO FORM:

Alan M. Kissinger  
Vanderburgh County Attorney

COPY

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 8/23/94 DEPARTMENT: Health - Nursing  
EMPLOYEE(S): Fran Straeffler

DATE(S) OF TRAVEL: 8/31/94  
DESTINATION: Indianapolis - Univ. Pl. Conference Ctr.  
PURPOSE: The Care of Children & Adolescents with Sickle Cell Disease

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: No

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

Not  
county  
funds

☒ Mileage ☐ Parking  
☒ Per diem (partial) ☐ Registration  
☐ Air fare ☐ Other

APPROVED: [Signature]  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY: VANDERBURGH COUNTY COMMISSIONERS this 29<sup>th</sup> day of August, 1994

[Signature]  
PATRICK TULEY, PRESIDENT

[Signature]  
RICHARD J. BORRIES, VICE PRESIDENT

[Signature]  
DON L. HUNTER, MEMBER

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 8/23/94 DEPARTMENT: Health - Nursing  
EMPLOYEE(S): Caryl Hassel  
Martha Thomas

DATE(S) OF TRAVEL: 9/25 & 9/26  
DESTINATION: Gary, IN - Ivy Tech  
PURPOSE: Care Coordination Certification

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: YES

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

(mch Grant)

<input checked="" type="checkbox"/> Mileage	<input type="checkbox"/> Parking
<input checked="" type="checkbox"/> Per diem	<input checked="" type="checkbox"/> Registration
<input type="checkbox"/> Air fare	<input type="checkbox"/> Other

APPROVED: [Signature]  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY: VANDERBURGH COUNTY COMMISSIONERS this 29<sup>th</sup> day of August 1994

[Signature]  
PATRICK TULEY, PRESIDENT

[Signature]  
RICHARD J. BORRIES, VICE PRESIDENT

[Signature]  
DON L. HUNTER, MEMBER



TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 8/23/94 DEPARTMENT: Health/Nursing  
EMPLOYEE(S): D. Myers F. Straeffler  
C. Hassel M. Thomas G. Fabb  
V. Hall G. McGillem  
DATE(S) OF TRAVEL: 9/16/94 → 9/17/94  
DESTINATION: Indianapolis - Gov. Center  
PURPOSE: Health Care for Homeless + Poor

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: yes

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

(mch grant) ☒ Mileage ☐ Parking  
☒ Per diem ☒ Registration  
☐ Air fare ☐ Other

APPROVED: [Signature]  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY: VANDERBURGH COUNTY COMMISSIONERS this 29<sup>th</sup> day of August 1994  
1993

[Signature]  
PATRICK TULEY, PRESIDENT

[Signature]  
RICHARD J. BORRIES, VICE PRESIDENT

[Signature]  
DON L. HUNTER, MEMBER

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: AUG. 19, 1994 DEPARTMENT: HEALTH

EMPLOYEE(S): DWAYNE CALDWELL

CHRIS BOROWIECKI

DAVID GRIES

DATE(S) OF TRAVEL: 9-18-94 & 9-21-94

DESTINATION: MUNCIE INDIANA

PURPOSE: 1994 FALL EDUCATIONAL CONFERENCE

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: YES, HOTEL ROBERTS

MEANS OF TRAVEL: COUNTY VEHICLE NUMBER: 873  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

_____ Mileage	_____ Parking
<input checked="" type="checkbox"/> Per diem	_____ Registration
_____ Air fare	_____ Other

APPROVED: *Sam Alden*  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 29<sup>th</sup> day of August, 1994

*Patrick Tuley*  
PATRICK TULEY, PRESIDENT

*Richard J. Borries*  
RICHARD J. BORRIES, VICE PRESIDENT

*Don L. Hunter*  
DON L. HUNTER, MEMBER

TRAVEL REQUEST FORM  
FOR  
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 8/23/94 DEPARTMENT: Health - Nursing  
EMPLOYEE(S): Martha Thomas  
Valencia Hall  
Gail Robb  
DATE(S) OF TRAVEL: 9/11 → 9/12  
DESTINATION: Indianapolis - Methodist Hospital  
PURPOSE: Families in Crisis - Maternal Substance Abuse

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: yes

MEANS OF TRAVEL: \_\_\_\_\_ COUNTY VEHICLE NUMBER: \_\_\_\_\_  
OTHER: \_\_\_\_\_

REIMBURSEMENT CLAIMED

(Mott Grant)  
☒ Mileage ☐ Parking  
☒ Per diem ☒ Registration  
☐ Air fare ☐ Other

APPROVED: [Signature]  
Department Head

APPROVED: \_\_\_\_\_  
Office Holder

APPROVED BY:  
VANDERBURGH COUNTY COMMISSIONERS this 29<sup>th</sup> day of August 1994

[Signature]  
PATRICK TULEY, PRESIDENT

[Signature]  
RICHARD J. BORRIES, VICE PRESIDENT

[Signature]  
DON L. HUNTER, MEMBER



*Pine Haven Nursing Home*

3400 STOCKER DRIVE  
P.O. Box 6505  
EVANSVILLE, INDIANA 47712  
(812) 424-8100

To Whom it may Concern :

It is once again time for our Fall picnic and fishing trip to Burdette. We are again asking for a reduction in the rate for Lakeside Shelter House. In the past we've paid \$45.00.

We plan to be there on Sept.23, 1994. The nursing homes that are involved are:

Pine Haven Nursing Home  
Holiday Health Care  
Little Sisters of the Poor  
Bethel Manor  
Parkview Care Center

Thank you for your interest and cooperation.

Sincerely,  
Susan Garlet A.D.  
Pine Haven Nursing Home

OK'd  
by Mark  
July 8-24-94.

OK PT  
RM  
A

"A TRADITION OF CARING"

**NOTICE OF MEETINGS  
BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA  
EXECUTIVE SESSIONS  
SEPTEMBER, 1994**

**NOTICE IS HEREBY GIVEN** that the Board of Commissioners of Vanderburgh County, Indiana has scheduled Executive Sessions in Room 307, Civic Center Complex, Evansville, Indiana at 4:00 p.m. in September, as follows: Tuesday, September 6th, and Mondays, September 19th and 26th.

**PURPOSE OF SAID MEETINGS** is to discuss Possible and Pending Litgation and Personnel Matters.

**BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA**

**Pat Tuley, President  
Richard J. Borries, Vice President  
Don Hunter, Member**

**Sam Humphrey  
County Auditor**

**Alan M. Kissinger  
County Attorney**

**\* \* \* \* \***

**Publication Date:      Wednesday, August 31, 1994**

**Publications:          The Evansville Courier &  
                             The Evansville Press**

23-Aug-94

VAN DERBURGH COUNTY TREASURER

MONTH ENDING--JUNE 1994

CHARGES:

1. TOTAL TAXES COLLECTED	\$3,910,633.74
2. STATE ASSESSED WEED	
3. INNKEEPERS TAX	\$6,003.02
4. CASH CHANGE FUND	\$500.00
5. CERTIFIED TO CLERK	\$21,780.06
6. DEMAND FEES	\$371.00
7. DELINQUENT WEED	\$2,927.80
8. DRAINAGE ASSESSMENTS	\$1,141.12
9. BOAT EXCISE TAX	
10. GROSS INCOME TAX	\$19,346.68
11. LICENSE EXCISE TAX	
12. AIRCRAFT EXCISE TAX	
13. AUTO RENTAL EXCISE TAX	
14. SEWAGE COLLECTIONS	\$7,679.10
15. TAX SALE - ADVERTISING	\$125.00
16. TAX SALE - ATTORNEY	
17. TAX SALE - TITLE SEARCH	
18. TOTAL BALANCE OF LEDGER ACCOUNTS - CASH	\$14,347,860.97
19. TOTAL BALANCE OF LEDGER ACCOUNTS - INVESTMENTS	\$4,423,000.00
20. TOTAL CHARGES	<hr/> \$22,741,368.49

CREDITS:

21.DEPOSITORY BALANCES AS SHOWN BY DAILY BALANCE OF CASH AND DEPOSITORIES RECORD		\$245,407.46
22.INVESTMENTS AS SHOWN BY DAILY BALANCE OF CASH AND DEPOSITORIES RECORD (COLUMN 12, LINE 38)		\$21,393,233.46
23.TOTAL CASH ON HAND AT CLOSE OF MONTH		
CURRENCY	\$12,799.00	
COINS	\$0.73	
CHECKS,MO,ETC.	\$742,835.51	
UNCOLLECTED CKS		
TOTAL		\$755,635.24
24.		
25.		
26.TOTAL		
27.CASH SHORT (ADD) VOLPE (\$346939.30) BLAND (\$153.03)		\$347,092.33
28.CASH LONG (DEDUCT)		
29.PROOF		\$22,741,368.49
RECONCILEMENT WITH DEPOSITORIES		
30.BALANCE IN ALL DEPOSITORIES PER DAILY BALANCE RECORD (#21 ABOVE)		\$245,407.46
31.OUTSTANDING WARRANTS (DETAILED LIST BY DEPOSITORIES)		\$1,489,873.14
32.BALANCE IN ALL DEPOSITORIES PER BANK STATEMENTS (DETAILED LIST)		\$1,744,494.09
33.DEPOSITS IN TRANSIT	08/01/94	\$755,135.24
34.ADJUSTMENTS		(\$9,213.49)
35.PROOF		\$1,735,280.60

**ANALYSIS OF CASH ON HAND AT CLOSE OF MONTH:**

(A) CASH CHANGE FUND	\$500.00
(B) RECEIPTS DEPOSITED IN DEPOSITORIES	\$755,135.24
(C) UNCOLLECTED ITEMS ON HAND	\$0.00
(D) TOTAL (MUST AGREE WITH # 23)	\$755,635.24

**DEPOSITORY BALANCES AT CLOSE OF MONTH**

	BALANCE PER BANK STMT	ADJUSTMENTS	OUTSTANDING CHECKS	BALANCE PER DAILY BALANCE OF CASH AND DEPOSITORIES
OLD NATIONAL BANK	\$2,967.18			\$2,967.18
CITIZENS NATIONAL BANK	\$1,636,360.38	(\$9,213.49)	\$1,391,938.03	\$235,208.86
NATIONAL CITY BANK	\$7,226.42			\$7,226.42
INB	\$97,940.11		\$97,935.11	\$5.00
<b>TOTAL</b>	<b>\$1,744,494.09</b>	<b>(\$9,213.49)</b>	<b>\$1,489,873.14</b>	<b>\$245,407.46</b>

**SCHEDULE OF UNCOLLECTED ITEMS ON HAND**

DATE ORIGINALLY RECEIVED	RECEIVED FROM	FOR	DATE RETURNED	RETURNED BY	REASON FOR RETURN	AMOUNT
--------------------------------	---------------	-----	------------------	-------------	----------------------	--------

**TOTAL**



SUMARIZATION OF COLLECTIONS  
RECEIVED JUNE 10. 1994 TO AUGUST 11. 1994

AMBULANCE

<u>DATE</u>	<u>NAME</u>	<u>PAYMENT</u>	<u>AMOUNT TO BRYANT</u>
6-11-94	Brenda Barnett	\$20.00	\$10.00
6-16-94	Londa Myers	10.00	-0-
6-15-94	Chris Hedges	90.00	45.00
6-10-94	Paul Heurich	15.00	7.50
6-22-94	Harold Peach	40.00	20.00
6-27-94	Tom Ferrari	50.00	17.50
6-20-94	Paul Heurich	15.00	7.50
7-1-94	Pearl Brewer	5.00	2.50
6-2-94	John Richards	25.00	12.50
7-1-94	John Richards	25.00	12.50
7-6-94	Mae Arnold	22.14	11.04
7-15-94	David Key	35.00	10.00
7-11-94	Paul Heurich	15.00	7.50
7-10-94	Kay Meskimen	10.00	-0-
8-2-94	Pearl Brewer	5.00	2.50
8-3-94	Kay Meskimen	10.00	-0-
8-1-94	Harold Peach	40.00	20.00
7-22-94	Roscoe Carroll, Jr.	20.00	-0-
7-20-94	David Key	20.00	10.00
8-16-94	Brenda Barnett	61.87	31.93
8-11-94	David Key	10.00	5.00

TOTAL PAYMENTS RECEIVED	\$ 569.01	\$ 244.50
(AMBULANCE)		

VANDERBURGH TREASURER

	Evanna Sales (T)	\$2,150.00	\$ 715.95
	Tim Dodd (T)	200.00	66.60
7-1-94	Cedarwood Farms	100.00	33.30
7-28-94	Cedarwood Farms	100.00	33.30

TOTAL PAYMENTS RECEIVED	\$2,550.00	\$ 849.15
(TREASURER)		

RECAPITULATION

COLLECTIONS RECEIVED	\$3,119.01	\$1,093.65
(AMBULANCE & TREASURER)		
CASES ACCEPTED (AMBULANCE)	0 @ \$75.00 each	-0-
	0 @ \$37.50 each	-0-
TOTAL DUE BRYANT.....		\$1,093.65

September 01, 1994

OFFICE OF COUNTY AUDITOR  
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 15155

FUND 130-8610

569.01


I HEREBY CERTIFY THAT: KEVIN BRYANT

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.  
IN THE SUM OF 569.01 DOLLARS

ON ACCOUNT OF COLLECTIONS

SAM HUMPHREY  
AUDITOR VANDERBURGH COUNTY, INDIANA

BY: JOHNNIE MATTHEWS

 **KEVIN BRYANT, ATTORNEY**  
TRUST ACCOUNT  
COUNTY COLLECTION FUND  
P.O. BOX 3531  
EVANSVILLE, IN 47734

8-22-94 524 71-7167/2863

Pay to the order of County Commissioners \$ 569.01  
Five hundred sixty-nine 00/100 DOLLARS

**FIRST FEDERAL SAVINGS BANK**  
EVANSVILLE, IN 47712

Memo 8-22-94 *[Signature]*

⑆286371676⑆ 012101066517⑈ 0524

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

INDOT

Vendor No. 1114

\$ 586,376.53

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name FRANKLIN Co #4

Account No. 203-4340

Allowed \_\_\_\_\_ 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_

Robert J. Riley  
Richard J. Bonies  
ABH

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Aug 26, 1994

John Stall  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>IC 9500099</u>	<u>—</u>	<u>8/23/94</u>	<u>203-4340</u>	<u>586,376.53</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 586,376.53

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

US NUCLEAR REG. Comm.

Vendor No. 3972

\$ 2470.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name CONTRACTUAL

Account No. 216-3930

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Barnes  
[Signature]

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Aug 26, 1994

[Signature]  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>A110423-94</u>	<u>—</u>	<u>8/20/94</u>	<u>216-3930</u>	<u>2470.00</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 2470.00

Warrant No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Date \_\_\_\_\_

BERNARDIN LOCHMULLER

Vendor No. 985

\$ 8911.53

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name OHIO BR #3C

Account No. 203-4345

Allowed \_\_\_\_\_ 19\_\_\_\_

In the sum of \$ \_\_\_\_\_

Richard J. Barnes  
Deputy

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Aug 26 . 1994      John Hall  
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

\_\_\_\_\_  
Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>94-026-5(3)</u>	<u>—</u>	<u>8/22/94</u>	<u>203-4345</u>	<u>8911.53</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 8911.53

TOTAL 2757.94

TOTAL 1093.65